

Stormwater Management Program Plan

**Building & Planning Dept.
29 Auburn Road
Lansing, NY 14882
(607) 253 -7054**

Prepared by the Town SMO,
September 2021

Table of Contents

	<u>Page</u>
Introduction	6
Definitions	7
Abbreviations	11
Section 1: Public Education and Outreach	12
1.1 Description of Minimum Control Measure	12
1.2 General Permit Requirements... ..	12
1.3 Methodology for Compliance with Permit Requirements	14
1.4 Best Management Practices.....	15
1.5 Measurable Goals	15
Section 2: Public Participation / Involvement	16
2.1 Description of Minimum Control Measure	16
2.2 General Permit Requirements... ..	16
2.3 Methodology for Compliance with Permit Requirements.....	16
2.4 Best Management Practices.....	17
2.5 Measurable Goals	17
Section 3: Illicit Discharge Detection and Elimination	18
3.1 Description of Minimum Control Measure	18
3.2 General Permit Requirements... ..	18
3.3 Methodology for Compliance with the Permit Requirements... ..	18
3.4 Best Management Practices.....	19

3.4.1	Outfall Mapping	19
3.4.2	Standard Operating Procedures for IDDE	19
3.4.3	Addressing Categories of Non-Stormwater Discharges	19
3.4.4	Best Management Practices.....	20
3.5	Measurable Goals	20
Section 4: Construction Site Runoff Control		21
4.1	Description of Minimum Control Measure... ..	21
4.2	General Permit Requirements... ..	21
4.3	Methodology for Compliance with Permit Requirements.....	22
4.4	Best Management Practices.....	22
4.4.1	Design Requirements	22
4.4.2	Construction Drawing Review... ..	23
4.4.3	Construction Inspection Procedures	24
4.4.4	Project Status Monitoring and Reporting	25
4.5	Measurable Goals	25
Section 5: Post-Construction Stormwater Management.....		26
5.1	Description of Minimum Control Measure	26
5.2	General Permit Requirements... ..	26
5.3	Methodology for Compliance with Permit Requirements.....	26
5.4	Best Management Practices.....	27
5.4.1	Stormwater Ordinance.....	27
5.4.2	Inspection Program for SMP's Owned by the MS4.....	27
5.5	Measurable Goals	28
Section 6: Pollution Prevention/Good Housekeeping for Municipal Operations		29
6.1	Description of Minimum Control Measure	29

6.2	General Permit Requirements.....	29
6.3	Methodology for Compliance with Permit Requirements.....	29
6.4	Best Management Practices.....	30
6.4.1	Municipal Training Program.....	30
6.4.2	Municipal Activities and Record Keeping.....	30
6.4.3	Roadway Maintenance.....	30
6.4.4	Road Salt Storage and Application.....	31
6.4.5	Catch Basin and Storm Drain System Cleaning.....	32
6.4.6	Vehicle/ Equipment Maintenance.....	32
6.4.7	Building and Grounds Maintenance.....	33
6.4.8	Hazardous and Waste Materials Management.....	33
6.4.9	Solid Waste Management.....	35
6.4.10	Spill Prevention and Response.....	35
6.4.11	Pest Control.....	36
6.4.12	New Construction and Land Disturbance.....	37
6.4.13	Right-of-Way Maintenance.....	37
6.5	Measurable Goals.....	38

Appendices

- *Town of Lansing Natural Resources Map* Appendix A
- *Town of Lansing MS4 Area map & Stormwater Outfalls Map* Appendix B
- *Town of Lansing Watersheds Map* Appendix C
- *Illicit Connections and Discharge Local Law* Appendix D
- *Stormwater Management/ E & SC Local Law* Appendix E
- *Stormwater General Permits* Appendix F
 - *SPDES Gen. Permit for MS4s*
 - *SPDES Gen. Permit for Construction Sites*
- *Notice of Intent* Appendix G
- *Notice of Termination* Appendix H
- *SWPPP Acceptance Form* Appendix I
- *SWPPP Review Checklist* Appendix J
- *IDDE Complaint Policy and Form* Appendix K
- *Preconstruction Meeting Checklist* Appendix L
- *NYS Construction Stormwater Inspection Manual* Appendix M
- *Construction Site Inspection Form* Appendix N
- *Stormwater Maintenance Agreement* Appendix O
- *Outfall Inspection Form* Appendix P
- *Stormwater Treatment Practice Inspection Forms* Appendix Q
- *Municipal Pollution Prevention Manual* Appendix R
- *Third Party Contractor Certification Form* Appendix S

Introduction

The Town of Lansing has developed this plan to comply with the New York State Department of Environmental Conservation General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-15-003) or as amended or revised. Refer to Appendix F.

The Stormwater Management Program Plan 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, to develop a Stormwater Management Program Plan. There are six elements designed to reduce the discharge of pollutants to the maximum extent practicable. These elements, titled Minimum Control Measures, 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**

Each Minimum Control Measure and the Best Management Practices that have been implemented to maintain compliance with the NYSDEC General Permit are described in this plan. For each Best Management Practice (BMP), responsibility to achieve and sustain compliance is clearly identified. Typically, this work is the responsibility of the Town of Lansing's elected officials, designated Stormwater Management Officer (SMO) or other Town employees when their job duties potentially impact stormwater.

Certain components of this program have been codified into local law. Refer to the Local Law for Illicit Connections and Discharges to Storm sewers and Stormwater Management and Erosion Control in the local zoning code in Appendix D and Appendix E.

Definitions

Best Management Practices (BMPs) - Activities or structural improvements that help reduce the quantity and improve the quality of stormwater runoff. BMPs include public education and outreach, treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act - Amendments made to the Federal Water Pollution Control Act in 1972 to establish water quality standards and to create the National Pollutant Discharge Elimination System to protect the waters of the U. S. by regulating the discharge of pollutants from point source discharges and municipal separate storm sewer systems.

Combined Sewer System – A sewer system designed to convey both sanitary wastewater and stormwater.

Detention Pond – Pond that stores a volume of water for a given period of time and then discharges the water downstream.

Discharge – An outflow of water from a stream, pipe, ground water system or watershed.

Ecosystem – All of the plants and animals in an area that interact to make up the local environment.

Erosion – The overall process of the transport of material on the earth's surface including the movement of soil and rock by agents such as water, wind, or gravity.

Groundwater – All of the water contained in void space beneath the earth's surface.

Heavy Metals - Metals such as zinc, copper, lead, mercury, chromium, cadmium, iron, manganese, nickel, molybdenum and silver that, even in low concentrations can be toxic or lethal to humans, animals and aquatic life.

Illicit Discharge - The term refers to any discharge to an MS4 that is not composed entirely of stormwater unless authorized via a NPDES permit or otherwise excluded from regulation. Not all illicit discharges are illegal or prohibited.

Industrial Waste - Unwanted materials from an industrial operation. It may be liquid, sludge, solid, or hazardous waste.

Maximum Extent Practicable (MEP) – A water quality standard that applies to all MS4 operators under NPDES permits. The standard has no exact definition, as it was intended to be flexible to allow operators to tailor their stormwater programs to their particular site.

Municipal Separate Storm Sewer Systems (MS4) - Areas with a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains) that are not a combined sewer or part of a publicly owned treatment system and are owned or operated and regulated by a municipality or authorized agency. MS4s may be small, medium or large with the medium or large MS4s being principally determined by population size.

Non-Point Source Pollutants (NPS) – Pollution coming from many diffuse sources whose origin is often difficult to identify. This pollution occurs as rain or snowmelt travels over the land surface and picks up pollutants such as fertilizer, pesticides, and chemicals from cars. This pollution is difficult to regulate due to its origin from many different sources. These pollutants enter waterways untreated and are a major threat to aquatic organisms and people who fish or use waterways for recreational purposes.

National Pollutant Discharge Elimination System (NPDES) – The EPA’s regulatory program to control the discharge of pollutants to waters of the United States.

Notice of Intent (NOI) - An application to notify the permitting authority of a facility’s intention to be covered by a general permit. This exempts a facility from having to submit an individual or group application.

Nutrients - The term typically refers to **nitrogen** and **phosphorus** or compounds containing free amounts of the two elements. These elements are essential for the growth of plant life, but can create problems in the form of algal blooms, depletion of dissolved oxygen and pH changes in streams and other water bodies when higher concentrations are allowed to enter drainage systems and lakes.

Ordinance - A law based on state statutory authority developed and approved by a governmental agency to allow them to regulate the enforcement of criteria contained within the specific law and to invoke sanctions and other enforcement measures to ensure facilities comply with the criteria.

Outfall – The point where drainage or a sewer discharge into a receiving waterway.

Pollutant of Concern (POC) – Pollutants that are reasonably expected to be present in stormwater discharge. May include nutrients, silt/sediment, pathogens, oil/grease, metals, debris or litter.

Point Source Pollution – Pollution coming from a single, definable source, such as a factory.

Phosphorus – see definition for “nutrients.”

Retention Pond – A pond that stores a volume of water without allowing it to discharge downstream.

Runoff – Any drainage that leaves an area as surface flow.

Sanitary Sewer – An underground pipe system that carries sanitary waste and other wastewater to a treatment plant.

Sediment – Material derived from the weathering of rock such as sand and soil. This material can be detrimental to aquatic life and habitat if too much is allowed to wash into rivers and ponds.

Site Plan – A geographic representation of the layout of buildings and other important features on a tract of land.

State Pollutant Discharge Elimination System (SPDES) – New York State’s regulatory program to control the discharge of pollutants to waters of the United States.

Storm Drain – Any drain which drains directly into the storm sewer system, usually found along roadways or in parking lots.

Storm Sewer – An underground pipe system that carries runoff from streets and other surfaces.

Stormwater – Surface water runoff that originated as rainwater or snow melt and finds its way into a conveyance system.

Stormwater Management – Any measure associated with the planning, maintenance, and regulation of facilities which collect, store, or convey stormwater.

Stormwater Pollution Prevention Plan (SWPPP) - A plan developed by a facility or entity that thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate best management practice measures designed to prevent or control the discharge of pollutants in stormwater runoff.

Surface Runoff – the flow of water across the land surface that occurs when the rainfall rate exceeds the ability of the soil to absorb the water. Also occurs on impervious surfaces, such as parking lots, where water cannot infiltrate at all.

Surface Water – Any water that remains on the earth’s surface, such as ponds, rivers, streams, impoundments, wetlands, oceans, etc.

Total Maximum Daily Load (TMDL) – A regulatory limit of the maximum amount of a pollutant type that can be released into a body of water in a twenty-four-hour period without adversely affecting water quality.

Tributary – A stream which drains into another larger stream or body of water.

Urbanized Area (UA) - Is a land area consisting of one or more central places and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and a minimum average population density of at least 1,000 people per square mile.

Watershed – A geographic area in which water flowing across the surface will drain into a certain stream or river and flow out of the area via that stream or river. All of the land that drains to a particular body of water. Also known as a catchment or drainage basin.

Waters of the US - These are surface waters defined as wetlands, lakes (including dry lakes), rivers, streams (including intermittent streams, ephemeral washes and arroyos), mudflats, sandflats, sloughs, wet meadows, playa lakes, natural ponds, and man-made impoundments.

Wetlands –An area of land where part of the surface is covered with water, or the soil is completely saturated with water for a large majority of the year. Wetlands provide an important habitat for many different types of plant and animal species. Wetlands are also natural stormwater control areas, since they filter out pollutants and are able to retain large amounts of water during storm events.

List of Commonly Used Abbreviations

BMPs – Best Management Practices

CWA – Clean Water Act

I-SWM – Intermunicipal Stormwater Management Program

MEP – Maximum Extent Practicable

MS4 - Municipal Separate Storm Sewer System

NOI – Notice of Intent

NOT – Notice of Termination

NPS – Non-Point Source Pollutants

NPDES – National Pollution Discharge Elimination System

NYSDEC – New York State Department of Environmental Conservation

SPDES – State Pollution Discharge Elimination System

SMO – Stormwater Management Officer

SWPPP – Stormwater Pollution Prevention Plan

TMDL – Total Maximum Daily Load

USEPA – United States Environmental Protection Agency

SECTION 1

PUBLIC EDUCATION AND OUTREACH

1.1 Description of Minimum Control Measure

The Public Education and Outreach minimum control measure consists of Best Management Practices (BMPs) that focus on the development of educational materials designed to inform the public about the impacts that stormwater discharges have on local water bodies and the steps that the public can take to reduce pollutants in stormwater runoff. They also describe how the public, as individuals or collectively as a group, can participate in reducing pollutants and their impact on the environment. The Public Education and Outreach program and BMPs, in combination, are expected to reach all of the constituents within the MS4's permitted boundary. The target pollutant sources are construction site runoff, impacts from new and re-development projects, illicit discharges and other pollutant sources identified as of local concern.

1.2 General Permit Requirements

The Town of Lansing must, at a minimum:

Plan and conduct an ongoing public education and outreach program designed to describe:

- The impacts of stormwater discharges on waterbodies
- Pollutants of concern (POC's) and their sources
- Steps contributors of these pollutants can take to reduce pollutants in stormwater runoff
- Steps that contributors of non-stormwater discharges can take to reduce pollutants.
 - Nonstormwater discharges are defined in the MS4 Permit and include:
 - 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 and lawn watering runoff
 - Springs
 - Water from crawl space and basement sump pumps
 - 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 firefighting activities
 - Any SPDES permitted discharge

Pollutants of Concern

Lansing has identified the following as pollutants of concern:

<u>Pollutant</u>	<u>Sources</u>
1. Phosphorus	construction sites, sediment, fertilizers and soaps
2. Silt/Sediment	construction sites
3. Pathogens	animal waste in parks, along roads; septic and sewer failure
4. Floatables	illegal dumping and littering, uncovered dumpsters and debris on construction sites
5. Road salt	municipal winter road maintenance

Waterbodies of Concern

Lansing has identified the following water bodies of concern:

1. Cayuga Lake and its tributaries



Geographic Area of Concern

Lansing has identified its regulated MS4 area as a geographic area of concern. (See Appendix B, Town of Lansing MS4 Area map)

Target Audiences

Lansing has identified the following target audiences for education and outreach:

Contractors/Developers

Residents

Municipal Employees

1.3 Methodology for Compliance with Permit Requirements

The Town of Lansing works in coordination with the Tompkins County Intermunicipal Stormwater Management (I-SWM) Program to meet this MCM. The Town of Lansing utilizes the following BMP's which include brochures, webpage, and mailings. These BMPs are updated by the Town of Lansing periodically and made available to the public.

1.1 Best Management Practices

Best Management Practices	Responsible Party
Maintain Stormwater educational material at Town Hall where brochures and flyers are made available to the public. Maintain website with links to educational material.	Building and Planning Department staff
The Tompkins County I-SWM Program's education and outreach program is an ongoing comprehensive effort to provide education, awareness and training for Municipalities, the Construction Industry, Residents, and Business Owners throughout the MS4 Communities in Tompkins County. Refer to I-SWM Management Plan for details on program.	The Tompkins County Stormwater Management Coordinator is responsible for the operation of the Tompkins County I-SWM Program. The SMO and Town staff will support the I-SWM Program in its outreach efforts, as needed.

1.2 Measurable Goals

1. Maintain all ongoing program efforts in conjunction with the I-SWM Program.
2. Evaluate the program efficacy every five years using the following metrics:
 - a. Distribution of literature. SMO tracks number of printed materials distributed to the public.
 - b. All new personnel receive minimum training, pertinent to their job duties, on the town of Lansing as an MS4.

SECTION 2

PUBLIC PARTICIPATION / INVOLVEMENT

2.1 Description of Minimum Control Measure

The Public Involvement/Participation minimum control measure consists of BMPs that focus on involving the local public in development and implementation of the SWMP. Compliance with the State Open Meetings Law and local public notice requirements are required. The BMPs describe how to actively involve the public in development and implementation of the SWMP and the types of public involvement activities included in the program. The target audiences for the public involvement program are all groups that may have a special interest in local waterways and stormwater in addition to residents located within the town.

2.2 General Permit Requirements

The Town of Lansing must, at a minimum:

- Comply with State and local public notice requirements when implementing a public involvement/participation program
- Design and conduct a public involvement/participation program which:
 - Identifies key individuals and groups, public and private, who are interested in or affected by the SWMP.
 - Identifies types of input the town will seek from them to support development and implementation of the program and how it is used.
 - Describes the public involvement/participation activities the MS4 will undertake to provide program access to those who want it and to gather the needed input.
 - Provide an opportunity for the public to participate in the development, implementation, review and revision of the SWMP.
 - Identify a local point of contact for public concerns regarding stormwater management and compliance with this permit. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the Department.
 - Make a draft of the annual report available to the public for comment with a public meeting or posting on the internet.
 - Make the final report available for public inspection. Include a summary of comments and (intended) responses with the final annual report.

2.3 Methodology for Compliance with Permit Requirements

In order to comply with this MCM, the Town of Lansing must involve the local public in the SWMP and is responsible for allowing public review of the SWMP and Annual Report. The annual report and SWMP are available for review in the Building and Planning Office and on the Town's web site.

The Town Board has appointed a Stormwater Management Officer from the Building and Planning Department staff that is responsible for the management of the Town’s stormwater management program. The Town adopted a Local Law for Stormwater Management in 2009 which assigns duties to the Stormwater Management Officer. This individual is listed on the Town’s website and may be reached at:

***Stormwater Management Officer
Building & Planning Department
29 Auburn Road
Lansing, NY 14882
(607) 253-7054***

2.4 Best Management Practices

Best Management Practice	Responsible Party
<p>The town will submit an annual report by June 1 of each year to the NYSDEC with the status of the Stormwater Management Program. Before submittal to NYSDEC, a draft report will be made available to the public for their review and comment. Notice of the opportunity to review the annual report will be published on the town website.</p>	<p>The SMO: combined annual report will be submitted by The Tompkins County I-SWM Program Coordinator.</p>
<p>Offer assistance and support to local community groups on stewardship and water quality. Environmental groups and local business groups identified as having an interest in the Town of Lansing Stormwater Management Program may include: Cayuga Lake Watershed Network, the Water Resources Council, Cayuga Lake Intermunicipal Organization, Southern Cayuga Lake Intermunicipal Commission, the Community Science Institute, Tompkins County Soil and Water</p>	<p>The Stormwater Management Officer, in conjunction with the The Tompkins County I-SWM Program Coordinator will outreach to groups regarding how they may assist with the Stormwater Management Program.</p>

2.5 Measurable Goals

1. The Town will endeavor to engage with one interested group or organization per reporting year. This will occur through engagement with Town staff, or through the Tompkins County I-SWM Management Program.

SECTION 3

ILLICIT DISCHARGE DETECTION AND ELIMINATION

3.1 Description of Minimum Control Measure

The Illicit Discharge Detection and Elimination minimum control measure consists of BMPs that focus on the detection and elimination of illicit discharges into the MS4. These BMPs describe outfall mapping; 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.

3.2 General Permit Requirements

The Town of Lansing 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 and storm sewer-sheds.
- Field verify outfall locations.
- Inspect outfalls at least once every five years.
- Map new outfalls as constructed/ 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.

3.3 Methodology for Compliance with the Permit Requirements

The Town of Lansing had all existing outfalls inspected and mapped by Town staff as of 2017. The Town maintains documentation describing the pertinent properties associated with each outfall, and maps showing the locations of each outfall. The SMO has developed a methodology for inspecting outfalls including photo and text documentation and the use of inspection forms.

The Town Board adopted a local law prohibiting illicit discharges in 2007 (See Appendix D).

3.4 Best Management Practices

3.4.1 *Outfall Mapping and Inspecting*

Best Management Practice	Responsible Party
Maintain mapping of storm sewer outfalls within the regulated boundaries of the town and update periodically. (See Appendix C, Town of Lansing Stormwater Outfall map)	The SMO in conjunction with the County I-SWM Program .
Perform visual inspections of 100% of outfalls once over the course of a five-year cycle per NYS DEC Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).	SMO or other assigned representative

3.4.2 *Standard Operating Procedures for IDDE:*

Best Management Practice	Responsible Party
Implement a mechanism for receiving and addressing public complaints and suspected violations.	SMO & Code Enforcement Officers
Maintain a record of violations and enforcement actions.	SMO & Code Enforcement Officers
Review and revise enforcement action procedures as needed.	SMO & Code Enforcement Officers

3.4.3 *Addressing Categories of Non-Stormwater Discharges*

Description / Methodology

The following discharges are exempt from discharge prohibitions established by the local law unless the NYSDEC or the Town determines them to be substantial contributors 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
- De-chlorinated swimming pool and water reservoir discharges
- Residual street wash water
- Discharges or flows from firefighting activities
- Any SPDES permitted discharge

Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

3.4.4 Best Management Practices

Best Management Practice	Responsible Party
Amend list as necessary when such discharges are a source or sources of a pollutant of concern.	The SMO

3.5 Measurable Goals

1. All outfalls must be inspected once over the course of a five-year cycle. This equates to inspecting 20% of the outfalls every year.
2. Record all complaints and suspected violations.
3. Investigate all complaints and suspected violations reported in a timely manner.
4. Maintain record of outcomes/ dispositions regarding all complaints and suspected violations reported.
5. Maintain archive of all outfall inspections.

SECTION 4

CONSTRUCTION SITE RUNOFF CONTROL

4.1 Description of Minimum Control Measure

The Construction Site Runoff minimum control measure consists of BMP's that focus on the reduction of pollutants in any stormwater runoff 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 activity 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 the 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 implement appropriate erosion and sediment control BMPs; 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 potential 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 both privately owned and managed projects, and MS4-owned and managed projects. Therefore, the BMP's described in this section have application to both types of projects.

4.2 General Permit Requirements

The Town of Lansing must, at a minimum:

- Develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from construction activity disturbing less than one acre must be included in the program if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more or if controlling such activities in a particular watershed is required by the NYSDEC.
- Provide equivalent protection to the current NYS SPDES General Permit for Stormwater Discharges from Construction Activities and must include the development and implementation of:
 - An ordinance to require erosion and sediment controls
 - Requirements for construction site operators to implement erosion and sediment control management practices
 - Sanctions to ensure compliance to the extent allowable by State or local law
 - 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 that may cause adverse impacts to water quality

- Procedures for site plan review that incorporate consideration of potential water quality impacts and review of individual preconstruction site plans to ensure consistency with local sediment and erosion control requirements
- Procedures for receipt and consideration of information submitted by the public
- Procedures for site inspections and enforcement of control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water
- Education and training measures for construction site operators about the requirement to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and any other requirements they must meet for construction sites within the MS4's jurisdiction

4.3 Methodology for Compliance with Permit Requirements

The Town of Lansing has adopted an ordinance that authorizes the Town to enforce a program that reduces pollutant runoff from construction sites. The Town will be responsible for reviewing SWPPP's, inspecting construction sites, and enforcing the permit requirement on developers that do not comply with the regulations. The Town adopted a stormwater management ordinance to establish minimum stormwater management requirements and controls to protect the general health, safety, and welfare of the public. (See Appendix D)

4.4 Best Management Practices

4.4.1 Design Requirements

Best Management Practice	Responsible Party
All projects requiring a basic SWPPP will be reviewed by using NYS standards and specifications for Erosion & Sediment Control (Blue Book) as the technical and performance standard.	SMO/ Town Engineer
All projects requiring post-construction stormwater SWPPP will be reviewed using the NYS Stormwater Management Design Manual (White Book) as the technical and performance standard.	SMO/ Town Engineer

4.4.2 Construction Drawing Review

Best Management Practice	Responsible Party
Utilize a checklist for construction plan review. Checklist will be available to SWPPP designers to assist them in preparing satisfactory plans. The SMO will review this list for accuracy and usefulness periodically. See Appendix J.	The SMO, TDE, or other designated reviewer.
Ensure responsible personnel reviewing plans are properly trained and qualified.	The Town Board and Director of Building & Planning
<p>Educate the local construction community (contractors, developers, engineers, architects) on the construction plans review process.</p> <p>This will be accomplished by ensuring that pamphlets are included with every subdivision, site plan, and PDD application explaining the stormwater requirements.</p>	SMO and Planning Secretary
Owner shall be notified of deficiencies found during the review process. Deficiencies must be corrected prior to acceptance of the SWPPP by the town.	The SMO, TDE, or other designated reviewer.
Maintain records of plans reviewed and approved for construction under this program.	The SMO and Planning Secretary

Description / Methodology

The Stormwater Management Officer will implement construction drawing review procedures for local construction sites. Training of additional municipal staff will be done as necessary. Revision of checklist and construction plan review procedures will be done as necessary, and changes will be communicated to review staff.

Additional Information / Resources

Refer to Appendix J for checklist for SWPPP reviewer

4.4.3 Construction Inspection Procedures

Best Management Practice	Responsible Party
Hold pre-construction meeting for all projects requiring SPDES permit coverage to set expectations and provide education to the contractor and developer on site construction activities.	SMO in conjunction with Code Enforcement .
Regularly inspect active construction sites with SPDES permit coverage to determine compliance with SWPPP and with local construction stormwater regulations. Utilize the NYS “Construction Stormwater Inspection Manual” for procedure for inspections and enforcement action. Priority for inspections will be given to sites with intensive construction activity, those located in close proximity to water bodies, on steep slopes and where soils are highly erodible.	SMO or designated inspector
Enforcement action will be taken against owner/ operator of any sites in non-conformance. A record will be maintained of all violation and enforcement actions.	SMO or Code Enforcement Officer
Utilize an inspection form and periodically update form as needed.	SMO
Ensure that personnel performing inspections are properly trained and qualified. At minimum, inspector training by a NYSDEC sponsored or approved training is required.	Town Board

Description/ Methodology

Active construction sites will be inspected using a combination of reporting via inspection form and/ or email. Typically, an unsatisfactory inspection rating will result in a deadline for corrective action completion after which enforcement action may take place. The intent is compliance, therefore, onsite education may be employed, as appropriate, prior to enforcement action.

Additional Information / Resources

Refer to Appendix L for Preconstruction Meeting Checklist, Appendix N for Construction Site Inspection Forms and Appendix M for NYSDEC Construction Stormwater Inspection Manual

4.4.4 Project Status Monitoring and Reporting

Best Management Practice	Responsible Party
Compliance records will be maintained for all construction sites requiring state and/or federal construction stormwater permits.	The SMO
A list of projects permitted under state and/or federal construction stormwater regulations will be maintained and periodically updated.	The SMO

4.5 Measurable Goals

1. The Town will inspect each active construction site at least once per report year.
2. The Town will maintain an inventory of all active construction sites.
3. The Town will maintain an archive of all inspection records and all enforcement actions.
4. The Town will maintain a record of all relevant employee training.

SECTION 5

POST-CONSTRUCTION STORMWATER MANAGEMENT

5.1 Description of Minimum Control Measure

The Post-Construction Stormwater Management minimum control measure consists of BMP's that focus on the prevention or minimization of water quality impacts from new development and redevelopment projects that disturb greater than or equal to one acre, including 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 BMP's.

5.2 General Permit Requirements

The Town of Lansing must, at a minimum:

- Develop, implement and enforce a program that:
 - ✓ Adopt an ordinance to address post-construction runoff from new development and re-development projects to the extent allowable under State or local law.
 - ✓ Includes a combination of structural or non-structural management practices that will reduce the discharge of pollutants to the maximum extent practicable (MEP).
 - ✓ Ensure adequate long-term operation and maintenance of management practices owned by the municipality or discharging to the MS4 to the (MEP).
 - ✓ Describes procedures for SWPPP review with consideration of potential water quality impacts and review of individual SWPPP's to ensure consistency with state and local post-construction stormwater requirements.
 - ✓ Maintain an inventory of post-construction stormwater management practices within the town's jurisdiction. Minimally, include practices discharging to the MS4 that have been installed since March 10, 2003, all practices owned by the town, and those practices found to cause or contribute to water quality standard violations.
- Implement and provide adequate resources for a program to inspect development and re-development sites and to enforce and penalize violators.
- Annually assess and modify as needed the measurable goals.
- Select and implement appropriate post-construction stormwater BMP's and measurable goals to ensure the reduction of all POC's in stormwater discharges to the MEP.

5.3 Methodology for Compliance with Permit Requirements

The Town of Lansing prepared an ordinance to authorize enforcement to reduce pollutant runoff from newly developed and redeveloped sites. The Stormwater Management Officer will be responsible for inspecting the sites for proper operation and maintenance and enforcing the permit requirements for properties that are not in compliance. In this

manner, the Town can ensure adequate long-term management practices for both public and private facilities.

5.4 Best Management Practices:

5.4.1 Stormwater Ordinance

Best Management Practice	Responsible Party
<p>A stormwater management ordinance was adopted to establish minimum stormwater management requirements and controls to protect the general health, safety, and welfare of the public.</p> <ul style="list-style-type: none"> ✓ Revise the fee structure, enforcement, and penalties as needed. ✓ Update ordinance, as required, to maintain compliance with NYS Standards and Requirements. 	SMO and Town Board

5.4.2 Inspection Program for stormwater management practices (SWP) owned by the MS4 or that directly discharge to the MS4

Train inspection personnel on local post-construction runoff regulations and final inspection procedures. (See Appendix Q for inspection forms)	The SMO and I-SWM Program
SMP's constructed for dedication to the Town are given a final inspection prior to acceptance by Town.	The SMO and Highway Superintendent.
Maintain records of project site self-inspections, any and all enforcement actions, and corrective actions performed by the owner-operator.	The SMO.
Develop internal tracking procedures for tracking development projects that are under construction and/or have been completed and update as needed. Develop an inventory of all town-owned treatment practices and those that discharge to the MS4.	The SMO.

5.5 Measurable Goals

1. Develop a complete inventory of municipally owned stormwater management practices and those privately owned that discharge to the MS4.
2. Inspect all outfalls once in five years. This equates to 20% every report year.
3. Maintain an archive of all inspection records.

Additional Information / Resources

Refer to Appendix N for Construction Site Inspection Form and Appendix P for Outfall Inspection Form

SECTION 6

POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

6.1 Description of Minimum Control Measure

The Pollution Prevention / Good Housekeeping minimum control measure consists of Best Management Practices (BMP's) that focus on training and on the prevention and reduction of pollutant runoff from municipal operations. The BMPs describe the training program specific to municipal operations that are impacted by the proposed operation and maintenance programs (BMPs); 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; procedures for the proper disposal of waste removed from the MS4 and municipal operations, including dredge spoil, accumulated sediments, floatables and other debris.

6.2 General Permit Requirements

The Town of Lansing must, at a minimum:

- Develop and implement an operation and maintenance program, as it pertains to municipal operations, that is designed to reduce and prevent the discharge of pollutants to the maximum extent practicable (MEP) from municipal activities, including but not limited to: street and bridge maintenance, winter road maintenance, stormwater system maintenance, vehicle and fleet maintenance, park and open space maintenance, municipal building maintenance, solid waste management, new construction and land disturbances, right-of-way maintenance, marine operations, and hydrologic habitat modification. The town does not provide solid waste management to the general public; only waste generated by town operations will be addressed. The town does not engage in marine operations, therefore, this is not addressed.
- Perform a self-assessment of municipal operations addressed in this document.
- Determine management practices, policies, procedures and implement to reduce or prevent discharge of potential pollutants. The operation and maintenance program must include a training component.
- Prioritize pollution prevention and good housekeeping efforts and address priorities.
- Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the upgrade of properties to the MEP.

6.3 Methodology for Compliance with Permit Requirements

The Town has prepared and distributed a "Pollution Prevention/ Good Housekeeping Standard Policies and Procedures" document (See Appendix R). The town has distributed guidance documents for use by impacted municipal personnel that illustrate

BMP's that reduce and prevent discharge of pollutants to the maximum extent practicable from municipal activities. These personnel will be responsible for implementing the BMPs into their everyday activities.

6.4 Best Management Practices

6.4.1 Municipal Training Program

Best Management Practice	Responsible Party
Provide training and pertinent materials regarding BMPs to all members of the Town whose work may potentially impact stormwater. <ul style="list-style-type: none"> a) Basic MS4 training class for all new employees. b) Additional trainings administered in each department for positions related to their specific duties and responsibilities. 	SMO, I-SWM Program, and Town Department Heads

6.4.2 Municipal Activities and Record Keeping

Best Management Practice	Responsible Party
For any inspections, repairs and maintenance activities records shall be kept in either a paper or electronic format.	Town Department Heads

Additional Information / Resources

Refer to Appendix R - Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

6.4.3 Roadway Maintenance

Best Management Practice	Responsible Party
<ul style="list-style-type: none"> ▪ Assess and modify, as needed, roadway maintenance activities. ▪ Identify alternative practices that would reduce the discharge of road materials during construction or maintenance activities, and revise maintenance specifications accordingly. 	Highway Superintendent

<ul style="list-style-type: none"> ▪ Prevent erosion and sediment transport from road maintenance activities to the MEP. ▪ Clean up fluid leaks or spills from paving equipment/materials immediately. ▪ Sweep and vacuum paved roads and shoulders to remove debris and particulate matter. Maintain roadside vegetation; select native, where possible, salt-tolerant plants and trees. Direct runoff to these areas. ▪ Identify the type of roadways that can be swept to remove sediment and other pollutants. ▪ Maintain a street sweeping schedule. ▪ Prior to road reconstruction, consider/evaluate the use of “shouldered roads” instead of “curbed roads.” 	
--	--

Additional Information / Resources

Refer to Appendix R for Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

6.4.4 Road Salt Storage and Application

Best Management Practice	Responsible Party
<ul style="list-style-type: none"> ▪ Require zero exposure for salt storage (prevents lumping and run-off loss). ▪ 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). <p>Annually:</p> <ul style="list-style-type: none"> ▪ Inspect and maintain salt storage facilities and covers. Repair as needed. ▪ Inspect and maintain salt application equipment. Calibrate as necessary. ▪ Remove spilled salt from salt loading area. 	<p>Highway Superintendent</p>

Additional Information / Resources

Refer to Appendix R for Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

6.4.5 Catch Basin and Storm Drain System Cleaning

Best Management Practice	Responsible Party
<ul style="list-style-type: none"> ▪ Reduce sediment and floatable materials discharges by routinely cleaning municipal catch basins and stormwater inlet structures. Repair/replace storm drain receiver and catch basin receiver grates as necessary. ▪ Maintain a catch basin cleaning schedule. ▪ Verify that floor drain systems inside of buildings are either: <ul style="list-style-type: none"> ○ Sealed to prevent discharge ○ Permitted by NYSDEC ○ Discharged to sanitary sewers 	<p>Highway Superintendent</p>

Additional Information / Resources

Refer to Appendix R for Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

6.4.6 Vehicle/Equipment Maintenance

Best Management Practice	Responsible Party
<ul style="list-style-type: none"> ▪ Maintain municipal owned vehicles according to manufacturer's specifications and identify and eliminate vehicle fluid leaks. ▪ Develop and maintain an inventory of municipal owned vehicles. ▪ Apply zero exposure policy whenever possible for all maintenance activities. For maintenance performed outside, guard against spillage of materials that could discharge to storm receivers. ▪ Clean up spilled materials immediately, using “dry” methods. For 	<p>Highway Superintendent</p>

<p>all spills, fueling, bulk storage refer to the SPCC on file with the Highway Superintendent.</p> <ul style="list-style-type: none"> ▪ Identify appropriate recycling/disposal options for wastes. ▪ All fleet vehicles and equipment should be washed in the wash bay. 	
---	--

Additional Information / Resources

Refer to Appendix R for Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

6.4.7 Building and Grounds Maintenance

Best Management Practice	Responsible Party
<ul style="list-style-type: none"> ▪ Develop mitigation measures for activities that impact stormwater. ▪ Compost all leaf litter, grass and tree clippings. ▪ Use phosphorus-free lawn fertilizer and targeted fertilization methods. ▪ Properly store all materials (fertilizer, pesticides, and herbicides) and all other potentially polluting materials in a zero-em facility. ▪ Ensure that employees and contractors are applying lawn care products per manufacturer's instructions. 	<p>Highway Superintendent /Building and Grounds Department Manager/ Parks Department Manager</p>

Additional Information / Resources

Refer to Appendix R for Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

6.4.8 Hazardous and Waste Materials Management

Best Management Practice	Responsible Party
<ul style="list-style-type: none"> ▪ 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. 	<p>Highway Superintendent /Building and Grounds Department Manager</p>

<ul style="list-style-type: none"> ▪ Maintain all floor drain systems and all water and oil/grit separators. Test alarms periodically to ensure proper functioning and clean out of system. ▪ 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. ▪ Eliminate wastes by reincorporating coating/solvent mixtures into the original coating material for reuse. ▪ Recycle materials if possible or ensure proper disposal of wastes. ▪ Develop an inventory of existing hazardous and waste materials and their storage locations. ▪ Develop a plan for proper storage of hazardous and waste materials that are not currently stored properly. ▪ Verify that floor drains have been sealed (or redirected to sanitary sewer). ▪ During program self-evaluation: Inspect material storage areas (inside and outside). Inspect stormwater discharge locations (for contaminants, soil staining, plugged discharge lines). 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. Maintain a record of these inspections. <ul style="list-style-type: none"> ▪ Inspect secondary containment systems and oil/water separators ▪ Inspect containers for leaks, areas near storm receiver inlets and 	
---	--

<p>outlets, floor drains for indication of spills.</p> <ul style="list-style-type: none"> ▪ Pump out oil water separators as needed. ▪ Protect drains with oil absorbent materials 	
--	--

Additional Information / Resources

Refer to Appendix R for Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

6.4.9 Solid Waste Management

Best Management Practice	Responsible Party
<p>Prevent the potential for leaching of toxic and biological contaminants from reaching the municipal stormwater system or local waterbodies by:</p> <ul style="list-style-type: none"> ▪ Identify the by-products/wastes that should be recycled. ▪ Clean up and dispose of “illegally dumped” materials, trash/debris in accordance with environmental regulations. ▪ Have solid waste and recycling materials removed and disposed of by a fully permitted and compliant contractor. 	<p>Highway Superintendent /Building and Grounds Department Manager</p>

Additional Information / Resources

N/A

6.4.10 Spill Prevention and Response

Best Management Practice	Responsible Party
<ul style="list-style-type: none"> ▪ The following town of Lansing owned facilities require a SPCC: <ul style="list-style-type: none"> ○ Town Highway Garage ▪ Comply with federal and state spill prevention control and counter measures plan regulations, and review spill response procedures to ensure 	<p>Highway Superintendent /Building and Grounds Department Manager</p>

<p>stormwater quality protection measures are considered during spill response.</p> <ul style="list-style-type: none"> ○ Maintain SPCC plans for facilities that require plans. ▪ Comply with SPCC plan requirements at qualifying facilities, including consideration of the following: <ul style="list-style-type: none"> ○ Conduct employee training. ○ Maintain spill prevention equipment. ○ Keep all materials properly stored in closed, labeled containment systems. ○ Use secondary containment systems where appropriate. ○ Maintain an adequate supply of spill response materials. ○ Maintain SPCC records. ○ Update and re-certify the SPCC plan according to SPCC regulations. 	
--	--

Additional Information / Resources

Refer to Appendix R for the SPCC plan.

6.4.11 Pest Control

Best Management Practice	Responsible Party
<p>Reduce the discharge of pesticides from permittee owned facilities as they may harm aquatic life and may contaminate local water bodies and sediment. This may be accomplished by the following:</p> <ul style="list-style-type: none"> ▪ Area/areas of application – pesticides <ul style="list-style-type: none"> All building foundations Turf grass areas Target- areas as needed ▪ Area/s of application – herbicides <ul style="list-style-type: none"> Turf grass areas Ball/ athletic fields ▪ Area/s of application – fertilizer <ul style="list-style-type: none"> Turf grass areas 	<p>Building and Grounds Department Manager/ Parks and Recreation Department Head</p>

<p>Landscaped areas</p> <ul style="list-style-type: none"> ▪ These applications are performed by permitted contractors. ▪ Contractors are required to comply with local, state, and federal regulations associated with pesticide and herbicide application, e.g., licensing regulations. ▪ Contractor to use least application necessary and lowest toxicity pesticides. ▪ Track the volume and type of pesticide or herbicide applied at each location. ▪ Do not apply pesticides immediately prior to or during rain events. 	
--	--

Additional Information / Resources

N/A

6.4.12 New Construction and Land Disturbance

Best Management Practice	Responsible Party
All construction projects will comply with the requirements of the general permit for construction (GP-0-20-002) or as revised.	Highway Superintendent, Parks and Buildings Department Heads, and SMO

Additional Information / Resources

Refer to Appendix 10 Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

6.4.13 Right-of-Way Maintenance

Best Management Practice	Responsible Party
<ul style="list-style-type: none"> ▪ Use mulching lawn mowing techniques whenever possible. ▪ Maintain health and vigor of vegetation cover in the ROW. ▪ Ditching maintenance should include maintaining the original line, grade, and capacity. Seed and mulch as required to stabilize soils. 	Highway Superintendent

6.5 Measurable Goals

1. Conduct a self-assessment of municipal facilities and operations every three years and publish report to town departments with responsibility for areas audited.
2. Maintain all inspection and repair records.

Additional Information / Resources

Refer to Appendix 10 Guidance Documents and Inspection Checklists regarding Pollution Prevention/Good Housekeeping for Municipal Operations.

Appendix A

Town of Lansing Natural Resources Map

Appendix B

**Town of Lansing MS4 and Stormwater
Outfalls Map**

Appendix C

Town of Lansing Watersheds Map

Appendix D

Illicit Connections and Discharge Local Law

Appendix E

Stormwater Management / Erosion and Sediment Control Local Law

Appendix F

General Permit

- **SPDES General Permit for Stormwater Discharge from Municipal Separate Storm Sewers**
- **SPDES General Permit for Stormwater Discharge from Construction Activity**



Department of
Environmental
Conservation

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

From

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Permit No. GP-0-15-003

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

Effective Date: May 1, 2015,

Expiration Date: April 30, 2017

Modification Dates

July 15, 2015 - Correction of Table IX.C and Appendix 2 to reflect GP-0-10-002 October
2011 Modification

January 13, 2016 - Additional reporting for covered entities in the watersheds listed in
Part IX

Stu Fox
Deputy Chief Permit Administrator

Authorized Signature

1 / 12 / 16

Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-17

PREFACE

Pursuant to Section 402 of the Clean Water Act (ACWA¹), operators of *small municipal separate storm sewer systems* (A small MS4s¹), located in *urbanized areas* (AUA¹) and those *additionally designated* by New York State are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System* (ANPDES¹) permit or by a state permit program. New York's *State Pollutant Discharge Elimination System* (ASPDES¹) is an NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law* (AECL¹).

Only those *small MS4 operators* who *develop and implement a stormwater management program* (SWMP) and obtain permit coverage in accordance with Part II of this *SPDES general permit* are authorized to *discharge stormwater* from their *small MS4* under this *SPDES general permit*.

A *covered entity* authorized under GP-0-10-002 as of the effective date of GP-0-15-003, shall be permitted to discharge in accordance with the renewed permit, GP-0-15-003, upon the submission of their Annual Report, unless otherwise notified by the *Department*.

