
Stormwater Management Program Plan

Village of Fayetteville

Onondaga County, New York

Prepared for

Village of Fayetteville

425 East Genesee Street
Fayetteville, New York 13066

February 2023

Central New York Stormwater Coalition



Acknowledgement:

This Stormwater Management Program Plan was developed from a template provided by the Central New York Stormwater Coalition, a partner of the Village of Fayetteville, to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems, GP-0-15-003.

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1.0 INTRODUCTION

The Village of Fayetteville Stormwater Management Program (SWMP) Plan was developed from a template provided by the Central New York Stormwater Coalition (CNYSC) to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-0-15-003 or its successor (Appendix A). The SWMP Plan is re-assessed on an annual basis and updated as needed to improve its effectiveness, monitor progress, and account for any changes in the regulations and guidance provided by NYSDEC. A blank form for completing the evaluation, as well as the Village of Fayetteville's annual evaluation of the previous year's SWMP is attached as Appendix B.

The SPDES General Permit for Stormwater Discharges from Small MS4s was promulgated by NYSDEC in 2002 and required regulated MS4s (those with a minimum population density of 1000 people per square mile and located in urban areas with a population of 50,000 or more as defined by the U.S. Census Bureau) to develop and fully implement a Stormwater Management Program (SWMP) Plan. The Syracuse Urbanized Area (SUA), which includes portions of Onondaga, Oswego and Madison Counties, meets the population threshold and density criteria regulated under Phase II of the Stormwater Program. The SUA contains 31 municipalities required to maintain coverage under the SPDES MS4 stormwater permit and comply with requirements of the permit. Thirty communities, including the Village of Fayetteville, are working together as the CNY Stormwater Coalition (CNYSC) to jointly comply with the regulatory requirements.

The CNYSC was formed through enactment of a Memorandum of Agreement (MOA) between participating municipalities, including the Village of Fayetteville. The MOA has been revised and the new Agreement has been effective since January 1, 2013. The MOA signed by the Village of Fayetteville has been included as Appendix C. The CNYSC was created because watersheds and separate storm sewer systems cross municipal boundaries and because opportunities exist "to reduce duplication of services, take advantage of economies of scale, better coordinate regulatory requirements and enforcement actions, secure state grants for regionally supported projects, improve water quality, and reduce flooding by working collaboratively to identify and analyze options for meeting the requirements of the General Permit.

It is the intended purpose of the CNYSC to:

- foster the exchange of information;
- identify and promote discussion of issues of mutual concern;
- foster cooperation;
- propose recommendations and make reports which identify mutually beneficial solutions;
- seek funding sources and/or sustainable funding mechanisms which may help to accomplish the goals of the CNYSC;

- provide a mechanism for coordinating the implementation of regional solutions by and on behalf of the participating MS4 communities in Central New York.

A map of the SUA is provided as Appendix D.

Phase II of the Federal Stormwater Final Rule identifies six program elements designed to reduce the discharge of pollutants to the maximum extent practicable (MEP). The program elements, known as Minimum Control Measures (MCMs), include:

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

This SWMP Plan template was reviewed, approved, and adopted by the CNY Stormwater Coalition. It includes information regarding programs that are delivered by program partners on behalf of the Village of Fayetteville, and also includes information regarding the Village of Fayetteville's own individual compliance program.

1.1 Stormwater Pollutants of Concern and Their Sources

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

1.2 Phosphorus (and Other Nutrients)

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

1.3 Silt and Sediment

Silt and sediment is carried by stormwater into water bodies as a result of soil erosion from construction sites, lawns, agriculture, and gardening or landscaping activities. Heavy deposits of silt in sensitive areas such as wetlands and stream and lake bottoms can damage habitat needed

by aquatic insects and plants. Turbidity (cloudiness) created by suspended sediment blocks sunlight needed by aquatic plants to grow. Sediment also can carry toxic chemicals that deplete oxygen in water bodies, and can clog drinking water intake pipes.

1.4 Pathogens (Bacteria, Viruses)

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

1.5 Metals (e.g., Arsenic, Lead, Mercury, Copper, Cadmium, Zinc)

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

1.6 Thermal Stress (Sunlight)

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

1.7 Floatables (Litter)

Floating litter and trash in water may be contaminated with toxic chemicals and bacteria, and can cause death to aquatic animals and birds. Obviously, aesthetics of the water are also negatively impacted. Floatables are generally the result of careless handling or littering.

1.8 Oxygen Demanding Organics

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

1.9 Chlorides

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

1.10 Other Toxic Substances

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

2.0 IMPAIRED WATERS

Several bodies of water in the SUA are considered impaired and are included in a list of impaired waters known as the 303(d) list. This indicates that they are unable to meet the uses designated by their Water Quality Classifications, whether these uses include drinking water (Class A), primary contact recreation (Class B), or secondary contact recreation (Class C). Sources of impairment to water quality include specific Pollutants of Concern. MS4s should assign particular priority to these pollutants in their individual stormwater programs, although all of the pollutants mentioned above generally warrant attention.

Also, the watershed of Onondaga Lake is subject to what is known as a Total Maximum Daily Load (TMDL) for phosphorus. A TMDL allocates the maximum quantities of a given pollutant that can be discharged from specific sources to the drainage and stream system of the watershed as well as directly to the lake itself. 19 MS4s in the SUA are entirely or partially located in the Onondaga Lake watershed and therefore subject to the requirements.

The following are Pollutants of Concern that the Village of Fayetteville has identified as priorities in our area and the bodies of water to which they pertain:

	POC	Affected waters
	Sediment	
X	Pathogens	Limestone Creek
X	Oxygen Demand	Limestone Creek
	Phosphorus	
	Nitrogen (nitrates)	
	Nitrogen (ammonia)	
	Heavy metals	
	Hydrocarbons/ petroleum products	
	Trash/floatables	
	Thermal pollution	
	Other _____	

3.0 MINIMUM CONTROL MEASURE 1. PUBLIC EDUCATION AND OUTREACH.

The Public Education and Outreach Minimum Control Measure involves planning and conducting an ongoing education and outreach program to inform the public of the impacts of stormwater discharges on water bodies, Pollutants of Concern (as applicable) and their sources, geographic areas of concern, and behaviors that can be adopted to reduce the discharge of pollutants to the stormwater drainage system.

The Village of Fayetteville, as a member of the CNY Stormwater Coalition contracts with the Central New York Regional Planning and Development Board (CNY RPDB) to conduct an annual CNY Stormwater Coalition Education Compliance Assistance Program that informs the above-mentioned target audiences about stormwater issues. Methods include the following:

- distribution of printed materials through various venues;
- articles and inserts published in the Post-Standard newspaper;
- maintenance of a stormwater website and library;
- distribution of a newsletter to inform contractors and developers of important current issues pertaining to the stormwater permits;
- use of a stormwater display at public events; and
- trainings of municipal officials and staff.

A copy of the program proposal for the current reporting year and the resolution to participate signed by the Village of Fayetteville are included as Appendix E. The Village of Fayetteville website (<https://www.fayettevilleny.gov>) includes links for the general public to access their latest MS4 Annual Report. The MS4 Annual Report includes additional website links (i.e. <http://www.cnyrpdb.org/stormwater/>) to obtain additional stormwater information.

3.1 Target Audiences

The Village of Fayetteville considers the following audiences to be of prime importance to reach in order for the education and outreach program to result in water resources protection and improvement:

☒ General public (including educational and commercial entities)

☒ Construction industry

☒ Municipal staff (planning)

☒ Municipal staff (highway/parks)

☒ Municipal staff (code enforcement)

☐ Other: _____

3.2 Measurable Goals

The Village of Fayetteville is assessing the success of Minimum Control Measure 1 of its SWMP through the following Measurable Goals (see Appendix F for previous year's efforts in meeting the measurable goals) that are included as part of CNY RPDB's education and outreach assistance program:

- Number of construction site operators trained:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 384
 - March 10, 2020 – March 10 2021: 164
 - March 10, 2021 – March 10 2022: N/A
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of training workshops for municipal representatives:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 3
 - March 10, 2020 – March 10 2021: 8
 - March 10, 2021 – March 10 2022: 5
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of education/outreach opportunities provided through kiosks or other displays:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 35
 - March 10, 2020 – March 10 2021: 34
 - March 10, 2021 – March 10 2022: 35
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of visitors to Stormwater program website:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 4,567
 - March 10, 2020 – March 10 2021: 4,567
 - March 10, 2021 – March 10 2022: 4,837
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of individuals on stormwater program list-serves:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 750

- March 10, 2020 – March 10 2021: 750
 - March 10, 2021 – March 10 2022: 750
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of attendees at public stormwater education program events:
 - Goal = 50
 - March 10, 2019 – March 10 2020: 421
 - March 10, 2020 – March 10 2021: 58
 - March 10, 2021 – March 10 2022: 10
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of printed materials distributed:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 99,999
 - March 10, 2020 – March 10 2021: 99,999
 - March 10, 2021 – March 10 2022: 9,999
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of newspaper ads or articles (days run):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 1
 - March 10, 2020 – March 10 2021: 1
 - March 10, 2021 – March 10 2022: 1
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit

4.0 MINIMUM CONTROL MEASURE 2. PUBLIC INVOLVEMENT AND PARTICIPATION.

The Public Involvement and Participation Minimum Control Measure involves designing and conducting a public involvement/participation program that identifies key individuals and groups who are interested in or affected by the stormwater permitting program; the type of input the MS4 will seek from them and how it will be used; and activities the MS4 will undertake to provide program access and gather needed input.

The Village of Fayetteville has identified and is working with the following key groups and individuals to seek out input and assistance concerning the implementation of its stormwater management program:

Name:	Barton & Loguidice, D.P.C.
Contact Info:	Charles White, P.E.: 315-457-5200 David Hanny (MS4 Consultant): 585-325-7190
Input/Assistance Sought:	Consulting and Engineering Services
Name:	Onondaga County Soil and Water Conservation District
Contact Info:	Mark Burger, mburger@oscwcd.org
Input/Assistance Sought:	Assistance for MS4 Hotline and IDDE program
Name:	Central New York Stormwater Coalition
Contact Info:	Lauren Darcy, ldarcy@cnyrpd.org
Input/Assistance Sought:	Assistance for MM 1 and 2 activities

The Village of Fayetteville has identified the following point of contact for public concerns regarding stormwater management and compliance issues (to be updated on the Village of Fayetteville's website at: <https://www.fayettevilleny.gov>)

Name:	Michael Jones
Title/Position:	Code Enforcement Officer
Telephone:	315-637-9864
E-Mail:	mjones@fayettevilleny.gov

The Village of Fayetteville will post its annual report for public review and comment on its website at <http://www.fayettevilleny.gov/Departments/DepartmentofPublicWorks>. Copies of the report will also

be available for public review at the Village of Fayetteville's municipal building & office located at 425 East Genesee Street, Fayetteville, NY 13066. Members of the public may ask questions or comment on the draft report by submitting comments to the Village of Fayetteville Clerk (Lorie Corsette at 315-637-9864 or [on the village website here](#)).

The Village of Fayetteville will develop a summary of all public comments received and intended responses. Forms for documenting public comments, and completed summaries of public comments, are attached as Appendix G and the response document is attached as Appendix H.

The Village of Fayetteville will evaluate opportunities for the following types of activities to promote public awareness, involvement, and active participation in stormwater pollution prevention:

- General Stormwater Management Information
- Household Hazardous Waste Disposal
- Illicit Discharge Detection and Elimination
- Pet Waste Management
- Pesticide and Fertilizer Application
- Trash Management
- Riparian Corridor Protection/Restoration
- Construction Sites

4.1 Measurable Goals

The Village of Fayetteville is assessing the success of Minimum Control Measure 2 of its SWMP through the following Measurable Goals (see Appendix F for previous year's efforts in meeting the measureable goals):

- Number of complaints or inquiries, or hotline calls, received regarding the stormwater management program:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of public comments addressed:
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 0 (100%)

- March 10, 2020 – March 10 2021: 0 (100%)
 - March 10, 2021 – March 10 2022: 0 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of positive resolutions or outcomes attained as a result of complaints:
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 0 (100%)
 - March 10, 2020 – March 10 2021: 0 (100%)
 - March 10, 2021 – March 10 2022: 0 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of cleanup events, miles of stream cleaned, number of volunteers, quantity of trash removed:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 12
 - March 10, 2021 – March 10 2022: 12
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of trees or acres of trees planted, tree planting events or sites, number of volunteers (circle any that apply if this is a selected activity):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0 (100%)
 - March 10, 2020 – March 10 2021: 25 square feet
 - March 10, 2021 – March 10 2022: N/A
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number or percentage of storm drains stenciled, number of volunteers (circle any that apply if this is a selected activity):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0 (100%)
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: N/A
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit

- Number of household hazardous waste cleanup events offered:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0 (100%)
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: N/A
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit

5.0 MINIMUM CONTROL MEASURE 3. ILLICIT DISCHARGE DETECTION AND ELIMINATION.

The Illicit Discharge Detection and Elimination aspect of the MS4 stormwater program is focused on identifying and removing non-stormwater flows from the stormwater system in situations in which they contribute to stormwater pollution.

Permit requirements addressed by this SWMP include:

- Adoption and implementation of a local law prohibiting illicit discharges to the MS4;
- Mapping and characterization of stormwater outfalls;
- Mapping of storm sewersheds;
- Identification of probable sources of illicit discharges in the community to target;
- Outfall reconnaissance to identify dry-weather flows and other evidence of illicit discharges;
- Tracking of illicit discharges through the drainage system to determine their source;
- Elimination of discharges, including illegal dumping and illicit connections to the drainage system, through voluntary compliance or enforcement action;
- Outreach to municipal employees and the public about the hazards of illicit discharges.

The following activities under Minimum Control Measure 3 will be completed by the Village of Fayetteville independently or in cooperation with the CNYSC and/or its partner agencies:

- The Onondaga County Soil & Water Conservation District (OCSWCD) currently conducts outfall inspections for the Village of Fayetteville
- Village of Fayetteville will coordinate with CNY RPDB to maintain a stormwater outfall mapping database for the entire SUA that is periodically updated to reflect new information uncovered during the OCSWCD's outfall inspection program/Village of Fayetteville inspection program or other sources.
- Village of Fayetteville will maintain a cooperative agreement with Onondaga County through which OCSWCD implements a stormwater outfall inspection program, fulfilling the requirement to inspect all outfalls at least once every 5 years for dry-weather flows (Appendix F). Village of Fayetteville also has the option to contract as needed with OCSWCD for trackdown of suspected illicit discharges in an attempt to determine their source, so that they can be readily eliminated.
- Village of Fayetteville as a member of the CNY Stormwater Coalition, will contract with the Central New York Regional Planning and Development Board (CNY RPDB) to provide outreach materials concerning illicit discharges as part of an annual CNY Stormwater Coalition Education Compliance Assistance Program (Appendix E).

- Village of Fayetteville will review outfall mapping, sewershed mapping, and outfall inspection data completed or compiled by CNY RPDB/OCSWCD for quality control.
- The storm sewershed mapping database will be maintained utilizing GIS accompanied where necessary by field investigations, including areas extending outside of the urbanized area (to facilitate trackdown of illicit discharges). The current sewershed mapping is included in Appendix K.
- Procedures must be implemented for targeting types of illicit discharges believed to be most common or likely in the MS4 in question. Based on guidance provided in the document “Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments” (EPA 2004), the Village of Fayetteville has determined that the following sources are most likely to contribute illicit discharges to the stormwater drainage system within municipal boundaries:
 - Cross-connections (sanitary or septic)
 - Landscaping (irrigation)
 - Residential or Fund Raiser car washing
 - Swimming pools
 - Vehicle fueling
- Village of Fayetteville has determined that the following types of discharges are not substantial contributors of pollutants to the stormwater drainage system:
 - Water line flushing
 - Diverted stream flows
 - Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
 - Uncontaminated ground water
 - Rising ground waters
 - Discharges from potable water sources
 - Foundation drains
 - Air conditioning condensate
 - Irrigation water
 - Springs
 - Water from crawl space and basement sump pumps
 - Footing drains
 - Lawn and landscape watering runoff (only if fertilization and/or pesticide application done properly)

- Water from individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Residual street wash water
- Discharges or flows from firefighting activities
- Dechlorinated water reservoir discharges
- Any SPDES permitted discharge
- The Village will inspect outfalls to identify dry weather flows and other indicators of possible illicit discharges, with all outfalls receiving inspections at least once every 5 years with reasonable progress (averaging 20 percent) each year. The condition and type of outfall will be characterized and dry weather flows or other indicators of possible illicit discharges will be documented.
- The Village's Code Enforcement Office is responsible for the following:
 - Updating outfall mapping
 - Responding to calls and tips from the public about potential illicit discharges.
- A process to identify and track illicit discharges to their source has been developed and will be implemented. The document "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments" (EPA 2004) was used as guidance for completing this process. Procedures for conducting the Illicit Discharge Detection and Elimination (IDDE) Program are outlined in the table below.

Procedures for Conducting IDDE Program	
Task	Procedures
Update storm sewer system mapping to reflect the current storm sewer system and amendments reflecting any expansion of, or changes to, the existing storm sewer system.	<ul style="list-style-type: none"> ○ Identify the location of all MS4 outfalls and their contributing drainage areas; assign an outfall ID to all existing and future outfalls operated by the Village of Fayetteville. ○ Identify the location, name, and NYSDEC Waters Index Number of all waters receiving discharges from those outfall pipes. ○ Identify all priority areas identified through the IDDE Program. <ul style="list-style-type: none"> ▪ Identify dry weather field screening stations/locations within identified priority areas
Identify priority areas within the MS4 likely to have illicit discharges. Document identified priority areas and basis of selection (list to be updated twice annually).	<ul style="list-style-type: none"> ○ Priority area selection criteria may include: <ul style="list-style-type: none"> ▪ Areas with older infrastructure that are more likely to have illicit connections; ▪ Industrial, commercial, or mixed use areas; ▪ Areas with a history of past illicit discharges; ▪ Areas with a history of illegal dumping; ▪ Areas with onsite sewage disposal systems; ▪ Areas with older sewer lines or with a history of sewer overflows or cross-connections; and ▪ Areas upstream of sensitive waterbodies. ○ Identified priority areas will be tracked through storm sewer mapping
Conduct field screening to detect potential illicit discharges	<ul style="list-style-type: none"> ○ Identify outfall locations for field screening and analytical monitoring within priority areas

	<ul style="list-style-type: none"> o Identify outfall locations for field screening and analytical monitoring in areas of known non-stormwater discharges outside of designated priority areas o Conduct dry weather field screening at each identified screening location at least once per year o Sample runoff for analytical monitoring if flow is observed in instances with at least 72 hours of dry weather preceding the monitoring event o If laboratory analysis determines samples exceed benchmark concentration levels, or if the non-stormwater discharge is otherwise classified as an illicit discharge, a follow up investigation must be completed o Assess the IDDE program annually to determine if updates are needed to the screening location inventory
Identify and locate source of identified illicit discharge (source tracing).	<ul style="list-style-type: none"> o Inspect manholes/catch basins (if applicable) within the MS4 network for chemical or physical indicators to isolate illicit discharges to specific network segment(s) o Complete desktop review of contributing drainage area to identify sites with high potential of producing the identified discharge o Complete on-site investigations using dye testing, smoke testing, video testing, or other appropriate investigative techniques o Conduct septic system investigations as needed (if applicable) o If the identified illicit discharge is determined to be an authorized discharge outlined in this section, no further action is required.
Eliminate identified illicit discharges at their source.	<ul style="list-style-type: none"> o Notify the party responsible for the identified illicit discharge o Prescribe corrective actions to be conducted by the responsible party to eliminate the illicit discharge o Conduct a follow-up investigation following completion of necessary corrective actions by the responsible party o Complete enforcement actions and seek recovery and remediation costs from the responsible party, as needed, in accordance with the local law prohibiting illicit discharges.
Complete required tracking and reporting	<ul style="list-style-type: none"> o Number and percent of outfalls mapped o Number of illicit discharges detected and eliminated o Percent of outfalls identified priority outfalls for which field screening has been performed o Status of system mapping o Dates and details of public education and outreach related to illicit discharge identification and elimination o Report on effectiveness of program o Document the following for all suspected illicit discharges: <ul style="list-style-type: none"> ▪ Date of illicit discharge observance ▪ Initial investigation results ▪ Follow-up investigation results ▪ Date investigation was closed

- The local law prohibiting illicit discharges to the separate storm sewer system adopted on 12/18/2007 will continue to be enforced by the Village of Fayetteville. A copy of the local law and attorney certification is included as Appendix L.
- Enforcement actions as specified in the local law will be documented and a summary form denoting the status of outfalls with suspected and confirmed illicit discharges and the progress made toward eliminating them will be maintained (the blank form and completed summary documentation are included as Appendix M). This information is maintained in a database located at Village Hall, 425 East Genesee Street Fayetteville, NY 13066.