An *operator* not authorized under GP-0-15-003 may¹ obtain coverage under this *SPDES general permit* by submitting a Notice of Intent (NOI) to the address provided on the NOI form. For newly regulated MS4s, authorization under this *SPDES general permit* is effective upon written notification from the *Department* of the receipt of a complete NOI. Copies of this *SPDES general permit* and the NOI for New York are available by calling (518) 402 - 8109 or at any Department of Environmental Conservation (*Department*) regional office (Appendix A). They are also available on the *Department's* website:

<http://www.dec.ny.gov/permits/6045.html>

Submitting an NOI is an affirmation that an initial *SWMP* has been *developed* and will be *implemented* in accordance with the terms of this *SPDES general permit*.

*** Note: all italicized words within this *SPDES general permit* are defined in Part X. Acronyms and Definitions.**

¹ The term may be used to recognize that there are circumstances under which the *operator* is ineligible for coverage under this *SPDES general permit* because of exclusionary provisions of this permit. *Operators* that are excluded from coverage under this *SPDES general permit* as provided for in Part I, for example, are not authorized to *discharge* under this permit. This clarification also applies to situations in which an NOI has been submitted; submission of an NOI by an entity excluded from *SPDES general permit* coverage does not authorize the *small MS4* to *discharge stormwater* runoff under the authority of this *SPDES general permit*.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 SPDES GENERAL PERMIT FOR DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

Table of Contents

Part I. PERMIT COVERAGE AND LIMITATIONS 7

 A. Permit Application 7

 B. Limitations on Coverage 8

 C. Exemption Criteria 8

Part II. OBTAINING PERMIT COVERAGE 9

 A. Permit coverage is obtained by submission of a complete and accurate Notice of Intent.
 9

 B. Permit coverage is public noticed by the Department..... 9

 C. Continuance of Permit Coverage for Covered Entities Authorized by GP-0-10-002
 (Continuing Covered Entities) 9

 D. Permit Coverage for Covered Entities Newly Designated Under GP-0-15-003 (Small
 MS4s not Previously Authorized by GP-0-10-002)..... 9

 E. Small MS4s Not Required to Gain Coverage 10

 F. Extension of Permit Coverage to Covered Entity's Full Jurisdiction 10

 G. Single Entity to Cover the MS4 11

Part III. SPECIAL CONDITIONS 11

 A. Discharge Compliance with Water Quality Standards..... 11

 B. Impaired Waters 12

Part IV. Stormwater Management Program (SWMP) Requirements 15

 A. SWMP Background..... 15

 B. Cooperation Between Covered Entities Encouraged 15

 C. SWMP Coverage Area 16

 D. SWMP Development and Implementation for Covered entities Authorized by GP-0-10-
 002(Continuing Covered entities) 16

 E. SWMP Development and Implementation for Newly Regulated Covered entities (Small
 MS4s not Previously Authorized by GP-0-10-002)..... 17

 F. Minimum Control Measures 17

 G. Reliance Upon Third Parties 18

Part V. PROGRAM ASSESSMENT, RECORD KEEPING, REPORTING AND CERTIFICATION
 REQUIREMENTS 19

A.	Assessment.....	19
B.	Recordkeeping.....	19
C.	Annual Reporting.....	19
D.	Interim Progress Reporting.....	22
E.	Annual Report Certification.....	22
Part VI.	STANDARD PERMIT CONDITIONS.....	24
A.	General Authority to Enforce.....	24
B.	Duty To Comply.....	24
C.	Enforcement.....	24
D.	Continuation of the Expired SPDES General Permit.....	24
E.	Technology Standards.....	24
F.	Need To Halt or Reduce Activity Not a Defense.....	25
G.	Duty to Mitigate.....	25
H.	Duty to Provide Information.....	25
I.	Other Information.....	25
J.	Signatory Requirements.....	25
K.	Penalties for Falsification of Reports.....	27
L.	Oil and Hazardous Substance Liability.....	27
M.	Property Rights.....	27
N.	Severability.....	27
O.	Requiring an Individual Permit or an Alternative General Permit.....	27
P.	Other State Environmental Laws.....	28
Q.	Proper Operation and Maintenance.....	28
R.	Inspection and Entry.....	29
S.	Permit Actions.....	29
T.	Anticipated noncompliance.....	29
U.	Permit Transfers.....	29
Part VII.	MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL.....	30
A.	Traditional Land-Use Control MS4 Minimum Control Measures (MCMs).....	30
PART VIII.	MINIMUM CONTROL MEASURES - TRADITIONAL NON-LAND USE CONTROL AND NON-TRADITIONAL MS4s.....	51
A.	Traditional Non-Land Use Control and Non-traditional MS4 Minimum Control Measures (MCMs).....	51
Part IX.	WATERSHED IMPROVEMENT STRATEGY REQUIREMENTS.....	70

A.	New York City East of Hudson Watershed MS4s - (Mapped in Appendix 3)	71
B.	Other Phosphorus Watershed MS4s (Mapped in Appendices 4, 5, and 10)	77
C.	Pathogen Impaired Watershed MS4s (Mapped in Appendix 6, 7 and 9).....	80
D.	Nitrogen Watershed MS4s (Mapped in Appendix 8).....	86
Part X.	ACRONYMS AND DEFINITIONS	89
A.	Acronym List	89
B.	Definitions.....	89
Part XI.	RE-OPENER CLAUSE.....	100
APPENDICES	.....	101
APPENDIX 1.	LIST OF NYS DEC REGIONAL OFFICES.....	101
APPENDIX 2.	IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN	
102		
APPENDIX 3.	NEW YORK CITY WATERSHED EAST OF THE HUDSON RIVER	
WATERSHED MAP		109
APPENDIX 4.	ONONDAGA LAKE WATERSHED MAP	110
APPENDIX 5.	GREENWOOD LAKE WATERSHED MAP.....	111
APPENDIX 6.	OYSTER BAY WATERSHED MAP.....	112
APPENDIX 7.	PECONIC ESTUARY PATHOGEN WATERSHED MAP.....	113
APPENDIX 8.	PECONIC ESTUARY NITROGEN WATERSHED MAP.....	113
APPENDIX 9.	THE 27 LONG ISLAND SHELLFISHING IMAPIRED EMBAYMENT MAP	
115		
APPENDIX 10.	LAKE OSCAWANA WATERSHED MAP.....	116

Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

1. This *SPDES general permit* authorizes *discharges* of stormwater from *small municipal separate storm sewer systems (MS4's)* as defined in 40 CFR 122.26(b)(16), provided all of the eligibility provisions of this *SPDES general permit* are met.

2. Exempt Non-Stormwater Discharges. The following non-stormwater *discharges* are exempt from the need for *SPDES general permit* coverage unless the *Department* has determined them to be substantial contributors of pollutants to a particular *small MS4* applying for coverage under this *SPDES general permit*. If the *Department* determines that one or more of the *discharges* listed below is a substantial contributor of pollutants to a *small MS4*, the identified *discharges* will be considered *illicit*. In that event, the *covered entity* must eliminate such discharges by following the *illicit discharge* minimum control measure (AMCM) requirements (See Part VII.A.3 or VIII.A.3, and Part IX.A.3, B.3, C.3, and D.3 where applicable).
 - a. water line flushing
 - b. landscape irrigation
 - c. diverted stream flows
 - d. rising ground waters
 - e. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
 - f. uncontaminated ground water
 - g. discharges from potable water sources
 - h. foundation drains
 - i. air conditioning condensate
 - j. irrigation water
 - k. springs
 - l. water from crawl space and basement sump pumps
 - m. footing drains
 - n. lawn and landscape watering runoff provided that all pesticides and fertilizers have been applied in accordance with the manufacturer's product label;
 - o. water from individual residential car washing
 - p. flows from riparian habitats and wetlands
 - q. dechlorinated swimming pool discharges
 - r. residual street wash water
 - s. discharges or flows from firefighting activities

(Part I.A.2.)

- t. dechlorinated water reservoir discharges
- u. any SPDES permitted discharge.

Even if the non-stormwater discharges are determined not to be substantial contributors of pollutants, the *Department* recommends that the *covered entity's stormwater management program (ASWMP®)* include public education and outreach activities directed at reducing pollution from these discharges.

B. Limitations on Coverage

The following are not authorized by this *SPDES general permit*:

1. *Stormwater discharges* whose unmitigated, direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat;
2. *Stormwater discharges* or *implementation* of a *covered entity's SWMP*, 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;
3. *Stormwater discharges* to territorial seas not of the State of New York, the contiguous zone, and the oceans unless such *discharges* are in compliance with the ocean *discharge* criteria of 40 CFR 125 subpart M;
4. *Stormwater discharges*, the permitting of which is prohibited under 40 CFR 122.4 and/ or the *ECL*;

C. Exemption Criteria

For *stormwater discharges* from a designated *small MS4* that are mixed with non-*stormwater* or *stormwater* associated with *industrial activity*, the *Department* may determine them to be exempt from the requirements of this *SPDES general permit* if the *discharges* are:

1. Effectively addressed by and in compliance with a different *SPDES general permit* or an *individual SPDES permit*; or
2. Identified by and in compliance with Part I.A.2 of this *SPDES general permit*.

Part II. OBTAINING PERMIT COVERAGE

A. Permit coverage is obtained by submission of a complete and accurate Notice of Intent.

B. Permit coverage is public noticed by the Department.

NOIs will be public noticed and an opportunity for public comment provided on the contents of submitted NOIs.

a. NOIs and the location of the SWMPs and Annual Reports for existing MS4s will be posted in the Environmental Notice Bulletin (ENB).

b. A deadline of 28 calendar days from the posting in the ENB will be provided for receiving comments.

c. After the public comment period has expired, the *Department* may extend the public comment period, require submission of an application for an individual SPDES permit or alternative *SPDES general permit*, or accept the NOI or SWMP as complete.

C. Continuance of Permit Coverage for Covered Entities Authorized by GP-0-10-002 (Continuing Covered Entities)

As of May 1, 2015, entities with coverage under GP-0-10-002 will continue to have authorization to discharge on an interim basis for up to 180 days from the effective date of this *SPDES general permit*. Covered entities may gain coverage under this *SPDES general permit* by submission of their 2014 Annual Report due in June 2015. For public participation purposes, the updated Annual Report will be considered equivalent to submission of an NOI.

When the operator changes, a new operator is added, or the individual responsible for the SWMP changes, these changes must be indicated on the MCC form submitted in accordance with Part V.D. It is not necessary to submit a revised Notice of Intent (NOI).

D. Permit Coverage for Covered Entities Newly Designated Under GP-0-15-003 (Small MS4s not Previously Authorized by GP-0-10-002)

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-10-002, but are now required to gain coverage under this *SPDES general permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-0-10-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-10-002 based on the designation criteria, but they are now within an *Additionally Designated Area*; or

(Part II.D.)

- were otherwise not permitted under GP-0-10-002.
- 1. In order for *stormwater discharges* from *small MS4s* to be newly authorized under this *SPDES general permit*, an operator must:
 - a. within 180 days of receiving written notification from the *Department* that a permit for discharges from MS4s is required, prepare an NOI using the form provided by the *Department* (or a photocopy thereof); and
 - b. submit the NOI, signed in accordance with Part VI.J of this *SPDES general permit*, to:

NOTICE OF INTENT
NYS DEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505

- 2. *Operators* who submit a complete NOI in accordance with the requirements of this *SPDES general permit* are authorized to *discharge stormwater* from *small MS4s*, under the terms and conditions of this *SPDES general permit*, upon written notification from the Department that a complete NOI has been received.

E Small MS4s Not Required to Gain Coverage

Operators of unregulated *small MS4s* may apply for coverage under this *SPDES general permit* at any time, per Part II.B.

F. Extension of Permit Coverage to Covered Entity's Full Jurisdiction

Operators of traditional land use control MS4s must extend the implementation of minimum control measures (MCMs) 4 and 5 in accordance with *Criterion 3* of the Designation Criteria or apply for a waiver, if eligible.

Operators of all regulated *small MS4s* may also extend the implementation of any of the six MCMs to areas under their control, but outside of the existing area covered by this *SPDES general permit*. This may be done by describing the program components (MCMs) being extended and the geographic extent to which they are being extended in the annual report (Part V.C.) and indicating in the Municipal Compliance Certification (MCC) form (Part V.D.) that the program was extended to the *covered entity's* full jurisdiction.

(Part II.)

G. Single Entity to Cover the MS4

A single entity may gain coverage for, and on behalf of, one or more regulated MS4s to implement a part of an MCM, one, or all the MCMs. A single entity shall be defined by watershed, municipal boundaries, special district boundaries, or other specifically defined boundaries. The single entity must demonstrate to the *Department* that it was formed in accordance with applicable state and/or local legislation, and that it has the legal authority and capacity (financial, resources, etc.) to meet the requirements of this *SPDES general permit*. Depending on the MCM(s) implemented, the single entity shall demonstrate that it has the following capacities, as applicable for each MCM that the single entity is seeking coverage under this *SPDES general permit*:

1. Initiate and administer appropriate enforcement procedures,
2. Collect, finance, bond or otherwise borrow money for capital projects,
3. Control the management and operation of the storm sewer system,
4. Implement best management practices at all municipal facilities discharging to the MS4, and
5. Obtain access to property that may be necessary for siting stormwater management facilities and/or practices.

The single entity must submit a complete NOI form to the *Department*, detailing which of the regulated MS4s it will gain coverage for and which of the MCMs, or parts of MCMs, it will implement for each particular regulated MS4. A copy of the document forming the single entity, and detailing the legal authority and capacity of the single entity, must be attached to the NOI. Prior to the single entity gaining coverage under this *SPDES general permit*, each regulated MS4, for which the single entity will implement one or more MCM must submit a complete notice of termination (NOT). This notice shall specify which of the minimum control measures the single entity will implement for the MS4 and which of the minimum control measures the MS4 will implement.

Part III. SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

Where a *discharge* is already authorized under this *SPDES general permit* and is later determined to directly or indirectly cause or have the reasonable potential to cause or contribute to the violation of an applicable *water quality standard*, the *Department* will notify the *covered entity* of such violation(s) and may take enforcement actions for such violations. The *covered entity* must take all necessary actions to ensure future *discharges* do not directly or indirectly cause or contribute to the violation of a *water quality standard*, and the *covered entity* must document these actions in the *SWMP*.

(Part III.A.)

Compliance with this requirement does not preclude, limit, or eliminate any enforcement activity as provided by the Federal and / or State law for the underlying violation. 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 750-1.21(e), and the *Department* may require an application for an alternative *SPDES general permit* or *individual SPDES permit* may be issued.

B. Impaired Waters

1. Impaired Waters Without Watershed Improvement Strategies or Future TMDLs

If a *small MS4 discharges* a stormwater pollutant of concern (POC) to an *impaired* water listed in Appendix 2, the covered entity must ensure no net increase in its *discharge* of the listed *POC* to that water.

By January 8, 2013, *covered entities* must assess potential sources of discharge of stormwater *POC(s)*, identify potential stormwater pollutant reduction measures, and evaluate their progress in addressing the *POC(S)*. Newly authorized covered entities must perform the above tasks within 5 years after gaining coverage under this *SPDES general permit*. Covered entities must evaluate their *SWMP* with respect to the *MS4's* effectiveness in ensuring there is no net increase discharge of stormwater *POC(s)* to the impaired waters for *storm sewersheds* that have undergone non-negligible changes such as changes to land use and impervious cover greater than one acre, or stormwater management practices during the time the *MS4* has been covered by this *SPDES general permit*. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that *discharge* to the listed waters (see Appendix 2). The assessment shall be done using *Department* supported modeling of pollutant loading.

If the modeling shows increases in loading of the *POC*, the *SWMP* must be modified to reduce the loading to meet the no net increase requirement. The subsequent annual reports must contain an assessment of priority stormwater problems, potential management practices that are effective for reduction of stormwater *POC(s)*, and document a gross estimate of the extent and cost of the potential improvements.

2. Watershed Improvement Strategies

The *SWMPs* for *covered entities* in the watersheds listed below must be modified to comply with the following requirements and the watershed improvement strategies. *Covered entities* implementing the pollutant-specific *BMPs* in addition to the *BMPs* required of all *covered entities* will be taking satisfactory steps towards achieving compliance with *TMDL* requirements. *Covered entities* under the *MS4 SPDES general*

(Part III.B.2.)

permit are required to make best efforts to participate in locally based watershed planning efforts that involve the NYSDEC, other covered entities, stakeholders and other interested parties for implementation of load reduction BMPs. Covered entities may form a Regional Stormwater Entity (RSE) to implement stormwater retrofits collectively. The *covered entities* must ensure that discharges of the *POC* to the *TMDL* waterbody are reduced through these or additional changes to the *SWMP* so that the waste load allocation is met.

MS4s are required to meet the reduction of the POC defined by the TMDL program defined in Part IX of this *SPDES general permit*. By the deadlines defined in Part IX of the general permit, *covered entities* must assess their progress and evaluate their *SWMP* to determine the *MS4's* effectiveness in reducing their discharges of *TMDL POC(s)* to *TMDL* water bodies. Newly designated watershed improvement strategy areas must perform the assessment within 5 years from authorization under this *SPDES* general permit. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the *TMDL* watershed. The assessment shall be done using *Department* supported modeling of pollutant loading from the *storm sewershed*. The *covered entities* or an RSE must prepare and implement, participate in or utilize the results of existing or ongoing ambient water quality monitoring programs to validate the accuracy of models and evaluate the effectiveness of the additional *BMPs* for watershed improvement strategies.

If the modeling shows that loading of the POC is not being reduced to meet the waste load allocation, the *SWMP* must be modified to reduce the pollutant loading to meet the waste load allocation.

Each regulated MS4 is responsible for an individual load reduction, which is a fraction of the total required load reduction in the TMDL. If MS4s form an RSE and stormwater retrofits are approached collectively, the *Department* would allow compliance with this condition of the *SPDES* general permit to be achieved on a regional basis.

In this case the load reduction requirement for each participating MS4 will be aggregated, to create an RSE load reduction, to allow design and installation of retrofits where they are most feasible, without restricting MS4s to site retrofit projects within their municipal boundaries.

Each member of an RSE is in compliance if the aggregate reduction number associated with the retrofit plans is met. If the aggregate number is not met, each of the participating MS4s would be deemed non-compliant until such time as they had met their individual load reduction requirements.

(Part III.B.2.)

a. New York City Watershed East of the Hudson River

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.A to address phosphorus as the *POC* for the portion of their *storm sewershed* in the watershed. A map of the watershed is shown in Appendix 3.

b. Other Phosphorus Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.B to address phosphorus as the *POC* for the portion of their *storm sewershed* in the watershed. Maps of the watersheds are shown in Appendices 4, 5, and 10.

c. Pathogen Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.C to address pathogens as the *POC* for the portion of their *storm sewershed* in any of the watersheds. Maps of the watersheds are shown in Appendices 6, 7, and 9.

d. Nitrogen Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.D to address nitrogen as the *POC* for the portion of their *storm sewershed* in the watershed. Maps of the watersheds are shown in Appendix 8.

3. Future TMDL Areas

If a *TMDL* is approved in the future by EPA for any waterbody or watershed into which a *small MS4 discharges*, the *covered entity* must review the applicable *TMDL* to see if it includes requirements for control of *stormwater discharges*. If a *covered entity* is not meeting the *TMDL* wasteload allocations, it must, within 180 days of written notification from the *Department*, modify its *SWMP* to ensure that the reduction of the *POC* specified in the *TMDL* is achieved. It will be the *MS4's* obligation to meet the waste load allocations specified in the *TMDL* through modification of its *SWMP plan* according to the schedule of Part IX of this *SPDES general permit*.

Modifications must be considered for each of the six MCMs. Refer to assistance documents or enhanced requirements for specific pollutants in documents on the *Department's* website for modifications specific to the *TMDL*. Revised *SWMPs* must include updated schedules for implementation.

(Part III.B.3.)

Within three years of having modified its SWMP to ensure that reduction of the POC specified in the TMDL is achieved, covered entities in future TMDL areas must assess their progress and evaluate their SWMP to determine the MS4's effectiveness in reducing their discharges of TMDL POC(s) to TMDL water bodies. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the TMDL watershed. The assessment shall be done using *Department* supported modeling of pollutant loading from the *storm sewershed*.

Part IV. Stormwater Management Program (SWMP) Requirements

A. SWMP Background

Covered entities must develop (for newly authorized MS4s, implement), and enforce a SWMP designed to reduce the discharge of pollutants from *small MS4s* to the *maximum extent practicable* (AMEP²) in order to protect water quality and to satisfy the appropriate water quality requirements of the ECL and the CWA. The objective of the permit is for MS4s to assure achievement of the applicable water quality standards. *Covered entities* under GP-0-10-002 must have prepared a SWMP plan documenting modifications to their SWMP. See Part X.B. (Definitions) for more information about the SWMP and SWMP plan.

The SWMP and SWMP plan may be created by an individual *covered entity*, by a shared effort through a group or coalition of individual *covered entities*, or by a third party entity. The SWMP plan shall be made readily available to covered entity's staff, to the public and to *Department* and EPA staff.

B. Cooperation Between Covered Entities Encouraged

The *Department* encourages *covered entities* to cooperate when *developing* and *implementing* their SWMP². However, each *covered entity* is responsible for obtaining its own permit coverage and for filing its own NOI. Irrespective of any agreements between *covered entities*, each individual *covered entity* remains legally responsible for satisfying all GP-0-15-003 requirements and for its own *discharges*. If one *covered entity* is relying on another *covered entity* to satisfy one or more of its permit obligations, that fact must be noted on the *covered entity's* MCC form. The other entity must, in fact,

² For example, villages are encouraged to cooperate with towns, towns with counties, and adjacent counties with each other. In addition, municipal governments are encouraged to coordinate and cooperate with non-traditional MS4s such as DOT, school and fire districts, Federal and State facilities located within and adjacent to their jurisdictions. Sewer boards, water boards, or other non-traditional entities are encouraged to partner with the municipality (municipalities) that they serve.

(Part IV.B.)

implement the MCM(s) and must agree to *implement* the MCM(s) on the first *covered entity's* behalf. This agreement between the two or more parties must be documented in writing and signed by both (all) parties. Part IV.G. below may apply if such an agreement is not already in place. The agreement must be included in the *SWMP plan*, and be retained by the *covered entity* for the duration of this *SPDES general permit*, including any administrative extensions of the permit term.

Covered entities that are working together to *develop (for newly authorized MS4s)* or *implement* their *SWMPs* are encouraged to complete shared annual reports. *Covered entities* may also hold a group meeting to present their annual reports to the public and to receive comments on their annual reports. These options are discussed in more detail in Part V.C.2.

C. SWMP Coverage Area

At a minimum, *covered entities* are required to *develop (for newly authorized MS4s)* and *implement SWMPs* in the automatically designated *urbanized areas (AUA@)* and *additionally designated areas* (40CFR Section 122.32(a)(1) or 122.32(a)(2)) under their jurisdiction³.

SWMP coverage shall include all UA or additionally designated areas within the *covered entity's* jurisdiction that drain into their *small MS4* and subsequently *discharge to surface waters of the State* directly or through other *small MS4s*.

Operators of *small MS4s* whose jurisdiction includes regulated and unregulated areas are encouraged to include their entire jurisdiction in their *SWMP* (refer to Part II.D).

D. SWMP Development and Implementation for Covered entities Authorized by GP-0-10-002(Continuing Covered entities)

Covered entities authorized under GP-0-10-002 shall continue to fully *implement* their *SWMP*, unless otherwise stated in this *SPDES general permit*. A *covered entity* may modify its *SWMP* if it determines changes are needed to improve *implementation* of its *SWMP*. Any changes to a *SWMP* shall be reported to the *Department* in the *MS4's*

³ The purpose of this section is to minimize conflicts between adjacent *small MS4s*. For the purposes of this *SPDES general permit*, areas under the *covered entity's* jurisdiction shall mean areas where the legal authority exists for the subject *covered entity* to *develop* and *implement* an *SWMP* including the six MCMs. It is not a permit requirement for *covered entities* to *implement* and enforce any portion of their *SWMP* in any area that is under the jurisdiction of another *covered entity*. For example, if a portion of a town drains directly into a stormwater system owned and operated by the State DOT, and this area of the town is regulated, the DOT will not be required to implement and enforce any portion of a *SWMP* in the area lying outside of its right of way. In this case, the town would be required to implement the program in the subject area in accordance with this *SPDES general permit*, this despite the fact that the subject drainage does not directly enter the town's system.

(Part IV.D)

annual report and Municipal Compliance Certification (MCC) form (See Part V.C and V.D).

E. SWMP Development and Implementation for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002)

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-10-002, but are now required to gain coverage under this *SPDES general permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-0-10-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-10-002 based on the designation criteria, but they now meet the additional designation criteria in NYS DEC ADesignation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems⁶; or
- were otherwise not permitted under GP-0-10-002.

Operators of small MS4s newly regulated under this *SPDES general permit* must *develop* an initial *SWMP* and provide adequate resources to fully *implement* the *SWMP* no later than three years from the date of the individual MS4's authorization.

A newly regulated *covered entity* may modify its *SWMP* to comply with the terms and conditions of this *SPDES general permit* if it determines changes are needed to improve *implementation* of its *SWMP*. Any changes to a *SWMP* shall be documented in the *SWMP plan* and reported to the *Department* in the annual report (See Part V.C).

Covered entities are required to make steady progress toward full *implementation* in the first three years after the date of authorization. Full *implementation* of *SWMPs* for newly regulated *small MS4s* is expected no later than three years from the date of coverage under this *SPDES general permit*.

F. Minimum Control Measures

Each *covered entity* is required to develop (*for newly authorized MS4s*) and implement a *SWMP* that satisfies the requirements for each of six required program components, known as minimum control measures (MCMs).

The MCMs for *traditional land use control MS4s* are listed in Part VII. The MCMs for *traditional non-land use control MS4s* and *non-traditional MS4s* are listed in Part VIII. Additional MCMs that *covered entities* in watersheds with improvement strategies must address, referred to in Part III.B.2, are described in Part IX.

(Part IV.)

G. Reliance Upon Third Parties

This section applies when a *covered entity* relies upon any third party entity to *develop* or *implement* any portion of its *SWMP*. Examples of such entities include, but are not

limited to a non-government, commercial entity that receives payment from the *covered entity* for services provided (for example businesses that create policies or procedures for *covered entities*, perform illicit discharge identification and track down, maintain roads, remove snow, clean storm sewer system, sweep streets, etc. as contracted by the covered entity).

The covered entity must, through a signed certification statement, contract or agreement provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party. The certification statement, contract or other agreement must:

- provide adequate assurance that the third party will comply with permit requirements;
- identify the activities that the third party entity will be responsible for and include the name and title of the person providing the signature;
- the name, address and telephone number of the third party entity;
- an identifying description of the location of the work performed; and
- the date the certification statement, contract or other agreement is signed.

Example certification language is provided below:

Contracted Entity Certification Statement:

I certify under penalty of law that I understand and agree to comply with the terms and conditions of the (covered entity's name) stormwater management program and agree to implement any corrective actions identified by the (covered entity's name) or a representative. I also understand that the (covered entity's name) must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (ASPDES®) general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems (MS4s) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by (covered entity's name) will not diminish, eliminate, or lessen my own liability.®

Part V. PROGRAM ASSESSMENT, RECORD KEEPING, REPORTING AND CERTIFICATION REQUIREMENTS

A. Assessment

Covered entities are required to collect and report information about the *development* and *implementation* of their SWMPs. Specific information the *small MS4s* are required to collect is identified in Parts VII or VIII, depending on the type of *small MS4*. The *small MS4s* are encouraged to collect additional information that will help them evaluate their SWMP. Collection of information over time will facilitate the evaluation of the *covered entity's SWMP* by allowing the examination of trends in the information collected.

The *covered entity* must conduct an annual evaluation of its program compliance, the appropriateness of its identified *BMPs*, meeting new permit requirements, and progress towards achieving its identified *measurable goals*, which must include reducing the *discharge* of pollutants to the *MEP*.

Where the evaluation shows that the SWMP is not reducing discharges to the *MEP*, the SWMP shall be revised to reduce discharges to the *MEP*. Update to the SWMP and the SWMP plan must be completed within a year from the annual evaluation of their SWMP with an implementation schedule no later than 3 years from the annual evaluation.

B. Recordkeeping

The *covered entity* must keep records required by this *SPDES general permit* (records that document *SWMP*, records included in *SWMP plan*, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and the *Department*, etc.) for at least five (5) years after they are generated. Records must be submitted to the *Department* within 5 business days of receipt of a *Department* request for such information. The *covered entity* shall keep duplicate records (either hard copy or electronic), to have one copy for public observation and a separate working copy where the *covered entity's* staff, other individuals responsible for the *SWMP* and regulators, such as *Department* and EPA staff can access them. Records, including the NOI and the *SWMP plan*, must be available to the public at reasonable times during regular business hours.

C. Annual Reporting

1. Annual Report Submittal

The annual reporting period ends March 9 of each year. The annual report must be received in the *Department's* Central Office, electronic or hard copy, no later than June 1 of each reporting year. If electronic, submit in accordance with procedures set forth by the *Department*. If mailed, send to the address below:

(Part V.C.20)

**NYS DEC AMS4 Coordinator@
Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505**

Failure to submit a complete annual report and a complete MCC form (Part V.D) shall constitute a permit violation.

a. Annual Report Submittal for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002)

Newly regulated covered entities *developing* their *SWMP* are to submit their Annual Report in a format provided by the *Department*. They will provide, at a minimum, the information on the annual report form and the information required by Parts VII or VIII.

Newly regulated *covered entities* are required to submit their first annual report the year that authorization is granted if authorization is granted on or before December 31 of that reporting year.

b. Annual Report Submittal for Covered entities Authorized by GP-0-10-002 (Continuing Covered entities)

Beginning with annual reports due in 2010 *covered entities* implementing their *SWMP* shall submit, at a minimum, information specified by the *Department* in Part VII or VIII in a format provided by the *Department*.

2. Shared Annual Reporting and Submittal

Covered entities working together to *develop* (for newly authorized *MS4s*) and /or *implement* their *SWMPs* may complete a shared annual report. The shared annual report is an annual report that outlines and explains group activities, but also includes the tasks performed by individual *covered entities* (*BMPs*, *measurable goals*, schedules of planned activities, etc.). To facilitate the submission of one annual report for the entire group of *covered entities*, individual *covered entity-s* activities may be incorporated into the report by either:

- providing the details specific to their *small MS4(s)* to a person(s) who incorporates that information into the group report. That one group report is submitted to the *Department* for all participating *small MS4s*; or
- providing the details specific to their *small MS4(s)* on a separate sheet(s) that will be attached with the one group report.

(Part V.C.21

Regardless of the method chosen, each *covered entity* must, by June 1 of the annual reporting year:

- a. Provide their individual MCC form (see Part V.D) to be submitted with the shared annual report. Each *covered entity* must sign and submit an MCC form to take responsibility for all of the information in the annual report, which includes specific endorsement or acceptance of the shared annual report on behalf of the individual *covered entity*;
- b. Present their draft annual report at a meeting (see Part VII.A.2.d or Part VIII.A.2.d for more information). For completed shared annual reports, the report may be presented by each participating individual *covered entity* at an existing *municipal* meeting or may be made available for comments on the internet. Additionally, *covered entities* participating in shared annual reporting may combine meetings to have a group or regional meeting. While the group meeting is allowable, each *covered entity* shall ensure that local public officials and members of the public are informed about the program, activities and progress made; and
- c. Submit a summary of any comments received and (intended) responses on the individual *covered entity*'s information or the shared annual report information, as applicable. This information should be included with the annual report submission. Changes made to the *SWMP* in response to comments should be described in the annual report.

3. Annual Report Content

The annual report shall summarize the activities performed throughout the reporting period (March 10 to March 9) and must include at a minimum:

- a. The status of compliance with permit conditions, including Watershed Improvement Strategy conditions;
- b. An assessment/evaluation of:
 - i. the appropriateness of the identified *BMPs*;
 - ii. progress towards achieving the statutory goal of reducing the *discharge* of pollutants to the *MEP*; and
 - iii. the identified *measurable goals* for each of the *MCMs*.
- c. Results of information collected and analyzed, monitoring data, and an assessment of the *small MS4*'s *SWMP* progress toward the statutory goal of reducing the *discharge* of *pollutants* to the *MEP* during the reporting period. This could include results from required *SWMP* reporting, estimates of pollutant loading (from parameters such as identified illicit discharges, physically interconnected *small MS4s* that may contribute substantially to pollutant

loadings from the *small MS4*) and pollutant load reductions (such as illicit discharges removed). This assessment may be submitted as an attachment;

- d. When required to be completed, results of assessments of effectiveness in meeting no net increase requirements or TMDL loadings as required by III. B.1 and 2. These results must be submitted in evaluation forms and as an attachment;
- e. A summary of the stormwater activities planned to be undertaken during the next reporting cycle (including an implementation schedule);
- f. Any change in identified *BMPs* or *measurable goals* and justification for those changes;
- g. Notice that a *small MS4* is relying on another entity to satisfy some or all of its permit obligations (if applicable);
- h. A summary of the public comments received on this annual report at the public presentation required in Part VII.A.2. or VIII.A.2. And, as appropriate, how the *small MS4* will respond to comments and modify the program in response to the comments;
- i. A statement that the final report and, beginning in 2009, the SWMP plan are available for public review and the location where they are available; and
- j. The information specified under the reporting requirements for each MCM (Part VII or VIII).

D. Interim Progress Reporting

In accordance with 6 NYCRR Part 750-1.14, *covered entities* that own or operate MS4s within the watersheds listed in Part IX must submit to the Department interim progress reports no later than December 1 of each year. These interim progress reports will identify the activities that have been performed during the period of March 10 through September 9 of each year, which demonstrates that there is progress being made by the *covered entity* towards completion of the reduction requirements, prescribed in Part IX. Progress made during the period of September 10 through March 9 shall be reported with the annual report that is due no later than June 1 of each year.

E. Annual Report Certification

A signed original hard copy and a photocopy of the MCC form must be submitted to the *Department* no later than June 1 of each reporting year. If the annual report is mailed (Part V.C. above), the MCC form must be submitted with the annual report.

The MCC form, provided by the *Department*, certifies that all applicable conditions of Parts IV, VII, VIII and IX of this *SPDES general permit* are being *developed, implemented* and complied with. It must be signed by an individual as described in Part VI.J.2. The certification provided by the MCC form does not affect, replace or negate the certification required under Part VI.J.2 (d). If compliance with any requirement cannot be certified to on the MCC form, a complete explanation with a description of corrective measures must be included as requested on the MCC form.

Failure to submit a complete annual report (Part V.C.) and a complete MCC form shall constitute a permit violation.

Part VI. STANDARD PERMIT CONDITIONS

A. General Authority to Enforce

Three of the MCMs (illicit discharge detection and elimination, construction site *stormwater* runoff control and post-construction *stormwater* management) require local laws, ordinances or other regulatory mechanisms to ensure successful implementation of the MCMs. Some *covered entities*, however, are not enabled by state law to adopt local laws or ordinances. Those *covered entities* (typically non-traditional MS4s and traditional, non-land use control MS4s) are expected to utilize the authority they do possess to create or modify existing regulatory mechanisms, including but not limited to contracts, bid specifications, requests for proposals, etc. to ensure successful implementation.

B. Duty To Comply

A *covered entity* must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and the *ECL* and is grounds for enforcement action.

C. Enforcement

Failure of the *covered entity*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the *SPDES general permit* requirements contained herein shall constitute a permit violation. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines 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. Continuation of the Expired SPDES General Permit

This *SPDES general permit* expires five years from the effective date of this permit. However, an administratively extended *SPDES general permit* continues in force and effect until the *Department* issues a new permit, unless a *covered entity* receives written notice from the *Department* to the contrary. *Operators* of the *MS4s* authorized under the administratively extended expiring *SPDES general permit* seeking coverage under the new *SPDES general permit* must refer to the terms within the new *SPDES general permit* to continue coverage.

E. Technology Standards

Covered entities, in accordance with written notification by the *Department*, must comply with all applicable technology-based effluent standards or limitations promulgated by EPA pursuant to Sections 301 and 304 of the CWA. If an effluent standard or limitation more stringent than any effluent limitation in the *SPDES general permit* or controlling a pollutant not limited in the permit is promulgated or approved

(Part VI.E.)

after the permit is issued, the *SWMP plan* shall be promptly modified to include that effluent standard or limitation.

F. Need To Halt or Reduce Activity Not a Defense

It shall not be a defense for a *covered entity* in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this *SPDES general permit*.

G. Duty to Mitigate

The *covered entity* 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.

H. Duty to Provide Information

The *covered entity* shall, within five (5) business days, make available for inspection and copying or furnish to the *Department* or an authorized representative of the *Department* any information that is requested to determine compliance with this *SPDES general permit*. Failure to provide information requested shall be a violation of the terms of this *SPDES general permit* and applicable regulation.

I. Other Information

Covered entities who become aware of a failure to submit any relevant facts or have submitted incorrect information in the NOI or in any other report to the *Department* must promptly submit such facts or information.

J. Signatory Requirements

All NOIs, reports, certifications or information submitted to the *Department*, or that this *SPDES general permit* requires be maintained by the *covered entity*, shall be signed as follows:

1. Notices of Intent

All NOIs shall be signed by either a principal executive officer or ranking elected official. Principal executive officer includes (1) the chief executive officer of the municipal entity agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports Required and Other Information Requested

All reports required by this *SPDES general permit* and other information requested by the *Department*, including MCC forms (part V.D.), shall be signed by a person

(Part VI.J.2.)

described above or by a duly authorized representative of that person⁴. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in VI.J.1 above and submitted to the *Department*; and
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the *covered entity* (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the MCC form; and
- d. **Changes to authorization.** If an authorization to discharge is no longer accurate because a different *covered entity* has responsibility for the overall operation of another *covered entity's* program, these changes must be indicated on the MCC form submitted to the *Department* per Part V.D.
- e. **Initial signatory authorization or changes to signatory authorization.** The initial signatory authorization must be submitted to the *Department* with any reports to be signed by a signatory representative. If a signatory authorization under VI.J.2 is no longer accurate because a different individual, or position, has responsibility for the overall operation of the facility, a new signatory authorization satisfying the requirements of VI.J.2 must be submitted to the *Department* with any reports to be signed by an authorized representative.
- f. **Certification.** Any person signing documents under paragraph VI.H shall make the following certification:

AI 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 gathered and evaluated the

⁴Positions that must be duly authorized include, but are not limited to, Environmental Directors, Deputy Supervisors, Safety and Environmental Managers, Assistant Directors, and Chief Health and Safety Officers.

(Part VI.J.2.f.)

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.

Under Part VI.J. (Signatory Requirements), it shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, and/or reports.

K. Penalties for Falsification of Reports

Article 17 of the *ECL* provides a civil penalty of \$37,500 per day per violation of this permit. Articles 175 and 210 of the New York State Penal Law provide for a criminal penalty of a fine and / or imprisonment for falsifying reports required under this permit..

L. Oil and Hazardous Substance Liability

Nothing in this *SPDES general permit* shall be construed to preclude the institution of any legal action or relieve the *covered entity* from any responsibilities, liabilities, or penalties to which it is or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

M. Property Rights

The issuance of this *SPDES general permit* does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations, nor does it limit, diminish and / or stay compliance with any terms of this permit.

N. Severability

The provisions of this *SPDES general permit* are severable, and if any provision of this *SPDES general permit*, or the application of any provision of this *SPDES general permit* to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

O. Requiring an Individual Permit or an Alternative General Permit

1. In its sole discretion, the *Department* may require any person authorized by this *SPDES general permit* to apply for and/or obtain either an *individual SPDES permit* or an alternative *SPDES general permit*. Where the *Department* requires a *covered entity* to apply for an *individual SPDES permit*, the *Department* will notify such

(Part VI.O.1.)

person in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for filing the application, and a deadline not sooner than 180 days from covered entity's receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Regional Office. The *Department* may grant additional time to submit the application upon request of the applicant.

2. Any *covered entity* authorized by this *SPDES general permit* may request to be excluded from the coverage of this *SPDES general permit* by applying for an *individual SPDES permit* or an *alternative SPDES general permit*. In such cases, a *covered entity* must submit an individual application or an application for an alternative *SPDES general permit* in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the *Department* at the address for the appropriate Regional Office. The request may be granted by issuance of any *individual SPDES permit* or an *alternative SPDES general permit* if the reasons cited by the *covered entity* are adequate to support the request.
3. When an individual *SPDES permit* is issued to a discharger authorized to discharge under a *SPDES general permit* for the same discharge(s), the general permit authorization for outfalls authorized under the individual permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

P. Other State Environmental Laws

1. Nothing in this *SPDES general permit* shall be construed to preclude the institution of any legal action or relieve a *covered entity* from any responsibilities, liabilities, or penalties established pursuant to any applicable *State* law or regulation under authority preserved by section 510 of the CWA.
2. No condition of this *SPDES general permit* releases the *covered entity* from any responsibility or requirements under other environmental statutes or regulations.

Q. Proper Operation and Maintenance

A *covered entity* must 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 *covered entity* to achieve compliance with the conditions of this *SPDES general permit*. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems,

(Part VI.Q.)

installed by a *covered entity* only when necessary to achieve compliance with the conditions of the *SPDES general permit*.

R. Inspection and Entry

The *covered entity* shall allow the Commissioner of NYSDEC, the Regional Administrator of the USEPA, the applicable county health department, or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *covered entity'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*;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, including records required to be maintained for purposes of operation and maintenance; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit.

S. Permit Actions

At the *Department's* sole discretion, this *SPDES general permit* may be modified, revoked, suspended, or renewed for cause at any time.

T. Anticipated noncompliance

The *covered entity* shall give advance notice to the *Department* of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of planned changes or anticipated noncompliance does not limit, diminish and / or stay compliance with any terms of this permit.

U. Permit Transfers.

Coverage under this *SPDES general permit* is not transferable to any person except after notice to the *Department*. The *Department* may require modification or revocation and reissuance of this *SPDES general permit* to change the responsible party and incorporate such other requirements as may be necessary.

Part VII. MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL

A. Traditional Land-Use Control MS4 Minimum Control Measures (MCMs)

These MCMs apply to *traditional land use control MS4s* (cities, towns, villages). The SWMP for these *small MS4s* must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the *State* and EPA.

Continuing covered entities were required to develop a SWMP with the MCM requirements below by January 8, 2008 (if authorized by GP-02-02) and within three years of gaining coverage (if authorized by GP-0-10-002). Under this *SPDES general permit*, the continuing *covered entities* are required to implement their SWMP, including the MCM requirements below. Notwithstanding any sooner deadlines contained elsewhere within this permit, newly regulated *covered entities* are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

For each of the elements of the SWMP plan, the *covered entity* must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

The *covered entity* may *develop* (for newly authorized MS4s) and /or *implement* their SWMP within their jurisdiction on their own. The *covered entity* may also *develop* (for newly authorized MS4s) and / or *implement* part or all of their SWMP through an intermunicipal program with another *covered entity(s)* or through other cooperative or contractual agreements with third parties that provide services to the *covered entities*.

1. Public Education and Outreach - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;
- b. *Develop* (for newly authorized MS4s) and *implement* an ongoing public education and outreach program designed to describe to the general public and target audiences:
 - i. the impacts of *stormwater discharges* on waterbodies;
 - ii. *POCs* and their sources;
 - iii. steps that contributors of these pollutants can take to reduce pollutants in *stormwater runoff*; and

(Part VII.A.1.b.)

- iv. steps that contributors of non-*stormwater discharges* can take to reduce pollutants (non-*stormwater discharges* are listed in Part I.A.2);
- c. *Develop (for newly authorized MS4s), record, periodically assess, and modify as needed, measurable goals;* and
- d. Select and implement appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- e. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. list education / outreach *activities* performed for the general public and target audiences and provide any results (for example, number of people attended, amount of materials distributed, etc.);
 - ii. *covered entities* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for public employees, businesses, and the general public, as required by Part VII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6; andTo facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by,
 - iii. report on effectiveness of program, *BMP* and *measurable goal* assessment; and
 - iv. maintain records of all training activities.
- f. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**

(Part VII.A.1.f.i.)

Complete in Year 1 (report changes in Year 2 and 3 as needed):

- list (and describe if necessary) *POCs*;
- *development* of education and outreach program and *activities* for the general public and target or priority audiences that address *POCs*, geographic areas of concern, and / or *discharges to 303(d) / TMDL* waterbodies;
- *covered entities* developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for public employees, businesses, and the general public for IDDE, as required by Part VII.A.3;
 - Construction site stormwater control training planned or completed, as required by Part VII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6;

To facilitate shared annual reporting, if the education and outreach activities above are developed by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.

ii. **program implementation reporting** as set forth in Part VII.A.1(e) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

2. Public Involvement / Participation - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Comply with the *State Open Meetings Law* and local public notice requirements, such as *Open Meetings Law*, when implementing a public involvement / participation program;
- b. *Develop (for newly authorized MS4s)* and *implement* a public involvement/participation program that:
 - i. identifies key individuals and groups, public and private, who are interested in or affected by the *SWMP* ;

(Part VII.A.2.b.)

- ii. identifies types of input the *covered entity* will seek from the key individuals and groups, public and private, to support *development* and *implementation* of the SWMP program and how the input will be used; and
 - iii. describes the public involvement / participation activities the *covered entity* will undertake to provide program access to those who want it and to gather the needed input. The activities included, but are not limited to a water quality hotline (report spills, dumping, construction sites of concern, etc.), stewardship activities like stream cleanups, storm drain marking, and volunteer water quality monitoring;
 - iv. provide the opportunity for the public to participate in the *development, implementation, review, and revision* of the *SWMP*.
- c. **Local stormwater public contact.**
Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form;
- d. **Annual report presentation.**
Below are the requirements for the annual report presentation:
- i. prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done:
 - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board, such as planning, zoning or the town board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2); or
 - on the internet by:
 - making the annual report available to the public on a website;
 - providing the public the opportunity to provide comments on the internet or otherwise; and

(Part VII.A.2.d.i.)

- making available the opportunity for the public to request an open meeting to ask questions about and make comments on the report. If a public meeting is requested by 2 or more persons, the covered entity must hold such a meeting. However, the covered entity need only hold a public meeting once to satisfy this requirement.
- ii. provide public notice about the presentation, making public the following information when noticing the presentation in accordance with the local public notice requirements:
 - the placement of the annual report on the agenda of this meeting or location on the internet;
 - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* do provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
 - the date and time of the meeting or the date the annual report becomes available on the internet; and
 - the availability of the draft report for prior review prior to the public meeting or duration of availability of annual report on the internet;
- iii. the *Department* recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in the *covered entity's SWMP*;
- iv. include a summary of comments and (intended) responses with the final annual report. Changes made to the *SWMP* in response to comments should be described in the annual report; and
- v. ensure that a copy of the final report and, beginning in 2009, the *SWMP* plan are available for public inspection;
- e. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*

(Part VII.A.2.)

- f. Select and implement appropriate public involvement / participation *activities* and *measurable goals* to ensure the reduction of *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- g. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
 - ii. comments received and intended responses (as an attachment);
 - iii. public involvement / participation *activities* (for example stream cleanups including the number of people participating, the number of calls to a water quality hotline, the number and extent of storm drain stenciling); and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- h. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**
 - Complete for Year 1, 2 and 3:
 - annual report presentation information (date, time, attendees);
 - comments received and intended responses (as an attachment);
 - Complete by end of Year 2 (report changes by end of Year 3 as needed):
 - key stake holders identified;
 - *development* of public involvement / participation plan based on the *covered entity's* needs, *POCs*, target audiences, geographic areas of concern, *discharges* to *303(d)* / *TMDL* waterbodies; and
 - *development* of public involvement / participation *activities* (for example stream cleanups including the number of people participating, the number of calls to a dumping / water quality hotline, the number or percent of storm drains stenciled);
 - ii. **program *implementation* reporting**, as set forth in Part VII.A.2(g) above.
Commence *implementation* reporting after three year *development* period.
Implementation reporting may begin earlier if *implementation* begins during development period.

(Part VII.A.)

3. Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;*
- b. *Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:*
 - i. *the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;*
 - ii. *by March 9, 2010, the preliminary boundaries of the covered entity's storm sewersheds have been determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the covered entity's jurisdiction; and*
 - iii. *when grant funds are made available or for sewer lines surveyed during an illicit discharge track down, the covered entity's storm sewer system in accordance with available State and EPA guidance;*
- c. *Field verify outfall locations;*
- d. *Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;*
- e. *Map new outfalls as they are constructed or newly discovered within the urbanized area and additionally designated area;*
- f. *Prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the State's model IDDE local law ANYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems. The mechanism must be certified by the attorney representing the small MS4 as being equivalent to the State's model illicit discharge local law. Laws adopted during the GP-02-02 permit cycle must also be attorney-certified as effectively assuring implementation of the State's model IDDE law;*

(Part VII.A.3.)

- g. *Develop (for newly authorized MS4s) and implement* a program to detect and address non-stormwater *discharges*, including illegal dumping, to the *small MS4* in accordance with current assistance and guidance documents from the State and EPA. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating *illicit discharges* (trackdown); procedures for eliminating *illicit discharges*; and procedures for documenting actions;
- h. Inform public employees, businesses, and the general public of the hazards associated with illegal *discharges* and improper disposal of waste, and maintain records of notifications;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary;
- j. *Develop (for newly authorized MS4s)*, record, periodically assess, and modify as needed, *measurable goals*; and
- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- l. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and percent of *outfalls* mapped;
 - ii. number of *illicit discharges* detected and eliminated;
 - iii. percent of outfalls for which an outfall reconnaissance inventory has been performed. ;
 - iv. status of system mapping;
 - v. activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal *discharges* and improper disposal of waste;
 - vi. 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
 - vii. report on effectiveness of program, *BMP* and *measurable goal* assessment.

(Part VII.A.3.)

m. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

i. **program development deadlines and reporting:**

Complete in Year 1 (revise in Year 2 and 3 if changes are made):

- describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program;
- describe priority areas of concern, available equipment, staff, funding, etc.; Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):

- describe procedures for identifying and locating *illicit discharges* (trackdown);
- describe procedures for eliminating *illicit discharges*;
- describe procedures for enforcing against illicit dischargers;
- describe procedures for documenting actions;
- describe the program being developed for informing public employees, businesses, and the general public of hazards associated with illegal *discharges* and improper disposal of waste;

Initiate by end of Year 1; complete by end of Year 3:

- regulatory mechanism status development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the *State's* model IDDE law (if not already completed and submitted with an earlier report);

Initiate by end of Year 2; complete by end of Year 3:

- number and percent of *outfalls* mapped; and

Complete by Year 3:

- *outfall* map.

ii. **program implementation reporting** as set forth in Part VIII.A.3(I) above.

Commence *implementation* reporting after three year *development* period.

Implementation reporting may begin earlier if *implementation* begins during development period.

4. Construction Site Stormwater Runoff Control - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop* (for newly authorized MS4s), *implement*, and enforce a program that:

(Part VII.A.4.a.)

- i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001 or GP-0-15-002), unless more stringent requirements are contained within this *SPDES general permit*;
- ii. addresses *stormwater* runoff to the *small MS4* from *construction activities* that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from *construction activity* disturbing less than one acre must be included in the program if:
 - that *construction activity* is part of a *larger common plan of development or sale* that would disturb one acre or more; or
 - if controlling such activities in a particular watershed is required by the *Department*;
- iii. includes a law, ordinance or other regulatory mechanism 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:
 - this mechanism must be equivalent to one of the versions of the ANYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control; and
 - equivalence must be documented
 - by adoption of one of the sample local laws without changes;
 - by using the NYSDEC Gap Analysis Workbook; or
 - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario, certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws.
- iv. contains requirements for construction site operators to implement erosion and sediment control management practices;
- v. allows for sanctions to ensure compliance to the extent allowable by State law;
- vi. contains 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 that may cause adverse impacts to water quality, pursuant to the requirement of construction permit;
- vii. describes procedures for *SWPPP* review with consideration of potential water quality impacts and review of individual *SWPPPs* to ensure consistency with *State* and local sediment and erosion control requirements;

(Part VII.A.4.a.vii.)

- ensure that the individuals performing the reviews are adequately trained and understand the *State* and local sediment and erosion control requirements;
 - all *SWPPPs* must be reviewed for sites where the disturbance is one acre or greater; and
 - after review of *SWPPPs*, the *covered entity* must utilize the AMS4 *SWPPP Acceptance Form* created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity when notifying construction site owner / operators that their plans have been accepted by the *covered entity*;
- viii. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff;
- ix. describes 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 the construction activity, topography, and the characteristics of soils and receiving water;
- the *covered entity* must ensure that the individual(s) performing the inspections are adequately trained and understand the *State* and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a *Department* sponsored or approved training;
 - all sites must be inspected where the disturbance is one acre or greater;
 - *covered entities* must determine that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the *Department* by performing a final site inspection themselves or by accepting the Qualified Inspector's final inspection certification(s) required by the SPDES General Permit for Stormwater Discharges from Construction Activity. The principal executive officer, ranking elected official, or duly authorized representative (see Part VI.J.) shall document their determination by signing the "MS4 Acceptance" statement on the NOT.
- x. educates construction site owner / operators, design engineers, *municipal* staff and other individuals to whom these regulations apply about the *municipality's* construction *stormwater* requirements, when construction *stormwater* requirements apply, to whom they apply, the procedures for submission of *SWPPPs*, construction site inspections, and other procedures associated with control of construction stormwater;

(Part VII.A.4.a.)

- xi. ensures that construction site operators have received erosion and sediment control training before they do work within the *covered entity's* jurisdiction and maintain records of that training. Small home site construction (construction where the Erosion and Sediment Control Plan is developed in accordance with Appendix E of the ANew York Standards and Specifications for Erosion and Sediment Control¹⁰) is exempt from the requirements below:
 - training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
 - the *covered entity* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the *covered entity* may ask for a certificate of completion or other such proof of training; and
 - the *covered entity* may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application;
- xii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- xiii. *develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
- xiv. select and appropriate construction *stormwater BMPs and measurable goals* to ensure the reduction of all *POCs in stormwater discharges* to the *MEP*.

Required SWMP Reporting

- b. **Program implementation reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number of *SWPPPs* reviewed;
 - ii. number and type of enforcement actions;
 - iii. percent of active construction sites inspected once;
 - iv. percent of active construction sites inspected more than once;
 - v. number of construction sites authorized for disturbances of one acre or more; and
 - vi. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- c. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

(Part VII.A.4.c.)

i. program *development* deadlines and reporting:

Initiate by end of Year 1:

- procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;

Complete in Year 1 (revise in Year 2 and 3 if changes are made):

- describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel;

Initiate by end of Year 1; complete by end of Year 3:

- regulatory mechanism development and adoption status - by end of Year 3 certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);

Initiate by end of Year 2; complete by end of Year 3:

- describe procedures for SWPPP review that incorporate consideration of potential water quality impacts and ensure consistency with local sediment and erosion control requirements;
- describe procedures for construction site inspections; and
- describe procedures for enforcement of control measures and sanctions to ensure compliance.

ii. program *implementation* reporting as set forth in Part VII.A.4(b) above.

Commence *implementation* reporting after three year *development* period.

Implementation reporting may begin earlier if *implementation* begins during development period.

5. Post-Construction Stormwater Management - SWMP Development/Implementation

At a minimum, all *covered entities* must:

a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:

- i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001, or GP-0-15-002), unless more stringent requirements are contained within this *SPDES general permit*;
- ii. addresses *stormwater* runoff from new development and redevelopment projects to the *small MS4* from projects that result in a land disturbance of greater than or

(Part VII.A.5.a.ii.)

equal to one acre. Control of *stormwater discharges* from projects of less than one acre must be included in the program if:

- that project is part of a *larger common plan of development or sale*; or
- if controlling such activities in a particular watershed is required by the *Department*;

iii. includes a law, ordinance or other regulatory mechanism to require post construction runoff controls from new development and re-development projects to the extent allowable under *State* law that meet the *State's* most current technical standards:

- the mechanism must be equivalent to one of the versions of the *NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control*; and
- equivalence must be documented
 - by adoption of one of the sample local laws without changes;
 - by using the NYSDEC Gap Analysis Workbook; or
 - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario and certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws;

iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the *discharge* of pollutants to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider principles of *Low Impact Development* (LID), *Better Site Design* (BSD), and other *Green Infrastructure* practices to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider smart growth principles, natural resource protection, impervious area reduction, maintaining natural hydrologic conditions in developments, riparian buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils.

- *covered entities* are required to review according to the *Green Infrastructure* practices defined in the Design Manual at a site level, and are encouraged to review, and revise where appropriate, local codes and laws that include provisions that preclude green infrastructure or construction techniques that minimize or reduce pollutant loadings.

(Part VII.A.5.a.iv.)

- if a *stormwater* management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then *MEP* will be assumed to be met for post-construction *stormwater* discharged by the practice;
- v. describes procedures for *SWPPP* review with consideration of potential water quality impacts and review of individual *SWPPPs* to ensure consistency with state and local post-construction *stormwater* requirements;
 - ensure that the individuals performing the reviews are adequately trained and understand the *State* and local post construction *stormwater* requirements;
 - ensure that the individuals performing the reviews for *SWPPPs* that include post-construction stormwater management practices are *qualified professionals* or under the supervision of a *qualified professional*;
 - all *SWPPPs* must be reviewed for sites where the disturbance is one acre or greater;
 - after review of *SWPPPs*, the *covered entity* must utilize the AMS4 *SWPPP* Acceptance Form created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) when notifying construction site owner / operators that their plans have been accepted by the *covered entity*;
 - utilize available training from sources such as Soil and Water Conservation Districts, Planning Councils, The New York State Department of State, USEPA, and/or the *Department* to educate municipal boards and Planning and Zoning Boards on low impact development principles, better site design approach, and green infrastructure applications.
- vi. maintain an inventory of post-construction stormwater management practices within the *covered entities* jurisdiction. At a minimum, include practices discharging to the *small MS4* that have been installed since March 10, 2003, all practices owned by the *small MS4*, and those practices found to cause or contribute to water quality standard violations.
 - the inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, *SWPPP*, or other provided documentation; and dates and type of maintenance performed; and

(Part VII.A.5.a.)

- vii. ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspection to ensure that practices are performing properly.
 - The inspection shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, *SWPPP*, or other maintenance information) for the practice. *Covered entities* are not required to collect *stormwater* samples and perform specific chemical analysis;

viii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the *Department*. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:

- Ensure that offset exceeds a standard reduction by factor of at least 2
- Offset is implemented within the same watershed
- Proposed offset addresses the POC of the watershed
- Tracking system is established for the watershed
- Mitigation is applied for retrofit or redevelopment
- Offset project is completed prior to beginning of the proposed construction
- A legal mechanism is established to implement the banking and credit system

b. *Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;*

c. *Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and*

d. *Select and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.*

(Part VII.A.5.)

Required SWMP Reporting

- e. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number of *SWPPPs* reviewed;
 - ii. number and type of enforcement actions;
 - iii. number and type of post-construction stormwater management practices inventoried;
 - iv. number and type of post-construction stormwater management practices inspected;
 - v. number and type of post-construction stormwater management practices maintained;
 - vi. regulatory mechanism status - certification that regulatory mechanism is equivalent to one of the ANYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control[®] (if not already done); and
 - vii. report on effectiveness of program, BMP and measurable goal assessment, and implementation of a banking and credit system, if applicable;

- f. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**
 - Initiate by end of Year 1; complete by end of Year 3:
 - regulatory mechanism development and adoption status - by end of Year 3 certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);

 - Initiate by end of Year 2; complete by end of Year 3:
 - procedures for *SWPPP* review to ensure that post-construction stormwater management practices meet the most current version of the state technical standards;
 - procedures for inspection and maintenance of post-construction management practices;
 - procedures for enforcement and penalization of violators; and

 - Complete by the end of year 3:

(Part VII.A.5.f.i.)

- provide resources for the program to inspect new and re-development sites and for the enforcement and penalization of violators.
- ii. **program *implementation* reporting** as set forth in Part VII.A.5(e) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

6. Pollution Prevention/Good Housekeeping For Municipal Operations - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s) and implement* a pollution prevention / good housekeeping program for *municipal* operations and facilities that:
 - i. addresses *municipal* operations and facilities that contribute or potentially contribute *POCs* to the *small MS4* system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other;
 - ii. at a minimum frequency of once every three years, perform and document a self assessment of all municipal operations addressed by the SWMP to:
 - determine the sources of pollutants potentially generated by the *covered entity's* operations and facilities; and
 - identify the *municipal* operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;
 - iii. determines *management practices*, policies, procedures, etc. that will be *developed* and *implemented* to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the ANYS Pollution Prevention and Good Housekeeping Assistance Document[®] and other guidance materials available from the EPA, *State*, or other organizations;
 - iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and *covered entity's* capabilities;

(Part VII.A.6.a.)

- v. addresses pollution prevention and good housekeeping priorities;
 - vi. includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training;
 - vii. requires third party entities performing contracted services, including but not limited to street sweeping, snow removal, lawn / grounds care, etc., to meet permit requirements as the requirements apply to the activity performed ; and
 - viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multi-sector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to the MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of existing islands in parking lots with rain gardens, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.
 - c. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
 - d. Select and implement appropriate pollution prevention and good housekeeping *BMPs and measurable goals* to ensure the reduction of all *POCs in stormwater discharges* to the *MEP*.
 - e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

Required SWMP Reporting

- f. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). *Covered entities* are required to report on

(Part VII.A.6.f.)

all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

- i. indicate the *municipal* operations and facilities that the pollution prevention and good housekeeping program assessed;
- ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *covered entity's* pollution prevention and good housekeeping program addressed during the reporting year:

- S acres of parking lot swept;
- S miles of street swept;
- S number of catch basins inspected and, where necessary, cleaned;
- S post-construction control stormwater management practices inspected and, where necessary, cleaned;
- S pounds of phosphorus applied in chemical fertilizer
- S pounds of nitrogen applied in chemical fertilizer; and
- S acres of pesticides / herbicides applied.

- iii. staff training events and number of staff trained; and
- iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VII.A.6.a(ii), the *covered entity* shall report on items that will demonstrate program effectiveness.

- g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

- i. **program development deadlines and reporting** (first three years after authorization is granted):
Complete by end of Year 1:
 - identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
 - describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);

(Part VII.A.6.g.i.)

- describe management practices, policies, procedures, etc. that will be developed or modified;
- identify the staff and equipment available;

Initiate by end of Year 2; complete by end of Year 3:

- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained; and

Complete by end of Year 3:

- description of developed management practices.

- ii. **program *implementation* reporting** as set forth in Part VII.A.6.(d) above. Commence reporting after three year *development* permit. *Implementation* reporting may begin earlier if *implementation* begins during development period.

PART VIII. MINIMUM CONTROL MEASURES - TRADITIONAL NON-LAND USE CONTROL AND NON-TRADITIONAL MS4s

A. Traditional Non-Land Use Control and Non-traditional MS4 Minimum Control Measures (MCMs)

These MCMs apply to *traditional non-land use control MS4s* and *non-traditional MS4s*. The SWMP for these *small MS4s* must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the *State* and EPA.

Under this *SPDES general permit*, the continuing *covered entities* are required to implement their SWMP, including the MCM requirements below. Newly regulated covered entities are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

The *covered entity* may *develop (for newly authorized MS4s)* and / or *implement* their SWMP within their jurisdiction on their own. The *covered entity* may also *develop (for newly authorized MS4s)* and / or *implement* part or all of their SWMP through an intermunicipal program with another *covered entity(s)* or through other cooperative or contractual agreements with third parties that provide services to the *covered entity(s)*.

For each of the elements of the SWMP plan, the *covered entity* must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

To comply with the requirements of this *SPDES general permit*, the *traditional non-land use control MS4s* and *non-traditional MS4s* should consider their public to be the employee / user population, visitors, or contractors / developers. Examples of the public include, but are not limited to:

- transportation *covered entities* - general public using or living along transportation systems, staff, contractors;
- educational *covered entities* - faculty, other staff, students, visitors;
- other government *covered entities* - staff, contractors, visitors.

1. Public Education and Outreach on Stormwater Impacts SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;

(Part VIII.A.1.)

- b. *Develop (for newly authorized MS4s) and implement* an ongoing public education and outreach program designed to describe:
 - i. the impacts of *stormwater discharges* on waterbodies;
 - ii. *POCs* and their sources;
 - iii. steps that contributors of these pollutants can take to reduce pollutants in *stormwater* runoff; and
 - iv. steps that contributors of *non-stormwater discharges* can take to reduce pollutants (*non-stormwater discharges* are listed in Part I.A.2);

- c. Educational materials may be made available at, locations including, but not limited to:
 - i. at service areas, lobbies, or other locations where information is made available;
 - ii. at staff training;
 - iii. on *covered entity's* website;
 - iv. with pay checks; and
 - v. in employee break rooms;

- d. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*

- e. Select and implement appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- f. At a minimum, the *covered entity* shall report on the items below:
 - i. list education / outreach *activities* performed and provide any results (number of people attended, amount of materials distributed, etc.);
 - ii. education of the public about the hazards associated with illegal *discharges* and improper disposal of waste as required by Part VIII.A.3, may be reported in this section;
 - iii. *covered entity's* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for the public, as required by Part VIII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VIII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6;

To facilitate shared annual reporting, if the education and outreach activities

(Part VIII.A.1.f.iii.)

- above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by;
- iv. report on effectiveness of program, *BMP* and *measurable goal* assessment; and
 - v. maintain records of all training activities
- g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. **program development deadlines and reporting:**
Complete in Year 1 (report changes in Year 2 and 3 as needed):
 - list (and describe if necessary) POCs;
 - *development* of education and outreach program and activities for the public that address *POCs*, geographic areas of concern, and / or *discharges to 303(d) / TMDL* waterbodies;
 - *covered entities* developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for the public, as required by Part VIII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VIII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6.

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.
 - ii. **Program implementation reporting** as set forth in Part VIII.A.1(f) above.
Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

2. Public Involvement/Participation - SWMP Development / Implementation

At a minimum, all *covered entities* must:

(Part VIII.A.2.)

- a. Comply with *State* and local public notice requirements identified below when implementing a public involvement / participation program:
 - i. *traditional non-land use control MS4s* shall comply with the *State Open Meetings Law* and local public notice requirements, such as *Open Meetings Law*; and
 - ii. *traditional non-land use control MS4s* and *non-traditional MS4s* may comply with this requirement by determining who their public is (staff, visitors, contractors, etc.) and posting notifications (as needed) in areas viewable by the public. Such areas include common areas, bulletin boards, agency/office web pages, etc. For *small MS4s* whose public are in multiple locations, notifications shall be made available to the public in all locations within the urbanized or additionally designated areas;
- b. Provide the opportunity for the public to participate in the *development, implementation, review, and revision* of the *SWMP*;
- c. **Local stormwater public contact.**

Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form;
- d. **Annual report presentation.**

Below are the requirements for the annual report presentation:

 - i. prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions and make comments on the report. This can be done:
 - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2); or
 - on the internet by:
 - making the annual report available to the public on a website:
 - providing the public the opportunity to provide comments on the internet or otherwise; and

(Part VIII.A.2.d.i.)

- making available the opportunity for the public to request an open public meeting to ask questions about and make comments on the report;
- ii. *traditional non-land use control MS4s* must comply with Part VIII.A.2.(d)(i) above. If they choose to present the draft annual report at a meeting, it may be presented at an existing meeting (e.g. a meeting of the Environmental Management Council , Water Quality Coordinating Committee, other agencies, or a meeting specifically for stormwater), or made available for review on the internet. The *covered entity* must make public the following information when noticing the presentation in accordance with *Open Meetings Law* or other local public notice requirements:
- the placement of the annual report on the agenda of this meeting or location on the internet;
 - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
 - the date and time of the meeting or date annual report becomes available on the internet; and
 - the availability of the draft report for review prior to the public meeting or duration of availability of the annual report on the internet;
- iii. *non-traditional MS4s* typically do not have regular meetings during which a presentation on the annual report can be made. Those *covered entities* may comply with this requirement by either:
- noticing the availability of the report for public comment by posting a sign, posting on web site, or other methods with information about the availability and location where the public can view it and contact information for those that read the report to submit comments; or
 - following the internet presentation as explained in Part VIII.A.2(d)(i) above;
- iv. the *Department* recommends that announcements be sent directly to individuals (public and private interested parties) known to have a specific interest in the covered entity's *SWMP*;

(Part VIII.A.2.d.)

- v. include a summary of comments and intended responses with the final annual report. Changes made to the *SWMP* in response to comments should be described in the annual report; and
- vi. ensure that a copy of the final report and, beginning in 2009, the *SWMP* plan are available for public inspection;
- e. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
- f. Select and implement appropriate public involvement / participation *activities* and *measurable goals* to ensure the reduction of all of the *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- g. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
 - ii. comments received and intended responses (as an attachment); and
 - iii. report on effectiveness of program, *BMP* and *measurable goal* assessment;
- h. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program development deadlines and reporting:**
Complete for Year 1, 2, and 3:
 - annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment; and
 - comments received and intended responses (as an attachment).
 - ii. **program *implementation* reporting** as set forth in Part VIII.A.2.g above.
Commence *implementation* reporting after three year *development* period.
Implementation reporting may begin earlier if *implementation* begins during development period.

3. Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation

At a minimum, all *covered entities* must:

(Part VIII.A.3.)

- a. *Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;*
- b. *Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:*
 - i. *the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;*
 - ii. *by March 9, 2010, the preliminary boundaries of the covered entity's storm sewersheds determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate trackdown), and additionally designated area within the covered entity's jurisdiction; and*
 - iii. *when grant funds are made available or for sewer lines surveyed during an illicit discharge trackdown, the covered entity's storm sewer system in accordance with available State and EPA guidance;*
- c. *Field verify outfall locations;*
- d. *Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;*
- e. *Map new outfalls as they are constructed or discovered within the urbanized area or additionally designated area;*
- f. *Prohibit illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions below, as applicable:*
 - i. *for traditional non-land use control MS4s:*
 - *effectively prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions; and*
 - *the law, ordinance, or other regulatory mechanism must be equivalent to the State's model IDDE local law ANYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems developed by the State, as determined and certified to be equivalent by the attorney representing the small MS4 ; and*

(Part VIII.A.3.f.)

- ii. for *non-traditional MS4s*:
 - prohibit and enforce against *illicit discharges* through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for the *covered entity's IDDE* program; and
 - the mechanisms and directive must be equivalent to the *State's* model illicit discharge local law;
- g. *Develop (for newly authorized MS4s) and implement* a program to detect and address non-stormwater *discharges*, including illegal dumping, to the *small MS4*. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating *illicit discharges* (trackdown); procedures for eliminating *illicit discharges*; and procedures for documenting actions;
- h. Inform the public of the hazards associated with illegal *discharges* and the improper disposal of waste;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary and maintain records of notification;
- j. *Develop (for newly authorized MS4s)*, record, periodically assess, and modify as needed, *measurable goals*; and
- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*

Required SWMP Reporting

- l. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and percent of *outfalls* mapped;

(Part VIII.A.3.I.)

- ii. number of *illicit discharges* detected and eliminated;
 - iii. percent of outfalls for which an outfall reconnaissance inventory has been performed. ;
 - iv. status of system mapping;
 - v. activities to and results from informing the public of hazards associated with illegal *discharges* and improper disposal of waste;
 - vi. for traditional non-land use control MS4s, regulatory mechanism status - certification that law is equivalent to the *State's* model *IDDE* local law (if not already completed and submitted with a prior annual report); and
 - vii. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- m. Required reporting for **newly authorized covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. **program development deadlines and reporting:**
 - Initiate by end of Year 1; complete by end of Year 3:
 - regulatory mechanism development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the *State's* model *IDDE* local law (traditional non-land use control MS4s) or certification of equivalence may be accomplished as set forth in Part VIII.A.3(f)(ii).
 - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
 - describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for *IDDE* program;
 - describe priority areas of concern, available equipment, staff, funding, etc.;
 - Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):
 - describe procedures for identifying and locating *illicit discharges* (trackdown);
 - describe procedures for eliminating *illicit discharges*;
 - describe procedures for enforcing against illicit dischargers;
 - describe procedures for documenting actions;
 - describe the program being developed for informing the public of hazards associated with illegal *discharges* and improper disposal of waste;
 - Initiate by end of Year 2; complete by end of Year 3:
 - number and percent of *outfalls* mapped;

(Part VIII.A.3.m.i.)

Complete by Year 3:

- *outfall* map; and

- ii. **program implementation reporting** as set forth in Part VIII.A.3(l) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

4.

Construction Site Stormwater Runoff Control - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:
 - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this *SPDES general permit*;
 - ii. addresses *stormwater* runoff to the *small MS4* from *construction activities* that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from *construction activity* disturbing less than one acre must be included in the program if:
 - that *construction activity* is part of a *larger common plan of development or sale* that would disturb one acre or more; or
 - if controlling such activities in a particular watershed is required by the *Department*;
 - iii. incorporates mechanisms for construction runoff requirements from new development and redevelopment projects to the extent allowable under *State* and local law that meet the *State's* most current technical standards:
 - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned, under easement to, within the

(Part VIII.A.4.a.iii.)

- right-of-way of, or under the maintenance jurisdiction by the *covered entity* or within the maintenance jurisdiction of the MS4; and
- the mechanisms and directive must be equivalent to the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.
- iv. allows for sanctions to ensure compliance to the extent allowable by *State* law;
- v. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff;
- vi. educates construction site operators, design engineers, *municipal* staff and other individuals to whom these regulations apply about the construction requirements in the *covered entity's* jurisdiction, including the procedures for submission of *SWPPPs*, construction site inspections, and other procedures associated with control of construction stormwater;
- vii. Ensures that construction site contractors have received erosion and sediment control training, including the *trained contractors* as defined in the SPDES general permit for construction, before they do work within the *covered entity's* jurisdiction:
- training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
 - the *covered entity* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the *covered entity* may ask for a certificate of completion or other such proof of training; and
 - the *covered entity* may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application.
- viii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- ix. develop (*for newly authorized MS4s*), record, periodically assess and modify as needed *measurable goals*; and

(Part VIII.A.4.a.)

- x. select and implement appropriate construction stormwater *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- b. **Program *implementation* reporting for *continuing covered entities*** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and type of sanctions employed;
 - ii. status of regulatory mechanism - certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
 - iii. number of construction sites authorized for disturbances of one acre or more; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment.

- c. Reporting for ***newly regulated covered entities*** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **Program *development* deadlines and reporting:**
 - Initiate by end of Year 1:
 - procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;

 - Initiate by the end of Year 1; complete by the end of Year 3:
 - status of mechanism for construction runoff requirements - by end of Year 3 certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities; and

 - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
 - describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel.

 - ii. Program implementation reporting as set forth in Part VIII.A.4(b) above. Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

(Part VIII.A.)

5. Post-Construction Stormwater Management SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:
 - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this *SPDES general permit*;
 - ii. addresses *stormwater* runoff from new development and redevelopment projects to the *small MS4* from projects that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from projects of less than one acre must be included in the program if:
 - that project is part of a *larger common plan of development or sale*;
 - if controlling such activities in a particular watershed is required by the *Department*;
 - iii. incorporates enforceable mechanisms for post-construction runoff control from new development and re-development projects to the extent allowable under *State* or local law that meet the *State's* most current technical standards:
 - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned by the *covered entity* or within the maintenance jurisdiction of the MS4; and
 - the mechanisms and directive must assure compliance with the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
 - iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the *discharge* of pollutants to the MEP. In the development of environmental plans such as watershed plans, open space preservation programs, local laws, and ordinances covered entities must incorporate principles of *Low Impact Development (LID)*, *Better Site Design (BSD)* and other *Green Infrastructure* practices to the MEP.

(Part VIII.A.5.a.iv.)

Covered entities must consider natural resource protection, impervious area reduction, maintaining natural hydrologic condition in developments, buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils in the development of environmental plans.

- if a *stormwater* management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then *MEP* will be assumed to be met for the post construction *stormwater* discharged by the practice;
- v. establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the *small MS4* that have been installed since March 10, 2003, those owned by the small MS4, and those found to cause water quality standard violations.
 - the inventory shall include, at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, *SWPPP*, or other provided documentation; and dates and type of maintenance performed; and
- vi. ensures adequate long-term operation and maintenance of management practices by trained staff, including assessment to ensure that the practices are performing properly.
 - The assessment shall include the inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, *SWPPP*, or other maintenance information) for the practice. *Covered entities* are not required to collect *stormwater* samples and perform specific chemical analysis;
- vii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the *Department*. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:

(Part VIII.A.5.a.vii.)

- Ensures offset exceeds standard reduction by factor of at least 2
- Offset is implemented within the same watershed
- Proposed offset addresses the POC of the watershed
- Tracking system is established for the watershed
- Mitigation is applied for retrofit or redevelopment
- Offset project is completed prior to beginning the proposed construction
- A legal mechanism is established to implement the banking and credit system

b. *Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and employ sanctions;*

c. *Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and*

d. *Select and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.*

Required SWMP Reporting

e. Program *implementation* reporting for continuing *covered entities* (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

- i. number and type of sanctions;
- ii. number and type of post-construction stormwater management practices;
- iii. number and type of post-construction stormwater management practices inspected;
- iv. number and type of post-construction stormwater management practices maintained;
- v. status of regulatory mechanism, equivalent mechanism, that regulatory mechanism is equivalent; and
- vi. report on effectiveness of program, *BMP* and *measurable goal* assessment, and implementation of a banking and credit system, if applicable.

f. Program reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

(Part VIII.A.5.f.)

i. program *development* deadlines and reporting:

Initiate by end of Year 1; complete by end of Year 3:

- mechanism of post-construction stormwater management - by end of Year 3 certify that mechanisms will assure compliance with the NYS Construction General Permit (GP-0-15-002);

Initiate by end of Year 2; complete by end of Year 3:

- procedures for inspection and maintenance of post-construction management practices; and
- procedures for enforcement and penalization of violators;

ii. program *implementation* reporting as set forth in Part VIII.A.5(e). Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations
SWMP Development / Implementation**

At a minimum, all *covered entities* must:

a. *Develop* (for newly authorized MS4s) and *implement* a pollution prevention / good housekeeping program for *municipal* operations and facilities that:

- addresses municipal* operations and facilities that contribute or potentially contribute *POCs* to the *small MS4* system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification, or other;
- includes the performance and documentation of a self assessment of all municipal operations to:
 - determine the sources of pollutants potentially generated by the *covered entity's* operations and facilities; and
 - identify the *municipal* operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;

iii. determines *management practices*, policies, procedures, etc. that will be *developed* and *implemented* to reduce or prevent the discharge of (potential)

(Part VIII.A.6.a.iii.)

pollutants. Refer to *management practices* identified in the ANYS Pollution Prevention and Good Housekeeping Assistance Document or other guidance materials available from the EPA, the *State*, or other organizations;

- iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and *covered entity's* capabilities;
 - v. addresses pollution prevention and good housekeeping priorities;
 - vi. includes an employee pollution prevention and good housekeeping training program and ensure that staff receive and utilize training;
 - vii. requires third party entities performing contracted services, including but not limited to, street sweeping, snow removal, lawn / grounds care, etc., to make the necessary certification in Part IV.G; and
 - viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of the existing islands in parking lots with rain garden, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.
 - c. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and

(Part VIII.A.6.)

- d. Select and implement appropriate pollution prevention and good housekeeping *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.
- e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

Required SWMP Reporting

- f. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:
 - i. indicate the *municipal* operations and facilities that the pollution prevention and good housekeeping program assessed;
 - ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *covered entity's* pollution prevention and good housekeeping program addresses during the reporting year:
 - S acres of parking lot swept;
 - S miles of street swept;
 - S number of catch basins inspected and, where necessary, cleaned;
 - S post-construction control stormwater management practices inspected and, where necessary, cleaned;
 - S pounds of phosphorus applied in chemical fertilizer
 - S pounds of nitrogen applied in chemical fertilizer; and
 - S acres of pesticides / herbicides applied.
 - iii. staff training events and number of staff trained; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VIII.A.6.a(ii), the *covered entity* shall report on items that will demonstrate program effectiveness.
- g. Reporting for **newly regulated *covered entities*** (MS4s covered for less than 3 years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally*

(Part VIII.A.6.g.)

designated area) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

i. program *development* deadlines and reporting:

Complete by end of Year 1:

- identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
- describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);
- describe management practices, policies, procedures, etc. that will be developed or modified;
- identify the staff and equipment available;

Initiate by Year 2; complete Year 3:

- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained;

Complete by end of Year 3:

- description of developed management practices.

ii. program *implementation* reporting as set forth in Part VIII.A.6(d) above. Commence *implementation* reporting after three year *development* permit. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

Part IX. WATERSHED IMPROVEMENT STRATEGY REQUIREMENTS

The covered entities in the watershed improvement strategy areas must develop or modify their SWMP to address the additional watershed specific requirements to achieve the pollutant load reduction by the deadlines specified in Tables IX.A through D. The requirements contained in this Part are in addition to the applicable requirements in Part VII or VIII, depending on the type of MS4. The Pollutant Load Reductions are the reductions necessary from the discharge loads associated with MS4s that, when combined with reductions in the discharge loads from non-MS4s to the waterbody, will meet water quality standards. The calculated reductions are based on TMDL models and may be recalculated according to 40CFR Part 130.

The MS4 portion of the pollutant load reduction shall be achieved by implementation of BMPs required of all MS4s, reductions from implementation of additional BMPS for watershed improvement strategy areas including any retrofits required by this permit. These reductions are intended to be targeted and credited using models, loading factors and load reductions predicted based on the best scientific information available. In accordance with NYCRR Part 750-1.14, all covered entities that own or operate MS4s in the watershed improvement strategy areas shall submit to the Department progress reports, described in Part V.D, identifying the activities that have been performed during the period of March 10 through September 9 of each year, and demonstrating that progress is being made towards completion of the reduction requirements, as required by this Part.

The Pollutant Load Reduction Deadlines are deadlines by which the MS4 portion of the pollutant load reduction must be met. Watershed Improvement Strategy Deadlines are the deadlines by which the watershed improvement strategy requirements for addressing the POC are to be completed and implemented. Retrofit Plan Submission Deadlines are the deadlines by which the retrofit plan component of the watershed improvement strategies are submitted to the *Department* for review and approval.

Ultimately, the effectiveness of the load reductions in meeting water quality standards will be verified by ambient monitoring of the affected waterbody. Where ambient monitoring demonstrates consistent compliance with water quality standards, the covered entity may request that the *Department* suspend the additional BMP requirements to install stormwater retrofits.

(Part IX.)

A. New York City East of Hudson Watershed MS4s - (Mapped in Appendix 3)

Table IX.A - Pollutant Load Reduction and Timetable for New York City East of Hudson Phosphorus Watershed Improvement Strategy Area

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Load Allocation)	Pollutant Load Reduction Deadline
New York City East of Hudson Watershed	05/01/2011	03/09/ 2009 (single) and 12/ 31/2009 (RSE)	In accordance with the TMDL Implementation Plan	03/09/2019 (single) 12/31/2019 (RSE)

By the deadlines specified in Table IX.A, covered entities that own or operate MS4s within the listed watershed shall develop and implement the following pollutant specific BMPs. Covered entities that own or operate MS4s in these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the *POC*) on waterbodies. The program must identify potential sources of phosphorus in *stormwater* runoff and describe steps that contributors can take to reduce the concentration of this *POC* in *stormwater* runoff. The program must also describe steps that contributors of non-*stormwater* discharges (Part I.A.2) can take to reduce phosphorus.
- b. Develop, or acquire if currently available, specific educational material dealing with sources of phosphorus in *stormwater* and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the phosphorus issue;
 - ii. septic systems as a source of phosphorus;
 - iii. phosphorus concerns with fertilizer use;
 - iv. phosphorus concerns with grass clippings and leaves entering streets and storm sewers;
 - v. construction sites as a source of phosphorus; and

- vi. phosphorus concerns with detergent use.

2. Public Involvement/ Participation

No additional requirements proposed for this permit term.

3. Illicit Discharge Detection and Elimination

a. Mapping - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

Develop and maintain a map showing the entire *small MS4* conveyance system. The *covered entity* shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by January 8, 2013.

At a minimum, the map and/or supportive documentation for the conveyance system should include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24,000 or better.

b. On-site wastewater systems - applicable to *traditional land use control* and *traditional non-land use control MS4s*.

- *Develop, implement* and enforce a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Regular field investigations/inspections should be done in accordance with the most current

version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

4. Construction Site Stormwater Runoff Control- applicable to *traditional land use control MS4s*.

- a. *Develop, implement and enforce* a program to reduce pollutants in *stormwater* runoff to the *small MS4* from construction activities that result in a land disturbance of greater than or equal to five thousand (5000) square feet. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the development and implementation of:
 - i. by December 31, 2009, an ordinance or other regulatory mechanism that requires erosion and sediment controls designed in accordance with the most current version of the technical standard New York State Standards and Specifications for Erosion and Sediment Control for all construction activities that disturb between five thousand (5000) square feet and one acre of land. For construction activities that disturb between five thousand (5000) square feet and one (1) acre of land, one of the standard erosion and sediment control plans included in Appendix E (Erosion & Sediment Control Plan For Small Homesite Construction) of the New York Standards and Specifications for Erosion and Sediment Control may be used as the Stormwater Pollution Prevention Plan (SWPPP);
 - ii. policy and procedures for the *covered entity* to perform, or cause to be performed, compliance inspections at all sites with a disturbance of one (1) or more acres. By December 31, 2009, the *covered entity* shall have started performing, or cause to be performed, compliance inspections at all sites with a disturbance between five thousand (5000) square feet and one (1) acre of land;

5. Post-Construction Stormwater Management

- a. Construction stormwater program - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

(Part IX.A.5.a.)