5.1 Measurable Goals

Village of Fayetteville is assessing the success of Minimum Control Measure 3 of its SWMP through the following Measurable Goals (see Appendix F for previous year's efforts in meeting the measureable goals):

- Percent completion of storm sewershed mapping:
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 64 (100%)
 - March 10, 2020 – March 10 2021: 64 (100%)
 - March 10, 2021 – March 10 2022: 64 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Percentage of new stormwater outfalls mapped (annual):
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 0 (100%)
 - March 10, 2020 – March 10 2021: 0 (100%)
 - March 10, 2021 – March 10 2022: 0 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of outfalls inspected and percentage of total (annual):
 - Goal = Inspect 100% (64 outfalls) every 5 years
 - March 10, 2019 – March 10 2020: 13
 - March 10, 2020 – March 10 2021: 35
 - March 10, 2021 – March 10 2022: 26
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of stormwater outfalls with suspected illicit discharges (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of illicit discharges tracked to source(annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0

- March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of outfalls with confirmed illicit discharges (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of confirmed illicit discharges eliminated:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of suspected illicit discharges reported by citizens (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Percent of staff in relevant positions and departments having received IDDE training:
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 100%
 - March 10, 2020 – March 10 2021: 100%
 - March 10, 2021 – March 10 2022: 100%
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit

6.0 MINIMUM CONTROL MEASURE 4. CONSTRUCTION SITE RUNOFF CONTROL.

The focus of the Village of Fayetteville's Construction Site Runoff Control component of the stormwater program is to reduce the discharge of pollutants from active construction sites disturbing one acre or more of land surface, including disturbances of less than one acre that are part of a larger common plan of development or sale.

Permit requirements addressed by this SWMP include:

- A local law requiring that a SWPPP be prepared and implemented for any earth-disturbance activity of one acre or more, in compliance with NYS Standards and Specifications for Erosion and Sediment Control and the general construction permit SPDES GP-0-20-001;
- Procedures for SWPPP review to ensure compliance with permit requirements and design standards, and considering potential water quality impacts;
- Opportunity for public comment on SWPPPs;
- Performance of site inspections to ensure proper implementation of SWPPPs, and maintenance and repair of best management practices as needed;
- Ensuring adequate training for those performing SWPPP reviews and site inspections;
- Ensuring that land contractors performing work in the MS4 have received the required erosion and sediment control training.

The following activities under Minimum Control Measure 4 will be completed by the Village of Fayetteville independently or in cooperation with the CNYSC and/or its partner agencies:

- As a partner of the CNYSC, the Onondaga County Soil and Water Conservation District (OCSWCD) regularly conducts 4-hour Contractor Certification Trainings that are endorsed by NYSDEC to fulfill the contractor erosion and sediment control training requirement. The Village of Fayetteville will cooperate with OCSWCD in this effort. OCSWCD is authorized by NYSDEC to distribute the 3-year term certification cards indicating that an individual has satisfied this requirement. OCSWCD's program reaches contractors that work throughout the SUA.
- SWPPP technical reviews are completed through the Village's Planning Board Process.
- The Village of Fayetteville provides notice and opportunity for public comment on all SWPPPs through the public hearing phase in the subdivision, site plan review, special permit process, where the SWPPP is developed and reviewed simultaneously with other aspects of the project. All SWPPPs must be in compliance with the 2016 NY Standards and Specifications for Erosion and Sediment Control or current version. The progress of each individual SWPPP through review and approval by the Planning Board, Engineer, and Chief Elected Official will be documented; this documentation is included as Appendix N along with a blank tracking form to be used for this purpose and a SWPPP inspection checklist. As required, the Village of Fayetteville will complete the NYSDEC SWPPP Acceptance Form for each accepted SWPPP. The

form will be endorsed by the Chief Elected Official, Mayor Mark Olson, or authorized representative, Michael Jones. The original will be given to the applicant to file with his or her Notice of Intent to NYSDEC.

- Village of Fayetteville will use a system for tracking and inspection of active construction sites. Village of Fayetteville will maintain a database of this information that is regularly updated as conditions change. Annual summaries of construction inspections are provided in Appendix O along with forms to be used for inspections of individual sites and for compiling all inspection data. Sites will be inspected at key points during the course of construction, including the following:
 - at the close of the construction season
 - at final stabilization
 - on a site-specific basis as a follow-up to violations to ensure that they were corrected
 - Additional times as determined by the Village that may include (if deemed necessary)
 - immediately before work begins;
 - after installation of perimeter sediment control practices;
 - at completion of clearing;
 - after rough grading;
 - after final grading;
- Village of Fayetteville Code Enforcement Officials will check onsite to ensure that construction site operators have 4-hour erosion and sediment control training certification while they are performing work requiring erosion and sediment control. If at least one individual representing a given contractor/company is unable to produce a certification card indicating that he/she has received the required training, the company will be asked to stop work and leave the site until the requirement is fulfilled.
- Village of Fayetteville Code Enforcement Officers will conduct final site inspections when developers or site owners are seeking to close out their general permit coverage, which is done through filing of a Notice of Termination (NOT). In order to file the NOT, all portions of the site not consisting of buildings or hardscapes must be stabilized with 80 percent density turf or other appropriate vegetation or landscaping. All permanent stormwater management practices and green infrastructure features must be in place and functioning as intended. At the recommendation of the inspecting Code Enforcement Official, the chief elected official of Village of Fayetteville, Michael Jones, then will sign off on the NOT so that it can be submitted by the project owner to NYSDEC.
- Village of Fayetteville will follow a series of escalating actions for sites that are in violation. The process is described in Appendix P.
- The following individuals have received, or will receive training on technical elements and proper procedures to conduct site inspections and review of owner/operator inspections in order to determine compliance with the stormwater permit requirements.

- Michael Jones, Code Enforcement Officer
- Training is obtained through the CNY RPDB, SWCD, B&L or NYSDEC.
For officials that have already been trained, copies of training certificates related to this requirement are included as Appendix Q.
- Village of Fayetteville will ensure that all municipal projects are designed and constructed in accordance with SPDES GP-0-20-001. A copy of GP-0-20-001 is included as Appendix R for reference.
- A local law requiring compliance with GP-0-20-001 and the NY Standards and Specifications for Erosion and Sediment Control for all construction sites 1 acre or greater in land disturbance was adopted on 12/18/2007 will continue to be enforced by the Village Board of the Village of Fayetteville. A copy of the local law and attorney certification, with relevant sections of Subdivision, Zoning, and Site Plan Review codes, is included as Appendix S.

6.1 Measurable Goals

Village of Fayetteville is assessing the success of Minimum Control Measure 4 of its SWMP through the following Measurable Goals (see Appendix F for previous year's efforts in meeting the measureable goals):

- Number of SWPPPs reviewed for erosion and sediment control compliance (annual)
(Permit requirement is 100%):
 - Goal = Inspect 100%
 - March 10, 2019 – March 10 2020: 100%
 - March 10, 2020 – March 10 2021: 1 (100%)
 - March 10, 2021 – March 10 2022: 1 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of construction projects authorized for disturbances of one acre or more
(annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 1
 - March 10, 2020 – March 10 2021: 1
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of active construction projects authorized for disturbances of one acre or more
(annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 1

- March 10, 2020 – March 10 2021: 1
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of construction sites inspected for erosion and sediment control compliance (annual):
 - Goal = 100% of active sites
 - March 10, 2019 – March 10 2020: 100%
 - March 10, 2020 – March 10 2021: 100%
 - March 10, 2021 – March 10 2022: 0 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of construction sites inspected for erosion and sediment control compliance more than once (annual):
 - Goal = 100% of active sites
 - March 10, 2019 – March 10 2020: 100%
 - March 10, 2020 – March 10 2021: 100%
 - March 10, 2021 – March 10 2022: 0 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of Notices of Violation issued (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of Stop Work Orders issued (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of criminal actions taken (annual):
 - Goal = Track annually and evaluate trends

- March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of contracts terminated (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of administrative fines issued (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of civil penalties issued (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of administrative orders issued (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Total number of enforcement actions or sanctions taken for non-compliance (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0

- March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of non-compliance issues resolved (annual):
 - Goal = Resolve 100% of non-compliance issues
 - March 10, 2019 – March 10 2020: 0 (100%)
 - March 10, 2020 – March 10 2021: 0 (100%)
 - March 10, 2021 – March 10 2022: 0 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Percent compliance for total of all construction site inspections (annual):
 - Goal = 100% ultimately, track annually for trends
 - March 10, 2019 – March 10 2020: 100%
 - March 10, 2020 – March 10 2021: 100%
 - March 10, 2021 – March 10 2022: 0 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit

7.0 MINIMUM CONTROL MEASURE 5. POST-CONSTRUCTION STORMWATER MANAGEMENT.

The Village of Fayetteville Post-Construction Stormwater Management program addresses control of stormwater quality, volume, and peak flow after construction is completed in both new and existing developments.

Permit requirements addressed by this SWMP include:

- A local law requiring that a SWPPP be prepared and implemented for any earth-disturbance activity of one acre or more, in compliance with NYS Stormwater Management Design Manual and the general construction permit SPDES GP-0-20-001;
- Procedures for SWPPP review to ensure compliance with permit requirements and design standards, and considering potential water quality impacts;
- Opportunity for public comment on SWPPPs;
- Performance of site inspections to ensure proper implementation of SWPPPs, and maintenance and repair of best management practices as needed;
- Ensuring adequate training for those performing SWPPP reviews and site inspections;
- Completion of an inventory of all post-construction stormwater management practices under the municipality's jurisdiction,
- Ensuring that post-construction stormwater management practices are inspected by qualified individuals and maintained to ensure proper function.

The following activities under Minimum Control Measure 5 will be completed by the Village of Fayetteville independently or in cooperation with the CNYSC and/or its partner agencies:

Village of Fayetteville must demonstrate No Net Increase in Pollutants of Concern to the following designated 303(d)-listed water body as applicable for the pollutants:

- Limestone Creek

This work was completed using a NYSDEC- supported model of pollutant loading known as the Watershed Treatment Model in cooperation with CNY RPDB. The modeling shows no increase in loading of the Pollutants of Concern. Documentation of results and interpretation are included in Appendix S.

- Village of Fayetteville follows the SWPPP review process detailed under MCM 4. All SWPPPs are required to be in compliance with the 2015 version of the NYS Stormwater Management Design Manual (or most recent version).
- A local law requiring compliance with GP-0-20-001 (see Appendix R) and the NYS Stormwater Management Design Manual for all construction sites 1 acre or greater in land disturbance was adopted on 12/11/2006 will continue to be enforced by the Village of Fayetteville. A copy of the local law and attorney certification is included as Appendix S.

- The Village of Fayetteville will inspect post-construction stormwater management practices and permanent green infrastructure features while they are under construction as part of the inspections described for MCM 4, to ensure that they are installed in accordance with the SWPPP and will function as intended after construction is complete. These inspections are documented in Appendix O. The inspection of permanent stormwater management practices during construction is part of the process for construction inspection described under MCM 4.
- Village of Fayetteville conducts a post-construction stormwater management inspection and maintenance program and tracks inspections, identify maintenance or repair needs, and document completion of needed work. Village of Fayetteville will maintain a database of this information that is regularly updated as conditions change. Annual summaries of the condition and inspection and maintenance records for all post-construction stormwater management practices are included in Appendix T, along with a blank form that may be used for this purpose and operation and maintenance (O&M) manuals for applicable post-construction stormwater management practices. The database containing detailed data is maintained at Village Hall, 425 East Genesee Street Fayetteville, NY 13066.

Table 1 below includes existing post-construction stormwater management practices and corresponding location. Locations are also included in Appendix J. The Village is responsible for inspections of the.

Table 1. Inventory of Permanent Stormwater Practices					
Stormwater Practice ID	Location	Practice Type ¹	Approximate Date Constructed	Maintenance Responsibility	Inspection Frequency
1	Briarwood Townhouse Pond (Whispering Stream/Plum Ridge)	Wet Detention Pond		Village	Annually (Minimum)
2	Briarwood Pond 2 (Briar Brook Run)	Wet Detention Pond			
3	Brooklea Drive Suburban Green Infrastructure Project	Porous pavements including Flexi-Pave in snow storage areas and porous asphalt in parking lanes		Private	
4	Brooklea Drive Suburban Green	Rain Gardens			

	Infrastructure Project				
5	Village Gateway Project (Genesee/N. Burdick)	Porous Asphalt in parking lots			
6	Village Gateway Project (Genesee/N. Burdick)	Bioretention areas			
7	Wellwood Middle School (S. Manlius Street)	Underground Infiltration System	2021		
8	Wellwood Middle School (S. Manlius Street)	Dry Swale	2021		
9	North Burdick Retail Site (North Burdick Street)	Porous Pavement	2021		
10	North Burdick Retail Site (North Burdick Street)	Infiltration Basin	2021		

7.1 Measurable Goals

Village of Fayetteville is assessing the success of Minimum Control Measure 5 of its SWMP through the following Measurable Goals (see Appendix F for previous year's efforts in meeting the measureable goals):

- Number of existing post-construction stormwater management practices inspected and percentage of total (annual):
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 6 (100%)
 - March 10, 2020 – March 10 2021: 6 (100%)
 - March 10, 2021 – March 10 2022: 6 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024:

- Number of existing post-construction stormwater management practices with maintenance or repair needs identified, percentage of total (annual):
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024:
- Number of new stormwater management practices implemented as a part of this system during this reporting period:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 1
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024:
- Percent of municipal officials/MS4 staff responsible for program implementation having received training on Low Impact Development (LID), Better Site Design (BSD) or other Green Infrastructure principles:
 - Goal = 100% of responsible staff trained
 - March 10, 2019 – March 10 2020: 100%
 - March 10, 2020 – March 10 2021:
 - March 10, 2021 – March 10 2022:
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024:
- Number of SWPPPs reviewed for post-construction Stormwater management (PCSWM) compliance (annual):
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 2
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024:
- Number of construction sites inspected for PCSWM compliance (annual):
 - Goal = 100% of active sites
 - March 10, 2019 – March 10 2020: 2 (100%)

- March 10, 2020 – March 10 2021: 2 (100%)
 - March 10, 2021 – March 10 2022: 2 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024:
- Number of construction sites inspected for PCSWM compliance more than once (annual):
 - Goal = 100% of active sites
 - March 10, 2019 – March 10 2020: 2 (100%)
 - March 10, 2020 – March 10 2021: 2 (100%)
 - March 10, 2021 – March 10 2022: 2 (100%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024:
- Number of enforcement actions taken for PCSWM non-compliance and number of issues resolved (annual):
 - Goal = 100% of issues resolved annually
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024:

8.0 MINIMUM CONTROL MEASURE 6. POLLUTION PREVENTION AND GOOD HOUSEKEEPING OF MUNICIPAL OPERATIONS.

Municipal facilities and operations contain and produce many potential sources of pollutants to the stormwater drainage system. MCM 6 focuses on development and implementation of Best Management Practices to eliminate or minimize this pollution.

Permit requirements addressed by this SWMP include:

- An inventory and self-assessment of all municipal operations, facilities, and equipment to ensure implementation of best management practices that prevent stormwater pollution, completed at least once every three years;
- Establishment and implementation of policies and procedures for operations that have the potential to contribute to stormwater pollution;
- Implementation of best management practices to reduce and eliminate the discharge of pollutants from municipal operations and facilities to the MS4;
- Proper training of municipal employees in all aspects of the Pollution Prevention and Good Housekeeping program;
- Policies to ensure that all third-party contractors comply with established Pollution Prevention and Good Housekeeping procedures and practices;
- Preparation and utilization of Stormwater Pollution Prevention Plans for facilities and operations covered under the MS4 General Permit that would otherwise be subject to the Multi-Sector General Permit (SPDES GP-0-17-004).

The following activities under Minimum Control Measure 6 will be completed by the Village of Fayetteville independently or in cooperation with the CNYSC and/or its partner agencies:

- Village of Fayetteville completes a self-assessment of stormwater pollution prevention municipal operations at least once every three years. The self-assessment form is attached in Appendix U. A recommended form for completing the assessment, developed by the Stormwater Coalition of Monroe County, is also included.
- Appendix V contains a listing of policies, procedures, and management practices pertaining to the following areas of the Village of Fayetteville operations:
 - Street and Bridge Maintenance
 - Winter Road Maintenance
 - Salt Storage
 - Stormwater System Maintenance
 - Vehicle and Fleet Maintenance
 - Parks and Open Space Maintenance
 - Municipal Building Maintenance

- Solid Waste Management
 - New Construction and Land Disturbances
 - Right-Of-Way Maintenance
 - Hydrologic Habitat Modification
 - Other Municipal Facilities or Operations
- The Village of Fayetteville conducts routine facility inspections in accordance with the Stormwater Industrial Routine Facility Inspection Report form provided in Appendix W.
 - The Village of Fayetteville will ensure all maintenance contracts include the following certification statement to ensure third party compliance related to stormwater discharges and water quality standards:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Village of Fayetteville's stormwater management program and agree to implement any corrective actions identified by the Village of Fayetteville or a representative. I also understand that the Village of Fayetteville 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 ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Village of Fayetteville will not diminish, eliminate, or lessen my own liability."

- The Village of Fayetteville implements a municipal staff training program. Documentation of program activities is provided in Appendix X.
- The Village of Fayetteville ensures third-party compliance with this SWMP and all related Best Management Practices through language in its contract documents.
- The Village of Fayetteville will inspect catch basins (as applicable), surface drainage structures and conveyances (i.e. drainage swales) in accordance with the following inspection and maintenance schedule. These inspections are documented in the Catch Basin and Conveyance Inspection and Maintenance Log provided in Appendix Y.
 - Catch basins and conveyances will be inspected a minimum of once per year.
 - Catch basins and conveyances consistently generating high volumes of sediment, trash, and debris will be inspected more frequently, as deemed necessary by the Highway Department.
 - Catch basins receiving direct runoff from an active construction site will be inspected a minimum of once every 7 days.
 - At a minimum, at least 25% of catch basins will be cleaned per year. More than 25% of catch basins may be cleaned annually if sediment build-up exceeding 50% capacity is identified during annual inspection. If catch basins consistently generate high volumes

of sediment, trash, and debris, and regularly exceed this 50% threshold, inspections will be conducted at an appropriate frequency greater than the identified minimum.

- At a minimum, catch basin and conveyance inspection and maintenance procedures must include the following:
 - Work upstream to downstream;
 - Remove sediment, trash, and debris from grate; properly dispose of all materials removed from grate;
 - Visually inspect the inside and outside of grate to determine cleaning and maintenance needs;
 - Inspect structural integrity of catch basin and determine potential cleaning and maintenance needs;
 - Determine percentage of sediment/debris accumulation within catch basin;
 - Determine most appropriate methods for cleaning and maintenance (i.e. shovel or other hand tools to remove accumulated sediment/debris, high pressure washer for cleaning, vacuum truck, etc.);
 - If contamination is suspected, chemical analysis will be required in accordance with the IDDE Program outlined in MCM 3;
 - Document all inspection findings and maintenance activities performed or recommended using the Catch Basin and Conveyance Inspection and Maintenance Log (Appendix Y).
- The following items will be tracked throughout the reporting year and reported annually to NYSDEC.
 - number of catch basins inspected, cleaned, repaired or replaced;
 - miles of roads swept;
 - number of post-construction stormwater management facilities inspected and cleaned;
 - pounds of phosphorus applied in chemical fertilizer.
- Onondaga County Soil and Water Conservation District (OCSWCD) implements a Critical Area Seeding and Stabilization that provides seeding, mulching, and application of erosion control in highway ditches and embankments throughout Onondaga County upon request of municipal highway departments and DPWs. Records of stabilization activities performed by OCSWCD are included as Appendix Y.

Appendix Z is an annual summary listing and quantifying all of the data required for the MS4 Annual Report; a blank form for tabulating this data is included.

8.1 Measurable Goals

Village of Fayetteville is assessing the success of Minimum Control Measure 6 of its SWMP through the following Measurable Goals (see Appendix F for previous year's efforts in meeting the measureable goals):

- Acres of parking lot swept (annual) (acres x number of times swept):
 - Goal = 100% municipally owned parking lots (4 acres)
 - March 10, 2019 – March 10 2020: 4
 - March 10, 2020 – March 10 2021: 4
 - March 10, 2021 – March 10 2022: 4
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Miles of roadway swept (annual) (miles x number of street sweepings):
 - Goal = At least 80 miles per reporting year
 - March 10, 2019 – March 10 2020: 114
 - March 10, 2020 – March 10 2021: 114
 - March 10, 2021 – March 10 2022: 114
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of catch basins inspected and cleaned where necessary:
 - Goal = At least 25%
 - March 10, 2019 – March 10 2020: 140
 - March 10, 2020 – March 10 2021: 100 (25%)
 - March 10, 2021 – March 10 2022: 100 (25%)
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of post-construction stormwater management practices inspected and cleaned where necessary and percentage of total:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 6
 - March 10, 2020 – March 10 2021: 6
 - March 10, 2021 – March 10 2022: 6
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Amount of phosphorus fertilizer applied in pounds (annual):

- Goal = 0 lbs
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Amount of nitrogen fertilizer applied in pounds (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Amount of pesticide applied in acres and number of applications (annual):
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 0
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of municipal drainage retrofit projects incorporating green infrastructure practices:
 - Goal = Track annually and evaluate trends
 - March 10, 2019 – March 10 2020: 1
 - March 10, 2020 – March 10 2021: 1
 - March 10, 2021 – March 10 2022: 1
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit
- Number of employee trainings delivered (annual):
 - Goal = At least one per reporting year
 - March 10, 2019 – March 10 2020: 2
 - March 10, 2020 – March 10 2021: 0
 - March 10, 2021 – March 10 2022: 0
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit

- Number of employees in relevant positions and departments receive stormwater management training, percentage of total:
 - Goal = 100%
 - March 10, 2019 – March 10 2020: 100%
 - March 10, 2020 – March 10 2021: 100%
 - March 10, 2021 – March 10 2022: 100%
 - March 10, 2022 – March 10 2023:
 - March 10, 2023 – March 10 2024: To be evaluated pending new MS4 permit

APPENDIX A
SPDES General Permit for Stormwater Discharges
from Small MS4s (GP-0-15-003)



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 (“CWA”), operators of *small municipal separate storm sewer systems* (“small MS4s”), located in *urbanized areas* (“UA”) and those *additionally designated* by New York State 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 an NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law* (“ECL”).

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” is 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)**

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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 ("MCM") 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* ("SWMP") 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* ("MEP") 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 *SWMP*². 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* ("UA") 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 “Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems” ; 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 ("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 (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.1.)

**NYS DEC “MS4 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.2.)

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:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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 "NYSDEC 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

- I. **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 "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, 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 "MS4 *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 "New York Standards and Specifications for Erosion and Sediment Control") 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:

- 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*;
- 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 “MS4 *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 “NYSDEC 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 “NYS 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:
 - acres of parking lot swept;
 - miles of street swept;
 - number of catch basins inspected and, where necessary, cleaned;
 - post-construction control stormwater management practices inspected and, where necessary, cleaned;
 - pounds of phosphorus applied in chemical fertilizer
 - pounds of nitrogen applied in chemical fertilizer; and
 - 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 "NYSDEC 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

- i. **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:
 - 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. 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 “NYS 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:
 - acres of parking lot swept;
 - miles of street swept;
 - number of catch basins inspected and, where necessary, cleaned;
 - post-construction control stormwater management practices inspected and, where necessary, cleaned;
 - pounds of phosphorus applied in chemical fertilizer
 - pounds of nitrogen applied in chemical fertilizer; and
 - 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 “Enhanced 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" or "management practices" 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 – such as for drinking, recreation, aquatic habitat, and industrial use – 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, SARATOGA, 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
Saratoga	Dwaas Kill and tribs	Phosphorus
Saratoga	Dwaas Kill and tribs	silt/sediment
Saratoga	Schuyler Creek and tribs	phosphorus
Saratoga	Schuyler Creek and tribs	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Saratoga	Lake Lonely	phosphorus
Saratoga	Tribs to Lake Lonely	Phosphorus
Saratoga	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

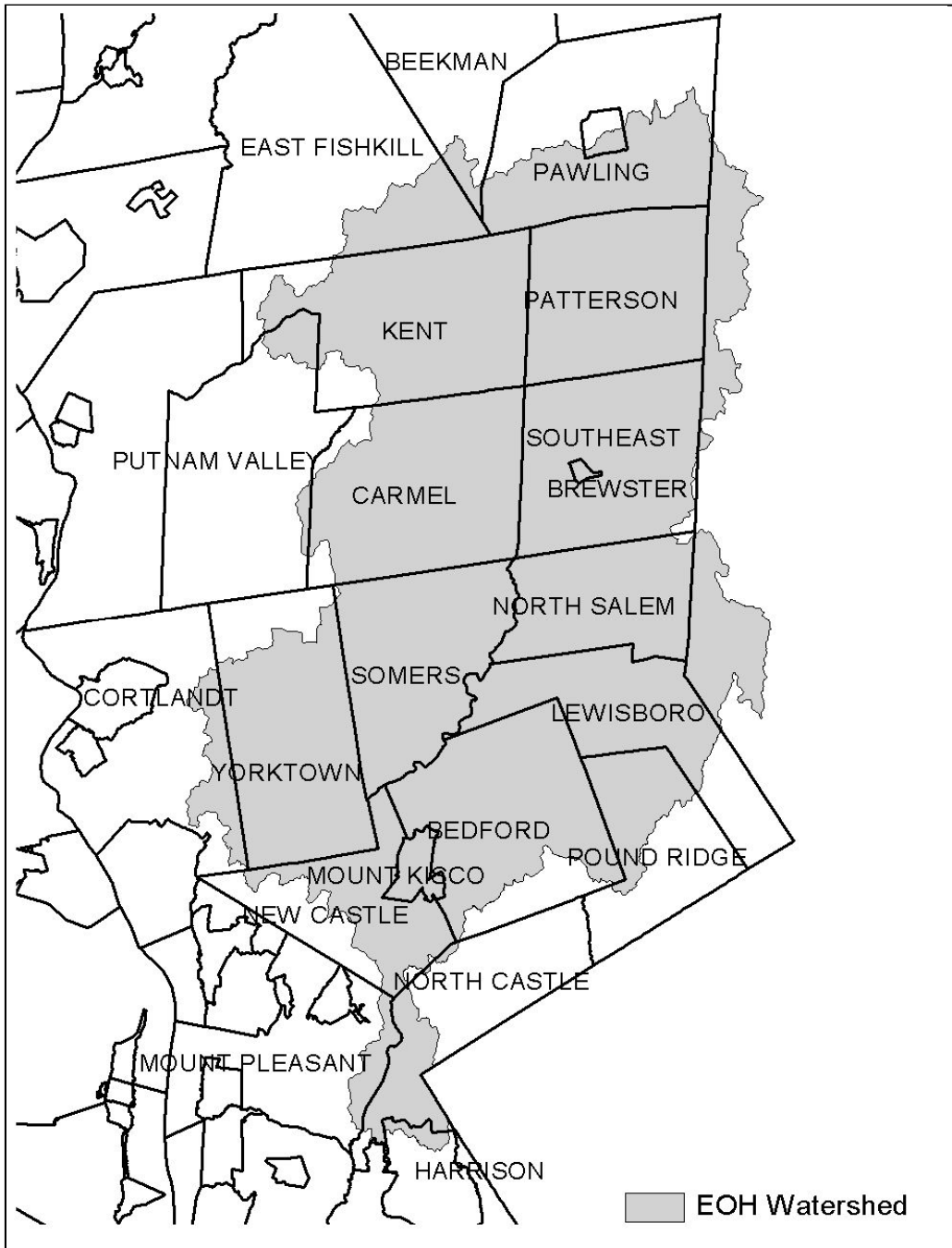


Figure 1. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

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

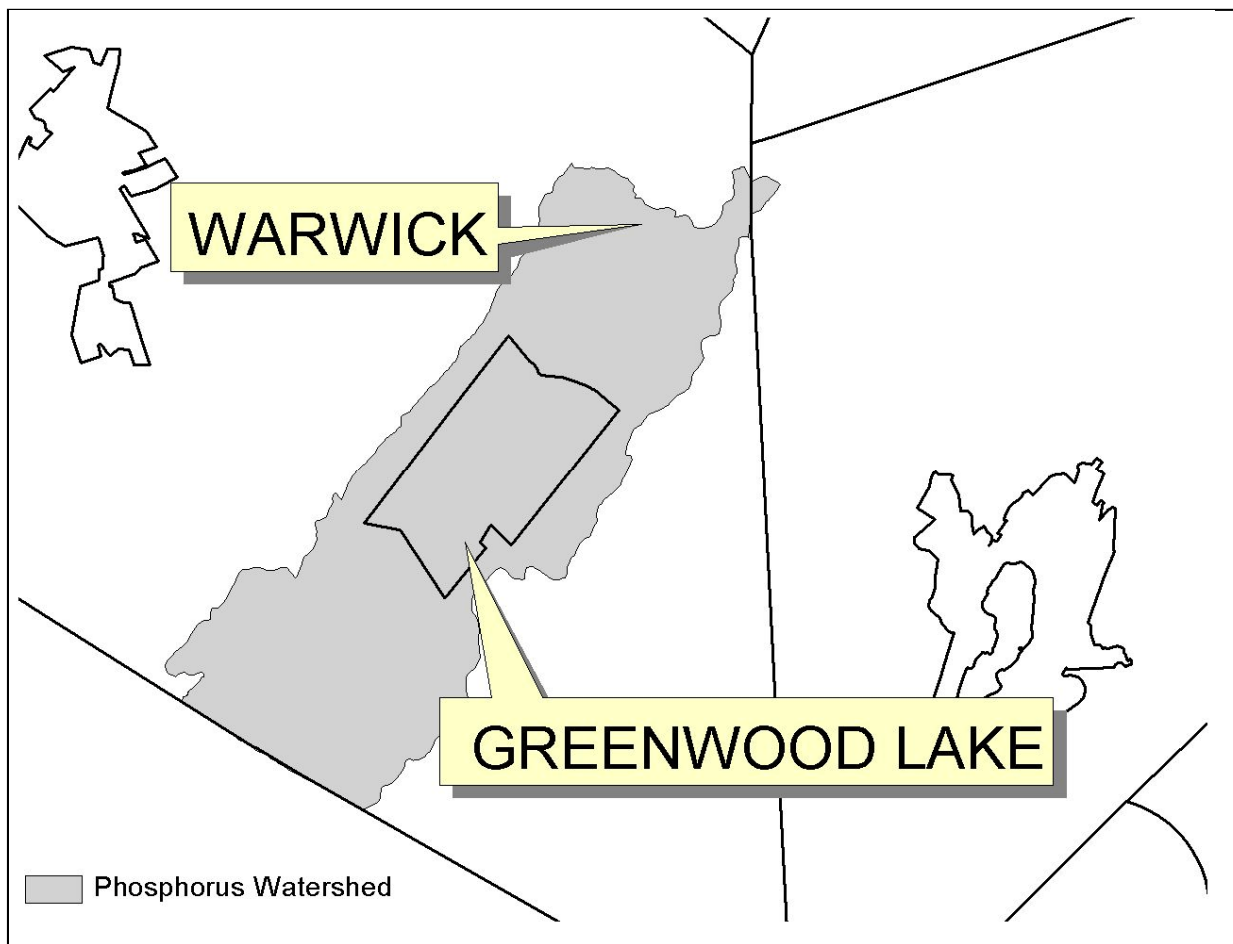


Figure 3. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 6. OYSTER BAY WATERSHED MAP

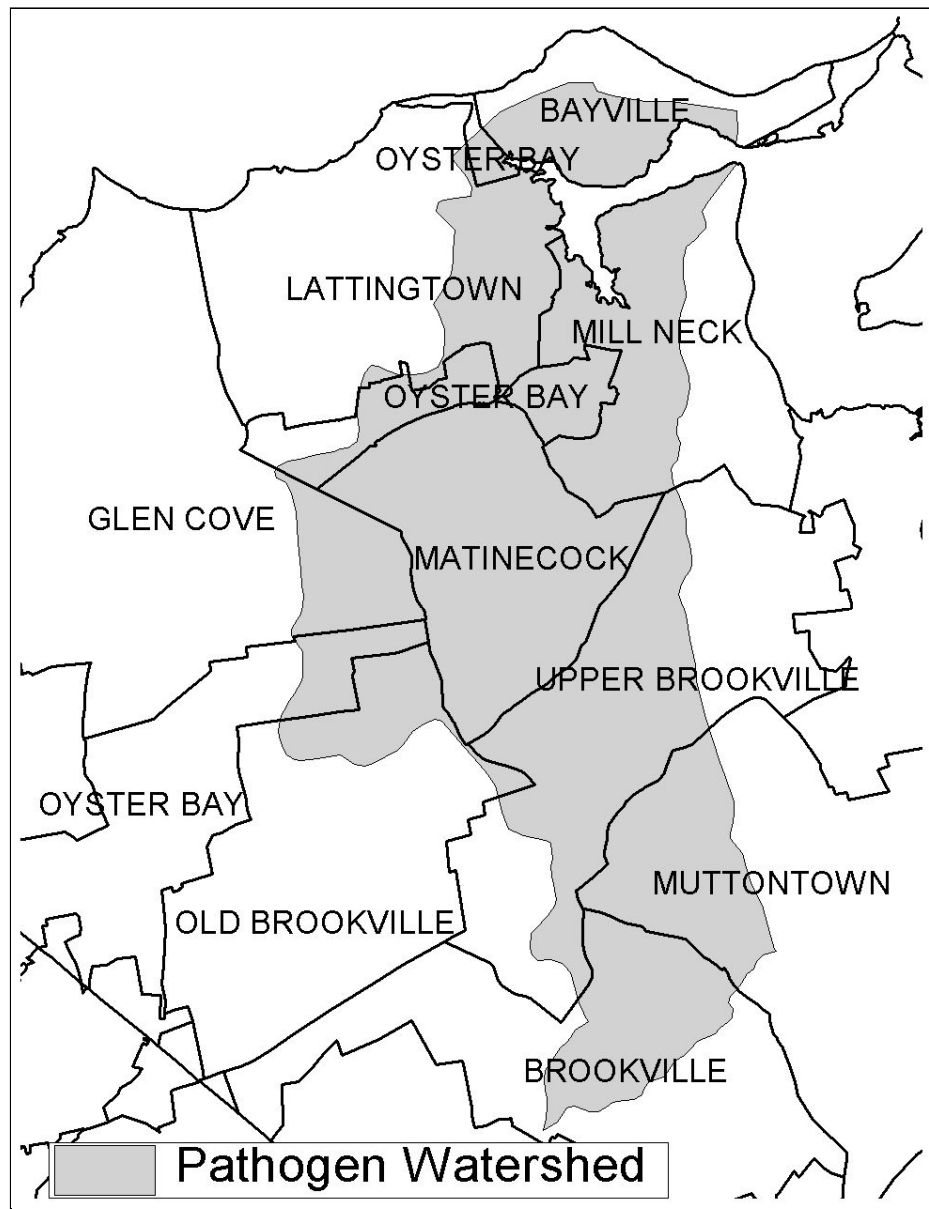


Figure 4. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 7. PECONIC ESTUARY PATHOGEN WATERSHED MAP