Develop, *implement* and enforce a program to address post-construction *stormwater* runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre. This includes projects of less than one acre that are part of a larger common plan of development or sale. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the *development* and *implementation* of:

- i. a law or other mechanism that requires post-construction stormwater management controls designed in accordance with the most current version of the technical standards the New York State Stormwater Management Design Manual including the Enhanced Phosphorus Removal Design Standards. An MS4 must ensure that their ordinance or other mechanism requires post-construction stormwater management controls to be designed in accordance with the final version of the Enhanced Phosphorus Removal Design Standards by September 30, 2008.
- b. Retrofit program - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant phosphorus. At a minimum, the MS4 shall:

- i. establish procedures to identify sites with erosion and/or pollutant loading problems;
- ii. establish policy and procedures for project selection. Project selection should be based on the phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department, other covered entities, stakeholders and other interested parties*;
- iii. establish policy and procedures for project permitting, design, funding, construction and maintenance.

(Part IX.A.5.b.)

- iv. for covered entities that develop their own retrofit program, by March 9, 2009 develop and submit approvable plans with schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those schedules, the plans and schedules shall become enforceable requirements of this permit.
- v. pursuant to Part IV. B (Cooperation Between Covered entities Encouraged), retrofit projects can be completed in cooperation with other covered entities in the East of Hudson Watershed through the formation of a cooperative entity with other MS4s. Participating MS4s shall work with the Department and other members of the cooperative entity in implementing the requirements of i, ii and iii above. In addition, each covered entity that becomes a member of the cooperative entity shall work closely with the Department and other members of the cooperative entity to, by December 31, 2009, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6.

Pollution Prevention/Good Housekeeping For Municipal Operations- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. By December 31, 2009, develop and implement a Stormwater Conveyance System inspection and maintenance program. At a minimum, the program shall include the following:
 - i. policy and procedures for the inspection and maintenance of catch basin and manhole sumps. Catch basin and manhole sumps should be inspected in the early spring and late fall for sediment and debris build-up. If sediment and debris fills greater than 50% of the sump volume, the sump should be cleaned. All sediment and debris removed from the catch basins and manholes shall be properly disposed of;
 - ii. policy and procedures for the inspection, maintenance and repair of conveyance system *outfalls*. Beginning June 30, 2008, the MS4 must inspect 20% of their *outfalls* each year and make repairs as necessary. All outfall protection and/or bank stability problems identified during the inspection shall be corrected in accordance with the New York Standards and Specifications for Erosion and Sediment Control;

(Part IX.A.6.a.)

- iii. policy and procedures for the inspection, maintenance and repair of a *covered entity's* stormwater management practices. The inspection and maintenance schedule for all stormwater management practices shall assure continued operation of stormwater management practices; and
 - iv. develop a Corrective Action Plan for each Stormwater Conveyance System component that has been identified as needing repair. A file of all corrective actions implemented and *illicit discharges* detected and repaired should be maintained for a period of not less than five years.
- b. By December 31, 2010, develop and implement a turf management practices and procedures policy. The policy shall address the following:
- i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate;
 - ii. procedures for the proper disposal of grass clippings from municipally-owned lawns where grass clipping collection equipment is used. Grass clippings shall be disposed of in a compost pile or a proper containment device so that they cannot enter the *small MS4* or surface waters;
 - iii. procedures for the proper disposal of leaves from municipally-owned lands where leaves are collected. Leaves shall be disposed of in a compost pile or a proper containment device so that they cannot enter *small MS4s* or surface waters;
 - iv. for municipalities with lawn waste collection programs, the development of a curbside lawn waste management policy which ensures that lawn waste does not decay and release phosphorus to the storm sewer system; and
 - v. the planting of wildflowers and other native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

(Part IX.)

B. Other Phosphorus Watershed MS4s (Mapped in Appendices 4, 5, and 10)

Table IX.B - Pollutant Load Reduction and Timetable for Other Phosphorus Watershed Improvement Strategy Areas

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Waste Load Allocation %*)	Pollutant Load Reduction Deadline
Greenwood Lake	05/01/2011	03/09/2011	43* (load allocation)	03/09/2011
Onondaga Lake	TMDL approval + 3 years	TMDL approval + 3 years	TBD	TMDL approval + 13 years
Oscawana Lake	05/01/2013	Not Applicable	18	2020

By the deadlines specified in Table IX.B, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs for MS4 sewersheds discharging to the listed waterbody. Covered entities that own or operate MS4s in these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the POC) on waterbodies. The program must identify potential sources of Phosphorus in stormwater runoff and describe steps that contributors can take to reduce Phosphorus in stormwater runoff.
- b. develop, or acquire if currently available, specific educational material dealing with sources of Phosphorus in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the phosphorus issue;
 - ii. septic systems as a source of phosphorus; and
 - iii. phosphorus concerns with fertilizer use.

2. Public Involvement/ Participation

No additional requirements proposed for at this time.

3. Illicit Discharge Detection and Elimination applicable to *traditional land use control and traditional non-land use control MS4s, except within the Onondaga Lake Watershed.*

- a. *Develop, implement and enforce* a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five

years and, where necessary, maintained or rehabilitated. Conduct of regular field investigations/inspections should be done in accordance with the most current version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management, - applicable to *traditional land use, traditional non-land use control and non-traditional MS4s*.

- a. The *covered entity* must require the use of the AEnhanced Phosphorus Removal Design Standards in accordance with NYS Stormwater Design Manual;
- b. *Develop* and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Phosphorus. At a minimum, the MS4 shall:
 - i. establish procedures to identify sites with erosion and/or pollutant loading problems;
 - ii. establish policy and procedures for project selection. Project selection should be based on the Phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
 - iii. establish policy and procedures for project permitting, design, funding, construction and maintenance
 - iv. by the date specified for each watershed in the appropriate Watershed Improvement Strategy Requirement Table develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding

sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Develop a turf management practices and procedures policy. The policy should address the following:
 - i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate; and
 - ii. the planting of native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

(Part IX.)

C. Pathogen Impaired Watershed MS4s (Mapped in Appendix 6, 7 and 9)

Table IX.C - Pollutant Load Reduction and Timetable for Pathogen Impaired Watershed Improvement Strategy Areas

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Waste Load Allocation %)	Pollutant Load Reduction Deadline
Budds Pond*	05/01/2013	09/30/2012	61	09/30/2022
Stirling Creek*	05/01/2013	09/30/2012	28	09/30/2022
Town & Jockey Creeks*	05/01/2013	09/30/2012	76	09/30/2022
Goose Creek*	05/01/2013	09/30/2012	70	09/30/2022
Hashamomuck Pond, Zone HP-1*	05/01/2013	09/30/2012	77	09/30/2022
Hashamomuck Pond, Zone HP-2*	05/01/2013	09/30/2012	43	09/30/2022
Richmond Creek*	05/01/2013	09/30/2012	71	09/30/2022
Deep Hole Creek*	05/01/2013	09/30/2012	29	09/30/2022
James Creek*	05/01/2013	09/30/2012	51	09/30/2022
Flanders Bay	05/01/2012	03/09/2012	98	03/09/2021
Reeves Bay	05/01/2012	03/09/2012	97	03/09/2021
Sebonac Creek	05/01/2012	03/09/2012	58	03/09/2021
North Sea Harbor, Zone NSH-1	05/01/2012	03/09/2012	97	03/09/2021
North Sea Harbor, Zone NSH-2	05/01/2012	03/09/2012	62	03/09/2021
North Sea Harbor, Zone NSH-3	05/01/2012	03/09/2012	99	03/09/2021
North Sea Harbor, Zone NSH-5	05/01/2012	03/09/2012	74	03/09/2021
Wooley Pond	05/01/2012	03/09/2012	97	03/09/2021
Noyac Creek, Zone NC-1	05/01/2012	03/09/2012	64	03/09/2021
Sag Harbor, Zone SH-2*	05/01/2013	09/30/2012	50	09/30/2022
Northwest Creek*	05/01/2013	09/30/2012	76	09/30/2022
Acabonac Harbor, Zone AH-2*	05/01/2013	09/30/2012	42	09/30/2022
Acabonac Harbor, Zone AH-3*	05/01/2013	09/30/2012	85	09/30/2022
Acabonac Harbor, Zone AH-4*	05/01/2013	09/30/2012	81	09/30/2022
Acabonac Harbor, Zone AH-5*	05/01/2013	09/30/2012	87	09/30/2022
Montauk Lake, Zone LM-1*	05/01/2013	09/30/2012	52	09/30/2022
Montauk Lake, Zone LM-2*	05/01/2013	09/30/2012	52	09/30/2022
Montauk Lake, Zone LM-3*	05/01/2013	09/30/2012	48	09/30/2022
Little Sebonac Creek	05/01/2012	03/09/2012	70	03/09/2021
Oyster Bay (Harbor 2)	05/01/2012	03/09/2012	20	03/09/2021
Oyster Bay (Harbor 3)	05/01/2012	03/09/2012	90	03/09/2021

*Additionally Designated Area

Watershed	Watershed Improvement Strategy Deadline	First Retrofit Plan Submission Deadline	Pollutant Reduction (Waste Load Allocation %)	Pollutant Load Reduction Deadline
Hempstead Harbor, north, and tidal tributaries	05/01/2013	09/30/2012	95	09/30/2022
Cold Spring Harbor, and tidal tributaries, Inner	05/01/2013	09/30/2012	95	09/30/2022
Cold Spring Harbor, Eel Creek	05/01/2013	09/30/2012	90	09/30/2022
Huntington Harbor	05/01/2013	09/30/2012	89	09/30/2022
Centerport Harbor	05/01/2013	09/30/2012	91	09/30/2022
Northport Harbor	05/01/2013	09/30/2012	92	09/30/2022
Stony Brook Harbor and West Meadow Creek	05/01/2013	09/30/2012	99	09/30/2022
Stony Brook Creek	05/01/2013	09/30/2012	99	09/30/2022
Stony Brook Yacht Club	05/01/2013	09/30/2012	48	09/30/2022
Port Jefferson Harbor, North and tribs	05/01/2013	09/30/2012	94	09/30/2022
Conscience Bay and tidal tribs	05/01/2013	09/30/2012	99	09/30/2022
Setauket Harbor, Little Bay	05/01/2013	09/30/2012	84	09/30/2022
Setauket Harbor, East Setauket	05/01/2013	09/30/2012	79	09/30/2022
Setauket Harbor, Poquot	05/01/2013	09/30/2012	100	09/30/2022
Mt. Sinai Harbor, Crystal Brook	05/01/2013	09/30/2012	88	09/30/2022
Mt. Sinai Harbor, Inner Harbor	05/01/2013	09/30/2012	96	09/30/2022
Mt. Sinai Harbor, Pipe Stave Hollow	05/01/2013	09/30/2012	93	09/30/2022
Mattituck Inlet/Creek, Low, and tidal tributaries	05/01/2013	09/30/2012	64	09/30/2022
Goldsmith Inlet	05/01/2013	09/30/2012	91	09/30/2022
West Harbor - Darby Cove	05/01/2013	09/30/2012	41	09/30/2022
Georgica Pond, Upper	05/01/2013	09/30/2012	93	09/30/2022

Georgica Pond, Lower	05/01/2013	09/30/2012	93	09/30/2022
Georgica Pond Cove	05/01/2013	09/30/2012	92	09/30/2022
Sagaponack Pond	05/01/2013	09/30/2012	88	09/30/2022
Mecox Bay and tributaries	05/01/2013	09/30/2012	89	09/30/2022
Heady Creek and tributaries	05/01/2013	09/30/2012	88	09/30/2022
Taylor Creek and tributaries	05/01/2013	09/30/2012	52	09/30/2022
Penny Pond	05/01/2013	09/30/2012	31	09/30/2022
Weesuck Creek and tidal tributaries	05/01/2013	09/30/2012	37	09/30/2022
Penniman Creek and tidal tributaries	05/01/2013	09/30/2012	32	09/30/2022
Ogden Pond	05/01/2013	09/30/2012	28	09/30/2022
Quantuck Bay-Quantuck Creek	05/01/2013	09/30/2012	91	09/30/2022
Quantuck Canal/Moneybogue Bay	05/01/2013	09/30/2012	62	09/30/2022
Seatuck Cove	05/01/2013	09/30/2012	94	09/30/2022
Harts Cove	05/01/2013	09/30/2012	12	09/30/2022
Narrow Bay	05/01/2013	09/30/2012	16	09/30/2022
Bellport Bay, Beaver Dam Creek	05/01/2013	09/30/2012	94	09/30/2022
Bellport Bay, West Cove	05/01/2013	09/30/2012	94	09/30/2022
Patchogue Bay, Swan River	05/01/2013	09/30/2012	90	09/30/2022
Patchogue Bay, Mud Creek	05/01/2013	09/30/2012	71	09/30/2022

By the deadlines specified in Table IX.C, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs in MS4 sewersheds discharging to the listed waters. Covered entities who own or operate MS4s within these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

(Part IX.C)

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*

a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Pathogens (the *POC*) on waterbodies. The program must identify potential sources of Pathogens in *stormwater* runoff and describe steps that contributors can take to reduce the Pathogens in *stormwater* runoff. The program must also describe steps that contributors of non-*stormwater discharges* can take to reduce Pathogens.

b. *Develop*, or acquire if currently available, specific educational material dealing with sources of Pathogens in *stormwater* and pollutant reduction practices. At a minimum, the educational material should address the following topics:

i. where, why, and how Pathogens pose threats to the environment and to the community;

ii. septic systems, geese and pets as a source of pathogens;

iii. dissemination of educational materials / surveys to households/businesses in proximity to Pathogen *TMDL* waterbodies; and

iv. education for livestock / horse boarders regarding manure *BMPs*.

2. Public Involvement / Participation

No additional requirements proposed at this time.

3. Illicit Discharge Detection and Elimination, SWMP Development / Implementation- Mapping applicable to *traditional land use control and traditional non-land use control MS4s*.

a. Develop, implement, and enforce a program to detect and eliminate discharges to the municipal separate storm sewer system from on-site sanitary systems in areas where factors such as shallow groundwater, low infiltrative soils, historical on-site sanitary system failures, or proximity to pathogen-impaired waterbodies, indicate a reasonable likelihood of system discharge.

In such areas, ensure that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Conduct regular field investigations/inspections in accordance with the most current version of the EPA publication entitled Illicit Discharge

(Part IX.C.3.a)

Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant.

On-site sanitary system IDDE program development shall include the establishment of the necessary legal authority (such as new or revised local laws) for implementation and enforcement.

b. Develop and maintain a map showing the entire *small MS4* conveyance system. The *covered entity* shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce pollutant loading problems, with a particular emphasis placed on the pollutant Pathogens. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;

(Part IX.C.5.)

- b. establish policy and procedures for project selection. Project selection should be based on the Pathogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance
- d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects. Upon DEC approval of those plans and schedules and identification of funding sources, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations, - applicable to *traditional land use control* and traditional non-land use control MS4s.

- a. *Develop*, enact and enforce a local law prohibiting pet waste on municipal properties and prohibiting goose feeding.
- b. *Develop* and *implement* a pet waste bag program for collection and proper disposal of pet waste.
- c. *Develop* a program to manage goose populations.

(Part IX.)

D. Nitrogen Watershed MS4s (Mapped in Appendix 8)

Table IX.D - Pollutant Load Reduction and Timetable for Nitrogen Watershed Improvement Strategy Area

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Reduction (Load Allocation %)	Pollutant Load Reduction Deadline
Lower Peconic River & Tidal Tributaries	05/01/2011	03/09/2011	15	03/09/2021
Western Flanders Bay & Lower Sawmill Creek				
Meetinghouse Creek				
Terrys Creek & Tributaries				

By the deadlines specified in Table IX.D, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs for MS4 sewersheds discharging to the listed waterbodies. Covered entities that own or operate MS4s within these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Nitrogen (the POC) on waterbodies. The program must identify potential sources of Nitrogen in stormwater runoff and describe steps that contributors can take to reduce the Nitrogen in stormwater runoff.
- b. develop, or acquire if currently available, specific educational material dealing with sources of Nitrogen in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the Nitrogen issue;
 - ii. septic systems as a source of Nitrogen; and

(Part IX.D.1.b)

- iii. Nitrogen concerns with fertilizer use.

2. Public Involvement/ Participation

No additional requirements proposed for at this time.

3. Illicit Discharge Detection and Elimination - applicable to *traditional land use control* and *traditional non-land use control MS4s*

a. Develop and maintain a map showing the entire small MS4 conveyance system. The covered entity shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Nitrogen. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;

(Part IX.D.5)

- b. establish policy and procedures for project selection. Project selection should be based on the Nitrogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance; and
- d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Develop a turf management practices and procedures policy. The policy should address the following:
 - i. procedures for proper fertilizer application on municipally-owned lands. The application of any Nitrogen-containing fertilizer shall only be allowed under the supervision of a Certified Crop Advisor or Certified Landscape Architect; and
 - ii. the planting of native plant material to lessen the frequency of mowing and reduce the use of chemicals to control vegetation.

Part X. ACRONYMS AND DEFINITIONS

A. Acronym List

BMP - Best Management Practice
CFR - Code of Federal Regulations
CWA - Clean Water Act
ECL - Environmental Conservation Law
MCC - Municipal Compliance Certification
MCM - Minimum Control Measure
MEP - Maximum Extent Practicable
MS4 - Municipal Separate Storm Sewer System
NPDES - National Pollutant Discharge Elimination System
POC - Pollutant of Concern
SPDES - State Pollutant Discharge Elimination System
SWMP - Stormwater Management Program
SWMP Plan - Stormwater Management Program Plan
SWPPP - Stormwater Pollution Prevention Plan
TMDL - Total Maximum Daily Load
UA - Urbanized Area

B. Definitions

Activities - See best management practice

Additionally Designated Areas - EPA required the Department to develop a set of criteria for designating additional MS4 areas as subject to these regulations. The following criteria have been adopted to designate additional MS4s in New York State:

Criteria 1: MS4s discharging to waters for which and EPA-approved TMDL required reduction of a pollutant associated with stormwater beyond what can be achieved with existing programs (and the area is not already covered under automatic designation as UA).

Criteria 2: MS4s contiguous to automatically designated urbanized areas (town lines) that discharge to sensitive waters classified as AA Special (fresh surface waters), AA (fresh surface waters) with filtration avoidance determination or SA (saline surface waters).

Criterion 3: Automatically designated MS4 areas are extended to Town, Village or City boundaries, but only for Town, Village or City implementation of Minimum Control Measures (4) Construction Site Stormwater Runoff Control and (5) Post Construction Stormwater Management in Development and Redevelopment. This additional designation may be waived, by written request to the Department, where the automatically designated area is a small portion of the total area of the Town, Village or City (less than 15 %) and where there is

little or no construction activity in the area outside of the automatically designated area (less than 5 disturbed acres per year).

Best Management Practice - means schedules activities, 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 (if determined necessary by the covered entity), 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. BMP is referred to in EPA's fact sheets and other materials. BMPs are also referred to as Activities^o or Amanagement practices^o throughout this *SPDES general permit*.

Better Site Design (BSD) - Better Site Design incorporates non-structural and natural approaches to new and redevelopment projects to reduce impacts on watersheds by conserving natural areas, reducing impervious cover and better integrating stormwater treatment. Better site design is a form of Green Infrastructure and is similar to Low Impact Development (LID). See also Green Infrastructure and Low Impact Development.

Construction Activity(ies) - means any clearing, grading, excavation, demolition or stockpiling activities that result 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.

Covered entity - means the holder of this *SPDES general permit* or an entity required to gain coverage under this *SPDES general permit*. The owner / operator of the small MS4.

Department - means the New York State Department of Environmental Conservation as well as meaning the Department 's designated agent.

Development - period after initial authorization under this *SPDES general permit* when the covered entity creates, designs or develops activities, BMPs, tasks or other measures to include in their SWMP

Discharge(s) - any addition of any pollutant to waters of the State through an outlet or point source.

Discharge Authorized by a SPDES Permit - means discharges of wastewater or stormwater from sources listed in the permit, that do not violate ECL Section 17-0501, that are through outfalls listed in the permit, and that are:

1. discharges within permit limitations of pollutants limited in the SPDES permit;

2. discharges within permit limitations of pollutants limited by an indicator limit in the SPDES permit;
3. discharges of pollutants subject to action level requirements in the SPDES permit;
4. discharges of pollutants not explicitly listed in the SPDES permit, but reported in the SPDES permit application record as detected in the discharge or as something the covered entity knows or has reason to believe to be present in the discharge, provided the special conditions section of the applicable SPDES permit does not otherwise forbid such a discharge and provided that such discharge does not exceed, by an amount in excess of normal effluent variability, the level of discharge that may reasonably be expected for that pollutant from information provided in the SPDES permit application record;
5. discharges of pollutants not required to be reported on the appropriate and current New York State SPDES permit application; provided the special conditions section of the permit does not otherwise forbid such a discharge. The Department may, in accordance with law and regulation, modify the permit to include limits for any pollutant even if that pollutant is not required to be reported on the SPDES permit application; or
6. discharges from fire fighting activities; fire hydrant flushings; testing of fire fighting equipment, provided that such equipment is for water only fire suppression; potable water sources including waterline flushings; irrigation drainage; lawn watering; uncontaminated infiltration and inflow; leakage from raw water conveyance systems; routine external building washdown and vehicle washing which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials, other than minor and routine releases from motor vehicles, have not occurred (unless such material has been removed) and where detergents are not used; air conditioning and steam condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents provided that the covered entity has implemented an effective plan for minimizing the discharge of pollutants from all of the sources listed in this subparagraph.

Environmental Conservation Law - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Green Infrastructure - Green infrastructure approaches essentially infiltrate, evapotranspire or reuse stormwater, with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures . Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. See also Low Impact Development and Better Site Design.

Groundwater - means 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 Discharges - discharges not entirely composed of stormwater into the small MS4, except those identified in Part I.A.2. 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 covered entity or Department has determined to be a substantial contributor of pollutants to the small MS4.

Impaired Water - a water is impaired if it does not meet its designated use(s). For purposes of this permit "impaired" refers to impaired waters for which TMDLs have been established, for which existing controls such as permits are expected to resolve the impairment, and those needing a TMDL. Impaired waters compilations are also sometimes referred to as 303(d) lists; 303(d) lists generally include only waters for which TMDLs have not yet been developed. States will generally have associated, but separate lists of impaired waters for which TMDLs have already been established.

Implementation - period after development of SWMP, where the covered entity puts into effect the practices, tasks and other activities in their SWMP.

Individual SPDES Permit - means a SPDES permit issued to a single facility in one location in accordance with this Part (as distinguished from a *SPDES general permit*).

Industrial Activity - as defined by the SPDES Multi-Sector General Permit (GP-0-12-001).

Larger Common Plan of Development or Sale - means 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.

Low Impact Development - is a site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,

and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID principles are based on controlling stormwater at the source by the use of micro scale controls that are distributed throughout the site. This is unlike conventional approaches that typically convey and manage runoff in large facilities located at the base of drainage areas. See also Green Infrastructure and Better Site Design.

Management Practices - See best management practices

Maximum Extent Practicable - is a technology-based standard established by Congress in the Clean Water Act '402(p)(3)(B)(iii). Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop their programs. (40CFR 122.2 See also: Stormwater Phase II Compliance Assistance Guide EPA 833-R-00-002, March 2000). When trying to reduce pollutants to the MEP, there must be a serious attempt to comply, and practical solutions may not be lightly rejected. If a covered entity chooses only a few of the least expensive methods, it is likely that MEP has not been met. On the other hand, if a covered entity employs all applicable BMPs except those where it can be shown that they are not technically feasible in the locality, or whose cost would exceed any benefit to be derived, it would have met the standard. MEP required covered entities to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive.

Measurable Goals - are the goals of the SWMP that should reflect the needs and characteristics of the covered entity and the areas served by its small MS4. Furthermore, the goals should be chosen using an integrated approach that fully addresses the requirements and intent of the MCM. The assumption is that the program schedules would be created over a 5 year period and goals would be integrated into that time frame. For example, a larger MS4 could do an outfall reconnaissance inventory for 20% of the collection system every year so that every outfall is inspected once within the permit cycle

Municipal / Municipalities - referred to in the federal rule that describes the Phase II stormwater program includes not only the State's municipal governments (cities, towns, villages and counties), but any publicly funded entity that owns or operates a separate storm sewer system. Examples of other public entities that are included in this program include the State Department of Transportation, State University Campuses, federal and State prisons, State and federal hospitals, Thruway and Dormitory Authorities, public housing authorities, school and other special districts.

Municipal 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):

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 - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

Non-traditional MS4s - state and federal prisons, office complexes, hospitals; state: transportation agencies; university campuses, public housing authorities, schools, other special districts.

Open Meetings Law - per Public Officers Law, Article 7, Open Meetings Law, Section 104, Public notice:

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Operator - the person, persons or legal entity that is responsible for the small MS4, as indicated by signing the NOI to gain coverage for the MS4 under this *SPDES general permit*.

Outfall - is defined as any point where a municipally owned and operated separate storm sewer system discharges to either surface waters of the State or to another MS4. Outfalls

include discharges from pipes, ditches, swales, and other points of concentrated flow. However, areas of non-concentrated (sheet) flow which drain to surface waters of the State or to another MS4's system are not considered outfalls and should not be identified as such on the system map.

Pollutants of Concern - there are POCs that are primary (comprise the majority) sources of stormwater pollutants and others that are secondary (less likely).

- The POCs that are primarily of concern are: nitrogen, phosphorus, silt and sediment, pathogens, flow, and floatables impacting impaired waterbodies listed on the Priority Waterbody List known to come in contact with stormwater that could be discharged to that water body.
- The POCs that are secondarily of concern include but are not limited to petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs), where stormwater or runoff is listed as the source of this impairment.
- The primary and secondary POCs can also impair waters not on the 303(d) list. Thus, it is important for the covered entity to assess known and potential POCs within the area served by their small MS4. This will allow the covered entity to address POCs appropriate to their MS4.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Reporting Date – means the end of the annual reporting period, March 9, as indicated in Part V.C.1.

Retrofit - means modifying or adding to existing infrastructure for the purpose of reducing pollutant loadings. Examples, some of which may not be effective for all pollutants, include:

Better site design approaches such as roof top disconnection, diversion of runoff to infiltration areas, soil de-compaction, riparian buffers, rain gardens, cisterns

Rehabilitation of existing storm sewer system by installation of standard stormwater treatment systems (ponds, wetlands, filtering, infiltration) or proprietary practices

Stabilize dirt roads (gravel, stone, water bar, check dam, diversion)

Conversion of dirt parking lots to pervious pavement, grassed or stone cover

Conversion of dry detention ponds to extended detention or wetland treatment systems

Retrofit by converting abandoned buildings to stormwater treatment systems

Retrofit of abandoned building to open space

Retrofit road ditches to enhance open channel design

Control the downstream effects of runoff from existing paved surfaces resulting in flooding and erosion in receiving waters

Control stream erosion by plunge pool, velocity dissipaters, and flow control devices for discharges from conveyance systems

Upgrade of an existing conveyance system to provide water quality and /or quantity control within the drainage structure

Section 303(d) Listed Waters - Section 303(d) is part of the federal CWA that requires the Department to periodically to prepare a list of all surface waters in the State for which beneficial uses of the water B such as for drinking, recreation, aquatic habitat, and industrial use B are impaired by pollutants. These are water quality-limited estuaries, lakes, and streams that fall short of state surface water quality standards, and are not expected to improve within the next two years. Refer to impaired waters for more information.

Single entity - An entity, formed in accordance with the applicable state and/or local legislation, with a legal authority and capacity (financial, resources, etc...) that gains coverage under the MS4 general permit to implement all or parts of the MS4 program within a jurisdiction on behalf of multiple MS4s in that geographic area.

Small MS4 - MS4 system within an urbanized area or other areas designated by the State.

SPDES general permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.

Staff - actual employees of the covered entity or contracted entity.

State - means the State of New York.

State Pollutant Discharge Elimination System - means 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 - means 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 Management Program - the program implemented by the covered entity. Covered entities are required at a minimum to develop, implement and enforce a SWMP designed to address POCs and reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the *ECL* and Clean Water Act. The SWMP must address the MCM described in Part VIII.

The *SWMP* needs to include *measurable goals* for each of the *BMPs*. The measurable goals will help the covered entities assess the status and progress of their program. The SWMP should:

1. describe the BMP / measureable goal;
2. identify time lines / schedules and milestones for development and implementation;
3. include quantifiable goals to assess progress over time; and
4. describe how the covered entity will address POCs.

Guidance on developing SWMPs is available from the Department on its website. Examples of successful SWMPs and suggested measurable goals are also provided in EPA's Menu of BMPs available from its website. Note that this information is for guidance purposes only. An MS4 may choose to develop or implement equivalent methods equivalent to those made available by the Department and EPA to demonstrate compliance with the MCMs.

When creating the *SWMP*, the *covered entities* should assess activities already being performed that could help meet, or be modified to meet, permit requirements and be included in the *SWMP*. *Covered entities* can create their *SWMP* individually, with a group of other individual *covered entities* or a coalition of *covered entities*, or through the work of a third party entity.

Stormwater Management Program Plan- used by the covered entity to document developed, planned and implemented SWMP elements. The *SWMP plan* must describe how pollutants in stormwater runoff will be controlled. For previously unauthorized *small MS4s* seeking coverage, information included in the NOI should be obtained from the *SWMP plan*.

The *SWMP plan* is a separate document from the NOI and should not be submitted with the NOI or any annual reports unless requested.

The *SWMP plan* should include a detailed written explanation of all management practices, activities and other techniques the covered entity has developed, planned and implemented for their SWMP to address POCs and reduce pollutant discharges from their small MS4 to the MEP. The *SWMP plan* shall be revised to incorporate any new or modified *BMPs* or *measurable goals*.

Covered entities can create their *SWMP plan* individually, with a group of other individual *covered entities* or a coalition of *covered entities*, or through the work of a third party entity.

Documents to include are: applicable local laws, inter-municipal agreements and other legal authorities; staffing and staff development programs and organization charts; program budget; policy, procedures, and materials for each minimum measure; outfall and small MS4 system maps; stormwater management practice selection and measurable goals; operation and maintenance schedules; documentation of public outreach efforts and public comments; submitted construction site SWPPPs and review letters and construction site inspection reports.

The *SWMP plan* shall be made readily available to the covered entity's staff and to the public and regulators, such as *Department* and EPA staff. Portions of the *SWMP plan*, primarily policies and procedures, must be available to the management and staff of a *covered entity* that will be called upon to use them. For example, the technical standards and associated technical assistance documents and manuals for stormwater controls should be available to code enforcement officers, review engineers and planning boards. The local laws should be readily available to the town board and planning board. An integrated pest management program would have to be available to the parks department and the stormwater outfall and available sewer system mapping and catch basin cleaning schedule would have to be available to the department of public works.

Storm sewershed - the catchment area that drains into the storm sewer system based on the surface topography in the area served by the stormsewer. Adjacent catchment areas that drain to adjacent outfalls are not separate storm sewersheds.

Surface Waters of the State - shall 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 shall be regulated as a discharge at the point where the storm sewer discharges to waters of the state. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Act and Environmental Conservation Law (other than cooling ponds as defined in 40 CFR 423.11(m)(see section 750 - 1.24) which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade 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.

SWPPP - as defined per the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity or NYS DEC SPDES Multi-Sector General Permit for Stormwater Associated with Industrial Activity .

Total Maximum Daily Load - A TMDL is 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 wasteload allocations for point source discharges, load allocations for nonpoint sources, and a margin of safety.

Traditional Land Use Control MS4s - means a city, town or village with land use control authority.

Traditional Non-land Use Control MS4s - means any county agency without land use control.

Urbanized Area - is a land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the US Bureau of Census. Outlines the extent of automatically regulated areas, often do not extend to the political boundaries of a city, town, or village. SWMPs are only required within the UA. However, the Department encourages covered entities to voluntarily extend their SWMP programs at least to the extent of the storm sewershed that flows into the UA or extend further to their entire jurisdiction. For ease of creation and administration of local laws, ordinances or other regulatory mechanisms, these should be created to apply to the full jurisdictional boundary of municipalities.

Water Quality Standard - means 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.

Part XI. RE-OPENER CLAUSE

If there is evidence indicating that the stormwater discharges authorized by this permit cause or have the reasonable potential to cause or contribute to a violation of a water quality standard, the covered entity may be required at the Department's sole discretion to obtain an individual SPDES permit or an alternative *SPDES general permit* or the permit may be modified. In addition, coverage under this permit could terminate, meaning the discharge must cease.

APPENDICES

APPENDIX 1. LIST OF NYS DEC REGIONAL OFFICES

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, TOMPKINS, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD, PO BOX 220 WARRENSBURG, NY 12885-0220 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

APPENDIX 2. IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

**APPENDIX 2 (CONTINUED)
IMPAIRED SEGMENTS AND SECONDARY POLLUTANTS OF CONCERN**

COUNTY	WATERBODY NAME	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	phosphorus
Albany	Basic Creek Reservoir	phosphorus
Bronx	Van Cortlandt Lake	phosphorus
Bronx	Bronx River, Lower	pathogens
Bronx	Bronx River, Lower	floatables
Bronx	Bronx River, Middle, and tribs	pathogens
Bronx	Bronx River, Middle, and tribs	floatables
Bronx	Westchester Creek	floatables
Bronx	Hutchinson River, Lower, and tribs	Floatables
Broome	Susquehanna River, Lower, Main Stem	Pathogens
Broome	Whitney Point Lake/Reservoir	phosphorus
Broome	Park Creek and tribs	pathogens
Broome	Beaver Lake	phosphorus
Broome	White Birch Lake	phosphorus
Cayuga	Little Sodus Bay	phosphorus
Cayuga	Owasco Lake	pathogens
Cayuga, Tompkins	Owasco Inlet, Upper, and tribs	phosphorus
Chautauqua	Lake Erie (Dunkirk Harbor)	pathogens
Chautauqua	Chadakoin River and tribs	phosphorus
Chautauqua	Chautauqua Lake, South	phosphorus
Chautauqua	Chautauqua Lake, North	phosphorus
Chautauqua	Bear Lake	phosphorus
Chautauqua	Lower Cassadaga Lake	phosphorus
Chautauqua	Middle Cassadaga Lake	phosphorus
Chautauqua	Findley Lake	phosphorus
Chenango	Unadilla River, Lower, Main Stem	pathogens
Clinton	Lake Champlain, Main Lake, North	phosphorus
Clinton	Lake Champlain, Main Lake, Middle	phosphorus
Clinton	Great Chazy River, Lower, Main Stem	silt/sediment
Columbia	Robinson Pond	phosphorus
Columbia	Kinderhook Lake	phosphorus
Delaware	Cannonsville Reservoir	phosphorus
Dutchess	Hillside Lake	phosphorus
Dutchess	Wappinger Lakes	phosphorus
Dutchess	Wappinger Lakes	silt/sediment
Dutchess	Fall Kill and tribs	phosphorus
Dutchess	Rudd Pond	phosphorus

COUNTY	WATERBODY NAME	POLLUTANT
Erie	Ellicott Creek, Lower, and tribs	phosphorus
Erie	Ellicott Creek, Lower, and tribs	silt/sediment
Erie	Ransom Creek, Lower, and tribs	pathogens
Erie	Ransom Creek, Upper, and tribs	pathogens
Erie	Beeman Creek and tribs	phosphorus
Erie	Beeman Creek and tribs	pathogens
Erie	Murder Creek, Lower, and tribs	phosphorus
Erie	Murder Creek, Lower, and tribs	pathogens
Erie	Two Mile Creek and tribs	pathogens
Erie	Two Mile Creek and tribs	floatables
Erie	Scajaquada Creek, Lower, and tribs	floatables
Erie	Scajaquada Creek, Lower, and tribs	pathogens
Erie	South Branch Smoke Cr, Lower, and tribs	phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs	silt/sediment
Erie	Rush Creek and tribs	pathogens
Erie	Rush Creek and tribs	phosphorus
Erie	Little Sister Creek, Lower, and tribs	phosphorus
Erie	Little Sister Creek, Lower, and tribs	pathogens
Essex	Lake Champlain, Main Lake, South	phosphorus
Essex	Lake Champlain, South Lake	phosphorus
Genesee	Tonawanda Creek, Middle, Main Stem	phosphorus
Genesee	Tonawanda Creek, Middle, Main Stem	silt/sediment
Genesee	Tonawanda Creek, Upper, and minor tribs	silt/sediment
Genesee	Bowen Brook and tribs	phosphorus
Genesee	Little Tonawanda Creek, Lower, and tribs	silt/sediment
Genesee	Oak Orchard Cr, Upper, and tribs	phosphorus
Genesee	Black Creek, Upper, and minor tribs	phosphorus
Genesee	Bigelow Creek and tribs	phosphorus
Greene	Schoharie Reservoir	silt/sediment
Greene	Shingle Kill and tribs	pathogens
Greene	Sleepy Hollow Lake	silt/sediment
Herkimer	Unadilla River, Middle, and minor tribs	pathogens
Herkimer	Mohawk River, Main Stem	pathogens
Herkimer	Mohawk River, Main Stem	floatables
Herkimer	Steele Creek tribs	phosphorus
Herkimer	Steele Creek tribs	silt/sediment
Jefferson	Moon Lake	phosphorus
Kings	Coney Island Creek	pathogens
Kings	Coney Island Creek	floatables
Kings	Gowanus Canal	floatables
Kings	Hendrix Creek	nitrogen
Kings	Hendrix Creek	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Kings	Hendrix Creek	floatables
Kings	Paerdegat Basin	floatables
Kings	Mill Basin and tidal tribs	floatables
Lewis	Beaver River, Lower, and tribs	pathogens
Lewis	Beaver River, Lower, and tribs	floatables
Lewis	Mill Creek/South Branch, and tribs	phosphorus
Lewis	Mill Creek/South Branch, and tribs	pathogens
Livingston	Conesus Lake	phosphorus
Livingston	Jaycox Creek and tribs	phosphorus
Livingston	Jaycox Creek and tribs	silt/sediment
Livingston	Mill Creek and minor tribs	silt/sediment
Madison	Canastota Creek, Lower, and tribs	pathogens
Monroe	Rochester Embayment - West	pathogens
Monroe	Mill Creek and tribs	phosphorus
Monroe	Mill Creek and tribs	pathogens
Monroe	Shipbuilders Creek and tribs	phosphorus
Monroe	Shipbuilders Creek and tribs	pathogens
Monroe	Minor Tribs to Irondequoit Bay	phosphorus
Monroe	Minor Tribs to Irondequoit Bay	pathogens
Monroe	Thomas Creek/White Brook and tribs	phosphorus
Monroe	Buck Pond	phosphorus
Monroe	Long Pond	phosphorus
Monroe	Cranberry Pond	phosphorus
Monroe	Genesee River, Lower, Main Stem	phosphorus
Monroe	Genesee River, Lower, Main Stem	pathogens
Monroe	Genesee River, Lower, Main Stem	silt/sediment
Monroe	Genesee River, Middle, Main Stem	phosphorus
Monroe	Black Creek, Lower, and minor tribs	phosphorus
Nassau	Long Island Sound, Nassau County	pathogens
Nassau	Long Island Sound, Nassau County	nitrogen
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Hempstead Harbor, south, and tidal tribs	pathogens
Nassau	Glen Cove Creek, Lower, and tribs	pathogens
Nassau	Glen Cove Creek, Lower, and tribs	silt/sediment
Nassau	Dosoris Pond	pathogens
Nassau	Mill Neck Creek and tidal tribs	pathogens
Nassau	South Oyster Bay	pathogens
Nassau	East Bay	pathogens
Nassau	LI Tribs (fresh) to East Bay	phosphorus
Nassau	LI Tribs (fresh) to East Bay	silt/sediment
Nassau	Middle Bay	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Nassau	East Rockaway Inlet	pathogens
Nassau	Reynolds Channel, east	pathogens
Nassau	East Meadow Brook, Upper, and tribs	silt/sediment
Nassau	Hempstead Bay	Nitrogen
Nassau	Hempstead Bay	Pathogens
Nassau	Hempstead Lake	Phosphorus
Nassau	Grant Park Pond	Phosphorus
Nassau	Woodmere Channel	Pathogens
New York	East River, Lower	Floatables
New York	Harlem River	Floatables
Niagara	Bergholtz Creek and tribs	Phosphorus
Niagara	Bergholtz Creek and tribs	Pathogens
Oneida	Utica Harbor	Pathogens
Oneida	Utica Harbor	Floatables
Oneida	Mohawk River, Main Stem	Pathogens
Oneida	Mohawk River, Main Stem	Floatables
Oneida	Mohawk River, Main Stem	Pathogens
Oneida	Mohawk River, Main Stem	Floatables
Oneida	Ballou, Nail Creeks and tribs	Phosphorus
Oneida	Ninemile Creek, Lower, and tribs	Pathogens
Onondaga	Limestone Creek, Lower, and minor tribs	Pathogens
Onondaga	Seneca River, Lower, Main Stem	Pathogens
Onondaga	Onondaga Lake, northern end	Phosphorus
Onondaga	Onondaga Lake, southern end	pathogens
Onondaga	Onondaga Lake, southern end	phosphorus
Onondaga	Minor Tribs to Onondaga Lake	phosphorus
Onondaga	Minor Tribs to Onondaga Lake	pathogens
Onondaga	Bloody Brook and tribs	pathogens
Onondaga	Ley Creek and tribs	pathogens
Onondaga	Ley Creek and tribs	phosphorus
Onondaga	Onondaga Creek, Lower, and tribs	phosphorus
Onondaga	Onondaga Creek, Lower, and tribs	pathogens
Onondaga	Onondaga Creek, Middle, and tribs	silt/sediment
Onondaga	Onondaga Creek, Middle, and tribs	phosphorus
Onondaga	Onondaga Creek, Middle, and tribs	pathogens
Onondaga	Onondaga Creek, Upper, and minor tribs	silt/sediment
Onondaga	Harbor Brook, Lower, and tribs	phosphorus
Onondaga	Harbor Brook, Lower, and tribs	pathogens
Onondaga	Ninemile Creek, Lower, and tribs	phosphorus
Onondaga	Ninemile Creek, Lower, and tribs	pathogens
Ontario	Hemlock Lake Outlet and minor tribs	phosphorus
Ontario	Hemlock Lake Outlet and minor tribs	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Ontario	Honeoye Lake	phosphorus
Ontario	Great Brook and minor tribs	phosphorus
Ontario	Great Brook and minor tribs	silt/sediment
Orange	Greenwood Lake	phosphorus
Oswego	Lake Neatahwanta	phosphorus
Otsego	Susquehanna River, Main Stem	pathogens
Putnam	Croton Falls Reservoir	phosphorus
Putnam	West Branch Reservoir	phosphorus
Putnam	Boyd Corners Reservoir	phosphorus
Putnam	Middle Branch Reservoir	phosphorus
Putnam	Lake Carmel	phosphorus
Putnam	Diverting Reservoir	phosphorus
Putnam	East Branch Reservoir	phosphorus
Putnam	Bog Brook Reservoir	phosphorus
Putnam	Oscawana Lake	phosphorus
Queens	Newtown Creek and tidal tribs	floatables
Queens	East River, Upper	floatables
Queens	East River, Upper	floatables
Queens	Flushing Creek/Bay	nitrogen
Queens	Flushing Creek/Bay	floatables
Queens	Little Neck Bay	pathogens
Queens	Alley Creek/Little Neck Bay Trib	floatables
Queens	Jamaica Bay, Eastern, and tribs	nitrogen
Queens	Jamaica Bay, Eastern, and tribs	pathogens
Queens	Jamaica Bay, Eastern, and tribs	floatables
Queens	Thurston Basin	floatables
Queens	Bergen Basin	Nitrogen
Queens	Bergen Basin	pathogens
Queens	Bergen Basin	floatables
Queens	Shellbank Basin	nitrogen
Queens	Spring Creek and tribs	pathogens
Queens	Spring Creek and tribs	floatables
Rensselaer	Snyders Lake	phosphorus
Richmond	Raritan Bay (Class SA)	pathogens
Richmond	Arthur Kill (Class I) and minor tribs	floatables
Richmond	Newark Bay	floatables
Richmond	Kill Van Kull	floatables
Richmond	Grasmere, Arbutus and Wolfes Lakes	phosphorus
Tompkins	Dwaas Kill and tribs	Phosphorus
Tompkins	Dwaas Kill and tribs	silt/sediment
Tompkins	Schuyler Creek and tribs	phosphorus
Tompkins	Schuyler Creek and tribs	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Tompkins	Lake Lonely	phosphorus
Tompkins	Tribs to Lake Lonely	Phosphorus
Tompkins	Tribs to Lake Lonely	pathogens
Schenectady	Collins Lake	phosphorus
Schoharie	Cobleskill Creek, Lower, and tribs	pathogens
Schoharie	Engleville Pond	phosphorus
Schoharie	Summit Lake	phosphorus
St.Lawrence	Black Lake Outlet/Black Lake	phosphorus
Steuben	Lake Salubria	phosphorus
Steuben	Smith Pond	phosphorus
Suffolk	Millers Pond	phosphorus
Suffolk	Beach/Island Ponds, Fishers Island	pathogens
Suffolk	Dering Harbor	pathogens
Suffolk	Tidal Tribs to Gr Peconic Bay, Northshr	pathogens
Suffolk	Mattituck (Marratooka) Pond	phosphorus
Suffolk	Mattituck (Marratooka) Pond	pathogens
Suffolk	Flanders Bay, West/Lower Sawmill	nitrogen
Suffolk	Meetinghouse/Terrys Creeks and tribs	nitrogen
Suffolk	Meetinghouse/Terrys Creeks and tribs	pathogens
Suffolk	Peconic River, Lower, and tidal tribs	nitrogen
Suffolk	Peconic River, Lower, and tidal tribs	pathogens
Suffolk	Scallop Pond	pathogens
Suffolk	Oyster Pond/Lake Munchogue	pathogens
Suffolk	Phillips Creek, Lower, and tidal tribs	pathogens
Suffolk	Quogue Canal	pathogens
Suffolk	Forge River, Lower and Cove	pathogens
Suffolk	Tidal tribs to West Moriches Bay	Nitrogen
Suffolk	Tidal tribs to West Moriches Bay	pathogens
Suffolk	Canaan Lake	silt/sediment
Suffolk	Canaan Lake	phosphorus
Suffolk	Nicoll Bay	pathogens
Suffolk	Lake Ronkonkoma	phosphorus
Suffolk	Lake Ronkonkoma	pathogens
Suffolk	Great Cove	pathogens
Tompkins	Cayuga Lake, Southern End	phosphorus
Tompkins	Cayuga Lake, Southern End	silt/sediment
Tompkins	Cayuga Lake, Southern End	pathogens
Ulster	Ashokan Reservoir	silt/sediment
Ulster	Esopus Creek, Upper, and minor tribs	silt/sediment
Warren	Lake George	silt/sediment
Warren	Tribs to L.George, Village of L George	silt/sediment
Warren	Huddle/Finkle Brooks and tribs	silt/sediment