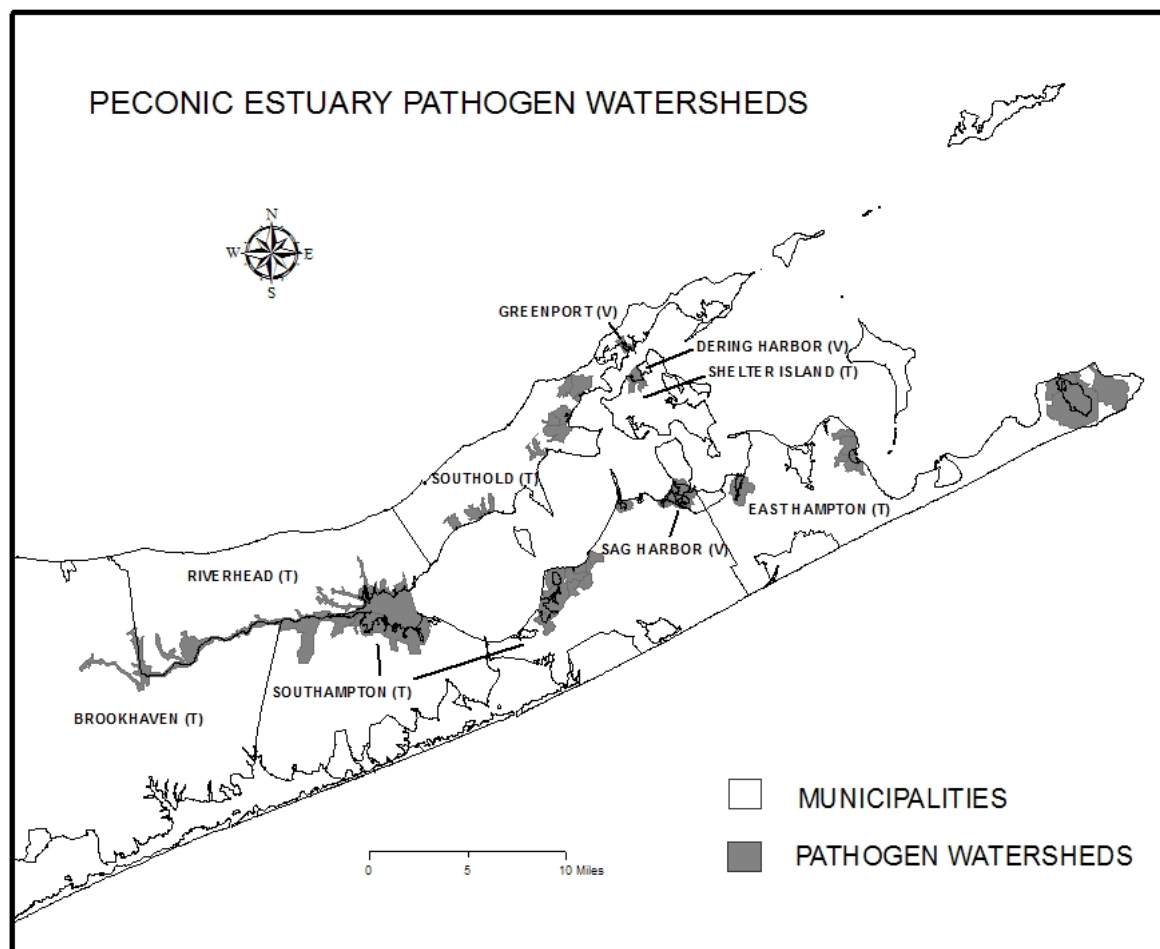


Figure 5. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 8. PECONIC ESTUARY NITROGEN WATERSHED MAP

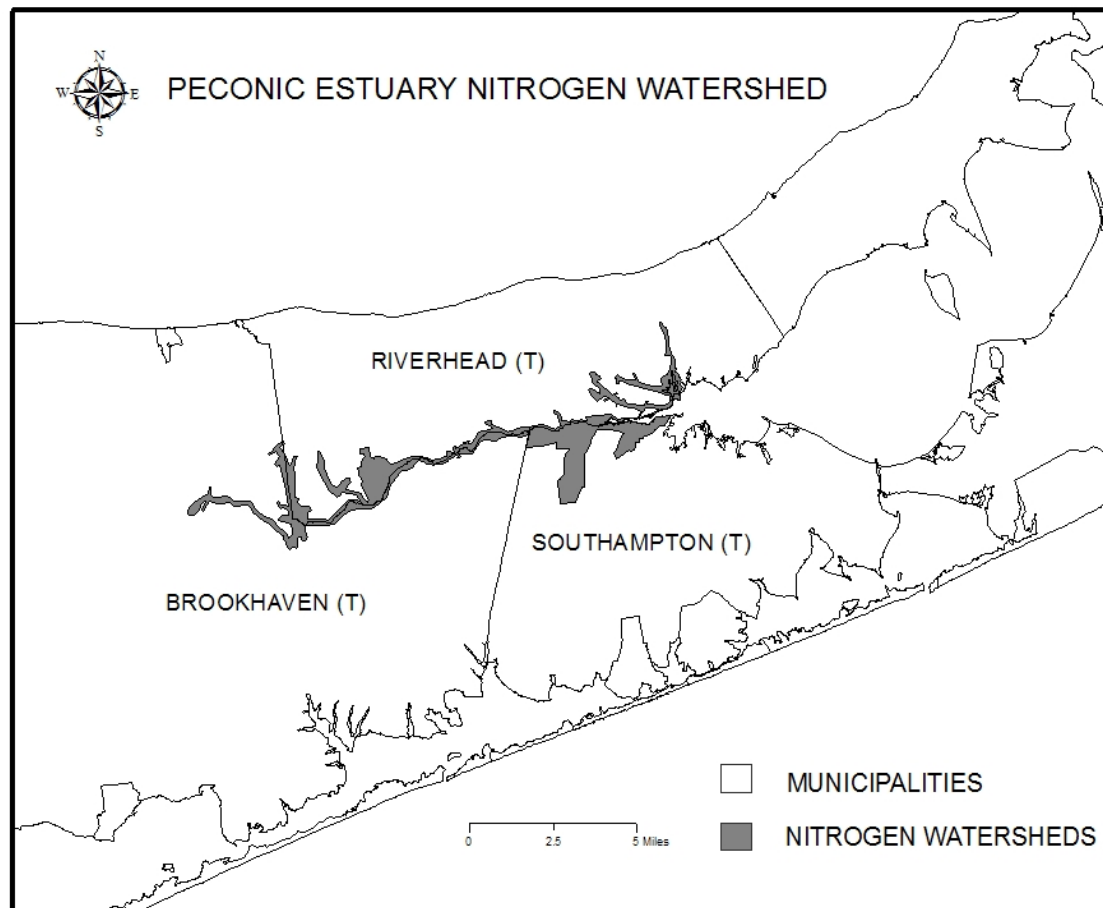


Figure 6. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 9. THE 27 LONG ISLAND SHELLFISHING IMAPAIRED EMBAYMENT MAP

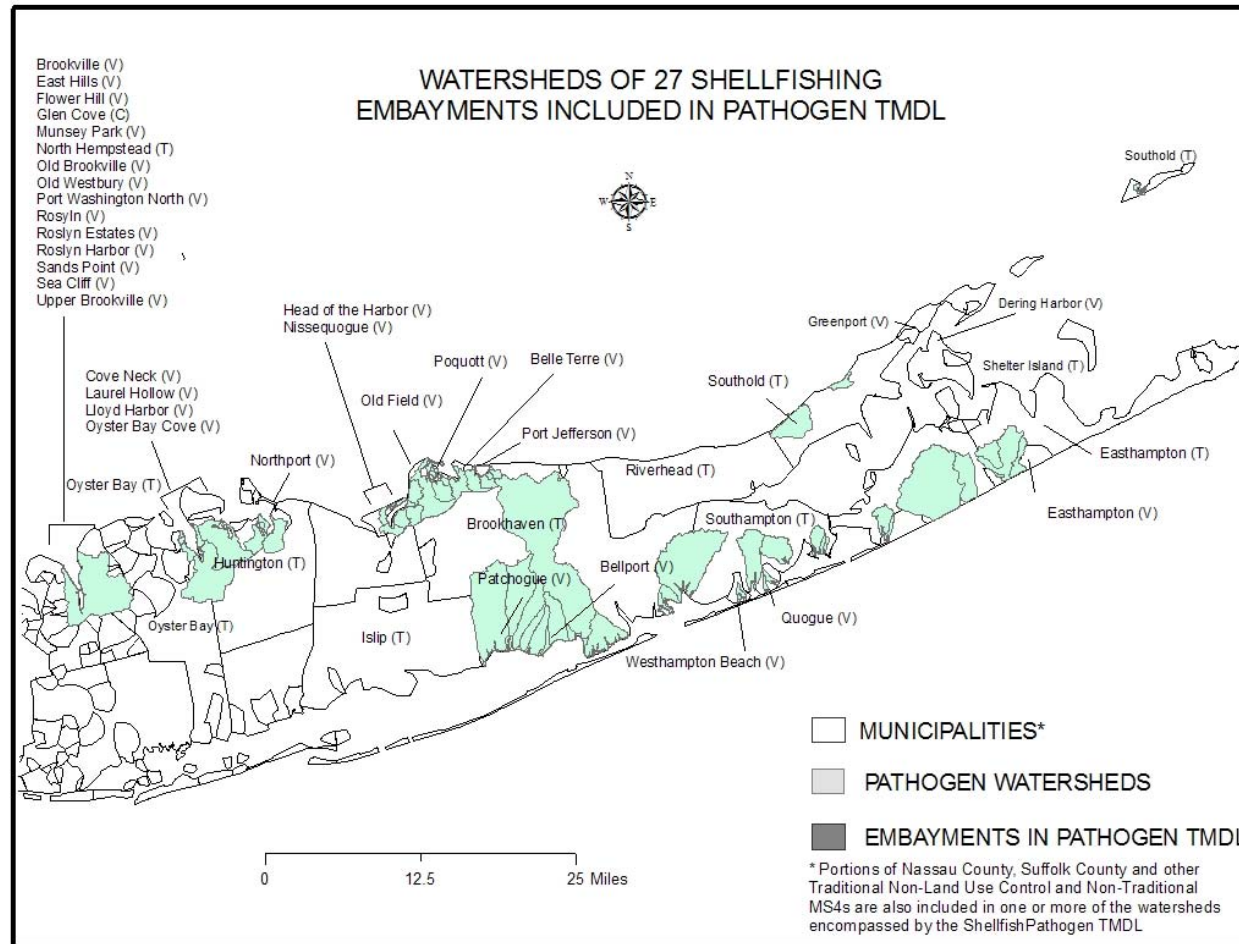


Figure 7. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 10. LAKE OSCAWANA WATERSHED MAP

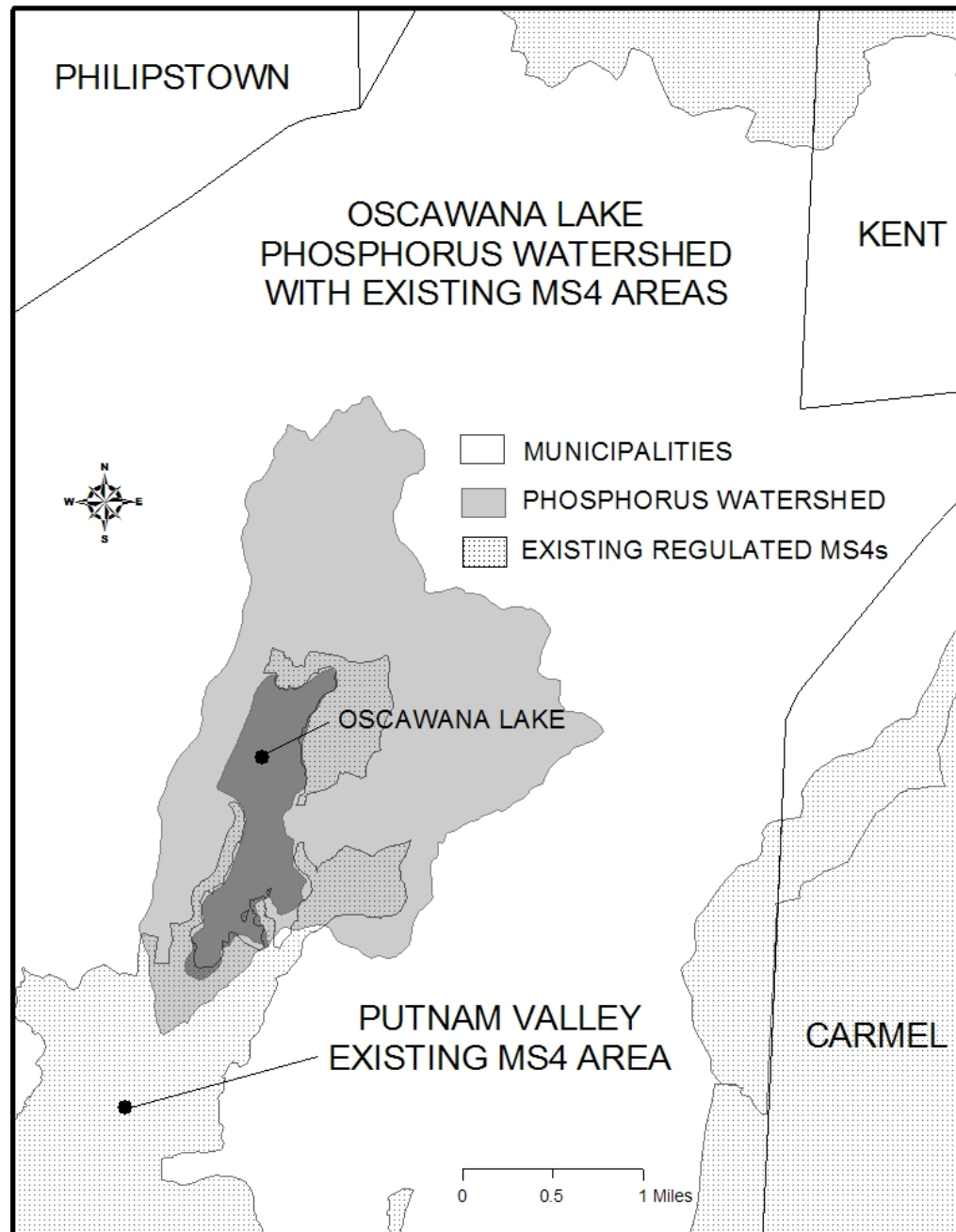


Figure 8. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX B
MS4 SWMP Effectiveness Evaluation

ANNUAL MS4 PROGRAM EFFECTIVENESS EVALUATION

For Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)

Adapted by Central New York Regional Planning and Development Board from the “MS4 Annual Self Assessment” form developed by Herkimer-Oneida Counties Comprehensive Planning Program and the Herkimer-Oneida Counties Intermunicipal Stormwater Working Group.

The SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) requires permittees to conduct an annual evaluation of its Stormwater Management Program (SWMP), its program compliance, the appropriateness of its identified BMPs, and its progress toward achieving its identified measurable goals. The permit requires the collection and reporting of certain information about the development and implementation of the SWMP. This document is designed and intended to assist MS4s in the evaluation of such information and to facilitate the evaluation of your SWMP by allowing the examination of trends over time. This document is not intended to replicate other documents such as the Annual Report and Notice of Intent but should, instead, be used in combination with these other documents.

This document provides a foundation for the assessment of four (4) levels of program effectiveness as applied to each Minimum Control Measure (MCM). **Level 1** involves an assessment of compliance with basic permit requirements. **Level 2** includes an assessment of the effectiveness of specific, activity-based efforts in achieving measurable goals. **Level 3** involves an assessment of behavioral changes including changes in attitudes, knowledge, awareness and individual conduct. **Level 4** includes an assessment of changes to stormwater quality and quantity including load reductions, discharge quality and/or improvements to receiving waterbodies.

MS4 IDENTIFICATION

1. Regulated MS4 Name: _____
2. SPDES Permit Number: **NYR20A** _____
3. County: _____
4. For Reporting Year ending March 9, _____
5. Person(s) Responsible for Completing the Assessment: _____
6. Date of Self-Assessment: _____

MINIMUM MEASURE 1: PUBLIC EDUCATION AND OUTREACH

► **LEVEL 1 - Basic Permit Requirements**

1. On the table below, indicate whether your MS4 has:

	Yes	No
▪ Developed a Public Education and Outreach Program.		
▪ Identified Pollutants of Concern (POCs).		
▪ Identified Waterbodies of Concern.		
▪ Identified geographic areas of concern.		
▪ Identified specific target audiences.		
▪ Described to the general public and target audiences, the impacts of stormwater discharges on waterbodies.		
▪ Described to the general public and target audiences, the POCs and their sources.		
▪ Described to the general public and target audiences, steps contributors of POCs can take to reduce pollutants.		
▪ Described to the general public and target audiences, steps contributors of non-stormwater discharges can take to reduce pollutants.		
▪ Developed, recorded and/or modified measurable goals associated with this Minimum Control Measure (MCM).		
▪ Selected public education and outreach activities to ensure the reduction of POCs in stormwater discharges.		

► **LEVEL 2 - Specific Activities and Techniques**

1. Indicate which of the following techniques and activities were utilized in your Public Education and Outreach program during this reporting year and provide your estimated ranking of the overall effectiveness of the techniques used. In your assessment, consider the length of time for which the activity has been in effect in deciding whether there has been sufficient opportunity to determine its effectiveness. If the activity was implemented for the first time late in the current reporting year, you may choose to delay assessment of the activity until next year and indicate “n/a” in the right hand column. Use the information and quantifiable data contained in your Annual Report to help determine the effectiveness of each activity. You may wish to evaluate the numeric ranking in the last column after completing levels 3 and 4.

Education and Outreach Techniques	Was this Technique Utilized this Reporting Year?		<u>QUANTIFIABLE DATA</u>		<u>WEAKNESSES</u> Identify any weaknesses relating to this activity that require improvement.	Indicate the observed effectiveness of this technique based on quantifiable data and weaknesses. Poor > > > > Excellent					
	Yes	No	Last Year	This Year		n/a	1	2	3	4	5
Stormwater Webpage					1. 2. 3.						
Printed Material					1. 2. 3.						
Direct Mailings					1. 2. 3.						
List Serve Distribution					1. 2. 3.						
Newspaper Ads or Articles					1. 2. 3.						
Document Library/Kiosks					1. 2. 3.						
Special Events					1. 2. 3.						
Public Presentations					1. 2. 3.						
Training					1. 2. 3.						
Classroom Education					1. 2. 3.						
Other (Specify):					1. 2. 3.						

► **LEVEL 3 - Behavioral Changes**

1. Compared to previous years, has there been an increase in the number of requests for stormwater information? Yes ☐ No ☐
2. Are you receiving more general inquiries and/or complaints related to stormwater? Yes ☐ No ☐
3. Have you received inquiries in response to specific, targeted education activities promoted by the municipality as key components of its stormwater program? Yes ☐ No ☐
4. Has there been any noticeable improvement in the behavior of residents (e.g. applying less fertilizer, picking up pet waste, etc) or have surveys of residents indicated a greater awareness of stormwater issues? Yes ☐ No ☐
5. Has there been any noticeable improvement in the behavior of business owners (e.g. clean-up around dumpsters, reduction of stormwater discharges, anti-littering programs, etc.) or have surveys of businesses indicated a greater awareness of stormwater issues? Yes ☐ No ☐
6. Provide any other information that may indicate a positive change in behavior, attitude, knowledge and/or awareness of the stormwater program as a result of your Public Education and Outreach efforts:

(Other) : _____

► **LEVEL 4 - Water Quality and Quantity Changes**

1. Have there been any documented reductions in the quality and/or amount of stormwater discharged as a direct result of Public Education efforts concerning specific practices? Yes ☐ No ☐
2. Have there been any documented improvements in the quality of receiving waterbodies as a direct result of Public Education activities concerning pollutant reduction practices? Yes ☐ No ☐
3. If monitoring or sampling has been done, has there been any documented improvement to water quality that might be attributable to your education efforts? Yes ☐ No ☐ Not Applicable ☐

► **SUMMARY:**

1. How many “No” responses are included in your **Level 1** assessment of this MCM?

Any “No” responses indicate that you may not be adequately meeting the basic permit requirements. Every effort should be made to meet these requirements by the next annual assessment or by any deadline as may be indicated in the permit.

2. How many of the MCM activities and/or techniques have received a ranking of “1” or “2” in your **Level 2** assessment?

In those cases where an activity is ranked as “1” or “2”, the items identified as “Weaknesses” should be considered a priority and should be implemented to improve the overall effectiveness of the activity by the next annual assessment.

3. How many “No” responses are included in your **Level 3** assessment of this MCM?

Multiple “No” responses may indicate that your efforts are not resulting in observable behavioral changes in your audiences. Re-evaluation of existing policies and procedures and identification of new and/or modified practices and techniques may provide more direct, observable links between the actions of the public and specific education initiatives you promote.

4. How many “No” responses are included in your **Level 4** assessment of this MCM?

Any “No” responses may indicate that your efforts have not yet resulted in observable water quality or quantity changes that can be specifically attributed to the public’s response to education efforts. It should be recognized however, that the cumulative effects of your stormwater program may not be easily identifiable within a short period of time. Periodic observation or monitoring of specific problem sites may help to develop a baseline of conditions so that improvements can be detected.

5. Overall, based on the above responses, how effective do you think your Public Outreach and Education Program is in helping you to achieve your Stormwater Management Program goals?

Poor	>	>	>	>	>	>	>	>	>	Excellent
1	2	3	4	5						

6. If you scored your program as a 1, 2, or 3 above, note the changes you plan to make to this MCM to improve its effectiveness. Also, if specific activities in Level 2 ranked low in terms of effectiveness, indicate how they will be improved or whether focus of the program will shift to a different strategy.

MINIMUM MEASURE 2: PUBLIC INVOLVEMENT AND PARTICIPATION
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► **LEVEL 1 - Basic Permit Requirements**

1. On the table below, indicate whether your MS4 has:

	Yes	No
▪ Identified key individuals and groups who are interested or affected by the Stormwater Management Program (SWMP).		
▪ Identified types of input you will seek from key individuals and groups.		
▪ Determined how such input will be used.		
▪ Identified public involvement and participation activities you will undertake to provide program access to those who want it.		
▪ Complied with Open Meetings Law and public notice requirements when implementing your SWMP.		
▪ Identified your local stormwater public contact.		
▪ Published the stormwater contact's name and telephone number on the municipal website and in outreach material.		
▪ Presented the Annual Report to the public.		
▪ Provided the public with the opportunity to ask questions about or comment on the Annual Report.		
▪ Developed, recorded and/or modified measurable goals associated with this Minimum Control Measure (MCM).		
▪ Selected public involvement and participation activities to ensure the reduction of Pollutants of Concern in stormwater discharges.		

► **LEVEL 2 - Specific Activities and Techniques**

1. Indicate which of the following techniques and activities were utilized in your Public Involvement and Participation program during this reporting year and provide your estimated ranking of the overall effectiveness of the techniques used. In your assessment, consider the length of time for which the activity has been in effect in deciding whether there has been sufficient opportunity to determine its effectiveness. If the activity was implemented for the first time late in the current reporting year, you may choose to delay assessment of the activity until next year and indicate "n/a" in the right hand column. Use the information and quantifiable data contained in your Annual Report to help determine the effectiveness of each activity. You may wish to evaluate the numeric ranking in the last column after completing levels 3 and 4.

Public Participation and Involvement Activities / Techniques	Was this Technique Utilized this Reporting Year?		<u>QUANTIFIABLE DATA</u> Insert relevant data from Annual Reporting Requirements or other data that quantifies trends.		<u>WEAKNESSES</u> Identify any weaknesses relating to this activity that require improvement	Indicate the Overall Effectiveness of this Technique Poor > > > Excellent					
	Yes	No	Last Year	This Year		n/a	1	2	3	4	5
Clean-up Event or "Adopt a Stream" program					1. 2. 3.						
Stormwater "Hotline"					1. 2. 3.						
Community / Public Meetings					1. 2. 3.						
Stakeholder Meetings					1. 2. 3.						
Storm Drain Stenciling					1. 2. 3.						
Advisory Committee or Watershed Group					1. 2. 3.						
Volunteer Monitoring Program					1. 2. 3.						
Tree Program or Plantings					1. 2. 3.						
Seek and respond to comments from public on SWMP					1. 2. 3.						
Other (Specify):					1. 2. 3.						
Other (Specify):					1. 2. 3.						

► **LEVEL 3 - Behavioral Changes**

1. Compared to previous years of the stormwater program, has there been an increase in the number of participants in public meetings, special events or other public participation activities? Yes ☐ No ☐
2. Are you receiving more questions, comments or interest related to review of the Annual Report? Yes ☐ No ☐
3. Have you received an increase in the number of requests from the public or other agencies to review Stormwater Pollution Prevention Plans (SWPPPs) associated with construction activity? Yes ☐ No ☐
4. Have you received inquiries about public involvement activities that the municipality has specifically promoted as part of its stormwater program?
Yes ☐ No ☐
5. Provide any other information that may indicate a positive change in behavior, attitude, knowledge and/or awareness of the stormwater program as a result of your Public Involvement and Participation program:

(Other) : _____

► **LEVEL 4 - Water Quality and Quantity Changes**

1. Have there been any documented reductions in the amount of stormwater discharged as a direct result of Public Participation activities (e.g. tree plantings, use of green infrastructure or water conservation practices, recommendation of better site design by the public in SWPPP review)? Yes ☐ No ☐
2. Have there been any documented improvements in the quality of receiving waterbodies as a direct result of Public Participation activities (e.g. stream cleanups, storm drain stenciling, household or hazardous waste recycling programs)? Yes ☐ No ☐
3. If monitoring or sampling has been done, has there been any documented improvement to water quality that might be a result of public participation activities? Yes ☐ No ☐ Not Applicable ☐

► **SUMMARY:**

1. How many “No” responses are included in your **Level 1** assessment of this MCM?

Any “No” responses indicate that you may not be adequately meeting the basic permit requirements. Every effort should be made to meet these requirements by the next annual assessment or by any deadline as may be indicated in the permit.

2. How many of the MCM activities and/or techniques have received a ranking of “1” or “2” in your **Level 2** assessment?

In those cases where an activity is ranked as “1” or “2”, the items identified as “Weaknesses” should be considered a priority and should be implemented to improve the overall effectiveness of the activity by the next annual assessment.

3. How many “No” responses are included in your **Level 3** assessment of this MCM?

Multiple “No” responses may indicate that your efforts are not resulting in observable behavioral changes in your audiences. While a poor score in this section does not necessarily mean that the municipality’s attempts to solicit public input and participation have been insufficient, re-evaluation of activities being undertaken and identification of new and/or modified activities may produce more public interest and action.

4. How many “No” responses are included in your **Level 4** assessment of this MCM?

Any “No” responses may indicate that your efforts have not yet resulted in observable or documented water quality or quantity changes that can be specifically attributed to public involvement and participation activities. It should be recognized, however, that the cumulative effects of your stormwater program may not be easily identifiable within a short period of time. Periodic observation or monitoring of specific problem sites may help to develop a baseline of conditions so that improvements can be detected.

5. Overall, based on the above responses, how effective do you think your Public Involvement and Participation Program is in helping you to achieve your Stormwater Management Program goals?

Poor	>	>	>	>	>	>	>	>	>	Excellent
1	2	3	4	5						

6. If you scored your program as a 1, 2, or 3 above, note the changes you plan to make to this MCM to improve its effectiveness. Also, if specific activities in Level 2 ranked low in terms of effectiveness, indicate how they will be improved or whether focus of the program will shift to a different strategy.

MINIMUM MEASURE 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION

► **LEVEL 1 - Basic Permit Requirements**

1. On the table below, indicate whether your MS4 has:

	Yes	No
▪ Developed and implemented an Illicit Discharge Detection and Elimination (IDDE) Program.		
▪ Developed a map showing the location of all outfalls.		
▪ Developed a map identifying the names and locations of all surface waters receiving discharges from the outfalls.		
▪ Developed a map of the storm sewersheds.		
▪ Developed a map showing the storm sewer system (e.g. lines, catchbasins, manholes, etc)		
▪ Field verified outfall locations.		
▪ Conducted an Outfall Reconnaissance Inventory of each outfall at least once every five years.		
▪ Mapped new outfalls as they are constructed or discovered.		
▪ Adopted an ordinance/law to prohibit illicit discharges to the storm sewer system.		
▪ Obtained certification from an attorney that the ordinance is equivalent to the NYS Model IDDE law.		
▪ Informed employees of the hazards associated with illegal discharges and improper disposal of waste.		
▪ Informed businesses of the hazards associated with illegal discharges and improper disposal of waste.		
▪ Informed the general public of the hazards associated with illegal discharges and improper disposal of waste.		
▪ Developed, recorded and/or modified measurable goals associated with this Minimum Control Measure (MCM).		
▪ Selected appropriate BMPs to ensure the reduction of Pollutants of Concern in stormwater discharges.		

► **LEVEL 2 - Specific Activities and Techniques**

1. Indicate which of the following techniques and activities were utilized in your IDDE program during this reporting year and provide your estimated ranking of the overall effectiveness of the techniques used. In your assessment, consider the length of time for which the activity has been in effect in deciding whether there has been sufficient opportunity to determine its effectiveness. If the activity was implemented for the first time late in the current reporting year, you may choose to delay assessment of the activity until next year and indicate “n/a” in the right hand column. Use the information and quantifiable data contained in your Annual Report to help determine the effectiveness of each activity. You may wish to evaluate the numeric ranking in the last column after completing levels 3 and 4.

IDDE Activities / Techniques	Was this Technique Utilized this Reporting Year?		<u>QUANTIFIABLE DATA</u> Insert relevant data from Annual Reporting Requirements or other data that quantifies trends.		<u>WEAKNESSES</u> Identify any weaknesses relating to this activity that require improvement	Indicate the Overall Effectiveness of this Technique Poor > > > > Excellent					
	Yes	No	Last Year	This Year		n/a	1	2	3	4	5
Outfall - Dry Weather Screening					1.						
					2.						
					3.						
Streambank or Shoreline Survey					1.						
					2.						
					3.						
System Inspections					1.						
					2.						
					3.						
Targeted illicit discharge trackdown					1.						
					2.						
					3.						
Removal or elimination of discharges					1.						
					2.						
					3.						
Dye Testing					1.						
					2.						
					3.						
Employee IDDE Training and Education					1.						
					2.						
					3.						
Other (specify):					1.						
					2.						
					3.						
Other (specify):					1.						
					2.						
					3.						

► **LEVEL 3 - Behavioral Changes**

- Compared to previous years of the stormwater program, has there been a decrease in the number of illicit discharges requiring elimination, or an increase in the proportion of identified problems that are successfully tracked to their source and/or eliminated? Yes ☐ No ☐
- Has there been any noticeable improvement in the behavior of residents (e.g. less littering/dumping, correction of illegal connections), or have intermittent discharges decreased or ceased? Yes ☐ No ☐

3. Has there been any noticeable improvement in the behavior of business owners (e.g. correction of illegal connections, improved handling and disposal of hazardous waste, etc.)? Yes ☐ No ☐
4. Have municipal employees changed standard operating procedures to address potential illicit discharges? Yes ☐ No ☐
5. Provide any other information that may indicate a positive change in behavior, attitude, knowledge and/or awareness of the stormwater program as a result of your IDDE program:

(Other) : _____

► **LEVEL 4 - Water Quality and Quantity Changes**

1. Have there been any documented reductions in the number of dry-weather flows or amount of non-stormwater discharges to the municipal drainage system as a direct result of IDDE activities? Yes ☐ No ☐
2. Have there been any documented improvements in the quality of receiving waterbodies as a direct result of IDDE activities? Yes ☐ No ☐
3. If monitoring or sampling has been done, has there been any documented improvement to water quality that may be attributable to elimination or cessation of illicit discharges? Yes ☐ No ☐ Not Applicable ☐

► **SUMMARY:**

1. How many “No” responses are included in your **Level 1** assessment of this MCM?

Any “No” responses indicate that you may not be adequately meeting the basic permit requirements. Every effort should be made to meet these requirements by the next annual assessment or by any deadline as may be indicated in the permit.

2. How many of the MCM activities and/or techniques have received a ranking of “1” or “2” in your **Level 2** assessment?

In those cases where an activity is ranked as “1” or “2”, the items identified as “Weaknesses” should be considered a priority and should be implemented to improve the overall effectiveness of the activity by the next annual assessment.

3. How many “No” responses are included in your **Level 3** assessment of this MCM?

Multiple “No” responses may indicate that your efforts are not resulting in observable behavioral changes in your audiences. Re-evaluation of existing policies and procedures and identification of new and/or modified practices and techniques may help ensure that adequate tracking and enforcement is occurring to eliminate illicit discharges.

4. How many “No” responses are included in your **Level 4** assessment of this MCM?

Any “No” responses may indicate that your efforts have not yet resulted in observable or documented water quality or quantity changes that can be directly attributed to IDDE program efforts. It should be recognized however, that the cumulative effects of your stormwater program may not be easily identifiable within a short period of time. Periodic observation or monitoring of specific problem sites may help to develop a baseline of conditions so that improvements can be detected.

5. Overall, based on the above responses, how effective do you think your IDDE Program is in helping you to achieve your Stormwater Management Program goals?

Poor	>	>	>	>	>	>	>	>	>	Excellent
1	2	3	4	5						

6. If you scored your program as a 1, 2, or 3 above, note the changes you plan to make to this MCM to improve its effectiveness. Also, if specific activities in Level 2 ranked low in terms of effectiveness, indicate how they will be improved or whether focus of the program will shift to a different strategy.

MINIMUM MEASURE 4: CONSTRUCTION SITE - STORMWATER RUNOFF CONTROL

► **LEVEL 1 - Basic Permit Requirements**

1. On the table below, indicate whether your MS4 has:

	Yes	No
▪ Developed a program that provides equivalent protection to the Stormwater General Permit for Construction Activities.		
▪ Developed a program that addresses stormwater runoff from construction activities that disturb \geq one acre.		
▪ Adopted an ordinance/law to require a SWPPP that include erosion and sediment controls.		
▪ Adopted an ordinance/law equivalent to NYS's Sample Law for Stormwater Mgt. and Erosion & Sediment Control.		
▪ Obtained certification from an attorney that the ordinance is equivalent to the NYS Sample Law.		
▪ Developed a program requiring construction site operators to implement erosion and sediment control practices.		
▪ Developed a program that allows for sanctions to ensure compliance.		
▪ Developed a program that requires construction site operators to control wastes at the site.		
▪ Developed a program that establishes procedures for SWPPP review.		
▪ Ensured that individuals performing reviews are adequately trained.		
▪ Utilized the "SWPPP Acceptance Form" when required.		
▪ Developed a program that describes procedures for receipt and follow-up of complaints.		
▪ Developed a program that describes procedures for site inspections and enforcement.		
▪ Developed, recorded and/or modified measurable goals associated with this Minimum Control Measure (MCM).		
▪ Selected appropriate Best Management Practices (BMPs) to ensure the reduction of Pollutants of Concern in stormwater discharges.		

► **LEVEL 2 - Specific Activities and Techniques**

1. Indicate which of the following techniques and activities were utilized in your Construction Site - Stormwater Runoff Control program during this reporting year and provide your estimated ranking of the overall effectiveness of the techniques used. In your assessment, consider the length of time for which the activity has been in effect in deciding whether there has been sufficient opportunity to determine its effectiveness. If the activity was implemented for the first time late in the current reporting year, you may choose to delay assessment of the activity until next year and indicate "n/a" in the right hand column. Use the information and quantifiable data contained in your Annual Report to help determine the effectiveness of each activity. You may wish to evaluate the numeric ranking in the last column after completing levels 3 and 4.

Construction Site Stormwater Runoff Activities / Techniques	Was this Technique Utilized this Reporting Year?		<u>QUANTIFIABLE DATA</u> Insert relevant data from Annual Reporting Requirements or other data that quantifies trends.		<u>WEAKNESSES</u> Identify any weaknesses relating to this activity that require improvement	Indicate the Overall Effectiveness of this Technique Poor > > > Excellent					
	Yes	No	Last Year	This Year		n/a	1	2	3	4	5
SWPPP Review of Erosion & Sediment Control Practices					1. 2. 3.						
Receipt and Consideration of Public Comment re: SWPPPs					1. 2. 3.						
Construction Site Inspection					1. 2. 3.						
Enforcement Actions					1. 2. 3.						
Contractor Training					1. 2. 3.						
Employee Training					1. 2. 3.						
Monitoring of Receiving Waterbodies					1. 2. 3.						
Other (specify):					1. 2. 3.						
Other (Specify):					1. 2. 3.						

► **LEVEL 3 - Behavioral Changes**

1. Compared to previous years of the stormwater program, has there been an increase in the number of developments for which SWPPPs with adequate sediment and erosion control provisions are submitted in the initial review? Yes ☐ No ☐

2. Have there been fewer violations with regard to stormwater construction inspections and permitting? Yes ☐ No ☐
3. Has there been any noticeable improvement in the behavior of developers and contractors (e.g. improved permit compliance, better site practices such as minimizing disturbed area through phasing or increased emphasis on seeding and mulching, modifications to site design, etc)? Yes ☐ No ☐
4. Has there been an increase in the relative proportion of sites properly stabilized at the time a Notice of Termination is filed? Yes ☐ No ☐
5. Provide any other information that may indicate a positive change in behavior, attitude, knowledge and/or awareness of the stormwater program as a result of your Construction Stormwater Runoff program:

(Other) : _____

► **LEVEL 4 - Water Quality and Quantity Changes**

1. Has there been any noticeable decrease in the amount of erosion and sediment in runoff from construction sites during wet weather? Yes ☐ No ☐
2. Has there been any noticeable improvement in the visual quality of stormwater runoff from construction sites (e.g. less cloudy) during wet weather?
Yes ☐ No ☐
3. Has there been any noticeable improvement in the visual quality of the waterbodies receiving stormwater discharges from construction sites during wet weather (e.g. fewer visual contrasts to natural conditions)? Yes ☐ No ☐

► **SUMMARY:**

1. How many “No” responses are included in your **Level 1** assessment of this MCM?

Any “No” responses indicate that you may not be adequately meeting the basic permit requirements. Every effort should be made to meet these requirements by the next annual assessment or by any deadline as may be indicated in the permit.

2. How many of the MCM activities and/or techniques have received a ranking of “1” or “2” in your **Level 2** assessment?

In those cases where an activity is ranked as “1” or “2”, the items identified as “Weaknesses” should be considered a priority and should be implemented to improve the overall effectiveness of the activity by the next annual assessment.