COUNTY	WATERBODY NAME	POLLUTANT
Warren	Indian Brook and tribs	silt/sediment
Warren	Hague Brook and tribs	silt/sediment
Washington	Lake Champlain, South Bay	phosphorus
Washington	Tribs to L.George, East Shore	silt/sediment
Washington	Cossayuna Lake	phosphorus
Wayne	Blind Sodus Bay	phosphorus
Wayne	Port Bay	phosphorus
Westchester	Saw Mill River, Lower, and tribs	floatables
Westchester	New Croton Reservoir	phosphorus
Westchester	Upper New Croton/Muscoot Reservoir	phosphorus
Westchester	Amawalk Reservoir	phosphorus
Westchester	Lake Lincolndale	phosphorus
Westchester	Peach Lake	pathogens
Westchester	Peach Lake	phosphorus
Westchester	Titicus Reservoir	phosphorus
Westchester	Cross River Reservoir	phosphorus
Westchester	Lake Meahaugh	phosphorus
Westchester	Bronx River, Upper, and tribs	pathogens
Westchester	New Rochelle Harbor	pathogens
Westchester	New Rochelle Harbor	floatables
Westchester	Long Island Sound, Westchester Co	pathogens
Westchester	Long Island Sound, Westchester Co	nitrogen
Westchester	Larchmont Harbor	pathogens
Westchester	Larchmont Harbor	floatables
Westchester	Hutchinson River, Middle, and tribs	pathogens
Westchester	Mamaroneck Harbor	pathogens
Westchester	Mamaroneck Harbor	floatables
Westchester	Mamaroneck River, Lower	silt/sediment
Westchester	Mamaroneck River, Upper, and minor	silt/sediment
Westchester	Sheldrake River and tribs	phosphorus
Westchester	Sheldrake River and tribs	silt/sediment
Westchester	Milton Harbor	pathogens
Westchester	Milton Harbor	floatables
Westchester	Blind Brook, Lower	silt/sediment
Westchester	Blind Brook, Upper, and tribs	silt/sediment
Westchester	Port Chester Harbor	pathogens
Westchester	Port Chester Harbor	floatables
Westchester	Byram River, Lower	pathogens
Wyoming	Java Lake	phosphorus
Wyoming	Silver Lake	phosphorus
Oneida	Mohawk River, Main Stem	Copper
Westchester	Hutchinson River, Middle and tribs	Oil and Grease

**APPENDIX 3. NEW YORK CITY WATERSHED EAST OF THE HUDSON RIVER
WATERSHED MAP**

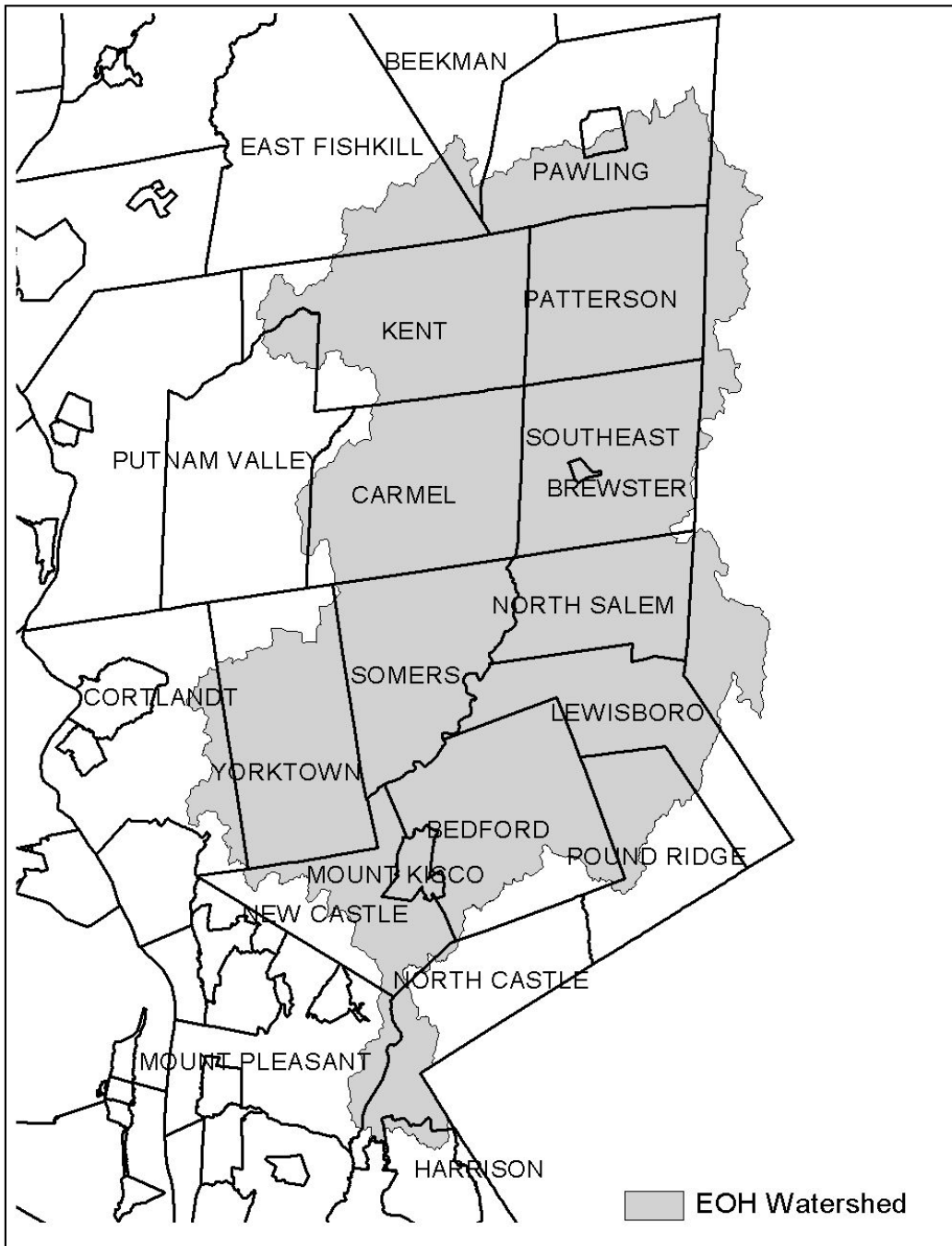


Figure 1. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 4. ONONDAGA LAKE WATERSHED MAP



Figure 2. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 5. GREENWOOD LAKE WATERSHED MAP

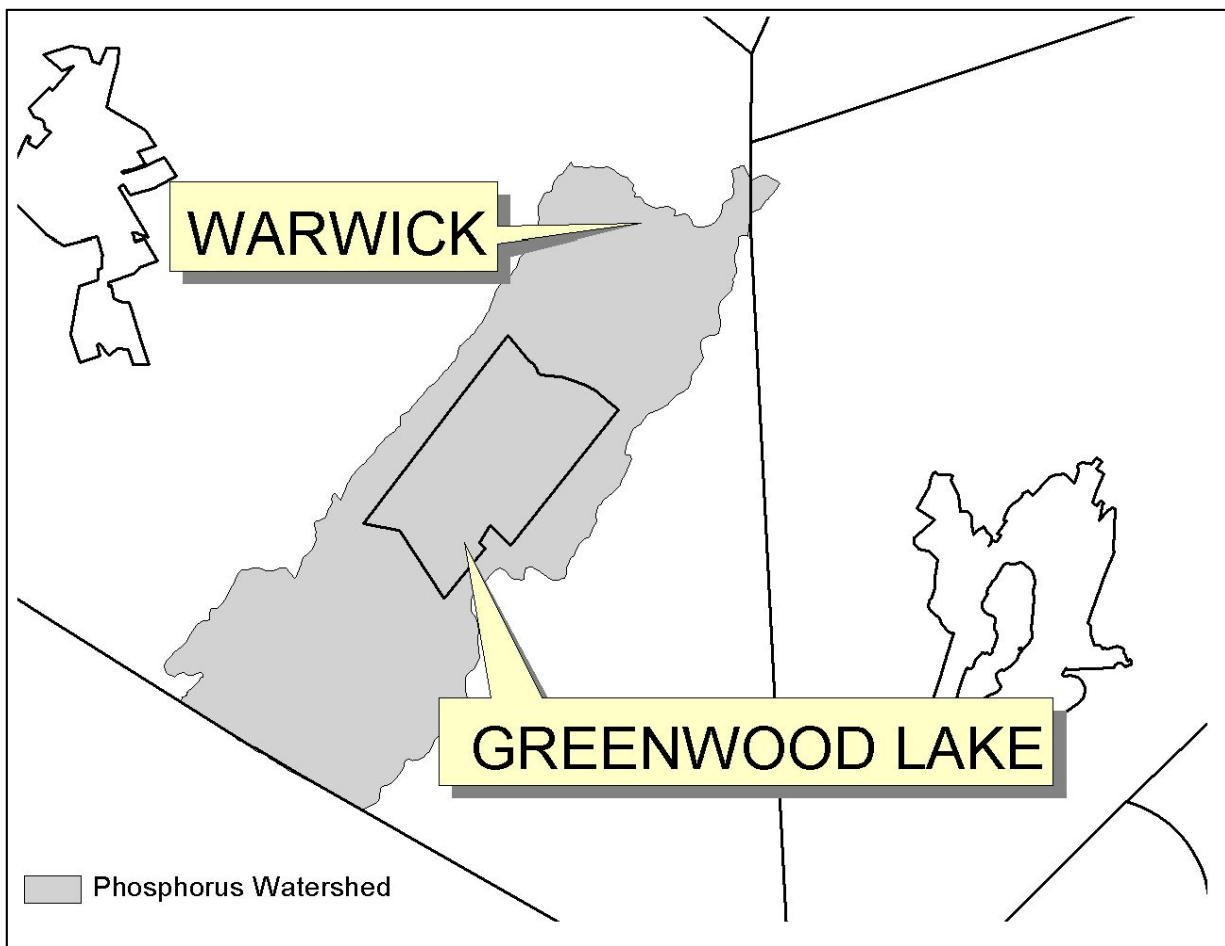


Figure 3. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 6. OYSTER BAY WATERSHED MAP

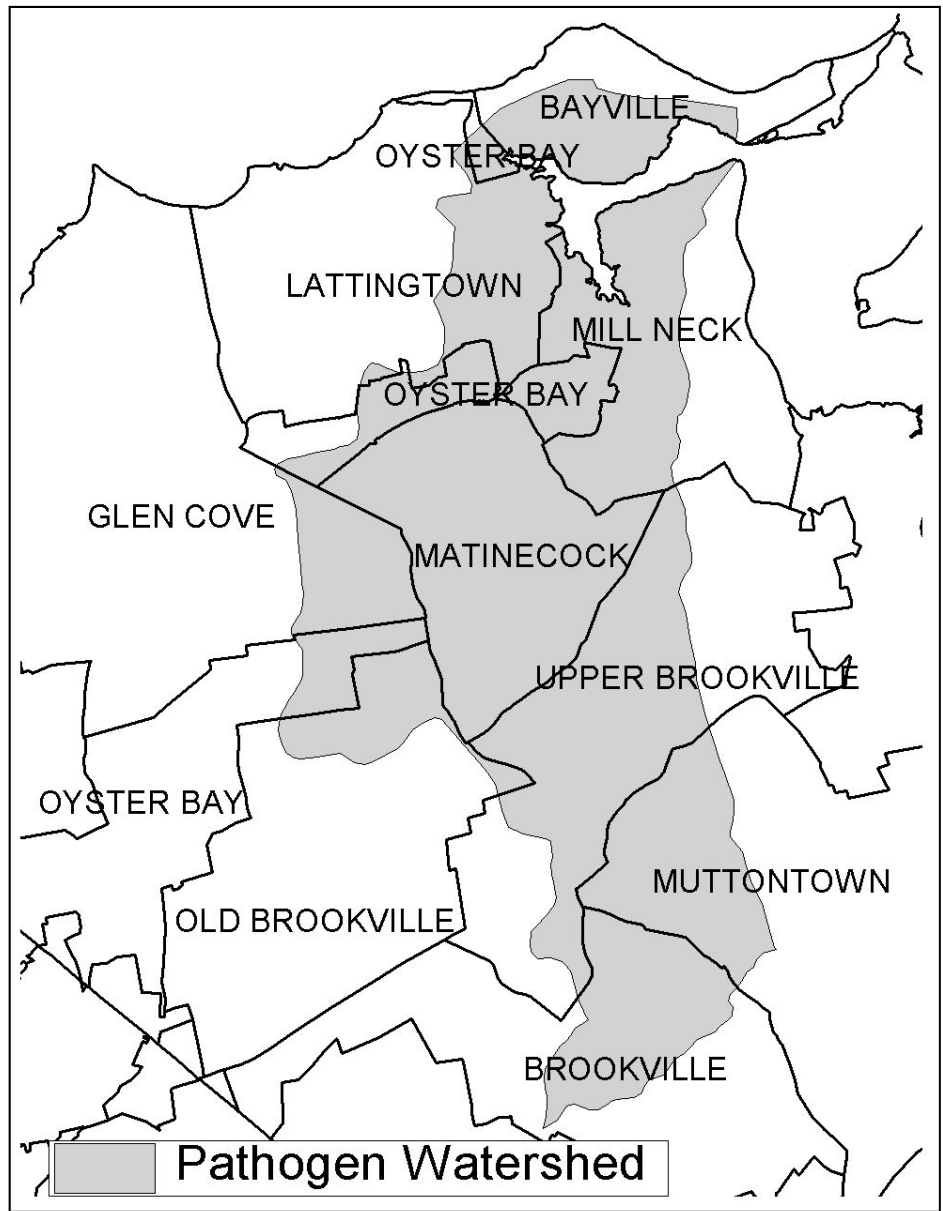


Figure 4. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 7. PECONIC ESTUARY PATHOGEN WATERSHED MAP

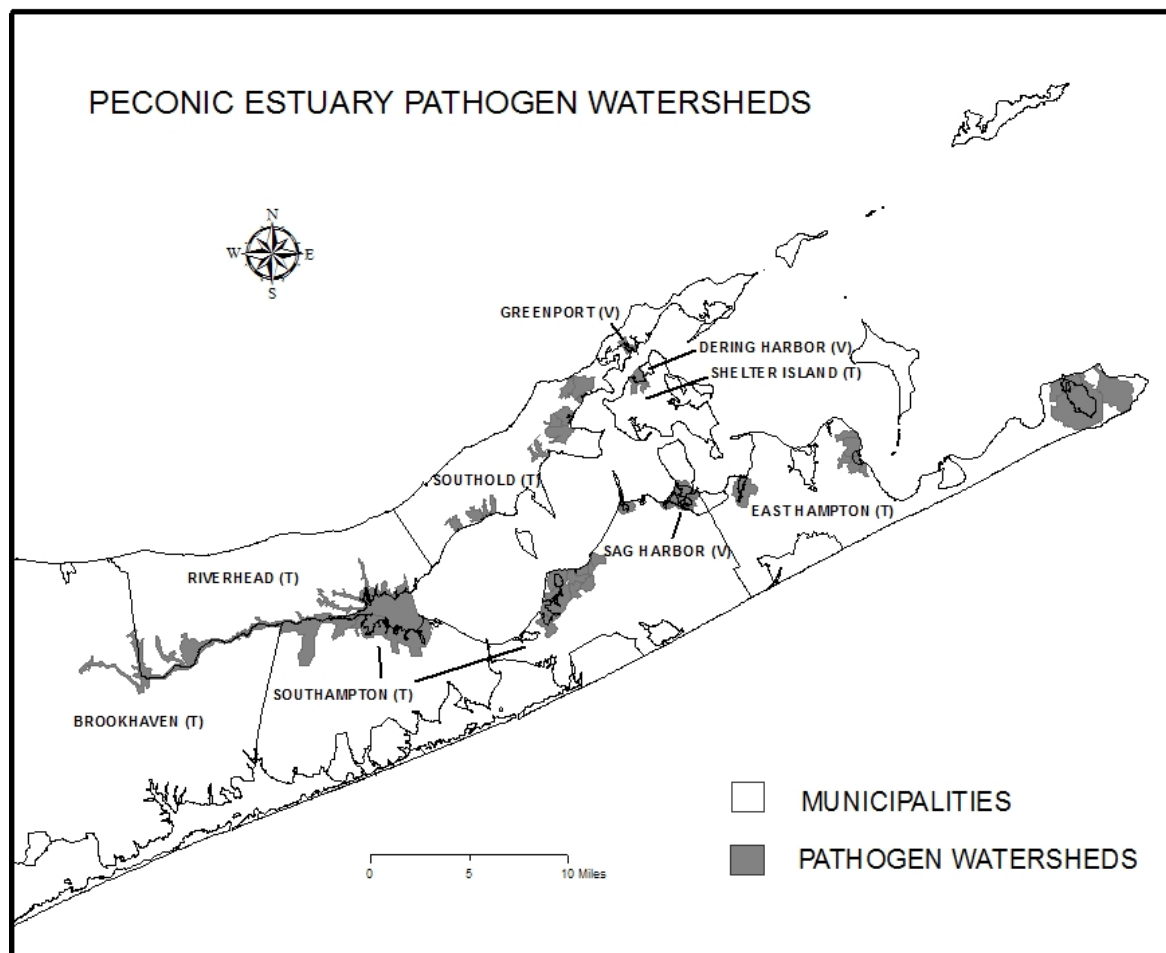


Figure 5. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 8. PECONIC ESTUARY NITROGEN WATERSHED MAP

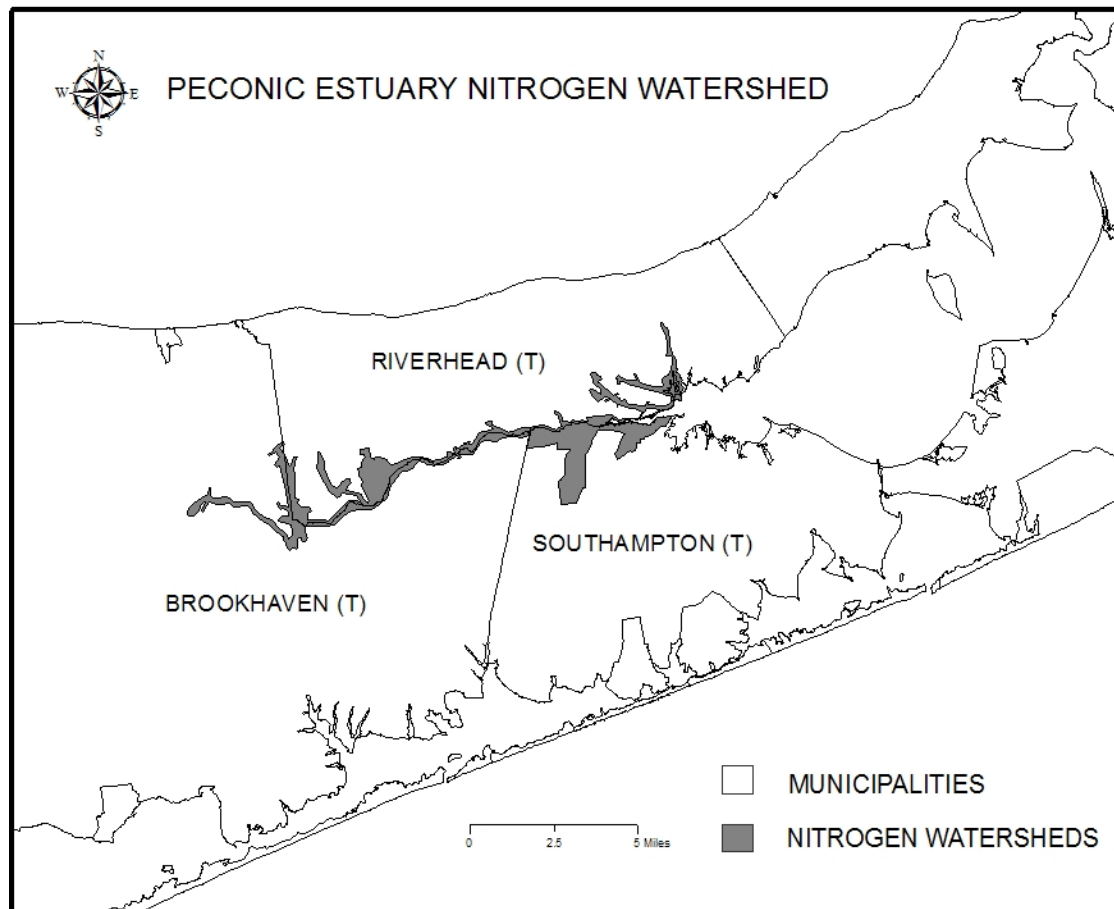


Figure 6. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 9. THE 27 LONG ISLAND SHELLFISHING IMAIPIRED EMBAYMENT MAP

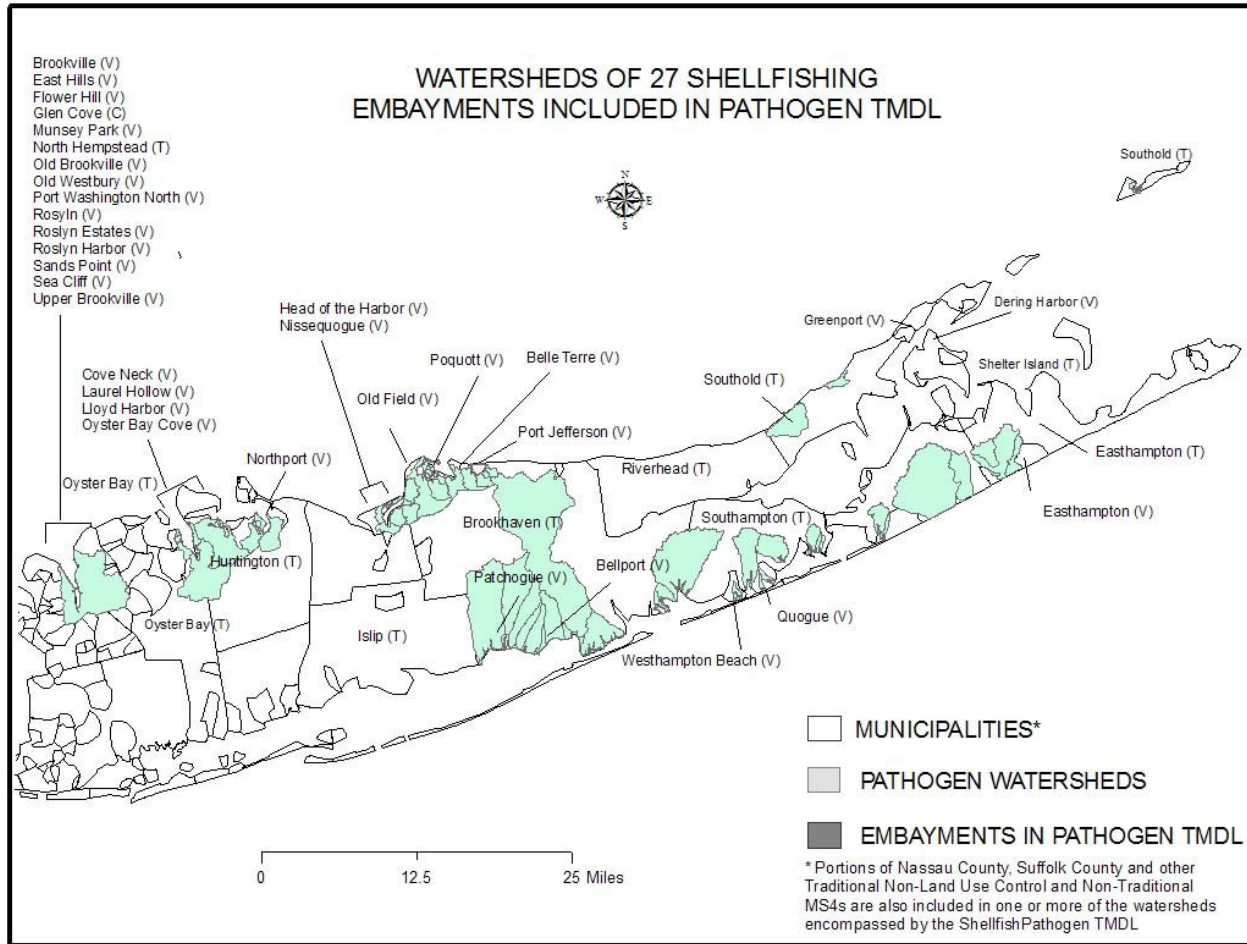


Figure 7. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 10. LAKE OSCAWANA WATERSHED MAP

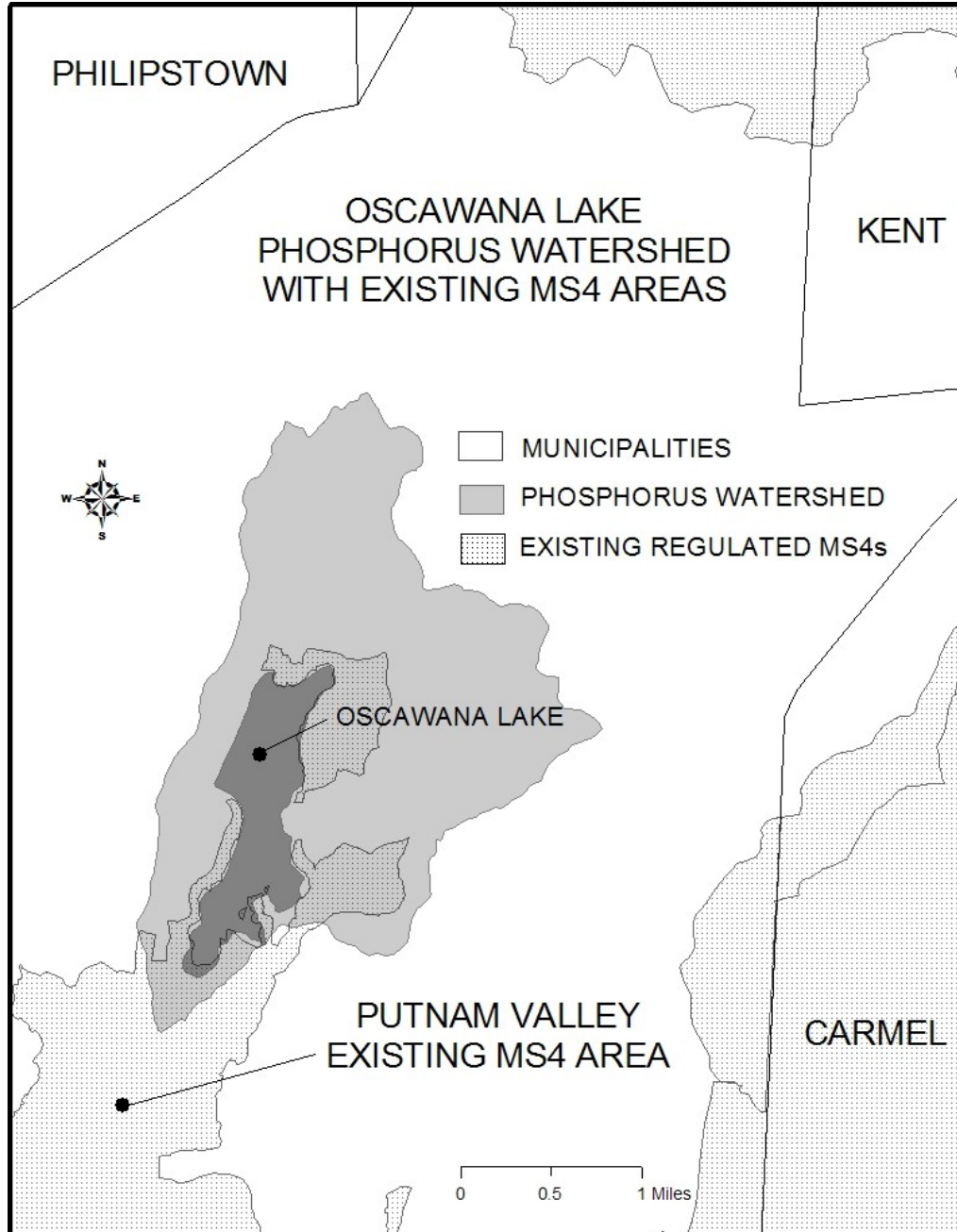


Figure 8. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.



Department of
Environmental
Conservation

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

From

CONSTRUCTION ACTIVITY

Permit No. GP-0-15-002

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

Effective Date: January 29, 2015

Expiration Date: January 28, 2020

John J. Ferguson
Chief Permit Administrator


Authorized Signature

1 / 12 /

15

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

PREFACE

Pursuant to Section 402 of the Clean Water Act (“CWA”), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System (“NPDES”)* permit or by a state permit program. New York’s *State Pollutant Discharge Elimination System (“SPDES”)* is a NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law (“ECL”)*.

This general permit (“permit”) is issued pursuant to Article 17, Titles 7, 8 and Article 70 of the ECL. An *owner or operator* may obtain coverage under this permit by submitting a Notice of Intent (“NOI”) to the Department. Copies of this permit and the NOI for New York are available by calling (518) 402-8109 or at any New York State Department of Environmental Conservation (“the Department”) regional office (see Appendix G). They are also available on the Department’s website at:

<http://www.dec.ny.gov/>

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of “*construction activity*”, as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a point source and therefore, pursuant to Article 17-0505 of the ECL, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. They cannot wait until there is an actual *discharge* from the construction site to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES
 FROM CONSTRUCTION ACTIVITIES**

Part I. PERMIT COVERAGE AND LIMITATIONS	1
A. Permit Application	1
B. Effluent Limitations Applicable to Discharges from Construction Activities	1
C. Post-construction Stormwater Management Practice Requirements	4
D. Maintaining Water Quality	8
E. Eligibility Under This General Permit.....	9
F. Activities Which Are Ineligible for Coverage Under This General Permit	9
Part II. OBTAINING PERMIT COVERAGE	12
A. Notice of Intent (NOI) Submittal	12
B. Permit Authorization.....	13
C. General Requirements For Owners or Operators With Permit Coverage.....	15
D. Permit Coverage for Discharges Authorized Under GP-0-10-001.....	17
E. Change of <i>Owner or Operator</i>	17
Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP).....	18
A. General SWPPP Requirements	18
B. Required SWPPP Contents	20
C. Required SWPPP Components by Project Type.....	23
Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS	24
A. General Construction Site Inspection and Maintenance Requirements	24
B. Contractor Maintenance Inspection Requirements	24
C. Qualified Inspector Inspection Requirements.....	24
Part V. TERMINATION OF PERMIT COVERAGE	28
A. Termination of Permit Coverage	28
Part VI. REPORTING AND RETENTION OF RECORDS	30
A. Record Retention	30
B. Addresses	30
Part VII. STANDARD PERMIT CONDITIONS.....	31
A. Duty to Comply.....	31
B. Continuation of the Expired General Permit.....	31
C. Enforcement.....	31
D. Need to Halt or Reduce Activity Not a Defense.....	31
E. Duty to Mitigate	32
F. Duty to Provide Information.....	32
G. Other Information	32
H. Signatory Requirements.....	32
I. Property Rights.....	34
J. Severability.....	34
K. Requirement to Obtain Coverage Under an Alternative Permit.....	34
L. Proper Operation and Maintenance	35
M. Inspection and Entry	35
N. Permit Actions	36
O. Definitions	36
P. Re-Opener Clause	36

Q. Penalties for Falsification of Forms and Reports	36
R. Other Permits	36
APPENDIX A.....	37
APPENDIX B.....	44
APPENDIX C	46
APPENDIX D	52
APPENDIX E.....	53
APPENDIX F.....	55

(Part I)

I. Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

This permit authorizes stormwater *discharges* to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State*.
3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities

Discharges authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the Stormwater Pollution Prevention Plan (“SWPPP”) the reason(s) for the deviation or alternative design and provide information

(Part I.B.1)

which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

- (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*;
- (ii) Control stormwater *discharges* to *minimize* channel and streambank erosion and scour in the immediate vicinity of the *discharge* points;
- (iii) *Minimize* the amount of soil exposed during *construction activity*;
- (iv) *Minimize* the disturbance of *steep slopes*;
- (v) *Minimize* sediment *discharges* from the site;
- (vi) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, unless *infeasible*;
- (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
- (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover.

b. **Soil Stabilization.** In areas 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 fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, 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. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering.** *Discharges* from dewatering activities, including *discharges*

(Part I.B.1.c)

from dewatering of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures.** Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

- (i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;
- (ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and
- (iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited Discharges.** The following *discharges* are prohibited:

- (i) Wastewater from washout of concrete;
- (ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- (iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;
- (iv) Soaps or solvents used in vehicle and equipment washing; and
- (v) Toxic or hazardous substances from a spill or other release.

f. **Surface Outlets.** When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion

(Part I.B.1.f)

at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual (“Design Manual”), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices (“SMPs”) are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

- (i) Runoff Reduction Volume (“RRv”): Reduce the total Water Quality Volume (“WQv”) by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv

(Part I.C.2.a.ii)

that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (“Cpv”): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
 - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
 - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria (“Qp”): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.
- (v) Extreme Flood Control Criteria (“Qf”): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.

b. Sizing Criteria for New Development in Enhanced Phosphorus Removal Watershed

- (i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be calculated in accordance with the criteria in Section 10.3 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or

(Part I.C.2.b.ii)

standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
 - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
 - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.
- (v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.

c. Sizing Criteria for Redevelopment Activity

(Part I.C.2.c.i)

- (i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.
- (1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or
 - (2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
 - (3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
 - (4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

- (ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iii) Overbank Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(Part I.C.2.c.iv)

- (iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both *New Development* and *Redevelopment Activity* shall provide post-construction stormwater management controls that meet the *sizing criteria* calculated as an aggregate of the *Sizing Criteria* in Part I.C.2.a. or b. of this permit for the *New Development* portion of the project and Part I.C.2.c of this permit for *Redevelopment Activity* portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharges* necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharges* authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or

(Part I.D)

if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharges* will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity to surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.
2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharges* from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater *discharges* may be authorized by this permit: *discharges* from firefighting activities; fire hydrant flushings; waters to which cleansers or other components have not been added that are used to wash vehicles or control dust in accordance with the SWPPP, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated *groundwater* or spring water; uncontaminated *discharges* from construction site de-watering operations; and foundation or footing drains where flows are not contaminated with process materials such as solvents. For those entities required to obtain coverage under this permit, and who *discharge* as noted in this paragraph, and with the exception of flows from firefighting activities, these *discharges* must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.
4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are **not** authorized by this permit:

(Part I.F)

1. *Discharges after construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;
4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an endangered or threatened species unless the *owner or operator* has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.C.2 of this permit.
5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;
6. *Construction activities* for residential, commercial and institutional projects:
 - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
 - b. Which disturb one or more acres of land with no existing *impervious cover*; and
 - c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture (“USDA”) Soil Survey for the County where the disturbance will occur.
7. *Construction activities* for linear transportation projects and linear utility projects:
 - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
 - b. Which disturb two or more acres of land with no existing *impervious cover*; and
 - c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the USDA Soil Survey for the County where the disturbance will occur.

(Part I.F.8)

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.C.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:
- a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the construction site within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the construction site within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.
 - 1-5 acres of disturbance - 20 feet
 - 5-20 acres of disturbance - 50 feet
 - 20+ acres of disturbance - 100 feet, or
 - b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
 - (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
 - (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
 - (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
 - (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or
 - c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:
 - (i) No Affect
 - (ii) No Adverse Affect

(Part I.F.8.c.iii)

(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharges from construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

II. Part II. OBTAINING PERMIT COVERAGE

A. Notice of Intent (NOI) Submittal

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the Department in order to be authorized to *discharge* under this permit. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (<http://www.dec.ny.gov/>). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address.

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

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI.

The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the address in Part II.A.1.

(Part II.A.2)

The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.E. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*.

3. The *owner or operator* shall have the SWPPP preparer sign the “SWPPP Preparer Certification” statement on the NOI prior to submitting the form to the Department.

4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

B. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:
 - a. project review pursuant to the State Environmental Quality Review Act (“SEQRA”) have been satisfied, when SEQRA is applicable. See the Department’s website (<http://www.dec.ny.gov/>) for more information,
 - b. where required, all necessary Department permits subject to the *Uniform Procedures Act* (“UPA”) (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain UPA permits must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary UPA permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,
 - c. the final SWPPP has been prepared, and
 - d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above

(Part II.B.

will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

- a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:
 - (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or
 - (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;
 - (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.
- b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:
 - (i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed “MS4 SWPPP Acceptance” form, or
 - (ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed “MS4 SWPPP Acceptance” form.

4. The Department may suspend or deny an *owner’s or operator’s* coverage

(Part II.B.

under this permit if the Department determines that the SWPPP does not meet the permit requirements. In accordance with statute, regulation, and the terms and conditions of this permit, the Department may deny coverage under this permit and require submittal of an application for an individual SPDES permit based on a review of the NOI or other information pursuant to Part II.

5. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.B. of this permit.

C. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination (“NOT”) has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.
2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-15-002), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, and all documentation necessary to demonstrate eligibility with this permit at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:
 - a. The *owner or operator* shall

(Part II.C.3.a)

have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

- b. In areas 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 shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005.
 - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
 - d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.
 - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
5. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the *regulated, traditional land use control MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice

(Part II.D)

D. Permit Coverage for Discharges Authorized Under GP-0-10-001

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-10-001), an *owner or operator* of a *construction activity* with coverage under GP-0-10-001, as of the effective date of GP-0-15-002, shall be authorized to *discharge* in accordance with GP-0-15-002, unless otherwise notified by the Department.

An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-15-002.

E. Change of *Owner or Operator*

2. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.A.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

(Part III)

III. **Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.
3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP:
 - a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;
 - b. whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the *discharge* of *pollutants*; and
 - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority.
5. The Department may notify the *owner or operator* at any time that the

(Part III.A.

SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.C.4. of this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges* from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the

(Part III.A.

trained contractor responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:
 - a. Background information about the scope of the project, including the location, type and size of project;
 - b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall 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); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge(s)*;
 - c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
 - d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other

(Part III.B.1.d)

- activity at the site that results in soil disturbance;
- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
 - f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;
 - g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
 - h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
 - i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;
 - j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;
 - k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the construction site; and
 - l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Include the reason for the deviation or alternative design

(Part III.B.1.I)

and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

The post-construction stormwater management practice component of the SWPPP shall include the following:

- a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;
- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
 - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
 - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
 - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;
 - (iv) Summary table, with supporting calculations, which demonstrates

(Part III.B.2.c.iv)

that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

- (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and
 - (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;
- d. Soil testing results and locations (test pits, borings);
 - e. Infiltration test results, when required; and
 - f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.
3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria*, Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

C. Required SWPPP Components by Project Type

Unless otherwise notified by the Department, *owners or operators* of *construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

(Part IV)

IV. Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.
2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance 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.

C. Qualified Inspector Inspection Requirements

(Part IV.C)

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- 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 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].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:
 - a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
 - b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
 - c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
 - d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
 - a. 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.
 - b. For construction sites where soil disturbance activities are on-going and

(Part IV.C.2.b)

the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

- c. For construction sites 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 once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.
- d. 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 DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) 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 form to the address in Part II.A.1 of this permit.
- e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall

(Part IV.C.2.e)

be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of *discharge* from the construction site.
4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
 - a. Date and time of inspection;
 - b. Name and title of person(s) performing inspection;
 - c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
 - d. A description of the condition of the runoff at all points of *discharge* from the construction site. This shall include identification of any *discharges* of sediment from the construction site. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
 - e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
 - f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;
 - g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

(Part IV.C.4.i)

- i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
 - j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);
 - k. Identification and status of all corrective actions that were required by previous inspection; and
 - l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
 6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

V. **Part V. TERMINATION OF PERMIT COVERAGE**

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.A.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

(Part V.A.2)

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:
 - a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;
 - b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; 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;
 - c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.E. of this permit.
 - d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.
3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the “*Final Stabilization*” and “*Post-Construction Stormwater Management Practice certification statements*” on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.
4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the “*MS4 Acceptance*” statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector’s* final site inspection certification(s) required in Part V.A.3. of this permit.