3. How many “No” responses are included in your **Level 3** assessment of this MCM?

Multiple “No” responses may indicate that your efforts are not resulting in observable behavioral changes in your audiences. Re-evaluation of existing policies and procedures and identification of new and/or modified practices and techniques may help ensure that construction site runoff control is properly addressed in the plan review and construction stages.

4. How many “No” responses are included in your **Level 4** assessment of this MCM?

Any “No” responses may indicate that your efforts have not yet resulted in observable or documented water quality or quantity changes that can be directly attributed to construction site runoff control improvements. It should be recognized, however, that the cumulative effects of your stormwater program may not be easily identifiable within a short period of time. Periodic observation or monitoring of specific problem sites may help to develop a baseline of conditions so that improvements can be detected.

5. Overall, based on the responses above, how effective do you think your Construction Site Stormwater Runoff Control Program is in helping you to achieve your Stormwater Management Program goals?

Poor	>	>	>	>	>	>	>	>	>	Excellent
1	2	3	4	5						

6. If you scored your program as a 1, 2, or 3 above, note the changes you plan to make to this MCM to improve its effectiveness. Also, if specific activities in Level 2 ranked low in terms of effectiveness, indicate how they will be improved or whether focus of the program will shift to a different strategy.

MINIMUM MEASURE 5: POST-CONSTRUCTION STORMWATER MANAGEMENT

► **LEVEL 1 - Basic Permit Requirements**

1. On the table below, indicate whether your MS4 has:

	Yes	No
▪ Developed a program that provides equivalent water resource protection to the Stormwater Permit for Construction Activities.		
▪ Developed a program that addresses stormwater runoff from construction activities that disturb \geq one acre.		
▪ Adopted an ordinance/law that requires post-construction runoff controls that meet the State's technical standards.		
▪ Adopted an ordinance/law that is equivalent to NYS's Sample Law for Stormwater Management and Erosion & Sediment Control		
▪ Obtained certification from an attorney that the ordinance is equivalent to the NYS Sample Law.		
▪ Developed a program that includes structural and non-structural management practices.		
▪ Developed a program that encourages "Green Infrastructure" practices at the site level.		
▪ Developed a program that describes procedures for SWPPP review.		
▪ Ensured that individuals performing reviews are adequately trained.		
▪ Utilized the "SWPPP Acceptance Form" when necessary.		
▪ Established and maintained an inventory of post-construction stormwater management practices in your jurisdiction.		
▪ Ensured long-term operation, maintenance and inspection of management practices by trained staff.		
▪ Provided adequate resources for a program to inspect stormwater management practices and/or enforce penalties.		
▪ Developed, recorded and/or modified measurable goals associated with this Minimum Control Measure (MCM).		
▪ Selected appropriate post-construction BMPs to ensure the reduction of Pollutants of Concern in stormwater discharges.		

► **LEVEL 2 - Specific Activities and Techniques**

1. Indicate which of the following techniques and activities were utilized in your Post-Construction Stormwater Management Control program during this reporting year and provide your estimated ranking of the overall effectiveness of the techniques used. In your assessment, consider the length of time for which the activity has been in effect in deciding whether there has been sufficient opportunity to determine its effectiveness. If the activity was implemented for the first time late in the current reporting year, you may choose to delay assessment of the activity until next year and indicate "n/a" in the right hand column. Use the information and quantifiable data contained in your Annual Report to help determine the effectiveness of each activity. You may wish to evaluate the numeric ranking in the last column after completing levels 3 and 4.

Post-Construction Stormwater Management Activities / Techniques	Was this Technique Utilized this Reporting Year?		<u>QUANTIFIABLE DATA</u>		<u>WEAKNESSES</u> Identify 3 Weaknesses Relating to this activity that require improvement within the next 1-5 years	Indicate the Overall Effectiveness of this Technique					
	Yes	No	Insert relevant data from Annual Reporting Requirements or other data that quantifies trends.			Poor > > > > Excellent					
			Last Year	This Year		n/a	1	2	3	4	5
SWPPP Review of Post-Construction SWM Practices					1.						
					2.						
					3.						
Inventory of Post-Construction Practices					1.						
					2.						
					3.						
Post-Construction Site Inspection					1.						
					2.						
					3.						
Enforcement Actions					1.						
					2.						
					3.						
Contractor Training					1.						
					2.						
					3.						
Employee Training					1.						
					2.						
					3.						
Monitoring of Receiving Waterbodies					1.						
					2.						
					3.						
Implementation of Low Impact Dev					1.						
					2.						
					3.						
Other (specify):					1.						
					2.						
					3.						
Other (specify):					1.						
					2.						
					3.						

► **LEVEL 3 - Behavioral Changes**

1. Compared to previous years of the stormwater program, has there been an increase in the number of developments for which SWPPPs with adequate post-construction practices designed to state standards are submitted in the initial review? Yes ☐ No ☐

2. Have there been fewer violations with regard to stormwater post-construction inspections and permitting? Yes ☐ No ☐
3. Has there been any noticeable improvement in the behavior of developers (e.g. improved permit compliance, improvement in design of stormwater management practices, modifications or improvements to site layout, etc)? Yes ☐ No ☐
4. Has there been an increase in the relative proportion of stormwater management practices in acceptable condition when acquired by the municipality?
Yes ☐ No ☐
5. Provide any other information that may indicate a positive change in behavior, attitude, knowledge and/or awareness of the stormwater program as a result of your Construction Stormwater Runoff program:

(Other) : _____

► **LEVEL 4 - Water Quality and Quantity Changes**

1. Has there been any noticeable decrease in the peak discharge of stormwater runoff as a result of post-construction practices during wet weather? Yes ☐
No ☐
2. Has there been any noticeable improvement in the visual quality of runoff as a result of post-construction practices (e.g. less cloudy) during wet weather?
Yes ☐ No ☐
3. Has there been any noticeable improvement in the visual quality of the waterbodies receiving stormwater discharges from post-construction facilities during wet weather? Yes ☐ No ☐

► **SUMMARY:**

1. How many “No” responses are included in your **Level 1** assessment of this MCM?

Any “No” responses indicate that you may not be adequately meeting the basic permit requirements. Every effort should be made to meet these requirements by the next annual assessment or by any deadline as may be indicated in the permit.

2. How many of the MCM activities and/or techniques have received a ranking of “1” or “2” in your **Level 2** assessment?

In those cases where an activity is ranked as “1” or “2”, the items identified as “Weaknesses” should be considered a priority and should be implemented to improve the overall effectiveness of the activity by the next annual assessment.

3. How many “No” responses are included in your **Level 3** assessment of this MCM?

Multple “No” responses may indicate that your efforts are not resulting in observable behavioral changes in your audiences. Re-evaluation of existing policies and procedures and identification of new and/or modified practices and techniques may help to ensure that post-construction management is properly addressed in the plan review and construction stages.

4. How many “No” responses are included in your **Level 4** assessment of this MCM?

Any “No” responses may indicate that your efforts have not yet resulted in documented or observable water quality or quantity changes that can be directly attributed to improvements in post-construction stormwater management practices. It should be recognized, however, that the cumulative effects of your stormwater program may not be easily identifiable within a short period of time. Periodic observation or monitoring of specific problem sites may help to develop a baseline of conditions so that improvements can be detected.

5. Overall, how effective do you think your Post-Construction Stormwater Management Program is in helping you to achieve your Stormwater Management Program goals?

Poor	>	>	>	>	>	>	>	>	>	Excellent
1	2	3	4	5						

6. If you scored your program as a 1, 2, or 3 above, note the changes you plan to make to this MCM to improve its effectiveness. Also, if specific activities in Level 2 ranked low in terms of effectiveness, indicate how they will be improved or whether focus of the program will shift to a different strategy.

MINIMUM MEASURE 6: POLLUTION PREVENTION AND GOOD HOUSEKEEPING
--

► **LEVEL 1 - Basic Permit Requirements**

1. On the table below, indicate whether your MS4 has:

	Yes	No
▪ Developed a program that addresses municipal operations and facilities that contribute Pollutants of Concern (POCs).		
▪ Identified each municipal operation/facility that contributes (or potentially contributes) POCs.		
▪ Performed a self-assessment of each municipal operation/facility at least once every 3 years.		
▪ Determined sources of pollutants potentially generated by these operations/facilities.		
▪ Determined and established management practices, policies and procedures to reduce or prevent potential discharges.		
▪ Prioritized Pollution Prevention and Good Housekeeping efforts based on factors specified in Part VII.A.6.a.iv of the MS4 General Permit.		
▪ Addressed your municipality's Pollution Prevention and Good Housekeeping priorities.		
▪ Developed an employee Pollution Prevention and Good Housekeeping training program.		
▪ Ensured that staff receives and utilizes training.		
▪ Ensured that the Good Housekeeping activities being implemented by contractors on your behalf meet permit requirements.		
▪ Developed, recorded and/or modified measurable goals associated with this Minimum Control Measure (MCM).		
▪ Selected appropriate BMPs to ensure the reduction of POCs in stormwater discharges.		

► **LEVEL 2 - Specific Activities and Techniques**

1. Indicate which of the following techniques and activities were utilized in your Pollution Prevention and Good Housekeeping program during this reporting year and provide your estimated ranking of the overall effectiveness of the techniques used. In your assessment, consider the length of time for which the activity has been in effect in deciding whether there has been sufficient opportunity to determine its effectiveness. If the activity was implemented for the first time late in the current reporting year, you may choose to delay assessment of the activity until next year and indicate "n/a" in the right hand column. Use the information and quantifiable data contained in your Annual Report to help determine the effectiveness of each activity. You may wish to evaluate the numeric ranking in the last column after completing levels 3 and 4.

Pollution Prevention and Good Housekeeping Activities / Techniques	Was this Technique Utilized this Reporting Year?		<u>QUANTIFIABLE DATA</u> Insert relevant data from Annual Reporting Requirements or other data that quantifies trends.		<u>WEAKNESSES</u> Identify 3 Weaknesses Relating to this activity that require improvement within the next 1-5 years	Indicate the Overall Effectiveness of this Technique Poor > > > > Excellent					
	Yes	No	Last Year	This Year		n/a	1	2	3	4	5
Street Sweeping					1. 2. 3.						
Catchbasin Inspection and Cleaning					1. 2. 3.						
Road Salt Storage and Application					1. 2. 3.						
Vehicle/Fleet Maintenance					1. 2. 3.						
Hazardous Waste Storage and Handling					1. 2. 3.						
Spill Response and Prevention					1. 2. 3.						
Integrated Pest Management					1. 2. 3.						
Turf Management Practices					1. 2. 3.						
On-Site Septic Management					1. 2. 3.						
Employee Training					1. 2. 3.						
Other (specify):					1. 2. 3.						

► **LEVEL 3 - Behavioral Changes**

1. Have municipal officials changed standard operating procedures to address potential Pollutants of Concern? Yes ☐ No ☐
2. Has there been an increase in the number of municipal employees being trained in Good Housekeeping practices? Yes ☐ No ☐
3. Have municipal employees been more accepting and eager to implement Pollution Prevention and Good Housekeeping Practices? Yes ☐ No ☐
4. Have there been documented decreases in the risk of pollutant discharge (due to elimination of exposed potential pollutants) as a result of municipal operations and practices? Yes ☐ No ☐
5. Provide any other information that may indicate a positive change in behavior, attitude, knowledge and/or awareness of the stormwater program as a result of your Municipal Pollution Prevention and Good Housekeeping program:

(Other) : _____

► **LEVEL 4 - Water Quality and Quantity Changes**

1. Has there been a decrease in the amount of potential loading and/or contaminants (pesticides, road salt, fertilizer, etc) being applied by the municipality?
Yes ☐ No ☐
2. As a result of street sweeping and drainage collection and conveyance system maintenance, has there been a decrease in the amount of material discharged to receiving waterbodies? Yes ☐ No ☐
3. Has there been any noticeable improvement in the visual quality of stormwater entering receiving waterbodies from municipal facilities (e.g. less cloudy)?
Yes ☐ No ☐
4. Has there been any noticeable improvement in the visual quality of the waterbodies receiving stormwater discharges from post-construction facilities, or any reduction in flooding attributable to improved maintenance of facilities and drainage systems?
Yes ☐ No ☐
5. If monitoring or sampling has been done, has there been any documented improvement to water quality that may be related to improvements in municipal operations and practices? Yes ☐ No ☐ Not Applicable ☐

► **SUMMARY:**

1. How many “No” responses are included in your **Level 1** assessment of this MCM?

Any “No” responses indicate that you may not be adequately meeting the basic permit requirements. Every effort should be made to meet these requirements by the next annual assessment or by any deadline as may be indicated in the permit.

2. How many of the MCM activities and/or techniques have received a ranking of “1” or “2” in your **Level 2** assessment?

In those cases where an activity is ranked as “1” or “2”, the items identified as “Weaknesses” should be considered a priority and should be implemented to improve the overall effectiveness of the activity by the next annual assessment.

3. How many “No” responses are included in your **Level 3** assessment of this MCM?

Multiple “No” responses may indicate that your efforts are not resulting in behavioral changes in your audiences. Re-evaluation of existing policies and procedures and identification of new and/or modified practices and techniques may help you reach pollution prevention goals for all municipal departments.

4. How many “No” responses are included in your **Level 4** assessment of this MCM?

Any “No” responses may indicate that your efforts have not yet resulted in observable or documented water quality or quantity changes that can be directly attributed to pollution prevention and good housekeeping activities. It should be recognized, however, that the cumulative effects of your stormwater program may not be easily identifiable within a short period of time. Periodic observation or monitoring of specific problem sites may help to develop a baseline of conditions so that improvements can be detected.

5. Overall, based on the responses above, how effective do you think your Municipal Pollution Prevention and Good Housekeeping program is in helping you to achieve your Stormwater Management Program goals?

Poor	>	>	>	>	>	>	>	>	>	Excellent
1	2	3	4	5						

6. If you scored your program as a 1, 2, or 3 above, note the changes you plan to make to this MCM to improve its effectiveness. Also, if specific activities in Level 2 ranked low in terms of effectiveness, indicate how they will be improved or whether focus of the program will shift to a different strategy.

APPENDIX C
Signed Memorandum of Agreement
– CNY Stormwater Coalition

**MEMORANDUM OF AGREEMENT FOR THE
CENTRAL NEW YORK STORMWATER COALITION**
Amended and updated on January 1, 2013

This MEMORANDUM OF AGREEMENT was approved by owners and operators of small Municipal Separate Storm Sewer Systems (MS4s) listed on the attached signature page, hereinafter referred to as “Coalition Members” that agreed to participate in the Central New York Stormwater Coalition. This document will commence on January 1, 2013 and will continue in effect until amended or superseded by adoption of a new Agreement.

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has designated municipal entities within the Syracuse, New York Urbanized Area as Municipal Separate Storm Sewer System (MS4) communities required to maintain coverage under the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Small MS4s; and

WHEREAS, as a condition of obtaining and maintaining coverage under the General Permit, the owners and operators of MS4s must develop and implement a stormwater management program which addresses six minimum control measures designed to protect the quality of stormwater runoff and which must also include a reduction of any pollutants of concern as specified in the 303(d) list and/or TMDLs; and

WHEREAS, the owners and operators of MS4s in Central New York recognize that, because watersheds and separate storm sewer systems cross municipal boundaries and because there are opportunities to reduce duplication of services, take advantage of economies of scale, better coordinate regulatory requirements and enforcement actions, secure state grants for regionally supported projects, improve water quality, and reduce flooding by working collaboratively to identify and analyze options for meeting the requirements of the General Permit and the State of New York, has indicated that collaboration in these efforts is advisable; and

WHEREAS, the MS4 owners and operators who have adopted this Agreement support the creation of a stormwater organization entitled the Central New York Stormwater Coalition (Coalition) comprised of signatories to this Agreement including designated MS4 communities in Central New York as well as the Central New York Regional Planning & Development Board (CNYRPDB); and

WHEREAS, it is the intention of the owners and operators of MS4s in Central New York that the CNYRPDB provide administrative support services necessary to advance the role of the Coalition; and

WHEREAS, it is the intended purpose of the Coalition to foster the exchange of information, identify and promote discussion of issues of mutual concern, foster cooperation, propose recommendations and make reports which identify mutually beneficial solutions, seek funding sources and/or sustainable funding mechanisms which may help to accomplish the goals of the Coalition, and provide a mechanism for coordinating the implementation of regional solutions by and on behalf of the participating MS4 communities in Central New York.

NOW, THEREFORE, in consideration of the provisions hereinafter set forth, the parties hereto mutually agree as follows:

1. **PURPOSE.** To authorize the work of the Central New York Stormwater Coalition, whose scope of work shall include collectively providing for the development and delivery of the following activities and services to participating municipalities:
 - a. Submit a single MS4 annual report form documenting compliance activities jointly undertaken on behalf of the Coalition;
 - b. Identify and make available opportunities for participating municipalities to pool resources related to stormwater pollution prevention;
 - c. Develop agreements for sharing of equipment and facilities by participating municipalities;
 - d. Provide coordination of services for participating municipalities to comply with stormwater program requirements, that will avoid duplication of effort, and to save money and time;
 - e. Serve as a clearinghouse to provide information to participating municipalities concerning the MS4 program and stormwater management;
 - f. Identify issues of growing concern related to stormwater management and recommend approaches to participating municipalities that will enable them individually or jointly to investigate and address them;
 - g. Identify and pursue funding mechanisms and opportunities that will enable participating municipalities to collectively accomplish the goals of the MS4 stormwater program;
2. **MEMBERSHIP.** Coalition Members are MS4 communities (voting members) and the Central New York Regional Planning & Development Board (non-voting member), that are signatories to this Agreement, or non-MS4 communities that are signatories to this agreement and that are admitted to this Coalition at its discretion as voting members.
 - a. **Representatives.** Each voting Coalition Member shall designate a representative and an alternate to serve on the Coalition. The representatives and alternates shall be responsible to attend at least 50% of regular Coalition meetings within the calendar year, transmit information from meetings and other communications to the Member municipality, obtain opinions from the municipality concerning stormwater issues and matters subject to Coalition vote, share such opinions with the Coalition membership, and vote in accordance with municipal intent. No one person may act as the representative of more than one Member municipality. Representatives shall be either Chief Elected Officials or an individual authorized to act on behalf of the Chief Elected Official.

Each voting Member of the Coalition shall have one vote at all meetings on matters properly submitted for a vote.

No voting member of the Coalition shall receive compensation from the Coalition for services performed as a Member or officer serving on the Coalition. However, Member communities may be reimbursed for expenses previously authorized by the Coalition pending availability of funds.

- b. **Majority and Supermajority Vote.** 50% of the voting membership shall constitute a quorum for action at all meetings. The Coalition shall endeavor to develop a consensus in all decision making. A majority of the quorum shall approve all actions except those for which a supermajority is required. A supermajority of 66% of the Coalition membership shall be required for approval of capital budgets and annual work plans, suspension and reinstatement of membership, and termination and reinstatement of membership. For actions requiring a supermajority, voting may be permitted by facsimile, electronic mail, or teleconference according to criteria established and agreed to in advance of the vote. Under no circumstance shall any action taken by the Coalition be construed to obligate any member to undertake individual projects or activities without their consent.