(Part V.A.5)

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:
 - a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,
 - b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),
 - c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,
 - d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

VI. Part VI. REPORTING AND RETENTION OF RECORDS

A. Record Retention

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

B. Addresses

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.A.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

(Part VII)

VII. Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

C. Enforcement

Failure of the *owner or operator*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this 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. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

(Part VII.E)

E. Duty to Mitigate

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

G. Other Information

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:
 - a. For a corporation these forms shall be signed 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

(Part VII.H.1.a.i)

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 permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency these forms shall be signed 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).

2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named

(Part VII.H.2.b)

individual or any individual occupying a named position) and,

- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.
3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.
4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person.

It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any *discharger* authorized by a general permit to apply for an individual SPDES permit, 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 frame for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from *owner or operator* receipt of the notification letter, whereby the authorization to

(Part VII.K.1)

discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge(s)*, the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance

The *owner or operator* 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 *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a construction site which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.
4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

(Part VII.N)

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions

Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, 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 permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

VIII. APPENDIX A

Definitions

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both “sewage” and “stormwater”.

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for “*Construction Activity(ies)*” also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result 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.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a construction site by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a construction site to a separate storm sewer system and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or point source.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied

on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - means 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.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

Larger Common Plan of Development or Sale - means 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, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, 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.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (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):

- (i) Owned or operated by a State, city, town, 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;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a *combined sewer*; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

New Development – means any land disturbance that does meet the definition of Redevelopment Activity included in this appendix.

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department’s receipt and acceptance of a complete Notice of Intent. This letter documents the owner’s or operator’s authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

Performance Criteria – means the design criteria listed under the “Required Elements” sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Pollutant - means 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 6 NYCRR Parts 700 et seq .

Qualified Inspector - means a person that 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 shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York..

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is required to gain coverage under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s).

Routine Maintenance Activity - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Stream bank restoration projects (does not include the placement of spoil material),
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit 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) - means 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.

Steep Slope – means land area with a Soil Slope Phase that is identified as an E or F, or

the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture (“USDA”) Soil Survey for the County where the disturbance will occur.

Surface Waters of the State - shall 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 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.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is 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 on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that 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 *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. 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 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).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part

621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means 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.

Required SWPPP Components by Project Type

**Table 1
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS**

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</p> <ul style="list-style-type: none"> • Single family home <u>not</u> located in one of the watersheds listed in Appendix C or <u>not directly discharging</u> to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions with 25% or less impervious cover at total site build-out and <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E • Construction of a barn or other agricultural building, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none"> • Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains • Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects • Bike paths and trails • Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project • Slope stabilization projects • Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics • Spoil areas that will be covered with vegetation • Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that <i>alter hydrology from pre to post development</i> conditions • Athletic fields (natural grass) that do not include the construction or reconstruction of <i>impervious area</i> and do not <i>alter hydrology from pre to post development</i> conditions • Demolition project where vegetation will be established and no redevelopment is planned • Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with <i>impervious cover</i> • Structural practices as identified in Table II in the “Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State”, excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area
<p>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</p> <ul style="list-style-type: none"> • All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES
POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other agricultural building(e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover*, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

APPENDIX C**Watersheds Where Enhanced Phosphorus Removal Standards Are Required**

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual (“Design Manual”).

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed -Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

Figure 1 - New York City Watershed East of the Hudson

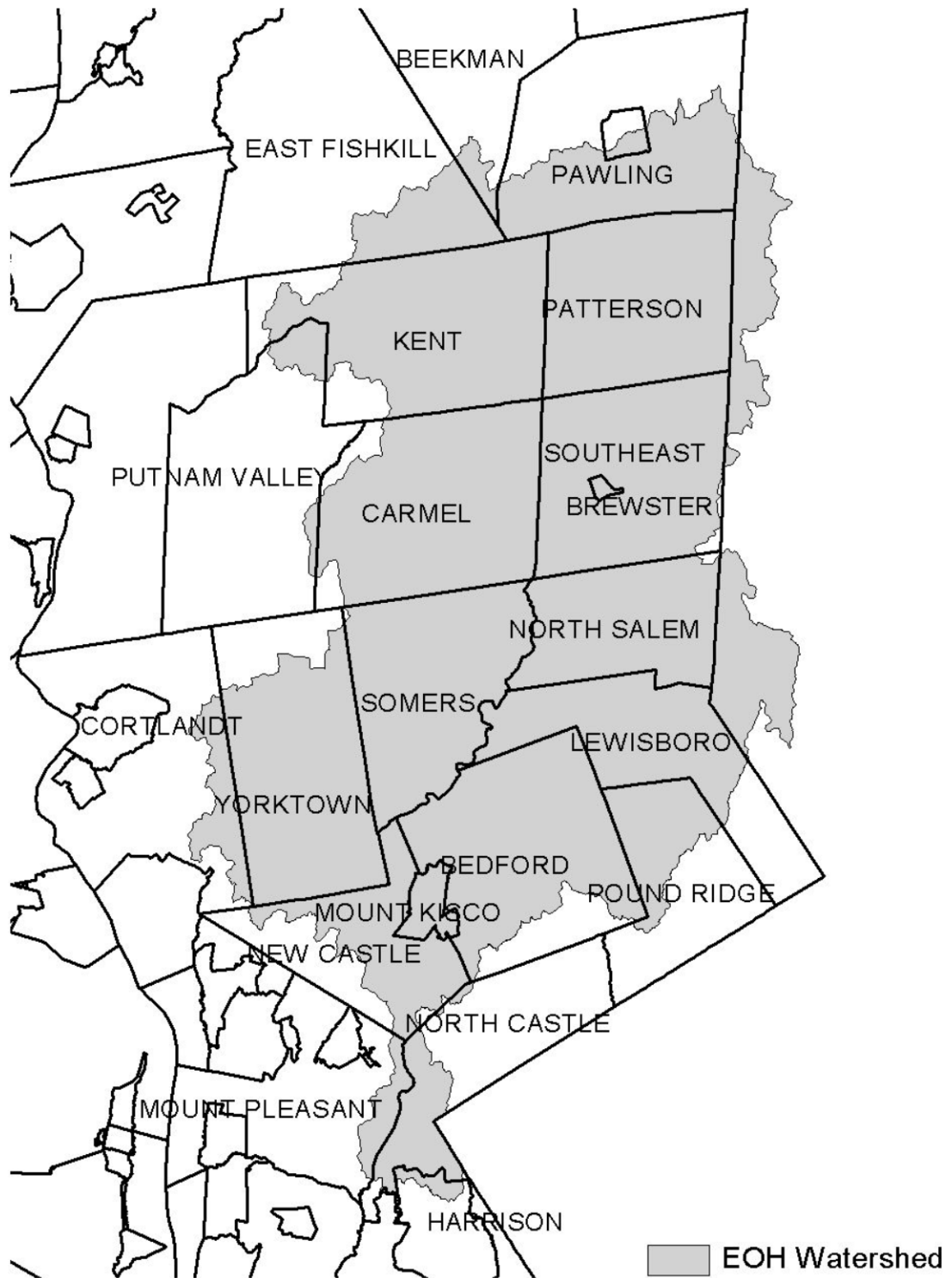


Figure 2 - Onondaga Lake Watershed



Figure 3 - Greenwood Lake Watershed

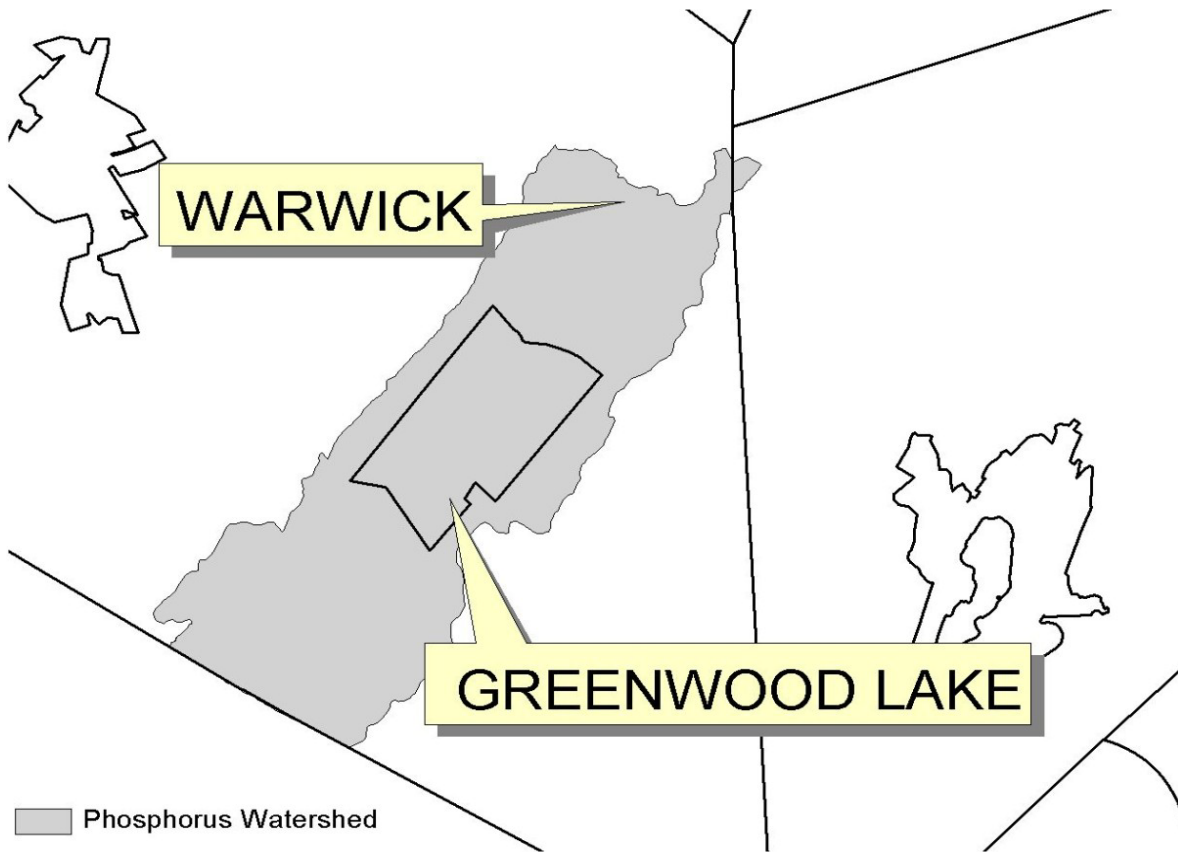


Figure 4 - Oscawana Lake Watershed

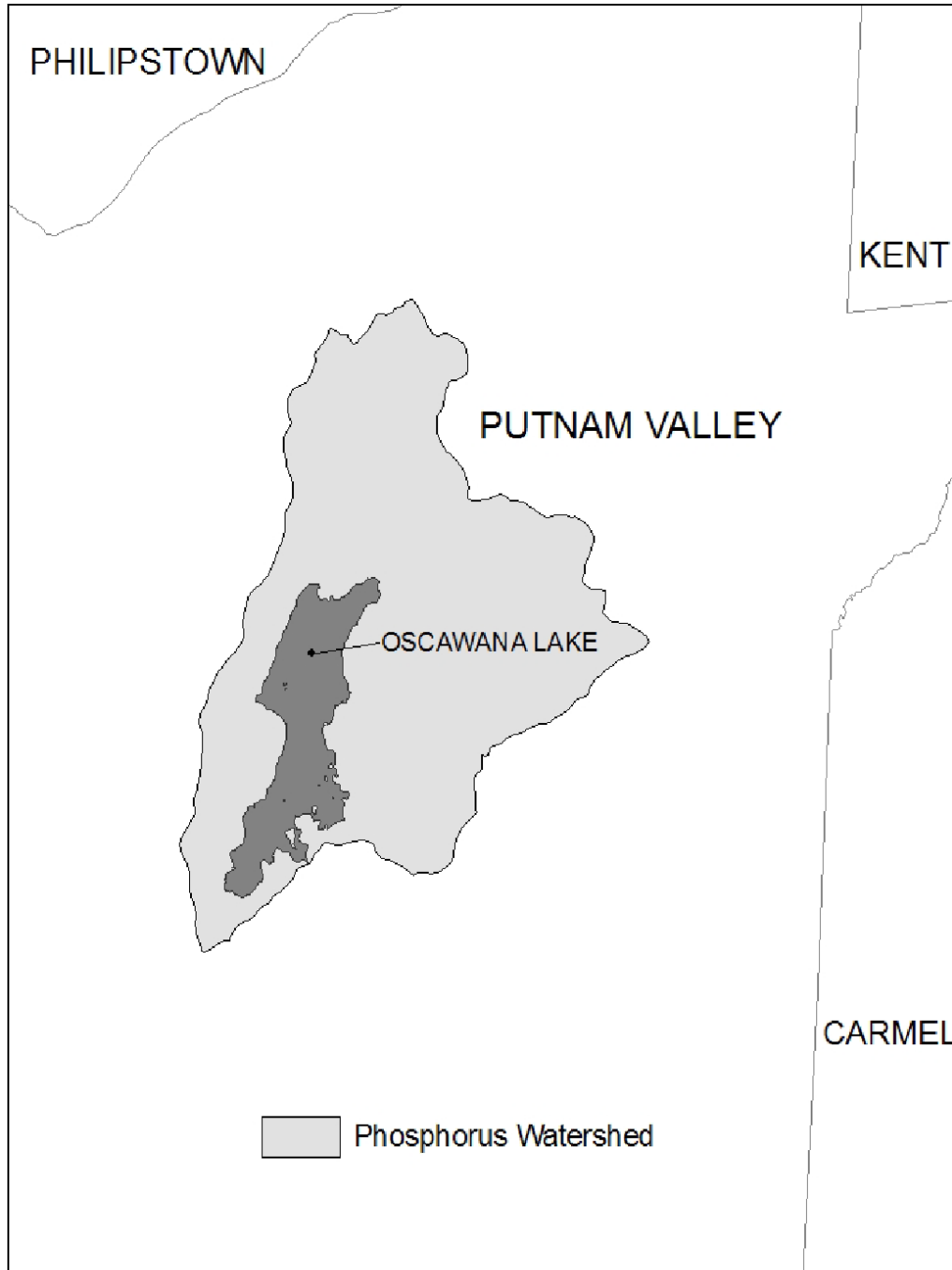
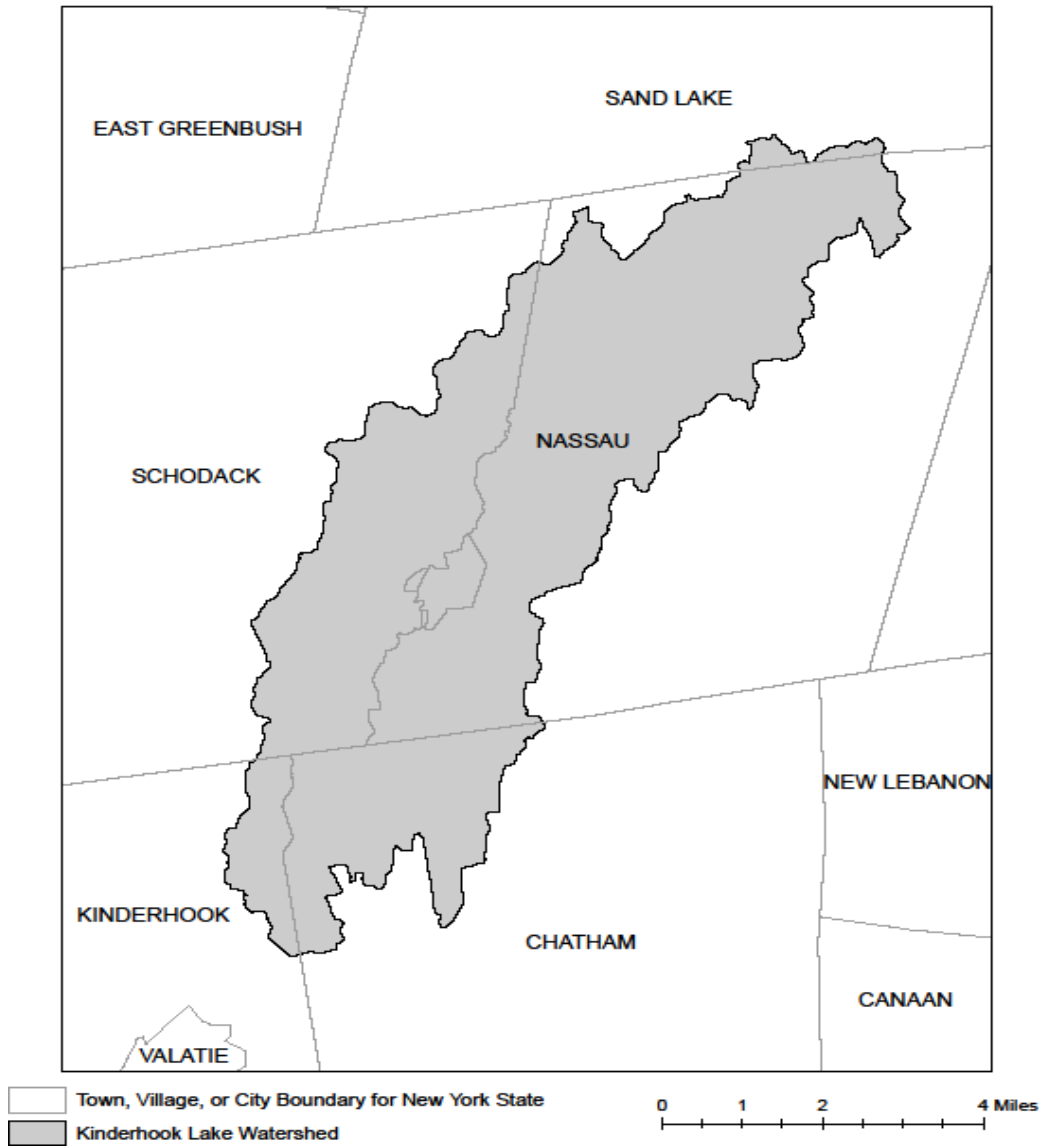


Figure 5: Kinderhook Lake Watershed



XI. **APPENDIX D**

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C

XII. APPENDIX E

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual (“Design Manual”), dated January 2015.

COUNTY	WATERBODY	CC UNTY	WATERBODY
Albany	Ann Lee (Shakers) Pond, Stump Pond	Greene	Sleepy Hollow Lake
Albany	Basic Creek Reservoir	Herkimer	Steele Creek tribs
Allegheny	Amity Lake, Saunders Pond	Kings	Hendrix Creek
Bronx	Van Cortlandt Lake	Lewis	Mill Creek/South Branch and tribs
Broome	Whitney Point Lake/Reservoir	Livingston	Conesus Lake
Broome	Fly Pond, Deer Lake	Livingston	Jaycox Creek and tribs
Broome	Minor Tribs to Lower Susquehanna (north)	Livingston	Mill Creek and minor tribs
Cattaraugus	Allegheny River/Reservoir	Livingston	Bradner Creek and tribs
Cattaraugus	Case Lake	Livingston	Christie Creek and tribs
Cattaraugus	Linlyco/Club Pond	Monroe	Lake Ontario Shoreline, Western
Cayuga	Duck Lake	Monroe	Mill Creek/Blue Pond Outlet and tribs
Chautauqua	Chautauqua Lake, North	Monroe	Rochester Embayment - East
Chautauqua	Chautauqua Lake, South	Monroe	Rochester Embayment - West
Chautauqua	Bear Lake	Monroe	Unnamed Trib to Honeoye Creek
Chautauqua	Chadakoin River and tribs	Monroe	Genesee River, Lower, Main Stem
Chautauqua	Lower Cassadaga Lake	Monroe	Genesee River, Middle, Main Stem
Chautauqua	Middle Cassadaga Lake	Monroe	Black Creek, Lower, and minor tribs
Chautauqua	Findley Lake	Monroe	Buck Pond
Clinton	Great Chazy River, Lower, Main Stem	Monroe	Long Pond
Columbia	Kinderhook Lake	Monroe	Cranberry Pond
Columbia	Robinson Pond	Monroe	Mill Creek and tribs
Dutchess	Hillside Lake	Monroe	Shipbuilders Creek and tribs
Dutchess	Wappinger Lakes	Monroe	Minor tribs to Irondequoit Bay
Dutchess	Fall Kill and tribs	Monroe	Thomas Creek/White Brook and tribs
Erie	Green Lake	Nassau	Glen Cove Creek, Lower, and tribs
Erie	Scajaquada Creek, Lower, and tribs	Nassau	LI Tribs (fresh) to East Bay
Erie	Scajaquada Creek, Middle, and tribs	Nassau	East Meadow Brook, Upper, and tribs
Erie	Scajaquada Creek, Upper, and tribs	Nassau	Hempstead Bay
Erie	Rush Creek and tribs	Nassau	Hempstead Lake
Erie	Ellicott Creek, Lower, and tribs	Nassau	Grant Park Pond
Erie	Beeman Creek and tribs	Nassau	Beaver Lake
Erie	Murder Creek, Lower, and tribs	Nassau	Camaans Pond
Erie	South Branch Smoke Cr, Lower, and tribs	Nassau	Halls Pond
Erie	Little Sister Creek, Lower, and tribs	Nassau	LI Tidal Tribs to Hempstead Bay
Essex	Lake George (primary county: Warren)	Nassau	Massapequa Creek and tribs
Genesee	Black Creek, Upper, and minor tribs	Nassau	Reynolds Channel, east
Genesee	Tonawanda Creek, Middle, Main Stem	Nassau	Reynolds Channel, west
Genesee	Oak Orchard Creek, Upper, and tribs	Nassau	Silver Lake, Lofts Pond
Genesee	Bowen Brook and tribs	Nassau	Woodmere Channel
Genesee	Bigelow Creek and tribs	Niagara	Hyde Park Lake
Genesee	Black Creek, Middle, and minor tribs	Niagara	Lake Ontario Shoreline, Western
Genesee	LeRoy Reservoir	Niagara	Bergholtz Creek and tribs
Greene	Schoharie Reservoir	Oneida	Ballou, Nail Creeks
		Onondaga	Ley Creek and tribs
		Onondaga	Onondaga Creek, Lower and tribs

APPENDIX E

List of 303(d) segments impaired by pollutants related to construction activity, cont'd.

COUNTY	WATERBODY	COUNTY	WATERBODY
Onondaga	Onondaga Creek, Middle and tribs	Suffolk	Great South Bay, West
Onondaga	Onondaga Creek, Upp, and minor tribs	Suffolk	Mill and Seven Ponds
Onondaga	Harbor Brook, Lower, and tribs	Suffolk	Moriches Bay, East
Onondaga	Ninemile Creek, Lower, and tribs	Suffolk	Moriches Bay, West
Onondaga	Minor tribs to Onondaga Lake	Suffolk	Quantuck Bay
Onondaga	Onondaga Creek, Lower, and tribs	Suffolk	Shinnecock Bay (and Inlet)
Ontario	Honeoye Lake	Sullivan	Bodine, Montgomery Lakes
Ontario	Hemlock Lake Outlet and minor tribs	Sullivan	Davies Lake
Ontario	Great Brook and minor tribs	Sullivan	Pleasure Lake
Orange	Monhagen Brook and tribs	Sullivan	Swan Lake
Orange	Orange Lake	Tompkins	Cayuga Lake, Southern End
Orleans	Lake Ontario Shoreline, Western	Tompkins	Owasco Inlet, Upper, and tribs
Oswego	Pleasant Lake	Ulster	Ashokan Reservoir
Oswego	Lake Neatahwanta	Ulster	Esopus Creek, Upper, and minor tribs
Putnam	Oscawana Lake	Ulster	Esopus Creek, Lower, Main Stem
Putnam	Palmer Lake	Ulster	Esopus Creek, Middle, and minor tribs
Putnam	Lake Carmel	Warren	Lake George
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Warren	Tribs to L.George, Village of L George
Queens	Bergen Basin	Warren	Huddle/Finkle Brooks and tribs
Queens	Shellbank Basin	Warren	Indian Brook and tribs
Rensselaer	Nassau Lake	Warren	Hague Brook and tribs
Rensselaer	Snyders Lake	Washington	Tribs to L.George, East Shr Lk George
Richmond	Grasmere, Arbutus and Wolfes Lakes	Washington	Cossayuna Lake
Rockland	Congers Lake, Swartout Lake	Washington	Wood Cr/Champlain Canal, minor tribs
Rockland	Rockland Lake	Wayne	Port Bay
Tompkins	Ballston Lake	Wayne	Marbletown Creek and tribs
Tompkins	Round Lake	Westchester	Lake Katonah
Tompkins	Dwaas Kill and tribs	Westchester	Lake Mohegan
Tompkins	Tribs to Lake Lonely	Westchester	Lake Shenorock
Tompkins	Lake Lonely	Westchester	Reservoir No.1 (Lake Isle)
Schenectady	Collins Lake	Westchester	Saw Mill River, Middle, and tribs
Schenectady	Duane Lake	Westchester	Silver Lake
Schenectady	Mariaville Lake	Westchester	Teatown Lake
Schoharie	Engleville Pond	Westchester	Truesdale Lake
Schoharie	Summit Lake	Westchester	Wallace Pond
Schuyler	Cayuta Lake	Westchester	Peach Lake
St. Lawrence	Fish Creek and minor tribs	Westchester	Mamaroneck River, Lower
St. Lawrence	Black Lake Outlet/Black Lake	Westchester	Mamaroneck River, Upp, and tribs
Steuben	Lake Salubria	Westchester	Sheldrake River and tribs
Steuben	Smith Pond	Westchester	Blind Brook, Lower
Suffolk	Millers Pond	Westchester	Blind Brook, Upper, and tribs
Suffolk	Mattituck (Marratooka) Pond	Westchester	Lake Lincolndale
Suffolk	Tidal tribs to West Moriches Bay	Westchester	Lake Meahaugh
Suffolk	Canaan Lake	Wyoming	Java Lake
Suffolk	Lake Ronkonkoma	Wyoming	Silver Lake
Suffolk	Beaverdam Creek and tribs		
Suffolk	Big/Little Fresh Ponds		
Suffolk	Fresh Pond		
Suffolk	Great South Bay, East		
Suffolk	Great South Bay, Middle		

Note: The list above identifies those waters from the final New York State "2014 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy", dated January 2015, that are impaired by silt, sediment or nutrients.

XIII. APPENDIX F

LIST OF NYS DEC REGIONAL OFFICES

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, TOMPKINS, WARREN AND WASHINGTON	1115 STATE ROUTE 86, Po Box 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

Appendix G

Notice of Intent

Post-construction Stormwater Management Practice (SMP) Requirements

**Important: Completion of Questions 27-39 is not required
if response to Question 22 is No.**

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.

- Preservation of Undisturbed Areas
- Preservation of Buffers
- Reduction of Clearing and Grading
- Locating Development in Less Sensitive Areas
- Roadway Reduction
- Sidewalk Reduction
- Driveway Reduction
- Cul-de-sac Reduction
- Building Footprint Reduction
- Parking Reduction

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6 ("Soil Restoration") of the Design Manual (2010 version).

- All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).
- Compacted areas were considered as impervious cover when calculating the **WQv Required**, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout).

Total WQv Required

. **acre-feet**

29. Identify the RR techniques (Area Reduction), RR techniques (Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required (#28).

Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

<u>RR Techniques (Area Reduction)</u>	<u>Total Contributing Area (acres)</u>		and/or	<u>Total Contributing Impervious Area (acres)</u>	
<input type="radio"/> Conservation of Natural Areas (RR-1) ...	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Sheetflow to Riparian Buffers/Filters Strips (RR-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Tree Planting/Tree Pit (RR-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Disconnection of Rooftop Runoff (RR-4) ..	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<u>RR Techniques (Volume Reduction)</u>					
<input type="radio"/> Vegetated Swale (RR-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Rain Garden (RR-6)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Stormwater Planter (RR-7)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Rain Barrel/Cistern (RR-8)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Porous Pavement (RR-9)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Green Roof (RR-10)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<u>Standard SMPs with RRv Capacity</u>					
<input type="radio"/> Infiltration Trench (I-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Infiltration Basin (I-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Dry Well (I-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Underground Infiltration System (I-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Bioretention (F-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Dry Swale (O-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<u>Standard SMPs</u>					
<input type="radio"/> Micropool Extended Detention (P-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Wet Pond (P-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Wet Extended Detention (P-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Multiple Pond System (P-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Pocket Pond (P-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Surface Sand Filter (F-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Underground Sand Filter (F-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Perimeter Sand Filter (F-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Organic Filter (F-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Shallow Wetland (W-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Extended Detention Wetland (W-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Pond/Wetland System (W-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Pocket Wetland (W-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<input type="radio"/> Wet Swale (O-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>

Appendix H

Notice of Termination

**New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505**

(NOTE: Submit completed form to address above)

**NOTICE OF TERMINATION for Storm Water Discharges Authorized
under the SPDES General Permit for Construction Activity**

Please indicate your permit identification number: NYR _____

I. Owner or Operator Information

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person:

4a. Telephone:

4b. Contact Person E-Mail:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

III. Reason for Termination

9a. All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. *Date final stabilization completed (month/year): _____

9b. Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR _____

(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. Other (Explain on Page 2)

IV. Final Site Information:

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? yes no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? yes no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued**

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? yes no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

- Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.
- Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).
- For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record.
- For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____
(acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? yes
 no

(If Yes, complete section VI - "MS4 Acceptance" statement

V. Additional Information/Explanation:

(Use this section to answer questions 9c. and 10b., if applicable)

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:

Title/Position:

Signature:

Date:

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued**

VII. Qualified Inspector Certification - Final Stabilization:

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

IX. Owner or Operator Certification

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

Appendix I

SWPPP Acceptance Form



Department of
Environmental
Conservation

NYS Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form

for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information

1. Owner/Operator Name:

2. Contact Person:

3. Street Address:

4. City/State/Zip:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/State/Zip:

III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information

8. SWPPP Reviewed by:

9. Title/Position:

10. Date Final SWPPP Reviewed and Accepted:

IV. Regulated MS4 Information

11. Name of MS4:

12. MS4 SPDES Permit Identification Number: NYR20A

13. Contact Person:

14. Street Address:

15. City/State/Zip:

16. Telephone Number:

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).
Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Additional Information

Town of Lansing's Stormwater Program

SOP for SWPPP Acceptance

Steps to take prior to signing the MS4 Acceptance Form or scheduling a Pre-Construction Meeting with the developer constructing under a SPDES permit for stormwater discharge.

Prior to signing MS4 acceptance:

1. Verify Town Engineer's comments from technical review of SWPPP have been addressed by applicant and no comments remain.
2. Final/ revised SWPPP is submitted with SWPPP acceptance form and NOI by Applicant to the Town.
3. SMO to verify that we have the current SWPPP on file (make sure revisions were provided to our office as well as the TDE).
4. Review PB approval for conditions of approval and make sure they were met (if conditions are required prior to construction.)
5. The following is required from the applicant within a reasonable period of time either prior to shortly after SWPPP acceptance, if it is not on file notify applicant of the deficiencies:
 - a. A copy of this project's stormwater treatment facility maintenance agreement, signed by both the town and project owner. It must bear the date stamp of the Tompkins County Clerk as proof that it has been filed.
 - b. A signed SWPPP (both owner and all involved contractors must sign.) If we have a SWPPP already, then they just need to submit the signature pages.
 - c. A Trained Contractor, pursuant to GP-0-15-002, or amended (Part III.A.6), must be identified. Proof of DEC sanctioned training must be provided.
 - d. Name and contact information for the party conducting weekly site inspections.
 - e. A time table of construction activities must be provided, detailing the approximate duration of construction activities.
 - f. Town-issued soil disturbance permit received and associated fees paid.
6. Verify that items *a-f* listed above have been addressed, or that satisfactory progress is being made on any outstanding issues. In order to finalize the SWPPP acceptance form, do the following:
 - a. Fill in the front page "SWPPP reviewed by" section with "Town Designated Engineer" for title.
 - b. Have the Town Supervisor sign the MS4 acceptance.
7. When returning the form, remind applicant that they must schedule a pre-construction meeting with the Town before they begin work.

Appendix J

SWPPP Review Checklist

Town of Lansing
 Building/Planning Department
 29 Auburn Rd
 Lansing, NY 14882

SWPPP APPLICATION REVIEW CHECKLIST

MS4 Instructions: This form is to be used during review of SWPPP's submitted to the Town by reviewer staff/Town Designated Engineer. Reviewer should enter "✓" in each box if component/element is compliant and "x" if not. Once a component is compliant, it no longer requires review.

Project Name:		Site Address:	
Review #:			

MS4 SWPPP Reviewer:	
Accompanying Review Letter Date:	

INDICATE SWPPP TYPE:

Basic SWPPP – those construction activities listed on Table 1 in Appendix B of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) or as updated by NYSDEC.	<input type="checkbox"/>
Full SWPPP – those construction activities listed on Table 2 in Appendix B of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) or as updated by NYSDEC.	<input type="checkbox"/>

The following list includes "Big Picture" SWPPP elements but does not include all required SWPPP elements per GP-0-15-002. This list is meant to assist the Reviewer and does not supersede the requirements of GP-0-15-002. Each list should be accompanied by a corresponding review letter detailing deficiencies to be addressed by the Applicant.

GENERAL REQUIREMENTS:

		<i>1st</i> <i>Submission</i>	<i>2nd</i> <i>Submission</i>	<i>3rd</i> <i>Submission</i>	<i>4th</i> <i>Submission</i>
1	Construction drawings and SWPPP with the signature and seal of a 'qualified professional'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Documentation of a consultation with NYSHPO about potential impacts to Historic Places. Documentation to ensure conformance with Part I.F.8. of GP-0-15-002	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	A description of any measures necessary to avoid or minimize said adverse impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Documentation to demonstrate eligibility to Part I.F.4 of GP-0-15-002 regarding impacts to endangered or threatened species	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Completed and signed copy of DEC Notice of Intent (NOI) for general permit coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Completed MS4 SWPPP Acceptance Form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BASIC SWPPP:

		<i>1st Submission</i>	<i>2nd Submission</i>	<i>3rd Submission</i>	<i>4th Submission</i>
7	On-site and adjacent off-site surface water(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Floodplain/Floodway boundaries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Wetlands and drainage patterns that could be affected by the construction activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Existing and final contours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Location of stormwater discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Soil map descriptions and identification of Hydrologic Soil Group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Temporary and permanent soil stabilization plan in accordance with the Blue Book	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Maintenance and inspection schedule in accordance with the Blue Book	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Description of the pollution prevention measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Use of Town Standard Specifications for design of the storm drain system (i.e. catch basins, manholes, piping, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each E&SC practice for all anticipated soil disturbance activities for the entire project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Material specifications, dimensions, and installation details for proposed E&SC practices, including calculations (if warranted) for siting and sizing of any temporary sediment basins and/or traps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	Typical E&SC measures and specific details for material stockpiling, equipment staging, material storage, borrow/spoil areas, dewatering operations, and spill/waste containment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Description of temporary and permanent structural and vegetative measures for erosion control, runoff control, and sediment control for each stage and/or phase of the project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Construction phasing plan describing all the major construction activities for the project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Copy of Contractor Certification Form with a statement equivalent to DEC general permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	Copy of the <i>Owner or Operator</i> Inspection Form satisfying requirements in the Blue Book	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Full SWPPP:

		<u>1st</u> <u>Submission</u>	<u>2nd</u> <u>Submission</u>	<u>3rd</u> <u>Submission</u>	<u>4th</u> <u>Submission</u>
24	Existing condition analysis for time of concentration, runoff rates, volumes, and velocities, and water surface elevations showing methodologies used and supporting calculations, including existing watershed map with design points, catchment IDs, and Tc flow paths	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Proposed condition analysis for time of concentration, runoff rates, volumes and velocities, and water surface elevations showing methodologies used and supporting calculations, including proposed watershed map with design points, catchment IDs, and Tc flow paths	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	Sizing calculations for all the post-construction stormwater management practices (SMPs) including: contributing drainage area, land use cover, storage volumes, and outlet structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	Detailed comparison and summary of post-development stormwater runoff conditions with pre-development conditions for 1-year, 10-year, 100-year 24-hour design storms in accordance with the Unified Sizing Criteria identified in Chapter 4 of the <i>Design Manual</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	Water Quality volume (WQv) and Runoff Reduction volume (RRv) calculations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29	Representative cross sections and plans with dimensions, material specifications, and installation details for each SMP (comparable in detail to Chapter 6 of the <i>Design Manual</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30	Infiltration and percolation test pit report (performed in accordance with Appendix D of the <i>Design Manual</i> at the required frequency) where required by the SMP Group or the Town	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	Dam Analysis if applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32	Copy of Site Inspection Form that satisfies the requirements in <i>GP-0-15-002</i> , or as updated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33	Evidence of legal easements/conservation deed restrictions etc., if applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34	Waiver request/justification for Disturbance at any one time to be greater than 5 acres if applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35	Operations and Maintenance plan that includes inspection and maintenance schedules and activities to ensure continuous and effective operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36	Stormwater facilities ownership documents (i.e. Town maintenance agreement with easements or HOA/COA report)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appendix K

IDDE Complaint Policy and Form

Complaint Policy and Procedure

When a complaint is received it shall be the policy of the Town of Lansing Department of Building and Planning (hereafter, the 'Department') to address complaints in the following manner: The intent of the policy is to ensure that complaints are adequately addressed by the Department, within its jurisdiction and authority, in an efficient manner, within the staffing capacity of the Department.

1) All complaints shall be recorded in writing, as follows:

B. Complaints. Whenever an alleged violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer who shall properly record such complaint and immediately investigate and report thereon.

2) The Department shall utilize, for the required written complaint, a form developed to ensure consistency in complaint evaluation, adequate information related to the complaint, and to maintain a written file record for potential future complaints. The form may be subject to change when modifications are determined necessary to improve the complaint investigation process.

3) Unless complaints are determined by the Department to be of imminent threat to health, safety and/or general welfare of the public, complaint forms must be accurately completed prior to the Department undertaking investigation actions.

Where a complaint is determined to be an imminent threat to health, safety and/or welfare, the Department will undertake an immediate investigation; however the person submitting the complaint shall be required to file an accurate complaint form at their earliest opportunity.

4) When a complaint form is determined by the Department to be accurately completed, the Department shall review information within the form and immediately identify and report whether the complaint is either a) within the authority of the Department to act upon, or b) not within the authority of the Department to act upon, or c) ambiguous, based on information provided, regarding the authority of the Department to act.

a) Where it is determined by the Department that it has authority to act on the complaint, a Code Enforcement Officer shall take appropriate

measures to determine if the complaint is valid, and a violation of the Town Code exists, within the jurisdiction of the Department of Building and Planning.

b) Where it is determined by the Department it does not have authority to act on the complaint, no further investigation will be conducted.

c) Where it is determined by the Department that information is ambiguous, additional information may be requested or further investigation taken to determine the appropriateness of the Department to act on the complaint.

5) When it has been determined by the Department that it has no jurisdiction or authority regarding any submitted complaint, correspondence shall be mailed, emailed or faxed to the complainant, indicating that lack of jurisdiction and/or authority prevents the Department from taking further action, and the file shall be closed (provide copy of correspondence in the file).

When it has been determined that the Department has jurisdiction and authority to act, but that additional information is required to adequately investigate the complaint, the complainant will be requested to provide the additional information deemed needed. This information may be obtained in written or non-written form, but shall be accurately recorded in the file. Should the complainant not provide information considered necessary to further investigate the complaint, investigation shall discontinue, correspondence shall be provided to the complainant, with a copy provided to the file.

When it has been determined that the Department has jurisdiction and authority to act, and that adequate information appears to be available, the Department shall investigate the complaint to its conclusion. Upon conclusion of the investigation, the Department shall take action within its authority to address identified violations. Following conclusion of the investigation, the Department shall provide correspondence to the complainant denoting what the investigation identified, and what actions will be taken.

When it has been determined by the Department that a complaint may have merit, but that the ability to adequately investigate the complaint is insufficient due to the nature of the complaint or another outstanding issue preventing adequate investigation, the file shall be closed and the complainant shall be provided correspondence identifying what circumstances prevent the Department from adequately completing its investigation.

6) Any complaint submitted that has been determined to be accurately and completely filed, and when it has been determined the Department has authority and jurisdiction, shall be identified as either:

- a) An urgent threat to life safety
- b) A potential threat to life safety
- c) An unlikely threat to life safety
- d) No threat to life safety

Complaints will be addressed by the Department on a highest to lowest life safety priority basis, and then on a first come – first served basis.

7) Where a complaint has been properly filed, addressed, and closed by the Department, and a similar complaint has been filed by the same complainant for the same issue, a new complaint form shall be required.

Where a complaint has been properly filed, but has not yet been closed, and the complainant files an additional complaint relating to the same property or issue, it shall be recorded in the open complaint file and added to the investigation process.

8) A complaints file shall be permanently maintained within the offices of the Department. The files shall be maintained by property address, divided alphabetically by street name. Streets with numbers (e.g., “1st Street” shall be filed by “First Street”). The complaints file shall also contain a monthly report file. The monthly report shall include an overall report of all complaints submitted, completed, and actions taken, with attachments of each such complaint form included.

Town of Lansing
Building/Planning Department
29 Auburn Road
Lansing, NY 14882

Tompkins County

(518) 899-2685
(518) 899-4719

Complaint Registration

COMPLAINANT INFORMATION:

NAME: _____ PHONE #: _____
STREET ADDRESS: _____ CELL#: _____
CITY: _____ ZIP: _____ EMAIL: _____

Pre-qualification information:

- | | Yes | No |
|---|-------|-------|
| 1. This matter involves one or more provision of local zoning? | _____ | _____ |
| 2. This matter involves a dispute with a neighbor? | _____ | _____ |
| 3. This matter involves a dispute with a landlord? | _____ | _____ |
| 4. This complaint has been or may be the subject of a law suit? | _____ | _____ |
| 5. Has an attempt to resolve the matter has been made? | _____ | _____ |

A dispute with a neighbor or landlord will only be processed if it is clear that the matter involves a provision of the NYS Uniform code or local law, where the Building Department has both jurisdiction and authority to address the nature of the complaint filed. The Department does not have the jurisdiction or authority to regulate land lords or lease agreements, or disputes involving encroachments, drainage diversions, fences, or accumulation of non hazardous materials on the premises.

Address of complaint:

Description: (attach additional sheets if necessary)

Complainant's signature: _____ **Date:** _____

Summary Information

Date Complaint Received: _____
complainant:

Correspondence sent to

Date of authority/jurisdiction determination: _____

Date: _____

Date of investigation completion: _____

Delivery Method:

Date of action taken: _____

Building Department notes:

Ability to act on complaint:

Does the Department have jurisdiction and authority to address the complaint?