3. ELECTION, TERMS, AND DUTIES OF OFFICERS AND DUTIES OF TREASURER

- a. **Officers.** The Coalition shall elect a Chairperson (Chair), a Treasurer, and a Vice Chairperson (Vice Chair). Each of these officers shall be a Chief Elected Official or their Authorized Agent from among the Member municipalities.
- b. **Elections.** Officers shall be elected by the Coalition at the first meeting of every even numbered calendar year. A list of nominations for officers shall be prepared at the meeting prior to that in which officers are elected. Only one officer may be elected from any one Coalition member. Each officer shall serve a term of two years, or until the first meeting of the even numbered calendar year. Officers may serve consecutive terms.
- c. **Duties of Chair.** The Chair shall preside at all meetings of the Coalition, convene special meetings of the Coalition in accordance with this agreement, represent the Coalition in its relations with elected officials and other official bodies, groups and organizations, and carry out additional duties as may be assigned by the Coalition as necessary to advance the purposes of the Coalition.
- d. **Duties of Vice-Chair.** The Vice-Chair shall, in the event of absence or disability of the Chair, perform the duties and exercise the responsibilities of the Chair and carry out additional duties as may be assigned by the Coalition as necessary to advance the purposes of the Coalition.
- e. **Duties of Treasurer.** The Treasurer of the Coalition shall be responsible for reviewing financial reports and documentation provided by the CNYRPDB.
- f. **Duties of Financial Officer.** The Financial Officer shall be the CNYRPDB. The CNYRPDB shall have care and custody of the funds of the Coalition; sign all checks; keep full and

accurate books and records of all financial matters; prepare and provide quarterly financial reports; invoice Coalition Members for annual membership fees; and carry out additional duties as may be necessary to advance the purposes of the Coalition.

- g. **Vacancies.** In the event of a vacancy in the office of Chair, the Vice-Chair shall become the successor and serve the balance of the term. Vacancies occurring in the offices of Vice-Chair or Treasurer shall be filled for the balance of the term by a majority vote of the Coalition as expeditiously as possible.

- 4. **MEETINGS.** Regular meetings of the Coalition shall be held at least four times per year. A schedule of meetings shall be adopted at the beginning of each calendar year and may be amended during the course of the year. Special meetings may also be called at the discretion of the Chair, or upon the request of five or more Members of the Coalition.

The time, date, and location of meetings shall be announced at least fourteen days in advance, and agendas for the meetings shall be released at least seven days in advance. The CNYRPDB shall notify Coalition Members of routine and special meetings by e-mail. Prior notification may be given to local newspapers. Meetings may be conducted by teleconference or videoconference.

Meetings shall be conducted in accordance with the requirements of the General Municipal Law of New York State, and shall be open to the public.

- 5. **EXECUTIVE COMMITTEE AND SUBCOMMITTEES.** The Coalition shall establish an Executive Committee and subcommittees as it deems appropriate to examine specific issues and report their findings to all Members.

- a. **Executive Committee.** The Executive Committee shall consist of the Coalition Chair, Vice-Chair, Treasurer, Financial Officer, one representative from a Village, one representative from a Town, and two at-large members. Representatives from the Village and Town and the two at-large members shall be elected at the first Coalition meeting of every even numbered calendar year. Members of the Executive Committee shall serve two-year terms.

The Executive Committee shall meet at least four times per year on a schedule established by the Chair. Between scheduled meetings of the Coalition, the Executive Committee shall take action on matters determined by the full Coalition, including but not limited to setting meeting agendas and identifying and examining issues of concern, and shall report back to the full Coalition. The Executive Committee shall also make recommendations to the full Coalition regarding the Work Plan, projects, fees and use of funds and shall determine the need for Coalition subcommittees. Recommendations of the Executive Committee shall be based on a majority vote of those present.

- b. **Subcommittees.** The Coalition Executive Committee will have the authority, by majority vote, to establish subcommittees assigned to examination of specific issues and

concerns at its discretion. Participation in such subcommittees shall be voluntary. Subcommittees shall report back to the Coalition on their proceedings, findings, and tasks.

6. STAFFING AND RECORDS.

- a. Role of the CNYRPDB.** The Coalition shall be staffed by the CNYRPDB. The CNYRPDB shall:
- i. Assume the role of Financial Officer;
 - ii. Provide quarterly financial reports to the Coalition;
 - iii. Include all funds of the Coalition in the CNYRPDB annual financial audit conducted by independent auditors;
 - iv. Assist with the research and application for grant funding and assist in the development of a sustainable funding mechanism to further the Coalition's long term programs, compliance initiatives, and the attainment of common goals;
 - v. Administer, on behalf of participating municipalities, grants related to the MS4 program;
 - vi. Lead development of requests for proposals and guide the selection process;
 - vii. Execute subcontracts and provide contract administration and oversight;
 - viii. Assist with local match documentation when appropriate;
 - ix. Facilitate communication and the flow of information among all relevant entities including calling and holding meetings, preparing meeting notices and agendas, preparing meeting summaries and member updates and other written materials, assist the Coalition Chair in attending to official correspondence of the Coalition, and additional responsibilities that advance the objectives of the Coalition;
 - x. Assist in the development of annual work plans and budgets;
 - xi. Serve as liaison to the NYSDEC.

Staff may have additional roles within the defined scope of responsibilities as necessary to fulfill the purposes of the Coalition.

b. Records. The CNYRPDB shall keep written records of meeting attendance; maintain the records of the Coalition and serve as the Coalition's Records Management Officer; and prepare information regarding Coalition activities for MS4 annual reports. The CNYRPDB shall maintain records in a central location and respond to requests for information from any interested person or organization under standard FOIL procedures. All records of the Coalition are subject to the Freedom of Information Law (FOIL).

- 7. CONTRACTS.** Through the CNYRPDB, the Coalition shall be authorized to contract for services with other agencies, entities or organizations on behalf of all or some of its Members.

8. FEES.

- a. **Base Fee.** A base membership fee shall be established and reviewed annually by the Executive Committee. The Executive Committee shall present recommendations to the full Coalition membership for a vote. The base fee shall cover operating expenses and activities required to fulfill the purposes of the Coalition, including administrative fees, education programs, and service contracts.
- b. **Additional Functions.** Aside from the functions covered by the base membership fee, the Coalition Executive Committee may recommend additional functions related to the MS4 Program and present them for approval by the Coalition Members. Members may subscribe to the additional function and receive the services provided under that function through payment of an additional fee. Such additional fees would cover all direct and indirect costs of the additional function.
- c. **Payment.** Basic fees shall be invoiced on or before January 31 of each year, and shall be due and payable within 90 days of the date of invoice.
- d. **Custody.** The CNYRPDB shall have custody of all funds of the Coalition. Coalition funds that originate from basic membership fees will be deposited in a separate account at the CNYRPDB.
- e. **Local Match.** Fees allocated to the general operations of the Coalition may not be used as cash match dollars for federal or state grants. However, documentation of membership fees may be used as match if appropriate to the grant program and allowed by the funding entity. If match beyond documentation of membership fees is necessary, the match will be subject to Executive Committee approval. Coalition Members participating in the grant application will be required to provide municipal approval of the additional cost for the supplemental service that the grant will provide in advance of submitting the grant application.

9. BUDGET AND WORK PLAN

- a. **Approval of Budget and Work Plan.** In June of each year, the Coalition shall present its budget and projected expenses for the upcoming year. The CNYRPDB shall develop the work plan and budget based upon Executive Committee recommendations. The work plan and budget shall be subject to approval by a supermajority of the Coalition membership.
- b. **Content and Scope of Budget.** The fiscal year of the Coalition shall be January to December. The proposed budget will show the projected cost of all Coalition activities for basic functions for the upcoming fiscal year, the projected amounts of grants that will be received as well as other non-local income and the amount of income that will need to be contributed by Members. The proposed Budget will separately show the cost of functions beyond the basic activities that will be paid for by separate contract fees.

- c. **Notification of Members.** When the proposed budget is approved, the CNYRPDB will calculate the basic membership fees owed by each Member and will send a letter containing this information to the Chief Elected Official of each Member on or before July 31. The governing body of each Member will notify the Coalition by October 31 as to whether it intends to continue its membership for the upcoming fiscal year.

10. **NON-VOTING PARTICIPANTS.** Other agencies, organizations, and municipal engineering consultants may participate in the discussions and proceedings of the Coalition at the discretion of its Members. However, the aforementioned participants shall not be entitled to vote on behalf of a Coalition member unless he or she has been formally designated as a municipal representative or an alternate.

11. **TERM OF AGREEMENT.** This Agreement will commence on January 1, 2013 and will continue in effect until amended or superseded by adoption of a new Agreement. Any Member may withdraw from this Agreement upon sixty days written notice to the Chairperson of the Coalition.

12. **AGREEMENT TERMS AND CONDITIONS.**

- a. This Agreement may be modified or amended only in writing duly executed by all Coalition Members, which shall be attached to and become a part of this Agreement. Each Member shall be solely responsible and liable for its own activities under this Agreement, including but not limited to obtaining and maintaining coverage under the current permit, and for the preparation and implementation of its own Stormwater Management Program in accordance with the current permit.
- b. This Agreement may be amended upon a supermajority vote of the Coalition. Amendments shall be prepared by the Executive Committee or a Subcommittee charged with this task. The wording of any proposed amendment shall be included in the notice of the meeting at which the amendment is to be considered. Any proposed amendment shall be tabled at the meeting in which it is introduced and voted upon no sooner than the next regular meeting.
- c. Each Member shall indemnify and hold harmless the other Members, their officers, agents and assigns, and CNYRPDB from all liability arising as a result of its own acts and omissions regarding the activities under this Agreement.
- d. This Agreement is established pursuant to Article 5-G of the General Municipal Law of the State of New York, and shall be governed by and construed in accordance with the laws of the State of New York.

13. SUSPENSION AND TERMINATION OF MEMBERSHIP.

- a. Attendance by any Member at less than 50% of meetings within a calendar year may, upon a majority vote of the Coalition, result in suspension of membership and loss of voting privileges. Upon suspension for non-attendance, the Member may appeal the suspension and request to be reinstated. Reinstatement of membership and voting privileges following suspension for insufficient attendance shall require a majority vote by the Coalition.
- b. Membership and voting privileges may be suspended by majority vote of the Coalition for non-payment of fees within 90 days of the date of invoice. Membership and voting privileges will be reinstated upon receipt of an appeal of the suspension and payment in full of the fees due.
- c. If a Member whose membership has been suspended has not submitted an appeal within 90 days of the suspension, their membership shall be considered terminated for all recordkeeping and administrative purposes. A municipality may terminate its membership upon adoption of a resolution by the legislative body of that municipality. All rights to request reimbursement of any remaining portion of the membership dues are forfeited upon membership withdrawal or termination of the membership.

14. **SEVERABILITY.** If any provision, paragraph, sentence, or clause of this Agreement shall be held invalid or unenforceable, such invalidity or unenforceability shall not affect the remainder of this Agreement, and this Agreement shall be construed and enforced as if such invalid or unenforceable provision, paragraph, sentence or clause had not been contained herein.

15. **EXECUTION.** In consideration of the foregoing, the governing bodies of each of the following have duly authorized the execution of this Agreement by the signatures below.

Village of Baldwinsville

Date

Town of Camillus

Date

Village of Camillus

Date

Village of Central Square

Date

Town of Cicero

Date

Town of Clay

Date

Town of DeWitt

Date

Village of East Syracuse

Date

Village of Fayetteville

Date

Town of Geddes

Date

Town of Hastings

Date

Town of LaFayette

Date

Village of Liverpool

Date

Town of Lysander

Date

County of Madison

Date

Town of Manlius

Date

Village of Manlius

Date

Town of Marcellus

Date

Village of Marcellus

Date

Village of Minoa

Date

Village of North Syracuse

Date

County of Onondaga

Date

Town of Onondaga

Date

Village of Phoenix

Date

Town of Pompey

Date

Town of Salina

Date

Village of Solvay

Date

City of Syracuse

Date

Town of Van Buren

Date

Town of Sullivan

Date

Town of West Monroe

Date

CNYRPDB (non-voting)

Date

NYSDEC (non-voting)

Date

Onondaga Co SWCD (non-voting)

Date

Oswego Co SWCD (non-voting)

Date

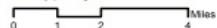
Madison Co Planning Dept (non-voting)

Date

APPENDIX D
Map of Syracuse Urbanized Area



Central New York Regional
Planning & Development Board
126 North Salina Street, 100 Clinton Square, Suite 200
Syracuse, NY 13202
(315) 422-9276 • fax: (315) 422-9051
www.cnyrpdb.org



Syracuse Urbanized Area

This map is for planning purposes only.
CNY RPDB does not guarantee the accuracy or completeness of this data.

Legend

 SUA	 City/Village
 Tributary	 County
 Lake	 Town

APPENDIX E
CNY Stormwater Coalition Staff Services and
Education Compliance Assistance Proposal and
Signed Resolution to Participate

CNY Stormwater Coalition Staff Services and Education Compliance Assistance Proposal

June 2012

This proposal for staff services and education assistance responds to the need for staff and administrative services necessary to sustain the CNY Stormwater Coalition, and to the Minimum Control Measure 1 requirements of SPDES Stormwater MS4 General Permit, including annual reporting requirements and MS4 documentation needs.



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SECTION 1 INTRODUCTION

This proposal for staff and education assistance services in support of sustaining the CNY Stormwater Coalition is submitted to the Chief Elected Officials from the Automatically Designated MS4 Communities in the Syracuse Urban Area (SUA). The proposed tasks address staffing and financial administrative services, as well as education and outreach requirements of Minimum Control Measure 1 of the NYS General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (GP-0-10-002). The timeline for the proposed program is January 1, 2013 – December 31, 2013.

In support of the CNY Stormwater Coalition, the following services are proposed:

- Staffing for Meetings of the Full Coalition Membership, Executive Committee, and Working Committees
- Internal and External Communications
- Financial Administration and Reporting
- Annual Reporting

In support of MS4 education and outreach requirements, the following services are proposed:

- Public Education and Outreach
- Direct Municipal Training

The Central New York Regional Planning & Development Board's (CNY RPDB) proposed education assistance program is the fifth in a series of stormwater education and outreach programs. The proposed services have been reviewed, supported and deemed to be in compliance with NYS SPDES Stormwater General Permit requirements for MS4s by the New York State Department of Environmental Conservation (NYS DEC). The year-5 assistance program has been expanded to include staffing services previously funded under an Environmental Protection Fund grant.

Project Objective and Benefits

The CNY RPDB's primary objective is to provide regulated communities with an efficient and cost-effective means for meeting the requirements of the SPDES Phase II MS4 Stormwater General Permit by ensuring that the CNY Stormwater Coalition continues to function as a unified body. Given the regional nature of the SUA, a unified approach to stormwater compliance is extremely valuable. Regionally implemented programs reduce municipal staff burdens, ensure consistency, and provide the most efficient use of limited municipal funds by distributing total program cost over a number of entities.

The U.S. Environmental Protection Agency (EPA) and NYS DEC recognize the economic and environmental benefits of regional compliance efforts and have long promoted such programs as the most efficient and effective way address Stormwater Phase II requirements. Increasingly, NYS DEC and EPA view intermunicipal support and participation in regionally coordinated coalitions as a criteria for funding and a prerequisite for engaging in joint compliance opportunities.

SECTION 2 SCOPE OF SERVICES AND PROJECT APPROACH

Project tasks are proposed under three program components: CNY Stormwater Coalition Staff Support; Public Education and Outreach; and Direct Municipal Training.

I: CNY STORMWATER COALITION STAFF SUPPORT

Tasks proposed under this program component are designed to advance and sustain the CNY Stormwater Coalition (the Coalition), currently consisting of 28 regulated Municipal Separate Storm Sewer System (MS4) owner/operators. The Coalition was formally established on January 1, 2011, and is currently funded through December 31, 2012 by an EPF grant.

Task I.1. Staffing Support for the CNY Stormwater Coalition, Executive Committee and Working Committees Deemed Necessary to Advance the Coalition's Objectives – CNY RPDB will provide direct staff support needed to plan and conduct four (4) scheduled meetings of the full Coalition membership, four (4) scheduled meetings of the Executive Committee, and meetings of Working Committees identified and approved by the full Coalition as necessary to advance and sustain a fully functioning Coalition. (In the past, working committees have been established to address development of an organizational structure, RFP development and TMDL issues.) Staff support for all scheduled meetings includes meeting preparation and agenda development, speaker recruitment, venue selection, preparation and distribution of meeting minutes and completion of all identified meeting follow up tasks. CNY RPDB will monitor grant opportunities, respond to appropriate Requests for Proposals, and oversee implementation of any grant funded projects and/or programs.

Task I.2. Communications – CNY RPDB will coordinate all internal and external communications and serve as the primary liaison between the Coalition and various regulatory agencies including the NYS DEC and the U.S. EPA. CNY RPDB will monitor and report changes to the stormwater general permit and associated compliance requirements, compile feedback and inquiries from Coalition members, and coordinate and prepare unified responses on behalf of the Coalition to appropriate regulatory agencies as warranted. CNY RPDB will engage other statewide stormwater coalitions, as well as non-regulatory partners involved in all aspects of stormwater management, to identify and initiate compliance opportunities that support the objectives of the Coalition.

Task I.3. Annual Reporting - CNY RPDB will prepare a single annual report documenting all education, training and outreach compliance activities conducted on behalf of the Coalition in compliance with annual reporting requirements for Minimum Control Measure (MCM) 1 of NY SPDES GP-0-10-002. The CNY RPDB will announce the availability of, and will post the MCM 1 section of the report on the stormwater website for public comment. CNY RPDB will respond to any public comments received relative to the documented education and outreach services. The CNY RPDB will compile all other required forms and report sections from Coalition members according to a submittal schedule developed in advance of March 2013. The schedule will consider individual MS4 needs to make available and respond to public comment on all sections of the annual report for which they are individually responsible to complete as follows: MCM 2, MCM 3, MCM 4, MCM 5, MCM 6, and MCC Form. CNY RPDB will electronically package and submit a single MS4 Annual Report to NYS DEC no later than June 15, 2013 on behalf of all Coalition members that meet the submittal schedule.

Task I.4. Financial Administration and Reporting – CNY RPDB will coordinate and administer all contracted activities funded as part of this Scope of Services through December 31, 2013, including quarterly financial reporting, bookkeeping and accounting, documentation of local match (if necessary to support Coalition approved grant funded programs), subcontracting (if deemed necessary and approved by the Coalition), and solicitations (if deemed necessary and approved by the Coalition). Progress reports and financial reporting will be made available to the Coalition on a quarterly basis.

II: PUBLIC EDUCATION AND OUTREACH

Tasks proposed under this program component comply with the public education and outreach requirements defined in the New York SPDES General Permit for Stormwater Discharges from MS4s (GP-0-10-002) and are targeted primarily toward the general public with a secondary focus on construction contractors and municipal officials.