___ Yes

___ No, because:

___ Additional information required, as follows: _____

INVESTIGATION OF COMPLAINT

___ Violation of Town Code under Departmental jurisdiction and authority has been identified, as follows:

___ Violation of Town Code under Department jurisdiction and authority has been determined not to exist.

___ Violation of Town Code could not be adequately investigated for the following reason(s):

Complaint Action Taken

 Citation issued, as follows: _____

 Matter referred to Town Attorney for further action

 Other actions taken: _____

Log No.: _____

Stormwater Investigation Report

Date: _____

Complaint from: _____

Address: _____

Phone: _____

Site Location: _____

TAX ID: _____

Property Owner: _____

Address: _____

Phone: _____

Nature of Complaint: _____

Enforcement Action

Code Violation Reference: _____

Inspection date/time: _____ at _____ [AM/ PM]

Report of Findings: _____

Recommended Action: _____

Form filled out by [CEO/ SMO]: _____

Appendix L

Preconstruction Meeting Checklist

Town of Lansing Stormwater Program

Pre-Construction Check List

The Town requires that the following be on file with the Stormwater Management Officer prior to the start of construction. Documents to be submitted may be brought to the Pre-Construction meeting.

1. SWPPP including signed Owner and Contractor certifications.
2. Town-signed MS4 Acceptance Form.
3. NOI (Notice of Intent)
4. A copy of the project's stormwater treatment facility maintenance agreement, signed and notarized by both the town and project owner. It must bear the date stamp of the Tompkins County Clerk as proof that it has been filed.*
5. Name and contact information for the Owner.
6. DEC trained contractor name, contact information, and proof of training.
7. Name and contact information for the qualified inspector who will be conducting the Owner's weekly site inspections.
8. A construction schedule detailing the start and end dates and approximate duration of construction activities.
9. A soil disturbance permit from the Town.

Additionally, the Town will need on file the acceptance letter from NYSDEC for the filing of the NOI.

* Filing can take a month, please plan accordingly.

Town of Lansing's Stormwater Program

SOP for Pre-Constr. Meeting

Steps to take when scheduling, preparing for, and conducting the Pre-Construction meeting with the stakeholders involved in a project with a SWPPP.

Prior to scheduling the Pre-Construction Meeting, notify the applicant that the following must be on file before construction begins:

1. SWPPP including signed Owner and Contractor certifications.
2. Town-signed MS4 Acceptance Form.
3. NOI
4. A copy of this project's stormwater treatment facility maintenance agreement, signed by both the town and project owner. It must bear the date stamp of the Tompkins County Clerk as proof that it has been filed.
5. Name and contact information for the Owner.
6. Trained contractor Name, contact information and proof of training.
7. Name and contact information for the party conducting weekly site inspections.
8. A time table of construction activities, detailing the approximate duration of construction activities.
9. A town-issued soil disturbance permit for the project.

Pre-Con Meeting Discussion for Stormwater Issues

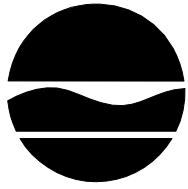
1. Owner, Trained Contractor, Qualified Inspector, author of SWPPP and all Contractors responsible for erosion and sediment control should be present as well as TDE, SMO and Code Enforcement.
2. Discuss importance of updating SWPPP and providing SMO current copies. SWPPP is the regulating authority now that it has been approved and all components must be built unless amended. Any changes to SWPPP and drawings must be provided to Town. Town copies must reflect what is in the ground.
3. Identify contractor(s) who will be installing erosion control. Ask them to tell you how they will be constructing the site (as a way to verify any holes/ errors in the construction schedule).
4. Discuss inspections. Inspections should be done by the trained contractor, Qualified Inspector and Town. Point out Town Code 136-6 Construction Inspections and the

process the Town follows. State that the Town does sometimes charge for inspections (per code 136-9). Request that they follow 136-6.A (1) and notify the Town at each benchmark appropriate to the project.

5. Request that all inspections be provided to SMO electronically.
6. Point out that a copy of the SWPPP and all inspection reports needs to be left on site. Identify where it will be located.
7. Verify that those assembled have your contact information and make arrangements for scheduling the initial site visit to review the installation of the erosion and sediment controls.
8. Point out any wetlands or other features the contractor should be monitoring to make sure no contamination is occurring on site. Let them know we expect properly installed barriers and as many barriers as necessary of varying kinds, if required, to ensure protection.
9. Review soil disturbance and stabilization requirements for the site (remember that a 5 acre waiver reduces time from 14 days to 7.)
10. Point out 167-42.4 maintenance of stormwater facilities and requirements on-going during and post-construction.

Appendix M

NYS Construction Stormwater Inspection Manual



**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Construction Stormwater Inspection Manual
**Primarily for Government Inspectors Evaluating Compliance with Construction
Stormwater Control Requirements**

**New York State
Department of Environmental Conservation**

TABLE OF CONTENTS

Version 1.05 (8/27/07)

<u>Section</u>	<u>Content</u>	<u>Page</u>
1.0	INTRODUCTION AND PURPOSE	1
1.1	Compliance Inspections	1
1.2	Self-inspections	2
2.0	PRE-INSPECTION ACTIVITIES	3
2.1	Regulatory Oversight Authorities	3
2.2	Permittee's Self-inspector	5
3.0	ON-SITE INSPECTION ACTIVITIES	5
3.1	Compliance Inspections	5
3.2	Non-permitted Site Inspections	9
3.3	Self-inspections	9
4.0	POST-INSPECTION ACTIVITIES	10
4.1	Regulatory Oversight Authorities	10
4.2	Permittee's Self-inspections	11

ATTACHMENTS

Attachment 1 - Compliance Inspection Form	12
Attachment 2 - Unpermitted Site Notice	14
Attachment 3 - Example Inspection Letter	15

1.0 INTRODUCTION AND PURPOSE

The New York State Department of Environmental Conservation Division of Water (DOW) considers there to be two types of inspections germane to construction stormwater; compliance inspections and self-inspections.

This manual is for use by DOW and other regulatory oversight construction stormwater inspectors in performing compliance inspections, as well as for site operators in performing self inspections. The manual should be used in conjunction with the *New York State Standards and Specifications for Erosion and Sediment Control*, August 2005.

1.1 Compliance Inspections

Regulatory compliance inspections are performed by regulatory oversight authorities such as DOW staff, or representatives of DOW and local municipal construction stormwater inspectors. These inspections are intended to determine compliance with the state or local requirements for control of construction stormwater through erosion and sediment control and post construction practices. Compliance inspections focus on determinations of compliance with legal and water quality standards. Typically, compliance inspections can be further sub-categorized to include comprehensive inspections, and follow-up or reconnaissance inspections.

Compliance inspectors will focus on determining whether:

- the project is causing water quality standard violations;
- the required Stormwater Pollution Prevention Plan (SWPPP) includes appropriate erosion and sediment controls and, to some extent, post construction controls;
- the owner/operator is complying with the SWPPP;
- where required, self-inspections are being properly performed; and
- where self-inspections are required, the owner/operator responds appropriately to the self-inspector's reports.

1.1.1 Comprehensive Inspection

Comprehensive inspections are designed to verify permittee compliance with all applicable regulatory requirements, effluent controls, and compliance schedules. This inspection involves records reviews, visual observations, and evaluations of management practices, effluents, and receiving waters.

Comprehensive inspections should be conducted according to a neutral or random inspection scheme, or in accordance with established priorities. A neutral monitoring scheme provides some objective basis for scheduling inspections and sampling visits by establishing a system (whether complex factor-based, alphabetic, or geographic) for setting priorities to ensure that a particular facility is not unfairly selected for inspection or sampling. The selection of which

facility to inspect must be made without bias to ensure that the regulatory oversight authority, if challenged for being arbitrary and capricious manner, can reasonably defend itself.

A neutral inspection scheme should set the criteria the inspector uses to choose which facilities to inspect, but the schedule for the actual inspection should remain confidential, and may be kept separate from the neutral plan.

A routine comprehensive compliance inspection is most effective when it is unannounced or conducted with very little advance warning.

1.1.2 Reconnaissance Inspection

A reconnaissance inspection is performed in lieu of, or following a comprehensive inspection to obtain a preliminary overview of an owner/operator's compliance program, to respond to a citizen complaint, or to assess a non-permitted site. The inspector performs a brief (generally about an hour) visual inspection of the site, discharges and receiving waters. A reconnaissance inspection uses the inspector's experience and judgement to summarize potential compliance problems, without conducting a full comprehensive inspection. The objective of a reconnaissance inspection is to expand inspection coverage without increasing inspection resource expenditures. The reconnaissance inspection is the shortest and least resource intensive of all inspections.

Reconnaissance inspections may be initiated in response to known or suspected violations, a public complaint, a violation of regulatory requirements, or as follow-up to verify that necessary actions were taken in response to a previous inspection.

1.2 Self-inspections

For some projects, the site owner/operator is required by their State Pollutant Discharge Elimination System (SPDES) Permit and/or local requirements to have a qualified professional¹ perform a "self-inspection" at the site. In self-inspections, the qualified professional determines whether the site is being managed in accordance with the SWPPP, and whether the SWPPP's recommended erosion and sediment controls are effective. If activities are not in accordance with the SWPPP, or if the SWPPP erosion and sediment controls are not effective, the qualified professional inspecting the site recommends corrections to the owner/operator.

¹ A "Qualified professional" is a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer, Certified Professional in Erosion and Sediment Control (CPESC), licensed landscape architect or soil scientist.

2.0 PRE-INSPECTION ACTIVITIES

2.1 Regulatory Oversight Authorities

This section is intended for inspectors with regulatory oversight authority such as agents of the DOW or a local municipality, or others acting on their behalf, such as county Soil and Water Conservation District staff. Examples of other regulatory oversight authorities include: the United States Environmental Protection Agency (EPA); New York City Department of Environmental Protection (DEP), Adirondack Park Agency (APA); the Lake George Park Commission (LGPC), and the Skaneateles Lake Watershed Authority (SLWA). Before arriving on-site to conduct the inspection, considerations concerning communication, documentation and equipment must be made.

Regulatory oversight authority is granted by state or local law to government agencies or, depending upon the particular law, an authorized representative of state or local government. SPDES rules 6 NYCRR 750-2.3 and Environmental Conservation Law 17-0303(6) and 17-0829(a) all allow for authorized representatives of the (NYSDEC) commissioner to perform all the duties of an inspector.

2.1.1 Communication

Coordination with Other Entities

Where appropriate, prior to selecting sites for inspection, compliance inspectors should communicate with other regulatory oversight authorities to avoid unnecessary duplication or to coordinate follow-up to inspections performed by other regulatory oversight authorities.

Announced vs. Unannounced Inspection

Inspections may be announced or unannounced. Each method has its own advantages and disadvantages. Unannounced inspections are preferred, however many job sites are not continuously manned, or not always staffed by someone who is familiar with the SWPPP, thus necessitating an announced inspection. As an alternative, when an announced inspection is necessary, inspectors should try to give as little advanced warning as possible (24 hours is suggested).

Itinerary

For obvious safety reasons, inspectors should be sure to inform someone in their office which site or sites they will be visiting prior to leaving the to perform inspections.

2.1.2 Documentation

Data Review

The inspector should review any available information such as:

- Notice of Intent
- Stormwater Pollution Prevention Plan
- Past inspection records
- Phasing plan

- Construction sequence
- Inspection and Maintenance schedules
- Site specific issues
- Consent Orders
- Access agreements

Inspection Form

The inspector should have copies of, and be familiar with, the inspection form used by their regulatory oversight authority (example in Attachment 1) before leaving the office. Static information such as name, location and permit number can be entered onto the inspection form prior to arriving at the inspection site.

Credentials

Inspectors should always carry proper identification to prove that they are employed by an entity with jurisdictional authority. Failure to display proper credentials may be legal grounds for denial of entry to a site.

2.1.3 Equipment

Personal Protective Equipment

DOW employees must conform to the DOW Health and Safety policy as it relates to personal protective equipment. Other regulatory oversight authorities should have their own safety policies or, if not, may wish to consult the OSHA health and safety tool at: www.osha.gov/dep/etools/ehasp/ to develop a health and safety plan.

The following is a list of some of the most common health and safety gear that may be needed:

- Hard hat (Class G, Type I or better)
- Safety toe shoes
- Reflective vest
- Hearing protection (to achieve 85 dBA - 8 hr TWA)
- Safety glasses with side shields

If the construction is on an industrial site or a hazardous waste site, special training may be required prior to entering the site. The inspector should consult with OSHA or NYSDEC prior to entering such a site.

Monitoring Equipment

The following is a list of some equipment that may be helpful to document facts and verify compliance:

- Digital Camera
- Measuring tape or wheel
- Hand level or clinometer
- Turbidity meter (in limited circumstances)

2.2 Permittee's Self-inspection

This section is intended for qualified professionals who conduct site self-inspections on behalf of owner/operators. Self-inspectors are responsible for performing inspections in accordance with permit requirements and reporting to site owners and operators the results and any recommendations resulting from the inspection.

Prior to conducting inspections, qualified professionals should ensure familiarity with the Stormwater Pollution Prevention Plan and previous inspection reports.

3.0 ON-SITE INSPECTION PROCESS

3.1 Compliance Inspections

3.1.1 Professionalism

Don't Pretend to Possess Knowledge

Unless the inspector has experience with a particular management practice, do not pretend to possess knowledge. Inspectors cannot be expert in all areas; their job is to collect information, not to demonstrate superior wisdom. Site operators are often willing to talk to someone who is inquisitive and interested. Within reason, asking questions to obtain new information about a management practice, construction technique or piece of equipment is one of the inspector's main roles in an inspection.

Don't Recommend Solutions

The inspector should not recommend solutions or endorse products. The solution to a compliance problem may appear obvious based on the inspector's experience. However, the responsibility should be placed on the site owner to implement a workable solution to a compliance problem that meets NYSDEC standards. The inspector should refer the site operator to the New York Standards and Specifications for Erosion and Sediment Control (the Blue Book) or the New York State Stormwater Management Design Manual (the Design Manual).

Key advice must be offered carefully. One experienced stormwater inspector suggests saying: "I can't direct you or make recommendations, but what we've seen work in other situations is ..."

The way inspectors present themselves is important to the effectiveness of the inspection. An inspector cannot be overly familiar, but will be more effective if able to establish a minimum level of communication.

3.1.2 Safety

DOW employees must conform to Division health and safety policies when on a construction site. Other regulatory oversight authorities should have their own safety policies or, if not, may

wish to consult the OSHA health and safety tool at:

www.osha.gov/dep/etools/ehasp to develop a health and safety plan.

Some general protections for construction sites are:

- Beware of heavy equipment, avoid operator blind spots and make sure of operator eye contact around heavy equipment.
- Avoid walking on rock rip-rap if possible. Loose rock presents a slip hazard.
- Stay out of confined spaces like tanks, trenches and foundation holes.
- Avoid lightning danger. Monitor weather conditions, get out of water, avoid open areas and high points, do not huddle in groups or near trees.
- Protect yourself from sun and heat exposure. Use sun screen or shading clothing. Remain hydrated by drinking water, watching for signs of heat cramps, exhaustion (fatigue, nausea, dizziness, headache, cool or moist skin), or stroke (high body temperature; red, hot and dry skin)
- Protect yourself from cold weather. Wear multiple layers of thin clothing. Wear a warm hat. Drink warm fluids or eat hot foods, and keep dry.
- Avoid scaffolding in excess of 4 feet above grade.
- Beware of ticks, stinging insects, snakes and poison ivy or sumac.

3.1.3 Legal access

DOW has general powers, set forth under ECL 17-0303, subparagraph 6, to enter premises for inspections. In addition, ECL 3-0301.2 conveys general statutory authority granting the DOW the power to access private property to fulfill DOW obligations under the law.

ECL 15-0305 gives the DOW the authority to enter at all times in or upon any property, public or private, for the purpose of inspecting or investigating conditions affecting the construction of improvements to or developments of water resources for the public health, safety or welfare.

ECL 17-0829 allows an authorized DOW representative, upon presentation of their credentials, to enter upon any premises where any effluent source is located, or in which records are required to be maintained. The representative may at reasonable times have access to, and sample discharges/pollutants to the waters or to publicly owned treatment plants where the effluent source is located. This subparagraph provides DOW representatives performing their duties authority to enter a site to pursue administrative violations. Pursuing criminal violations may require a warrant or the owner's permission to enter the site.

For sites that are permitted, DOW has authority under the permit to enter the site.

If the owner/operator's representatives onsite deny access, the inspector *should not* physically force entry. Under these circumstances the attorney representing the inspector should be immediately notified and consideration should be given to soliciting the aid of a law officer to obtain entry.

DOW staff have the right to enter at any reasonable time. If no one is available, and the site is fenced or posted, DOW staff should make all reasonable efforts to identify, contact and notify the owner that the DOW is entering the site. If the inspector has made all reasonable efforts to contact site owners, but was unable to do so, the site can then be accessed. All efforts should be taken not to cause any damage to the facility.

Other regulatory oversight authorities should seek advice on their legal authorities to enter a job site. Municipalities that have adopted Article 6 of the New York State Sample Local Law for Stormwater Management and Erosion and Sediment Control (NYSDEC, 2004, updated 2006) will have legal authority to enter sites in accordance with that chapter and any other existing municipal authority .

Agents of DOW have authority similar DOW staff authority to enter sites. However, DOW staff enjoy significant personal liability protections as state employees. That liability protection may not be the same for authorized representatives of DOW. For authorized representatives of DOW (or other regulatory oversight authorities), it is prudent to obtain permission to enter the site. If such permission is denied, the authorized representatives should inform the appropriate DOW contact, usually the regional water manager.

3.1.4 Find the Legally Responsible Party (Construction Manager, Self-inspector)

The first action a compliance inspector should take upon entering a construction site is to find the construction trailer or the construction or project manager if they are available. The inspector should present appropriate identification to the site's responsible party and state the reason for the inspection; construction stormwater complaint response or neutral construction stormwater inspection. If the inspection is initiated as a response to a complaint, frequently the responsible party will ask who made the complaint. DOW keeps private individual complainants confidential. If the complainant is another regulatory oversight authority, DOW tends to make that known to the site's responsible party.

3.1.5 On-site records review (NOI, SWPPP, Self-inspection Reports, Permit)

Generally, the compliance inspector should next review the on-site records. Verify that a copy of the construction stormwater permit and NOI are on-site. Verify that the acreage, site conditions, and receiving water listed on the NOI are accurate. Compare the on-site documentation with documentation already submitted to, or obtained by the compliance inspector.

If the SWPPP has not been reviewed in the office, verify that it exists and contains the minimum required components (16 for a basic plan and 22 for a full plan). On-site review of the SWPPP should determine if: there is an appropriate phasing plan; the acreage disturbed in each phase, construction sequence for each phase; proposed implementation of erosion and sediment control measures; and, where required, post construction controls. For each of the erosion and sediment control practices, the SWPPP must show design details in accordance with the NYS Standards for Erosion and Sediment Controls. The SWPPP must also include provisions for maintenance of practices during construction. On-site review of post construction controls is generally limited to verification that the proposed stormwater management practices are shown on the site plan.

Where self-inspections are required, self-inspection reports are a significant tool for the compliance inspector to determine the performance history of the site. The self-inspection reports should be done with the required frequency. Self-inspection reports must include all the details required by the permit. Generally, it is desirable for permit information to be shown on a site plan. The compliance inspector should become familiar with the report and use that familiarity to judge whether the self-inspections are being performed correctly and that the site operator is correcting deficiencies noted in the report.

3.1.6 Walk the Site

During wet weather conditions, it may be advantageous to observe the receiving waters prior to walking the rest of the site. At some point during the inspection, the receiving water conditions must be observed and noted. It is critical to note if there is a substantial visible contrast to natural conditions, or evidence of deposition, streambank erosion, construction debris or waste materials (e.g. concrete washdown) in the receiving stream.

Each inspector should evaluate actual implementation and maintenance of practices on-site compared to how implementation and maintenance is detailed in the SWPPP. At a minimum, the compliance inspector should observe all areas of active construction. Observing equipment or materials storage, recently stabilized areas, or stockpile areas is also appropriate to evaluate the effectiveness of management practices.

3.1.7 Taking Photographs

Evidence of poor receiving water conditions and poor or ineffective practices should be documented with digital photographs. Those photographs should be logged date stamped and stored on media that cannot be edited (e.g. write only CDs). Photos should also be appended to the site inspector's report.

It is also beneficial to take photographs of good practices for educational and technology transfer reasons.

3.1.8 Exit Interview

Clearly communicate expectations and consequences. If it is clear from the inspection that the owner/operator must modify the SWPPP, or modify management practices within an assigned period (e.g. 24 hours, 48 hours, one week, two weeks), then that finding should be communicated at the time of the exit interview. The inspector should assign the period based on factors such as how long it would reasonably take to complete such modifications and the level of risk to water quality associated with failure to make such modifications.

The inspector should make clear that NYSDEC reserves rights to future enforcement actions. If the inspector's supervisor or enforcement coordinator determines additional enforcement actions are necessary, the inspector *should not* reassure the owner/operator that the current situation is acceptable.

3.2 Non-permitted Site Inspections

For sites not authorized in accordance with state or local laws, the process will be abbreviated. First verify the need for authorization and observe receiving waters to detect water quality standard violations. If there is a violation, notify the owner of the violation or other compliance actions in response to their illicit activity. For DOW staff, Attachment 2 or a similar notice can be used to notify the site owner/operator that stormwater authorization is required.

3.3 Self-inspections

The role of the self-inspector is to verify that the site is complying with stormwater requirements. In particular, the self-inspector verifies that the SWPPP is being properly implemented. The self-inspector also documents SWPPP implementation so regulatory agencies can review implementation activities.

It is not the role of the self-inspector to report directly to regulatory authorities.

Appendix H of *The New York Standards and Specifications for Erosion and Sediment Control* - August 2005 (the Blue Book) includes a Construction Duration Inspection checklist that can be used by the owner/operators qualified professional for self-inspections. The Blue Book is available on the NYSDEC website.

3.3.1 Purpose

The self inspector should ensure that the project's SWPPP is being properly implemented. This includes ensuring that the erosion and sediment control practices are properly installed and being maintained in accordance with the SWPPP/Blue Book.

The project must be properly phased to limit the disturbance to less than five acres, and the construction sequence for each phase must be followed. The SWPPP must also be modified to address evolving circumstances. Finally, and most importantly, receiving waters must be protected.

If a soil disturbance will be greater than five acres at any given time, the site operator must obtain written permission from the DOW regional office.

3.3.2 Pre-construction Conference

The parties responsible for various aspects of stormwater compliance should be identified at the pre-construction conference. Responsible parties may include, but are not limited to, owner's engineer, owner/operator/permittee, contractors, and subcontractors.

Typical responsibilities include: installation of erosion and sediment control (E & SC) practices; maintenance of E & SC practices, inspection of E&SC practices, installation of post construction stormwater management practices (SMPs), inspection of post construction SMPs, SWPPP revisions, and contractor direction.

All parties should clearly know what is expected of them. Responsible parties should complete the Pre-construction Site Assessment Checklist provided in Appendix H of the Blue Book.

3.3.3 Inspection Preparation

The inspector should review the project's SWPPP (including the phasing plan, construction sequence and site specific issues) and the last few inspection reports (if the inspector has them available).

3.3.4 Self-inspection Components

Inspect installation, performance and maintenance of all E&SC practices

The self inspector should inspect all areas that are under active construction or disturbance and areas that are vulnerable to erosion. The self-inspector should also inspect areas that will be disturbed prior to the next inspection for measures required prior to construction (e.g. silt barriers, stabilized construction entrance, diversions). Finally, self-inspectors should inspect post-construction controls during and after installation.

Identify site deficiencies and corrective measures

The self-inspector's reports must be maintained in a log book on site and the log book must be made available to the regulatory authorities. Although the legal responsibility for filing a Notice of Termination lies with the owner/operator, the self-inspector may also be called upon to perform a final site inspection, including post construction SMPs, prior to filing the Notice of Termination.

4.0 POST-INSPECTION ACTIVITIES

4.1 Regulatory Oversight Authorities

This section is intended for inspectors with regulatory oversight authority such as agents of the DOW or a local municipality, or others acting on their behalf (such as County Soil and Water Conservation District staff.) Upon completion of an inspection, inspection results should be documented for the record.

4.1.1 Written Notification

The inspector should inform the permittee or the on-site representative of their inspection results in writing by sending the permittee a complete, signed copy of the inspection report. The inspection report should be transmitted under a cover letter which elaborates on any deficiencies noted in the inspection report. It is not a good idea to commend exceptional efforts by the owner/operator in a letter, because such letters tend to undermine enforcement efforts when compliance status at a site degrades.

The inspector should consider providing a copy of the cover letter and inspection report to other parties with including:

- Permittee
- Contractor(s)
- Other regulatory oversight authorities
- Other parties present during the inspection (e.g. SWPPP preparer, permittee's self-inspector, etc.)

For DOW staff, an example of the inspection cover letter is included as Attachment 3.

4.1.2 Inspection Tracking

DOW staff must enter their inspection results into the electronic *Water Compliance System*.

Local municipalities and other regulatory oversight authorities are encouraged to develop an electronic tracking system in which to record their inspections.

4.2 Permittee's Self-inspections

This section is intended for qualified professionals who conduct site inspections for permittees in accordance with a SPDES permit or local requirements.

4.2.1 Written Records

Inspection Reports

The inspector shall prepare a written report summarizing inspection results. The inspection report is then provided to the permittee, or the permittee's duly authorized representative, and to the contractor responsible for implementing stormwater controls on-site in order to correct deficiencies noted in the inspection report. Finally, the inspection report must be added to the site log book that is required to be maintained on-site, and be available to regulatory oversight authorities for review.

4.2.2 Stormwater Pollution Prevention Plan Revisions

The inspector must inform the permittee of his/her duty to amend the Stormwater Pollution Prevention Plan (SWPPP) whenever an inspection proves the SWPPP to be ineffective in:

- Eliminating or significantly minimizing pollutants from on-site sources
- Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity
- Eliminating discharges that cause a substantial visible contrast to natural conditions

ATTACHMENT

**** NOTICE ****

On March 10, 2003, provisions of the Federal Clean Water Act went into effect that apply to many construction operations.

If your construction operations result in the disturbance of one acre or greater and stormwater runoff from your site reaches surface waters (i.e., lake, stream, road side ditch, swale, storm sewer system, etc.), the stormwater runoff from your site must be covered by a State Pollutant Discharge Elimination System (SPDES) Permit issued by the New York State Department of Environmental Conservation (NYSDEC).

To facilitate your compliance with the law, NYSDEC has issued a General Permit which may be applicable to your project. To obtain coverage under this General Permit, you need to prepare a Stormwater Pollution Prevention Plan (SWPPP) and then file a Notice of Intent (NOI) to the NYSDEC headquarters in Albany. The NOI form is available on the DEC website. You may also obtain a copy of the NOI form at the nearest NYSDEC regional offices.

When you file your NOI you are certifying that you have developed a SWPPP and that it will be implemented prior to commencing construction. When you submit the NOI you need to indicate if your SWPPP is in conformance with published NYSDEC technical standards; if it is, your SPDES permit coverage will be effective in as few as five business days. If your SWPPP does not conform to the DEC technical standards, coverage will not be available for at least 60 business days.

Failure to have the required permit can result in legal actions which include Stop Work Orders and/or monetary penalties of up to \$37,500/day

If your construction operations are already in progress and you are not covered by an appropriate NYSDEC permit contact the NYSDEC Regional Water Engineer as soon as possible. If your construction field operations have not yet commenced, review the NOI and the General Permit on the DEC's website or at the DEC regional office for your area. When you are comfortable that you understand and comply with the requirements, file your NOI.

The requirement to file an NOI does not replace any local requirements. Developers/Contractors are directed to contact the Local Code Enforcement Officer or Stormwater Management Officer for local requirements.

ATTACHMENT

<< Date >>

Mr. John Smith
123 Main Street
Ferracane, NY 12345

**Re: Stormwater Inspection
SPDES Permit Identification No. NYR10Z000 (through SPDES No. GP-02-01)
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)**

Dear Mr. Smith:

On the afternoon of << date >> I conducted an inspection of the construction activities associated with the Blowing Leaves Subdivision located on County Route 1 in the town of Gasper, Eaton County. The inspection was conducted in the presence of you and Mr. Samuel Siltfence of Acme Excavating Co., Inc. The purpose of the inspection was to verify compliance with the *State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activity* ("the general permit").

The overall rating for the project at the time of the inspection was **unsatisfactory**. A copy of my inspection report is attached for your information. In addition to the report, I would like to elaborate on the following:

SPDES Authority

- In accordance with subdivision 750-2.1 (a) of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR), a copy of your permit must be retained at the construction site. You did not have a copy of the general permit at the site. **Your failure to retain a copy of the general permit at the construction site is a violation of 6 NYCRR Part 750-2.1 (a).** Please retain a copy of the general permit at the site from this point forward.

SWPPP Content

- In accordance with Part III.E.2. of the general permit, contractors and subcontractors must certify that they understand the terms and conditions of the general permit and the SWPPP before undertaking any construction activity at the site. Your SWPPP does not include a certification statement from Acme Excavating Co., Inc. **The failure of your contractor to sign this certification before undertaking construction activity at the site is a violation of Part III.E.2. of the general permit.** Please obtain copies of all necessary certifications and provide copies of them to each party who holds a copy of your SWPPP.
- In accordance with Part V.H.2. of the general permit, SWPPP's must be certified by the permittee. Your SWPPP was not certified by you. **Your failure to certify your SWPPP is a**

Mr. John Smith
Re: SPDES Inspection
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)

<< Date >>

violation of Part V.H.2. of the general permit. Please certify your SWPPP.

Recordkeeping

- In accordance with Parts III.D.3.a. and III.D.3.b. of the general permit, permittees must have a qualified professional conduct site inspections within 24 hours of the end of 0.5" or greater rain events and at least once per week. A review of your records revealed that your "self-inspections" are only being conducted about two or three times per month. **Your failure to have a qualified professional conduct inspections at the required frequency is a violation of Part III.D.3.b. of the general permit.** Please immediately direct your qualified professional to conduct your site inspections at the required frequency.
- Although the frequency of self-inspections does not meet requirements, the quality of them is very good. Your qualified professional has accurately noted the same SWPPP deficiencies and necessary maintenance activities that I also observed, and prepared thorough sketches on the self-inspection site maps.
- In accordance with Part V.H.2. of the general permit, the permittee must certify all reports required by the permit. A review of your records showed that your self-inspection reports were not certified. **Your failure to certify your self-inspection reports is a violation of Part V.H.2. of the general permit.** Please sign and certify any and all existing and future self-inspection reports.

Visual Observations

- In accordance with Parts III.A.2. and III.A.3. of the general permit, all erosion and sediment controls (E&SC) measures must be installed (as detailed in the SWPPP) prior to the initiation of construction. During the inspection, I noted all of your E&SC measures have been correctly installed at the right times and locations.
- In accordance with Part V.L. of the general permit, all of the E&SC measures at your site must be maintained properly. While on site I observed that, among other things, the section of silt fence in place parallel to County Route 1 is in various stages of disrepair. **The failure of your contractor to adequately maintain the E&SC measures currently in place at your site is a violation of Part V.L of the general permit.** Please direct your contractor to repair this silt fence immediately and to diligently maintain all of the other required E&SC measures as they are brought to his attention by your qualified professional.
- This inspection was conducted during a rain event which resulted in a stormwater discharge to the municipal separate storm sewer system (MS4) being operated by the Eaton County Department of Public Works. Your discharge was visibly turbid whereas upstream water MS4 was clear. As a result, the discharge from the MS4 outfall into Karimipour Creek was causing

Mr. John Smith

<< Date >>

Re: SPDES Inspection
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)

slight turbidity. Please be advised that the narrative water quality standard for turbidity in Karimipour Creek is “no increase that will cause a substantial visible contrast to natural conditions.” I attribute the lack of maintenance of your E&SC measures to be the primary cause of the turbid discharge. Please be reminded that the general permit does not authorize you cause or contribute to a condition in contravention of any water quality standards.

If you have any questions or comments, please feel free to contact me at (999) 456-5432.

Sincerely,

Hector D. Inspector, CPESC
Environmental Program Specialist 2

HDI:ms
Attachment

cc w/att.: Chester Checkdam, (T) Gasper Code Enforcement Officer
Samuel Siltfence, Acme Excavating Co., Inc.

Appendix N

Construction Site Inspection Form

TOWN OF LANSING MS4 PROGRAM

Stormwater Discharges from Construction Activities

Building & Planning Department29
 Auburn Rd, Lansing, NY 14882

Construction Site Inspection Report

Project Name:	Purpose of Inspection:	Date:
Location:	Inspector:	Weather:
Permit ID Number: NYR10_____	Name and contact of permittee:	

Administration:				
1.	Are copies of the following kept securely on site and available upon request? General Permit ref. Part II.C.2	YES	NO	N/A
	SWPPP (signed)			
	A copy of the General Permit (GP-0-10-001)			
	NOI			
	NOI Acknowledgement Letter			
	SWPPP Acceptance Form			
	Inspection Reports			
	Proof of Trained Contractor			
2.	Have the appropriate owner/ contractor inspections been done in the correct time intervals? §167-42.4.A.2 Lansing Code			
Comments:				

General Housekeeping:				
		YES	NO	N/A
1.	Is there an increase in turbidity that will cause a substantial visible contrast to natural conditions?			
2.	Is there residue from oil, visible oil film or globules of grease?			

3.	Are facilities and equipment necessary for implementation of erosion and sediment control in working order and/or properly placed?			
4.	Is dust adequately controlled?			
Comments:				

Adverse Impacts or Off-Site Degradation:		YES	NO	N/A
1.	Is work within the limits of the approved plans, including clearing and blasting?			
2.	Adverse impacts – ponds, streams, wetlands and sinkholes are free from sediment from site.			
3.	Off-site degradation – sediment is kept out of roadways, adjacent properties, storm sewers and air (dust).			
Comments:				

Discharge Points:		YES	NO	N/A
1.	Volume of site discharge?	Heavy, moderate, light?		
2.	Is there visible turbidity in site discharge?			
3.	Is turbidity in significant contrast to receiving water?			
Description:				

Erosion and Sediment Control Devices:						
Check off columns to indicate the condition of all erosion and sediment control practices, provide associated comments below the chart.						
Erosion & Sediment Control Practice	N/A	Functioning as Designed	Needs Repair or Maintenance	Not Installed Properly	Date deficiency 1st reported if applicable	Deficiency corrected? Y/N - if applicable
Stabilized construction entrance						
Temporary parking areas						
Construction vehicle wash areas						
Silt fence						

Temporary swales and berms						
Stone check dams						
Slope protection measures						
Dewatering operations						
Sediment traps						
Inlet protection measures						
Soil stockpiles						
Dust control measures						
Pavement sweeping						
Other:						
Other:						

Description of Erosion and Sediment Control deficiencies:	
1.	
2.	
3.	

<u>Post-construction Stormwater Management Practices:</u>		
Indicate the current phase of construction of all post-construction stormwater management practices and identify all construction that is not in conformance with the SWPPP and technical standards.		
SWM Practice	Current Phase of Construction	Items not in conformance with the SWPPP

--	--	--

Description of stormwater management practice deficiencies and deviations from the SWPPP:	
1.	
2.	
3.	

Additional Comments:	
1.	
2.	

Overall Inspection Rating:	Satisfactory <input type="checkbox"/>	Marginal <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>
	Name and Agency of Inspector(s):		Signature of Lead Inspector:

Photo Log

<i>Date – Item in need of repair or maintenance:</i>	<i>Date – Corrected Action:</i>
--	---------------------------------

Photo Log

<p><i>Date – Item in need of repair or maintenance:</i></p>	<p><i>Date – Corrected Action:</i></p>
<p><i>Date – Item in need of repair or maintenance:</i></p>	<p><i>Date – Corrected Action:</i></p>

Appendix O

Stormwater Maintenance Agreement

Town of Lansing Stormwater Program

STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Made the _____ day of _____, 20____.

Tax map Parcel Number(s) of the Property: _____.

Property Address: _____.

Source Deed(s) of Property: Instrument (Book/Page) _____ of Recording.

Whereas, the Town Code of the Town of Lansing and the laws, rules and regulations of the State of New York require the establishment and proper maintenance of stormwater management practices; and

Whereas, the Town of Lansing and the _____ ("Facility Owner") want to enter into an Stormwater Control Facility Maintenance Agreement (hereinafter "Agreement") to provide for the long term maintenance and continuation of stormwater management practices approved by the Town of Lansing for the facility referenced herein at the property identified above ("Property"); and

Whereas, the Town of Lansing and the Facility Owner desire that the stormwater management control practices be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Town of Lansing and the facility owner agree as follows:

1 This Agreement binds the Town of Lansing and the Facility Owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans and Stormwater Pollution Prevention Plan (hereinafter "SWPPP") which are on file with the Town. Attached as Schedule A of this Agreement is a depiction of the stormwater facilities and instructions for maintenance (including, but not limited to the O&M portion of the SWPPP and plans showing facility locations.)

2 The Facility Owner shall maintain, clean, repair, replace and continue the stormwater management control practices depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater management control practices shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.

3 The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater management control practices and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4 The Facility Owner shall provide for the periodic inspection of the stormwater management control practices, not less than once each period of time set forth in the SWPPP, to determine the condition and integrity of the measures. Such inspection shall be performed by a professional engineer licensed by the State of New York. The inspecting professional engineer shall prepare and submit to the Town of Lansing within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater management control practices.

5 The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater management control practices except in accordance with written approval of the Town of Lansing.

6 The Facility Owner shall undertake necessary repairs and replacement of the stormwater management control practices at the direction of the Town of Lansing or in accordance with the recommendations of the inspecting engineer and in consultation with the Town of Lansing.

7 This Agreement shall be recorded in the Tompkins County Clerk's Office as a covenant and restriction against the Property as reflected in the approved site plan. Any future offering plan or prospectus filed with the Secretary of State relative to this Property shall include this Agreement. In the event the Property is subdivided, the Deeds to each subdivided lot shall reference this Agreement.

8 If ever the Town of Lansing determines that the Facility Owner has failed to construct or maintain the stormwater management control practices in accordance with the project plan or has failed to undertake corrective action specified by the Town of Lansing or by the inspecting engineer, the Town of Lansing is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater management control practices and to affix the expenses thereof as a lien against the property.

9 This Agreement is effective ten business days from the date of the signatures.

Appendix P

Outfall Inspection Form

**Town of Lansing MS4 OUTFALL MAPPING
Inspection Form For Outfalls and Receiving Waters**

VISUAL INSPECTION FORM

Outfall Number: _____ **Pipe Size:** _____ **Material:** _____

GPS Precision: _____ **Pipe Condition:** _____

Part 1 – General Information

1. Map location is? OK Incorrect, explain in Part 4, Comments
2. Date: _____ Time: _____ Inspection Crew Lead: _____
3. How long since last rainfall? Raining now 0-2 days 3 or more days Unknown
4. Access to end of pipe is? OK Far from road, _____ feet Steep Ground wet or soft Blocked ✖
If blocked, by what? Fence gate/unlocked Fence gate/locked Vegetation Water Other: _____

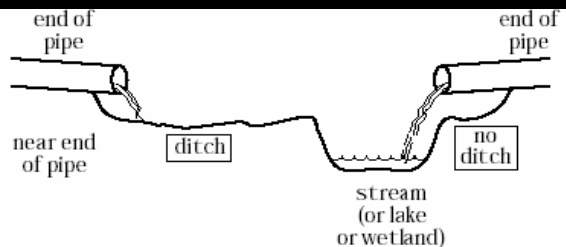
Part 2 – End-of-Pipe Information

5. End of pipe flows into: Lake Stream Wetland Ditch Other: _____
6. End of pipe submerged? No Yes *If yes, how much?* less than 25% about 50% more than 50%
7. End of pipe crushed? No Yes *If yes, how much?* less than 25% about 50% more than 50%
8. Grate on end of pipe? No Yes *If yes, is grate locked?* Yes No
If yes, is grate plugged? less than 25% about 50% more than 50%

Part 3 – Visual Observations

9. Water flowing from end of pipe? No Yes
If yes, what does the water look like? Clear Colored, what color? _____ Muddy
If yes, are petroleum products present? No Yes, in the form of: Floating globs Moving sheen
10. Sediment accumulation in pipe? No Yes
11. *If yes, how much?* less than 25% about 50% full ✖ more than 50% full ✖
12. Debris accumulation in pipe? No Yes
If yes, how much? less than 25% about 50% full ✖ more than 50% full ✖
Describe debris: _____
13. If end of pipe flows to a ditch, is there (near end of pipe):
 Sediment accumulation in ditch? No Yes
If yes, how much? less than 25% about 50% full ✖ more than 50% full ✖
 Debris accumulation in ditch? No Yes
If yes, how much? less than 25% about 50% full ✖ more than 50% full ✖
Describe debris: _____

Part 4 – Comments



Note: If the answer to a question has this symbol ✖ next to the entry, flag this form for a supervisor's attention by placing an "X" in the box to the right.

Appendix Q

Stormwater Treatment Practice Inspection Forms

BIORETENTION MAINTENANCE INSPECTION FORM

Facility Number: _____ Date: _____ Time: _____
 Subdivision Name: _____ Watershed: _____
 Weather: _____ Inspector(s): _____
 Date of Last Rainfall: _____ Amount: _____ Inches Streets: _____
 Mapbook Location: _____ GPS Coordinates: _____ Property Classification:
 Residential 9 Government 9 Commercial 9 Other: _____
 Confined 9 Unconfined 9 Barrel Size _____ As-built Plan Available? Yes 9 No 9
 Is Facility Inspectable? Yes 9 No 9 Why? _____ Comments Specific Location(s): _____

Scoring Breakdown:		
N/A = Not Applicable	1 = Monitor (potential for future problem exists) *	Use open space in each section to further explain scoring as needed
N/I = Not Investigated	2 = Routine Maintenance Required	
0 = Not a Problem	3 = Immediate Repair Necessary	

1. Outfall Channel(s) from Facility

	N/A	N/I	0	1	2	3
Woody growth within 5' of outfall barrel						
Outfall channel functioning						
Manholes, frames and covers						
Released water undercutting outlet						
Erosion						
Displaced rip rap						
Excessive sediment deposits						
Other:						

2. Outlet / Overflow Spillway

Woody growth or unauthorized plantings	N/A	N/I	0	1	2	3
Erosion or back cutting	N/A	N/I	0	1	2	3
Soft or boggy areas	N/A	N/I	0	1	2	3
Obstructions / debris	N/A	N/I	0	1	2	3

3. Filter

Existing as required			No	Yes		
Sediment accumulation > 1"			No	Yes		
Ponding more than 2 days after rain			No	Yes		
Vegetation	N/A	N/I	0	1	2	3
Depth & material of layers			Depth: _____ Material: _____			
Sediment accumulation in soil bed	N/A	N/I	0	1	2	3
Oil/ chemical accumulation on soil bed	N/A	N/I	0	1	2	3
Filter fabric	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

N/A = Not Applicable **1 = Monitor for Future Repairs**
N/I = Not Investigated **2 = Routine Repairs Needed**
0 = Not a Problem **3 = Immediate Repair Needed**

BIORETENTION MAINTENANCE INSPECTION FORM

4. Underdrains						
Broken	N/A	N/I	0	1	2	3
Daylighted	N/A	N/I	0	1	2	3
Clogging	N/A	N/I	0	1	2	3
5. Pretreatment						
Maintenance access	N/A	N/I	0	1	2	3
Pretreatment a practice other than a stone diaphragm and/or grass filter strip			No	Yes	Of so, _____(code)	
Stone diaphragm level	N/A	N/I	0	1	2	3
Stone diaphragm clogged with sediment/debris	N/A	N/I	0	1	2	3
Grass filter strip erosion	N/A	N/I	0	1	2	3
Evidence of short circuiting, rails/ gullies in filter strip			No	Yes		
Level spreader	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3
6. Upland Characteristics						
Excessive trash / debris	N/A	N/I	0	1	2	3
Bare soil present	N/A	N/I	0	1	2	3
Sand in parking lot	N/A	N/I	0	1	2	3
7. Inflow Points						
Number of inflow pipes: _____	Direction: N		E	W	S	
Endwalls, headwalls, end sections	N/A	N/I	0	1	2	3
Inlet/ outflow pipes	N/A	N/I	0	1	2	3
Discharge undercutting outlet or displacing rip-rap	N/A	N/I	0	1	2	3
Discharge water is causing outfall to erode	N/A	N/I	0	1	2	3
Sediment accumulation	N/A	N/I	0	1	2	3
8. Special Structures						
Manhole access (steps, ladders)	N/A	N/I	0	1	2	3
Vehicular access	N/A	N/I	0	1	2	3
Concrete/masonry condition	N/A	N/I	0	1	2	3
Sediment / trash accumulation	N/A	N/I	0	1	2	3
Manhole lockable nuts	N/A	N/I	0	1	2	3
9. Miscellaneous						
Encroachment in facility area and/or easement area by buildings	N/A	N/I	0	1	2	3
Complaints from local residents	N/A	N/I	0	1	2	3
Graffiti	N/A	N/I	0	1	2	3
Public hazards	N/A	N/I	0	1	2	3
Were any pad locks cut and replaced			No	Yes	How many? _____	
Other:	N/A	N/I	0	1	2	3

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem
1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

Sketches, If Necessary:

A large, empty rectangular box with a black border, intended for drawing sketches. It occupies most of the page's vertical space.

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem
1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

INFILTRATION PRACTICE MAINTENANCE INSPECTION FORM

Facility Number: _____ Date: _____ Time: _____
 Subdivision Name: _____ Watershed: _____
 Weather: _____ Inspector(s): _____
 Date of Last Rainfall: _____ Amount: _____ Inches Streets: _____
 Mapbook Location: _____ GPS Coordinates: _____
 Property Classification: Residential 9 Government 9 Commercial 9 Other: _____

Type of Practice: Trench 9 Basin 9

Confined 9 Unconfined 9 Barrel Size _____ As-built Plan Available? Yes 9 No 9

Is Facility Inspectable? Yes 9 No 9 Why? _____ Comments Specific Location(s): _____

Scoring Breakdown:

N/A = Not Applicable 1 = Monitor (potential for future problem exists) * Use open space in each section to further explain scoring as needed
 N/I = Not Investigated 2 = Routine Maintenance Required
 0 = Not a Problem 3 = Immediate Repair Necessary

1. Outfall Channel(s) from Facility

Woody growth within 5' of outfall barrel	N/A	N/I	0	1	2	3
Outfall channel functioning	N/A	N/I	0	1	2	3
Manholes, frames and covers	N/A	N/I	0	1	2	3
Released water undercutting outlet	N/A	N/I	0	1	2	3
Erosion	N/A	N/I	0	1	2	3
Displaced rip rap	N/A	N/I	0	1	2	3
Excessive sediment deposits	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

2. Downstream Dam Bank

Cracking, bulging, or sloughing of dam	N/A	N/I	0	1	2	3
Erosion and/or loss of dam material	N/A	N/I	0	1	2	3
Animal burrows	N/A	N/I	0	1	2	3
Soft spots or boggy areas	N/A	N/I	0	1	2	3
Woody growth or unauthorized plantings on dam	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

3. Upstream Dam Bank

Cracking, bulging, or sloughing of dam	N/A	N/I	0	1	2	3
Erosion and/or loss of dam material	N/A	N/I	0	1	2	3
Animal burrows	N/A	N/I	0	1	2	3
Soft spots or boggy areas	N/A	N/I	0	1	2	3
Woody growth or unauthorized plantings on dam	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

N/A = Not Applicable 1 = Monitor for Future Repairs
 N/I = Not Investigated 2 = Routine Repairs Needed
 0 = Not a Problem 3 = Immediate Repair Needed

INFILTRATION PRACTICE MAINTENANCE INSPECTION FORM

4. Emergency Spillway						
Woody growth or unauthorized plantings	N/A	N/I	0	1	2	3
Erosion or back cutting	N/A	N/I	0	1	2	3
Soft or boggy areas	N/A	N/I	0	1	2	3
Obstructions / debris	N/A	N/I	0	1	2	3

5. Principal Spillway Built to Plans								
# of Barrels: _____	Size: _____	RCP	CMP	PVC	STEEL	or	MASONRY	(Circle One)
Confined space entry permit required for entry into all riser and barrels.				Entry Approved 9		Entry Denied 9		
Minor spalling or parging (<1")	N/A	N/I	0	1	2	3		
Major spalling (exposed rebar)	N/A	N/I	0	1	2	3		
Joint failure	N/A	N/I	0	1	2	3		
Loss of joint material	N/A	N/I	0	1	2	3		
Leaking	N/A	N/I	0	1	2	3		
Corrosion	N/A	N/I	0	1	2	3		
Protective material deficient	N/A	N/I	0	1	2	3		
Misalignment or split seams / joints	N/A	N/I	0	1	2	3		
Other:	N/A	N/I	0	1	2	3		

6. Riser Built to Plans						
Size: _____	CONC	CMP	or	MASONRY	(Circle One)	
Minor spalling or parging (<1")	N/A	N/I	0	1	2	3
Major spalling (exposed rebar)	N/A	N/I	0	1	2	3
Joint failure	N/A	N/I	0	1	2	3
Loss of joint material	N/A	N/I	0	1	2	3
Leaking	N/A	N/I	0	1	2	3
Manhole access and steps acceptable	N/A	N/I	0	1	2	3
Corrosion	N/A	N/I	0	1	2	3
Protective material deficient	N/A	N/I	0	1	2	3
Misalignment or split seams / joints	N/A	N/I	0	1	2	3
Anti-vortex device secure / acceptable	N/A	N/I	0	1	2	3
Sediment accumulation within riser	N/A	N/I	0	1	2	3
Woody or vegetative growth within 25' of riser	N/A	N/I	0	1	2	3
Safety rebar / pipes in place	N/A	N/I	0	1	2	3
Safety rebar / pipes corroded	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

7. Weir Trash Rack						
Structurally sound	N/A	N/I	0	1	2	3
Debris removal necessary	N/A	N/I	0	1	2	3
Corrosion	N/A	N/I	0	1	2	3

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem
1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

INFILTRATION PRACTICE MAINTENANCE INSPECTION FORM

8. Infiltration Basin / Filter						
Existing as required			No	Yes		
Depth & material of layers: _____						
Test pit depth: _____						
Sediment accumulation in gravel / sand	N/A	N/I	0	1	2	3
Oil / chemical accumulation on gravel / sand	N/A	N/I	0	1	2	3
Filter fabric	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

9. Observation Wells						
Number by design: _____						
Number existing: _____						
Observation cap on correctly	N/A	N/I	0	1	2	3
Cracked or broken cap	N/A	N/I	0	1	2	3
Debris accumulation	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

10. Underdrains						
Broken	N/A	N/I	0	1	2	3
Daylighted	N/A	N/I	0	1	2	3
Clogging	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

11. Pretreatment						
Maintenance access	N/A	N/I	0	1	2	3
Pretreatment is a practice other than a stilling basin or plunge facility			No	Yes	Of so, _____(code)	
Grass channel erosion	N/A	N/I	0	1	2	3
Filter strip adequately vegetated	N/A	N/I	0	1	2	3
Filter strip level spreader	N/A	N/I	0	1	2	3
Short circuiting / channeling in filter strip	N/A	N/I	0	1	2	3
Sediment accumulation in plunge pool	N/A	N/I	0	1	2	3 Estimated % full: _____%
Other:	N/A	N/I	0	1	2	3

12. Dewatering						
Ponding on surface	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

13. Upland Characteristics						
Excessive trash / debris	N/A	N/I	0	1	2	3
Bare soil present	N/A	N/I	0	1	2	3
Sand in parking lot	N/A	N/I	0	1	2	3

14. Hotspots in Close Proximity (ex. gas station)						
			No	Yes	Describe: _____	

N/A = Not Applicable
 N/I = Not Investigated
 0 = Not a Problem
 1 = Monitor for Future Repairs
 2 = Routine Repairs Needed
 3 = Immediate Repair Needed

INFILTRATION PRACTICE MAINTENANCE INSPECTION FORM

15. Inflow Points						
Number of inflow pipes: _____	Direction: N		E	W	S	
Endwalls, headwalls, end sections	N/A	N/I	0	1	2	3
Outfall pipes	N/A	N/I	0	1	2	3
Discharge undercutting outlet or displacing rip-rap	N/A	N/I	0	1	2	3
Discharge water is causing outfall to erode	N/A	N/I	0	1	2	3
Sediment accumulation	N/A	N/I	0	1	2	3

16. Special Structures						
Manhole access (steps, ladders)	N/A	N/I	0	1	2	3
Vehicular access	N/A	N/I	0	1	2	3
Concrete / masonry condition	N/A	N/I	0	1	2	3
Trash racks	N/A	N/I	0	1	2	3
Elbows	N/A	N/I	0	1	2	3
Sediment / trash removal	N/A	N/I	0	1	2	3
Manhole lockable nuts	N/A	N/I	0	1	2	3

17. Miscellaneous						
Encroachment in facility area and / or easement area	N/A	N/I	0	1	2	3
Fence condition	N/A	N/I	0	1	2	3
Safety signs	N/A	N/I	0	1	2	3
Complaints from local residents	N/A	N/I	0	1	2	3
Graffiti	N/A	N/I	0	1	2	3
Public hazards	N/A	N/I	0	1	2	3
Were any pad locks cut and replaced			No	Yes	How many? _____	
Other:	N/A	N/I	0	1	2	3

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem

1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

Sketches, If Necessary:

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem

1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

OBSERVATION WELL INSPECTION FORM

Site Name and Seq. Number: _____ Date of Inspection: _____ Inspector(s): _____

Observation Well

Well Location	1.	2.	3.	4.
Total depth of well from bottom to top? (inches)				
Total water depth from bottom of well to top of water? (inches)				
Total depth from top of well to ground surface (inches)?				
Actual depth, ground surface (gs) to bottom of well? (inches)				
Design well depth from gs to bottom according to plans? (inches)				
Design / as-built gs elevation? (msl)				
Observed / estimated wse? (msl)				
Well secured?				
Notes:				

Sketch:

Site Name and Seq. Number: _____ Date of Inspection: _____ Inspector(s): _____

Observation Well

Well Location	1.	2.	3.	4.
Total depth of well from bottom to top? (inches)				
Total water depth from bottom of well to top of water? (inches)				
Total depth from top of well to ground surface (inches)?				
Actual depth, ground surface (gs) to bottom of well? (inches)				
Design well depth from gs to bottom according to plans? (inches)				
Design / as-built gs elevation? (msl)				
Observed / estimated wse? (msl)				
Well secured?				
Notes:				

Sketch:

OPEN CHANNEL MAINTENANCE INSPECTION FORM

Facility Number: _____ Date: _____ Time: _____

Subdivision Name: _____ Watershed: _____

Weather: _____ Inspector(s): _____

Date of Last Rainfall: _____ Amount: _____ Inches Streets: _____

Mapbook Location: _____ GPS Coordinates: _____ Property Classification:

Residential 9

Government 9 Commercial 9

Other: _____

Type of Practice (as designed): Dry Swale 9 Wet Swale 9 Grass Channel 9

As-built Plan Available? Yes 9 No 9

Is Facility Inspectable? Yes 9 No 9 Why? _____ Comments Specific Location(s): _____

Scoring Breakdown:

N/A = Not Applicable

1 = Monitor (potential for future problem exists) *

Use open space in each section to further explain scoring as needed

N/I = Not Investigated

2 = Routine Maintenance Required

0 = Not a Problem

3 = Immediate Repair Necessary

1. Culverts

Debris	N/A	N/I	0	1	2	3
Metal corrosion	N/A	N/I	0	1	2	3
Metal protective material	N/A	N/I	0	1	2	3
Metal misalignment or split seams / joints	N/A	N/I	0	1	2	3
Leaks	N/A	N/I	0	1	2	3
Concrete / masonry major spalling (exposed rebar)	N/A	N/I	0	1	2	3
Concrete / masonry minor spalling or parging (< 1")	N/A	N/I	0	1	2	3
Concrete / masonry joint failure	N/A	N/I	0	1	2	3
Concrete / masonry watertight	N/A	N/I	0	1	2	3

2. Soil / Filter Material

Depth and material of layers Depth: _____ Material: _____

Test pit depth Depth: _____

Accumulation of debris and sediments	N/A	N/I	0	1	2	3
Accumulation of oil/ chemicals	N/A	N/I	0	1	2	3
Standing water			No	Yes		
Filter fabric	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

3. Underdrains

Broken	N/A	N/I	0	1	2	3
Daylighted	N/A	N/I	0	1	2	3
Clogged	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem

1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

OPEN CHANNEL MAINTENANCE INSPECTION FORM

4. Check Dams						
Is clear of debris and trash	N/A	N/I	0	1	2	3
Sediment build up > 25% of original WQv	N/A	N/I	0	1	2	3
Undermined / eroded	N/A	N/I	0	1	2	3
Wood condition	N/A	N/I	0	1	2	3
Pea gravel diaphragm at correct level	N/A	N/I	0	1	2	3
5. Vegetation						
Density	N/A	N/I	0	1	2	3
Evidence of die-off	N/A	N/I	0	1	2	3
6. Upland Characteristics						
Accumulation of debris and trash	N/A	N/I	0	1	2	3
Erosion	N/A	N/I	0	1	2	3
7. Special Structures						
Vehicular access	N/A	N/I	0	1	2	3
Accumulation sediment / trash	N/A	N/I	0	1	2	3
8. Miscellaneous						
Complaints from local residents	N/A	N/I	0	1	2	3
Pea gravel diaphragm at correct level	N/A	N/I	0	1	2	3
Public hazards	N/A	N/I	0	1	2	3
Mosquitoes	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem

1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

Sketches, If Necessary:

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem

1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

POND / WETLAND MAINTENANCE INSPECTION FORM

Facility Number: _____ Date: _____ Time: _____
 Subdivision Name: _____ Watershed: _____
 Weather: _____ Inspector(s): _____
 Date of Last Rainfall: _____ Amount: _____ Inches Streets: _____
 Mapbook Location: _____ GPS Coordinates: _____ Property Classification:
 Residential 9 Government 9 Commercial 9 Other: _____

Type of Practice: Wet Pond 9 Dry Pond 9 Micropool ED 9 Multiple Pond System 9 Pocket Pond 9
 Shallow Wetland 9 Shallow ED 9 Pond/ Wetland 9 Pocket Wetland 9

Confined 9 Unconfined 9 Barrel Size _____ As-built Plan Available? Yes 9 No 9
 Is Facility Inspectable? Yes 9 No 9 Why? _____ Comments Specific Location(s): _____

Scoring Breakdown:

N/A = Not Applicable 1 = Monitor (potential for future problem exists) * Use open space in each section to further explain scoring as needed
 N/I = Not Investigated 2 = Routine Maintenance Required
 0 = Not a Problem 3 = Immediate Repair Necessary

1. Outfall Channel(s) from Pond

Woody growth within 5' of outfall barrel	N/A	N/I	0	1	2	3
Outfall channel functioning	N/A	N/I	0	1	2	3
Manholes, Frames and Covers	N/A	N/I	0	1	2	3
Released water undercutting outlet	N/A	N/I	0	1	2	3
Erosion	N/A	N/I	0	1	2	3
Displaced rip rap	N/A	N/I	0	1	2	3
Excessive sediment deposits	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

2. Downstream Dam Bank

Cracking, bulging, or sloughing of dam	N/A	N/I	0	1	2	3
Erosion and/or loss of dam material	N/A	N/I	0	1	2	3
Animal burrows	N/A	N/I	0	1	2	3
Soft spots or boggy areas	N/A	N/I	0	1	2	3
Woody growth or unauthorized plantings on dam	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

3. Upstream Dam Bank

Cracking, bulging, or sloughing of dam	N/A	N/I	0	1	2	3
Erosion and/or loss of dam material	N/A	N/I	0	1	2	3
Animal Burrows	N/A	N/I	0	1	2	3
Soft spots or boggy areas	N/A	N/I	0	1	2	3
Woody growth or unauthorized plantings on dam	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

N/A = Not Applicable 1 = Monitor for Future Repairs
 N/I = Not Investigated 2 = Routine Repairs Needed
 0 = Not a Problem 3 = Immediate Repair Needed

POND / WETLAND MAINTENANCE INSPECTION FORM

4. Emergency Spillway						
Woody growth or unauthorized plantings	N/A	N/I	0	1	2	3
Erosion or back cutting	N/A	N/I	0	1	2	3
Soft or boggy areas	N/A	N/I	0	1	2	3
Obstructions / debris	N/A	N/I	0	1	2	3

5. Principal Spillway Built to Plans								
# of Barrels: _____	Size: _____	RCP	CMP	PVC	STEEL	or	MASONRY	(Circle One)
Confined space entry permit required for entry into all riser and barrels				Entry Approved 9		Entry Denied 9		
Minor spalling or parging (<1")	N/A	N/I	0	1	2	3		
Major spalling (exposed rebar)	N/A	N/I	0	1	2	3		
Joint failure	N/A	N/I	0	1	2	3		
Loss of joint material	N/A	N/I	0	1	2	3		
Leaking	N/A	N/I	0	1	2	3		
Corrosion	N/A	N/I	0	1	2	3		
Protective material deficient	N/A	N/I	0	1	2	3		
Misalignment or split seams / joints	N/A	N/I	0	1	2	3		
Other:	N/A	N/I	0	1	2	3		

6. Riser Built to Plans						
Size: _____	CONC	CMP	or	MASONRY	(Circle One)	
Minor spalling or parging (<1")	N/A	N/I	0	1	2	3
Major spalling (exposed rebar)	N/A	N/I	0	1	2	3
Joint failure	N/A	N/I	0	1	2	3
Loss of joint material	N/A	N/I	0	1	2	3
Leaking	N/A	N/I	0	1	2	3
Manhole access and steps acceptable	N/A	N/I	0	1	2	3
Corrosion	N/A	N/I	0	1	2	3
Protective material deficient	N/A	N/I	0	1	2	3
Misalignment or split seams / joints	N/A	N/I	0	1	2	3
Anti-vortex device secure / acceptable	N/A	N/I	0	1	2	3
Sediment Accumulation within riser	N/A	N/I	0	1	2	3
Woody or vegetative growth within 25' of riser	N/A	N/I	0	1	2	3
Safety Rebar/pipes in place	N/A	N/I	0	1	2	3
Safety Rebar/pipes corroded	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

7. Low Flow Built to Plans						
Orifice and/or trash rack obstructed	N/A	N/I	0	1	2	3
Trash Rack Corrosion	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

8. Weir Trash Rack						
Structurally sound	N/A	N/I	0	1	2	3
Debris removal necessary	N/A	N/I	0	1	2	3
Corrosion	N/A	N/I	0	1	2	3

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem
1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

POND / WETLAND MAINTENANCE INSPECTION FORM

9. Control Valve(s) Built to Plans

Size: _____ Type: _____

Operation limited	N/A	N/I	0	1	2	3
Exercised	N/A	N/I	0	1	2	3
Leaks	N/A	N/I	0	1	2	3
Chains & Locks	N/A	N/I	0	1	2	3
Set to design opening	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

10. Pond Drain Valve

Operation limited	N/A	N/I	0	1	2	3
Exercised	N/A	N/I	0	1	2	3
Leaks	N/A	N/I	0	1	2	3
Chained & locked correctly	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

11. Toe & Chimney Drains Clear & Functioning

	N/A	N/I	0	1	2	3
--	-----	-----	---	---	---	---

12. Rip-Rap Pilot Channel (Micropool only)

Sediment or debris build up	N/A	N/I	0	1	2	3
Erosion/ Undermining	N/A	N/I	0	1	2	3

13. Permanent Pool

Visible pollution	N/A	N/I	0	1	2	3
Shoreline and / or side slope erosion	N/A	N/I	0	1	2	3
Aquatic bench inadequately vegetated	N/A	N/I	0	1	2	3
Abnormally high or low water (pool) levels	N/A	N/I	0	1	2	3
Sediment / debris accumulation	N/A	N/I	0	1	2	3
Bathometric study recommended			No	Yes		
Other?	N/A	N/I	0	1	2	3

14. Dry Storage

Vegetation sparse	N/A	N/I	0	1	2	3
Undesirable woody or vegetative growth	N/A	N/I	0	1	2	3
Low flow channels obstructed	N/A	N/I	0	1	2	3
Standing water or spots	N/A	N/I	0	1	2	3
Sediment or debris accumulation	N/A	N/I	0	1	2	3
Bathometric study recommended			No	Yes		
Other:	N/A	N/I	0	1	2	3

15. Pretreatment

Maintenance access	N/A	N/I	0	1	2	3
Is pretreatment a practice other than a forebay			No	Yes	Of so, _____(code)	
Dredging required			No	Yes		
Hard pad condition (Wet pond only)	N/A	N/I	0	1	2	3
Fixed vertical sediment depth marker present			No	Yes		
Marker Reading _____						
Sediment accumulation	N/A	N/I	0	1	2	3 Estimated % full _____%

N/A = Not Applicable
 N/I = Not Investigated
 0 = Not a Problem
 1 = Monitor for Future Repairs
 2 = Routine Repairs Needed
 3 = Immediate Repair Needed

POND / WETLAND MAINTENANCE INSPECTION FORM

16. Inflow Points

Number of inflow pipes: _____	Direction:	N	E	W	S
Endwalls, headwalls, end sections	N/A N/I	0	1	2	3
Outfall pipes	N/A N/I	0	1	2	3
Discharge undercutting outlet or displacing rip-rap	N/A N/I	0	1	2	3
Discharge water is causing outfall to erode	N/A N/I	0	1	2	3
Sediment accumulation	N/A N/I	0	1	2	3

17. Wet Pond Vegetation

Invasive plants	N/A N/I	0	1	2	3
% cover _____					
Vegetation matches landscape design plan	N/A N/I	0	1	2	3
Planting needed	N/A N/I	0	1	2	3
Shore erosion	N/A N/I	0	1	2	3
Coverage needs improvement	N/A N/I	0	1	2	3

18. Pond Buffer

Encroachment by structures	N/A N/I	0	1	2	3
Clearing of vegetation	N/A N/I	0	1	2	3
Planting needed	N/A N/I	0	1	2	3
Predominant vegetation types:	Forested 9	Shrubs 9	Meadow 9	Maintained Grass 9	Other: ___

19. Special Structures

Manhole access (steps, ladders)	N/A N/I	0	1	2	3
Vehicular access	N/A N/I	0	1	2	3
Concrete/masonry condition	N/A N/I	0	1	2	3
Trash racks	N/A N/I	0	1	2	3
Elbows	N/A N/I	0	1	2	3
Sediment / trash removal	N/A N/I	0	1	2	3
Manhole lockable nuts	N/A N/I	0	1	2	3

20. Miscellaneous

Encroachment in pond area and/or easement area	N/A N/I	0	1	2	3
Fence condition	N/A N/I	0	1	2	3
Safety signs	N/A N/I	0	1	2	3
Complaints from local residents	N/A N/I	0	1	2	3
Graffiti	N/A N/I	0	1	2	3
Public hazards	N/A N/I	0	1	2	3
Were any pad locks cut and replaced		No	Yes	How Many? _____	

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem
1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

Overall Condition of Facility

Total number of concerns receiving a: (1)_____ - Need Monitoring
 (2)_____ - Routine Repair
 (3)_____ - Immediate Repair Needed

Inspector's Summary

Pictures

Clock/Degrees

Prin. Spill. Barrel Joints

Clock/Degrees

1.	_____	_____	1.	_____	_____
2.	_____	_____	2.	_____	_____
3.	_____	_____	3.	_____	_____
4.	_____	_____	4.	_____	_____
5.	_____	_____	5.	_____	_____
6.	_____	_____	6.	_____	_____
7.	_____	_____	7.	_____	_____
8.	_____	_____	8.	_____	_____
9.	_____	_____	9.	_____	_____
10.	_____	_____	10.	_____	_____
11.	_____	_____	11.	_____	_____
12.	_____	_____	12.	_____	_____
13.	_____	_____	13.	_____	_____
14.	_____	_____	14.	_____	_____
15.	_____	_____	15.	_____	_____

N/A = Not Applicable
 N/I = Not Investigated
 0 = Not a Problem
 1 = Monitor for Future Repairs
 2 = Routine Repairs Needed
 3 = Immediate Repair Needed

Sketches, If Necessary:

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem

1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

UNDERGROUND / PERIMETER SAND FILTER MAINTENANCE INSPECTION FORM

Facility Number: _____ Date: _____ Time: _____
 Subdivision Name: _____ Watershed: _____
 Weather: _____ Inspector(s): _____
 Date of Last Rainfall: _____ Amount: _____ Inches Streets: _____
 Mapbook Location: _____ GPS Coordinates: _____ Property Classification:
 Residential 9 Government 9 Commercial 9 Other: _____

Type of Practice: Underground Sand Filter 9 Perimeter Sand Filter 9

As-built Plan Available? Yes 9 No 9

Was Facility Pumped Clean? Yes 9 No 9 Date: _____ Vendor Name: _____

Is Facility Inspectable? Yes 9 No 9 Why? _____ Comments Specific Location(s): _____

Confined Space Entry Permit Required For Entry Into All Structures: 9 Entry Approved (Attach Entry Permit) 9 Entry Denied

Personal Protective Equipment Provided? Yes 9 No 9

Does facility function as pretreatment to another BMP? Yes 9 No 9 If yes, BMP code: _____

BMP Type: 9 Pond 9 Wetland 9 Infiltration Practice 9 Open Channel

Scoring Breakdown:

N/A = Not Applicable	1 = Monitor (potential for future problem exists) *	Use open space in each section to further explain scoring as needed
N/I = Not Investigated	2 = Routine Maintenance Required	
0 = Not a Problem	3 = Immediate Repair Necessary	

1. Accessibility

Vehicular access from public right-of-way	N/A	N/I	0	1	2	3
Ingress / egress to structure	N/A	N/I	0	1	2	3
Manholes, frames and covers	N/A	N/I	0	1	2	3
Vents (if required by plan)	N/A	N/I	0	1	2	3
Steps and / or ladders secure	N/A	N/I	0	1	2	3
Top slab cracks or spalling	N/A	N/I	0	1	2	3
Lift lugs and / or parging	N/A	N/I	0	1	2	3
Erosion around structure	N/A	N/I	0	1	2	3
Structure obstructed by objects	N/A	N/I	0	1	2	3
Throat trash rack opening > 4"			No		Yes	

2. Sedimentation Chamber

Is Unit:	Cast in place 9	or	Precast 9			
Manhole spacing rings	N/A	N/I	0	1	2	3
Throat opening support block less than 6"			No		Yes	
Accumulation of sediment, trash or debris	N/A	N/I	0	1	2	3
Cracks and / or displacements	N/A	N/I	0	1	2	3
Minor spalling (1" or less)	N/A	N/I	0	1	2	3
Major spalling (exposed rebar)	N/A	N/I	0	1	2	3

N/A = Not Applicable **1 = Monitor for Future Repairs**
N/I = Not Investigated **2 = Routine Repairs Needed**
0 = Not a Problem **3 = Immediate Repair Needed**

UNDERGROUND / PERIMETER SAND FILTER MAINTENANCE INSPECTION FORM

Joint failure	N/A	N/I	0	1	2	3
Loss of joint material	N/A	N/I	0	1	2	3
Leaking	N/A	N/I	0	1	2	3
Lug lifts to be removed	N/A	N/I	0	1	2	3
Gutterpan spalling			No		Yes	
Other:	N/A	N/I	0	1	2	3

2.1 Elbows

Missing			No		Yes	
Corrosion	N/A	N/I	0	1	2	3

2.2 Pretreatment

Maintenance access	N/A	N/I	0	1	2	3
Pretreatment a practice other than a stilling basin or plunge pond			No		Yes	Of so, _____(code)
Less than 18" of sediment accumulation	N/A	N/I	0	1	2	3
Debris/trash accumulation on orifice / standpipe	N/A	N/I	0	1	2	3
Standpipe condition	N/A	N/I	0	1	2	3
Drawdown time is less than 36 hours			No		Yes	
Fixed vertical sediment depth marker present			No		Yes	
Sediment accumulation	N/A	N/I	0	1	2	3 Estimated % full: _____%
Other:	N/A	N/I	0	1	2	3

2.3 Trash Rack(s)

Present	N/A	N/I	0	1	2	3
Corrosion	N/A	N/I	0	1	2	3
Obstructed	N/A	N/I	0	1	2	3

3. Filtering Chamber

Cracks and / or other displacements	N/A	N/I	0	1	2	3
Minor spalling (1" or less)	N/A	N/I	0	1	2	3
Major spalling (exposed rebar)	N/A	N/I	0	1	2	3
Joint failure	N/A	N/I	0	1	2	3
Loss of joint material	N/A	N/I	0	1	2	3
Leaking	N/A	N/I	0	1	2	3
Lug lifts to be removed	N/A	N/I	0	1	2	3
Gutterpan spalling	N/A	N/I	0	1	2	3
Accumulation of sediment, trash or other debris	N/A	N/I	0	1	2	3
Other:	N/A	N/I	0	1	2	3

4. Sand Filter

Existing as required			No		Yes	
Sediment accumulation > 1"			No		Yes	
Ponding more than 2 days after rain			No		Yes	
Vegetation	N/A	N/I	0	1	2	3
Depth and material of layers	Depth: _____	Material: _____				
Sediment accumulation in gravel / sand	N/A	N/I	0	1	2	3
Oil / chemical accumulation on gravel / sand	N/A	N/I	0	1	2	3
Filter fabric	N/A	N/I	0	1	2	3

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem
1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

UNDERGROUND / PERIMETER SAND FILTER MAINTENANCE INSPECTION FORM

Other:	N/A	N/I	0	1	2	3
--------	-----	-----	---	---	---	---

5. Upland Characteristics

Excessive trash / debris	N/A	N/I	0	1	2	3
Bare soil present	N/A	N/I	0	1	2	3
Sand in parking lot	N/A	N/I	0	1	2	3

6. Outfall Chamber

Concrete / masonry condition: cracks & / or displacements	N/A	N/I	0	1	2	3
Minor spalling (1" or less)	N/A	N/I	0	1	2	3
Major spalling (exposed rebar)	N/A	N/I	0	1	2	3
Joint failures	N/A	N/I	0	1	2	3
Loss of joint material	N/A	N/I	0	1	2	3
Leaking	N/A	N/I	0	1	2	3
Lug lifts to be removed	N/A	N/I	0	1	2	3
Exit pipe(s) adequately parged	N/A	N/I	0	1	2	3
Accumulation of sediment, trash or debris	N/A	N/I	0	1	2	3

7. Outfalls from Sedimentation Chamber

Endwalls, headwalls, and end sections	N/A	N/I	0	1	2	3
Outfall pipes	N/A	N/I	0	1	2	3
Discharge water undercutting outlet	N/A	N/I	0	1	2	3
Discharge water displacing rip-rap	N/A	N/I	0	1	2	3
Discharge water causing outfall to erode	N/A	N/I	0	1	2	3
Excessive sediment deposits	N/A	N/I	0	1	2	3

8. Flow Splitter Chamber

Manhole spacing rings / brick	N/A	N/I	0	1	2	3
Metal grate	N/A	N/I	0	1	2	3
Accumulation of sediment, trash or debris	N/A	N/I	0	1	2	3
Condition of inflow and outflow pipes	N/A	N/I	0	1	2	3
Concrete condition: cracks and / or displacements	N/A	N/I	0	1	2	3
Minor spalling (1" or less)	N/A	N/I	0	1	2	3
Major spalling (exposed rebar)	N/A	N/I	0	1	2	3
Joint failure	N/A	N/I	0	1	2	3
Loss of joint material	N/A	N/I	0	1	2	3
Leaks	N/A	N/I	0	1	2	3
Lug lifts to be removed	N/A	N/I	0	1	2	3

9. Miscellaneous

Encroachment by vegetation into facility or outfall area	N/A	N/I	0	1	2	3
Complaints from local residents	N/A	N/I	0	1	2	3
Graffiti	N/A	N/I	0	1	2	3
Public hazards	N/A	N/I	0	1	2	3
Vehicular access from public right-of-way	N/A	N/I	0	1	2	3

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem
1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

Sketches, If Necessary:

N/A = Not Applicable
N/I = Not Investigated
0 = Not a Problem

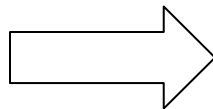
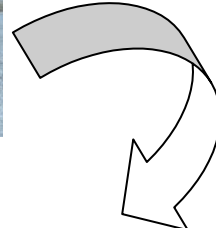
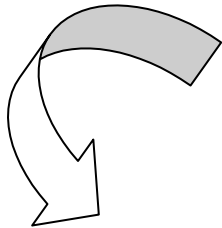
1 = Monitor for Future Repairs
2 = Routine Repairs Needed
3 = Immediate Repair Needed

Appendix R

Municipal Pollution Prevention Manual

Pollution Prevention / Good Housekeeping

Standard Policies and Procedures



Updated January 26, 2015

Town of Lansing

Table of Contents

Introduction	.....	page	3
Street & Bridge Maintenance	.....	page	4
Winter Road Maintenance	.....	page	5
Stormwater System Maintenance	.....	page	6
Fleet Maintenance	.....	page	7
Parks & Open Space	.....	page	8
Hazardous Materials	.....	page	9
Spill Response	.....	page	10

Introduction

The purpose of this document is to provide a standard set of policies and procedures when dealing with municipal operations that have a potential effect on water quality. This information has been formed for implementation with the Stormwater Phase II Municipal Separate Storm Sewer System Permit.

As training is an integral component of any pollution prevention program, every effort should be made to increase awareness among all municipal employees. Tenured employees should review this document annually, while new hires should be provided with this information immediately upon starting work. Records should be maintained recording attendance to any formal training sessions, as well as recording other types of information or training that have been made available.

The following set of principals is intended to guide the implementation of the Best Management Practices contained within this document, as well as to serve as a common sense approach to creating or updating future policies or BMPs.

1. Prevent Pollution at its Source
2. Manage Clean Water Runoff and minimize clean water exposure to pollutants
3. Minimize the use of pollutants
4. Plan for spills and accidents
5. Practice Preventive Maintenance
6. Identify potential sources of pollution
7. Plan new facilities to include stormwater pollution prevention
8. Improve data collection and records maintenance
9. Train employees
10. Improve Communications and Coordination

Street and Bridge Maintenance

Roadway systems comprise the majority of municipal infrastructure. Daily roadway and bridge use and repairs generate substantial amounts of sediment and pollutants. Petroleum, Nitrogen, Phosphorous, Lead, and Chlorides are just a few of the pollutants deposited on roadways. The following pollution prevention techniques will aim to reduce pollutant loadings on road surfaces. Detailed logs must be maintained recording miles of road swept, number of catch basins cleaned, and pounds of sediment retrieved.

- *Paving and maintenance operations will only be conducted in dry weather.*
- *Catch basins and manholes will be covered prior to paving or patching.*
- *Erosion and Sediment controls will be selected from the latest edition of the NY State Standards and Specifications for Erosion and Sediment Control (the Blue Book) to minimize clean water contact with pollutant sources and reduce runoff.*
- *Street cleaning will occur on all Town roads on an annual basis. Priority will be given to streets adjacent to or in close proximity to surface waters.*
- *Sweeping in priority areas will be conducted as close to the spring thaw as feasible. This will help to prevent road salts and grit from entering snow melt.*

*****Logs must be maintained recording miles of road swept, number of catch basins cleaned, and pounds of sediment retrieved.**

Winter Road Maintenance

Salts, gravel and sand are applied to roadways to control ice conditions during winter months. Since the application and storage of deicing materials can potentially contribute to watershed pollution, they must be carefully managed to prevent these materials from becoming pollutants. Salt and sand usage logs must be maintained recording the pounds of salt used per year.

- *Road salt, and salt/sand mixtures will be stored in a covered structure.*
- *Deliveries will not exceed the storage space.*
- *Deliveries will be immediately unloaded into covered structure.*
- *Loading areas will be swept after every use.*
- *Vehicles will be washed indoors only, where runoff can be controlled and discharged to treatment facility.*
- *Spreading equipment will be periodically calibrated to manufacturers' recommendations.*
- *Control spread patterns and speeds to concentrate material where it is most effective.*
- *Inspect salt storage/loading area daily to ensure supplies are not exposed to weather.*
- *Minimize spillage by not exceeding the capacities of equipment (loader, truck bed) during loading operations.*
- *Street sweeping will be conducted as close to the spring thaw as feasible. This will help to prevent road salts and grit from entering snow melt.*

***** Salt and sand usage logs must be maintained recording the pounds of salt used per year.**

Storm Drainage and Conveyance Maintenance

The regular cleaning and maintenance of storm drainage systems reduces the amounts of sediments, debris, and pollutants in both the storm system itself and in receiving waters. The benefits of a regular maintenance program to receiving surface waters can include an increase in levels of dissolved oxygen and lower levels of bacteria. Stream habitat is improved from a reduction in sedimentation. Logs must be maintained recording miles of ditch maintained, number of catch basins cleaned, and pounds of sediment retrieved.

Catch basins

- *Every effort will be made to clean every catch basin in a 3 year period.*
- *Catch basins that require more frequent maintenance will be identified and prioritized.*
- *Catch basins will be cleaned when debris has accumulated to 1/3 of the capacity to the outlet.*

Ditches

- *Ditches will be cleaned when sediment, debris, or vegetation have accumulated, in order to maintain the flood control capacity of the system.*
- *Ditches will be mowed annually. Mowed vegetation should be removed to prevent the loading of biological material into receiving waters.*
- *During scraping vegetation shall be preserved in the segment directly downstream to capture sediment. When vegetation has been reestablished, the untouched segment may then be cleaned.*
- *Scraped ditches will be immediately stabilized and vegetation reestablished to prevent exposed soils from entering runoff.*

*****Logs must be maintained recording miles of ditch maintained, number of catch basins cleaned, and lbs of sediment retrieved.**

Fleet Maintenance

Due to the presence of many polluting substances, such as motor oils, fuels, solvents, and coolants, vehicle repair and maintenance activities can be a major contributor to watershed pollution. The number one goal should be to prevent clean water from coming into contact with potential pollutants. Logs must be maintained recording the quantities of oils and coolants recycled.

- *Conduct all maintenance work indoors, including vehicle washing.*
- *If work is conducted outdoors, protect stormwater conveyance systems from spills.*
- *Clean spills immediately using dry methods.*
- *Maintain all oil/water separators according to manufacturer's recommendations.*
- *Recycle 100% of all oils and coolants.*
- *Seal any unneeded floor drains.*
- *Dispose of all wastes properly.*
- *Inspect all equipment regularly for drips and leaks.*
- *All fuels should be kept under cover, secondary containment areas should be inspected daily for leaks.*

*****Logs must be maintained recording the quantities of oils and coolants recycled.**

Parks and Open Space

Park and Open Space maintenance activities can contribute to stormwater pollution through the discharge of sediment, pesticides, herbicides, and fertilizers. However, through careful management a more environmentally friendly approach to natural landscape care can be taken. Care should be taken to avoid maintenance practices that rely heavily on chemical applications. Position in the landscape should also be taken into account. Areas in close proximity to surface waters should be treated more sensitively than other areas. Detailed logs must be maintained recording the pounds of fertilizer used as well as the amounts of pesticides and herbicides applied.

- *Soil analysis should be performed to determine proper fertilizer application rates for specific vegetation types.*
- *Species identified as “prohibited” by the NYSDEC listing should not be planted while those identified as “regulated” should generally be avoided with native or naturalized species selected for plantings when possible.*
- *Drought tolerant plant material should be selected to reduce water consumption and the potential for runoff.*
- *Careful selection of turf should be practiced to avoid the need for excessive fertilizer applications and water consumption.*
- *Integrated pest management techniques should be employed to reduce pesticide and herbicide applications. Less toxic pesticides and herbicides should be investigated.*
- *Only NY State Certified Applicators should be used to apply pesticides or herbicides.*
- *Pet waste control laws are in place.*
- *Minimize turf area by replacing with ground cover, shrubs, and trees. This reduces mowing requirements and subsequently reduces air, noise, and water pollution.*
- *Mulch should be used to stabilize exposed soils and prevent soil erosion.*

*****Detailed logs must be maintained recording the pounds of fertilizer used as well as the amounts of pesticides and herbicides applied.**

Hazardous Material Storage/ Spill Prevention

Failure to properly store hazardous materials can increase the likelihood that they will end up in local water ways. Contamination can be prevented through the use of proper storage and maintenance techniques.

- *Designate storage areas away from floor drains.*
- *Store materials away from high traffic areas to reduce the likelihood of accidents.*
- *Reduce stock of material as much as possible. Use “first in, first out” management technique.*
- *Do not mix dissimilar wastes in the same container.*
- *Store all materials in closed, labeled containers. Storage areas should be sheltered from the weather.*
- *Monitor equipment storage areas, and material storage areas for spills, fluid leaks, uncovered containers and deteriorating labels daily. Correct problems immediately.*
- *Inspect secondary containment areas around storage tanks monthly. Empty as necessary.*
- *Inspect floor drains for excessive amounts of contaminants monthly, clean out as needed.*
- *Document all inspection activities.*

Spill Response

- *Personnel will limit or close traffic flow around the affected area to the extent necessary*
- *Personnel will contact the NY State Department of Environmental Conservation within 2 hours of the occurrence at 1-800-457-7362*
- *Personnel will follow spill response plan*

Appendix S

Third Party Contractor Certification Form

Town of Lansing Stormwater

Town Contractor Certification

Purpose:

To ensure that contracted entities working for or performing work on behalf of the Town perform the work in compliance with the requirements of the Town's stormwater program. Further, to provide an opportunity for those performing work to understand the town's requirements prior to the commencement of work.

Contracted Entity Name:

Contact Information: _____

Work to be performed affected by the stormwater program:

Location of work:

Contracted Entity Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Lansing's stormwater management program and agree to implement any corrective actions identified by the Town of Lansing or a representative. I also understand that the Town of Lansing must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems ("MS4s") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Lansing will not diminish, eliminate, or lessen my own liability."

Name and Title (printed):

Signature

Date