Task II.1 Maintain Regional Stormwater Website and Information Library – CNY RPDB will redevelop the CNY Stormwater website with an increased focus on usability by the general public. Content available for public viewing will be made more concise and user friendly. All public narrative will be redeveloped with an emphasis on improving public understanding of basic stormwater concerns and concepts. CNY RPDB will also compile existing information, guidance materials and permit updates for reference and use by regulated MS4s in the Syracuse Urbanized Area (SUA). These materials will include, but not be limited to brochures, fact sheets, videos, and MS4 guidance manuals and compliance tools. Online training opportunities will be made available and promoted to appropriate municipal staff. CNY RPDB will vigorously promote the website with lake associations, youth groups, schools and other local interests and user groups throughout the SUA through direct outreach, press releases and updated narrative search terms to improve search engine access.

Task II.2 Syracuse Post Standard Stormwater Pullout – CNY RPDB will develop a 4-page, broadsheet, pullout to be distributed in the main section of the Post Standard daily edition (1-edition). The pullout will focus on stormwater processes, impacts, issues of concerns, SUA primary pollutants of concern, and citizen generated solutions. The pullout will be published in the spring of 2013 and will reach approximately 273,000 readers across the CNY region.

Task I.3 Electronic Stormwater Newsletter for the General Public - CNY RPDB will develop and electronically distribute a quarterly stormwater newsletter. CNY RPDB will maintain and continue to build an electronic distribution list. The seasonally themed electronic newsletter will maintain a focus on primary pollutants of concern in the SUA, stormwater processes, and offer advice on reducing negative water quality impacts through simple actions. The newsletters will encourage participation in locally sponsored events that support stormwater management and protection efforts. CNY RPDB will conduct direct outreach in support of building the distribution list with existing organizations and groups with a complimentary focus.

Task I.4 Staff CNY Stormwater Coalition Booth at 2 Public Events – CNY RPDB will secure booth space, reproduce and/or develop appropriate stormwater informational displays and handout materials, and provide staff coverage for a minimum of two public events during 2013 program year. Efforts will be made to identify public events with reliably high attendance and complimentary objectives. CNY RPDB will ensure that educational materials are updated and appropriate to the core target audience. CNY RPDB will also maintain and make the stormwater display and appropriate materials available to participating MS4 communities for local use at their own events.

Task I.5 Electronic Outreach to CNY Contractors and Developers – CNY RPDB will provide direct information on topics of interest to construction developers with a focus on current construction permit requirements and additional considerations for doing business in MS4 communities. Information will be presented in newsletter format and posted as a PDF on the stormwater website. The “newsletter” will be promoted via a bulk postcard mailing and with additional assistance from the CNY Home Builders & Remodelers of Central New York. CNY RPDB will provide Coalition members with a PDF of the newsletter for posting on municipal websites or hard copy distribution.

II. DIRECT MUNICIPAL TRAINING

This program component addresses the education and training requirements of municipal officials and staff.

Task II.1. Stormwater Pollution Prevention Plan (SWPPP) Review and Notice of Intent (NOI) Update Workshop - The NYSDEC is in the process of finalizing several new documents to address changes resulting from the changes made in 2010 to the New York State Stormwater Management Design Manual. These include the revised Notice of Intent form, a new checklist for Stormwater Pollution Prevention Plan review, and a spreadsheet tool summarizing the calculations used in green infrastructure design. CNY RPDB will plan, publicize and conduct a dinner workshop for SWPPP reviewers including municipal planning boards and planning department staff, code enforcement officers and municipal engineers. The workshop will include a two-hour presentation designed to clarify and assist attendees in interpreting the information required on the new NOI form, plus a basic walk-through of the design spreadsheet. Up to three individuals from each participating municipality can attend at no cost.

SECTION 3 PROGRAM FEE

The services described in this proposal will be conducted for a total fee not to exceed \$101,000.00 (\$3,600 per Coalition member). This fee will remain constant for each participating Coalition member regardless of the number of municipal members participating in the Coalition.

To participate in the proposed program, cities, towns and villages are required to adopt and return a municipal resolution (sample provided), and counties must return a letter of intent signed by the Chief Elected Officer no later than October 1, 2012 to CNY RPDB. CNY RPDB will issue a single invoice for the full program year in November 2012. Full payment will be due to CNY RPDB no later than January 31, 2013.

SECTION 4 TIMELINE

All proposed tasks will be completed between January 1, 2013 and December 31, 2013 as outlined below.

Proposed One-Year Timeline for CNY RPDB Stormwater Implementation Assistance Program												
Task	Month(s)											
	2013											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
I. CNY Stormwater Staffing and Support Services												
I.1 Staff Support Services	X	X	X	X	X	X	X	X	X	X	X	X
I.2 Communications	X	X	X	X	X	X	X	X	X	X	X	X
I.3 Annual reporting			X	X	X	X						
I.4 Financial Administration and Reporting	X	X	X	X	X	X	X	X	X	X	X	X
II. Public Education and Outreach												
II.1 Maintain Regional Stormwater Website & Library	X	X	X	X	X	X	X	X	X	X	X	X
II.2. Syracuse Post Standard Pullout			X	X	X							
II.3. Electronic Stormwater Newsletter - Public			X	X		X	X		X	X		
II.4 Stormwater Public Events (2)	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD			
II.5 Contractor/Developer Outreach			X	X	X							
III. Direct Municipal Training												
III.1. SWPPP/NOI Update Workshop	X	X	X									

SECTION 5

STATEMENT OF QUALIFICATIONS AND PROGRAM STAFF

The CNY RPDB has been active in water resources management since the 1970s and has worked in coordination with the NYS DEC for over 20 years to address state, regional, county, and local water quality management planning priorities. Activities have included: groundwater and wellhead protection; nonpoint source pollution control; outreach/education/ training; public participation assistance; partnership building; watershed planning; support of county water quality coordinating committees; and, SPDES Phase II Stormwater Permit assistance.

The CNY RPDB has taken a leading role in providing MS4s with municipal and contractor education and training, outfall mapping assistance, and technical support related to developing required local laws. CNY RPDB has been responsible for securing and administering grants on behalf of regulated MS4s and has led the development of the CNY Stormwater Coalition following several, successful cooperative compliance initiatives including four education and outreach assistance programs on behalf of regulated MS4s in the SUA. CNY RPDB has established strong working relationships with the regulated MS4s and is recognized as a valuable and trusted partner in the stormwater management arena.

CNY RPDB works in partnership with NYS DEC to accomplish and blend state, regional, county, and local priorities. CNY RPDB serves as the Water Quality Management Planning Statewide Coordinator on behalf the NYS Association of Regional Councils (NYSARC). In this capacity, the CNY RPDBB serves as an administrative liaison to NYS DEC for various priority water quality initiatives.

CNY RPDB's professional staff will work with its established network of local and regional water quality partners to efficiently and effectively achieve the goals of this project. Key staff members that will be directly involved in this project include:

KATHLEEN BERTUCH, PROGRAM MANAGER, (5/97 to present). Manages all aspects of the CNY RPDB's regional and statewide water resources program. Serves as primary staff for all aspects of the CNY RPDB's Stormwater Phase II project and provides staff support, guidance and oversight to all other CNY RPDB Environmental Management Program projects. Will provide day-to-day oversight and guidance on all aspects of the proposed project, will work directly with municipal representatives and subcontractors and will be responsible for ensuring all project reporting and administrative requirements are met. Will serve as primary staff for all conference planning and annual report preparation tasks and will serve as the CNY RPDB's representative on the CNY Stormwater Coalition Executive Committee.

ANNE SALTMAN, PRINCIPAL PLANNER (6/98 to present). Provides support to all aspects of CNY RPDB's Environmental Management program with a focus on watershed management, conference planning, public education and outreach, and technical research and writing. Will be responsible for library maintenance, website content and promotion, the Post Standard pullout and may provide staff support for other services as needed.

DAVID KUBEK, CPESC/CPSWQ/CMS4s, SENIOR PLANNER, (10/08 to present). Provides support to all aspects of CNY RPDB's Environmental Management program with a focus on watershed and stormwater program planning, intermunicipal cooperation, technical training for municipal officials and construction contractors and, GIS support. Will be responsible for direct training and contractor outreach and will serve as primary staff for all Coalition and committee meetings.

KAY WAKEMAN GIS SPECIALIST (5/10 to present). Provides GIS mapping and data analysis services to all CNY RPDB program areas and provides support to all aspects of the CNY RPDB's Environmental Management program with a focus on municipal training. Will be responsible for all GIS

mapping and data analysis needs and will provide research and training support for municipal workshops and public events.

BRUCE KEPLINGER, COMMUNICATIONS MANAGER, (7/01 to present). Provides graphics, web design and communications support to all CNY RPDB program areas. Will be responsible website development and maintenance, graphic design and print layout for all publication materials.

KAREN NOVAK, BUSINESS MANAGER, (4/00 to present). Responsible for all aspects of CNY RPDB's financial administration and human resource management. Will be primary staff for all financial administrative and reporting tasks.

DAVID BOTTAR, EXECUTIVE DIRECTOR. Will provide general administrative and financial oversight.

APPENDIX F
Measureable Goals Tracking Summary

Measureable Goals Tracking Summary

Minimum Control Measure 1. Public Education and Outreach.

Measurable Goals

The Village of Fayetteville is assessing the success of Minimum Control Measure 1 of its SWMP through the following Measurable Goals:

The following goals are addressed by the CNY RPDB's education and outreach assistance program:

- Number of visitors to the CNY RPDB stormwater program website
Goal: 5,000 *Current:* 4,837
- Number of electronic newsletters sent to contractors and developers concerning stormwater pollution issues
Goal: 50 *Current:* 51
- Number of electronic newsletters sent to the general public concerning stormwater pollution issues
Goal: _____
Current: 2
- Number of list-serves for stormwater program information
Goal: 3 *Current:* 3
- Number of individuals on stormwater program list-serves
Goal: 750 *Current:* 750
- Number of days in which newspaper articles or inserts educating the public about stormwater were run
Goal: 1 *Current:* 1
- Number of individual printed materials (brochures, flyers, posters) distributed
Goal: 425 *Current:* 9,999

The following goal is addressed by the Village of Fayetteville's education and outreach assistance program:

- Number of visitors to the Village of Fayetteville's stormwater program website
Goal: 50 *Current:* _____
- Number of attendees at public events/presentations
Goal: 50 *Current:* 10

Minimum Control Measure 2. Public Involvement and Participation.

Measurable Goals

The Town of Sullivan is assessing the success of Minimum Control Measure 2 of its SWMP through the following Measurable Goals

- Number of comments received on annual report and SWMP Plan
Goal: _____ (*Track annually and evaluate trends*) *Current:* 0
- Number of complaints or inquiries, or hotline calls, received regarding the stormwater management program
Goal: _____ (*Track annually and evaluate trends*) *Current:* 0
- Number of public comments addressed
Goal: 100% *Current:* 0 (100%)
- Number of positive resolutions or outcomes attained as a result of complaints
Goal: _____ (*Track annually and evaluate trends*) *Current:* 0 (100%)
- Number of stream cleanup activities
Goal: _____ (*Track annually and evaluate trends*) *Current:* 12
- Number of stakeholders involved in, or providing input to, the stormwater program
Goal: _____ (*Track annually and evaluate trends*) *Current:* 93
- Number of citizens participating in watershed organizations or otherwise providing input to the stormwater program
Goal: _____ (*Track annually and evaluate trends*) *Current:* 100
- Number of print materials distributed
Goal: 50 *Current:* 9,999

Minimum Control Measure 3. Illicit Discharge Detection and Elimination.

Measurable Goals

Village of Fayetteville is assessing the success of Minimum Control Measure 3 of its SWMP through the following Measurable Goals:

- Number of new stormwater outfalls mapped (annual)
Goal: Map 100 percent of new outfalls each year Current: 100%
- Percent completion of storm sewershed mapping (100% required)
Goal: 100% Current: 100%
- Number of outfalls inspected and percentage of total (NOTE: 20% is permit minimum) (annual) *Number of outfalls in municipality: 64*
Goal: 25% Current: 26
- Number of high priority outfalls inspected and percentage of total (annual)
Number of high priority outfalls in municipality: 22
Goal: 5 Current: 22
- Number of outfalls with suspected illicit discharges (annual)
Goal: (Track annually and evaluate trends) Current: 0
- Number of outfalls with confirmed illicit discharges (annual)
Goal: (Track annually and evaluate trends) Current: 0
- Number of illicit discharges tracked to source (annual)
Goal: 100% of confirmed discharges tracked to source Current: 0
- Number of illicit discharges eliminated (annual)
Goal: Eliminate 100% of confirmed discharges annually Current: 0 (100%)
- Number of enforcement actions issued for illicit discharges and resulting rate of compliance (annual) 0 *Goal: 100% compliance following enforcement*
Current: 100%
- Percent of staff in relevant positions that have received IDDE training
Goal: 100% of responsible individuals trained Current: 100%
- Number of regular maintenance and inspection reminders issued to septic tank owners (annual)
Goal: 75 Current:
- Number of IDDE Program trainings offered for applicable staff (annual)
Goal: 1 Current: 1

Minimum Control Measure 4. Construction Site Runoff Control.

Measurable Goals

Village of Fayetteville is assessing the success of Minimum Control Measure 4 of its SWMP through the following Measurable Goals:

- Number of SWPPPs reviewed for erosion and sediment control compliance (annual) (Permit requirement is 100%)
Goal: 100% *Current:* 100%
- Number of construction projects of greater than one acre disturbance authorized (annual)
Goal: Equal to number of SWPPPs reviewed *Current:* 0
- Number of construction projects of greater than one acre disturbance active (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of construction sites inspected for erosion and sediment control compliance (annual)
Goal: 100% of active sites *Current:* 100%
- Number of construction sites inspected for erosion and sediment control compliance more than once (annual)
Goal: 100% *Current:* 100%
- Number of Notices of Violation issued (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of Stop Work Orders issued (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of criminal actions taken (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of contracts terminated (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of administrative fines issued (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of civil penalties issued (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of administrative orders issued (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Total number of enforcement actions or sanctions taken for non-compliance (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of non-compliance issues resolved (annual)
Goal: Resolve 100% of non-compliance issues *Current:* 100%

Minimum Control Measure 5. Post-Construction Stormwater Management.

Measurable Goals

Town of Sullivan is assessing the success of Minimum Control Measure 5 of its SWMP through the following Measurable Goals:

- Number of SWPPPs reviewed for post-construction stormwater management (PCSWM) compliance (annual) (Permit requirement is 100%)
Goal: 100% *Current:* 100%
- Number of construction sites inspected for PCSWM compliance (annual)
Goal: 100% of active sites *Current:* 100%
- Number of construction sites inspected for PCSWM compliance more than once (annual)
Goal: (Track annually and evaluate trends) *Current:* 0 (100%)
- Number of enforcement actions taken for PCSWM non-compliance and number of issues resolved (annual)
Goal: 100% of issues resolved annually *Current:* 0 actions (100% resolved)
- Number of stormwater management practices inventoried (annual)
Goal: 100% of new practices *Current:* 0 actions (100% resolved)
- Number of existing post-construction stormwater management practices inspected and percentage of total (annual)
Goal: 100% of practices inspected annually *Current:* 6 practices (100%)
- Number of existing post-construction stormwater management practices with maintenance or repair needs identified, percentage of total (annual)
Goal: (Track annually and evaluate trends) *Current:* 6 practices (0%)
- Number of existing post-construction stormwater management practices maintained or repaired (annual)
Goal: 100% of practices in need of maintenance or repair maintained
Current: 100% maintained
- Number of new stormwater management or green infrastructure practices installed as a result of watershed planning or banking and credit programs (annual)
Goal: (Track annually and evaluate trends) *Current:* 1
- Percentage of municipal staff responsible for program implementation that attended training on Green Infrastructure principles, Low Impact Development, and/or Better Site Design (annual)?
Goal: 100% of responsible staff trained *Current:* 0%

Minimum Control Measure 6. Pollution Prevention and Good Housekeeping of Municipal Operations.

Measurable Goals

Village of Fayetteville is assessing the success of Minimum Control Measure 6 of its SWMP through the following Measurable Goals:

- Number of employee trainings delivered (annual)
Goal: 2 *Current:* 9
- Number of employees trained in general municipal pollution prevention and good housekeeping, percentage of total
Goal: 100% *Current:* 100%
- Number of educational materials distributed to municipal employees
Goal: 1 *Current:* _____
- Miles of roadway swept (annual) (miles x number of street sweepings)
Goal: 114 *Current:* 114
- Acres of parking lot swept (annual) (acres x number of times swept)
Goal: 4 *Current:* 4
- Tons of debris removed through street and parking lot sweeping (annual)
Goal: (Track annually and evaluate trends) *Current:* _____
- Number of catch basins inspected (annual), percentage of total
Goal: 25% *Current:* 25%
- Number of catch basins cleaned (annual), percentage of total
Goal: 25% *Current:* 25%
- Number of surface drainage structures/conveyances inspected (annual), percentage of total
Goal: 100% *Current:* 0%
- Number of surface drainage structures/conveyances cleaned (annual), percentage of total
Goal: 25% *Current:* _____
- Tons of debris removed through catch basin cleaning (annual)
Goal: (Track annually and evaluate trends) *Current:* _____
- Amount of phosphorus fertilizer applied in pounds (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Amount of nitrogen fertilizer applied in pounds (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Amount of pesticide applied in acres and number of applications (annual)
Goal: (Track annually and evaluate trends) *Current:* 0
- Number of employees trained in spill response and prevention, percentage of total
Goal: 10 *Current:* 10
- Number of spills of petroleum or hazardous chemicals occurring due to municipal operations (annual)
Goal: Zero ultimately, track annually for trends *Current:* _____
- Quantity of salt applied to roadways (annual)
Goal: (Track annually and evaluate trends) *Current:* _____

- Quantity of alternative products used and approximate percentage of total deicing material (annual)
Goal: _____ *(Track annually and evaluate trends)* *Current:* _____
- Number and percentage of plow vehicles equipped with digital deicer application calibrators
Goal: _____ 100% _____ *Current:* _____

APPENDIX G
Annual Stormwater Complaint Summaries

MS4 Stormwater Complaint Report

Complaint Number: _____ **Date/Time Received:** _____

Type: Construction ☐ Post Construction ☐ Illicit Discharge ☐ Drainage ☐

Complaint Received By: _____

Complaint Lodged By:

Name: _____ Phone: _____

Address: _____

Location of Occurrence:

Address: _____

Name of Development: _____

Nature of Complaint: _____

Referred to:

Agency/Department: _____ Date/Time of Referral: _____

Representative: _____

Action Taken: Site Visit ☐ Letter ☐ Call ☐ Referral ☐ Stop Work ☐ Fine ☐

Action Results/Findings: _____

Follow Up Action Needed: Yes ☐ No ☐

If Yes, Describe: _____

Dates of Follow-up Action: _____ **Representative:** _____

Describe Follow-up Action and/or Resolution: _____

Signature of Representative Closing Case: _____

Note: This form should be used to document actions taken in response to complaints lodged by the public concerning stormwater problems. Upon resolution of a complaint, the final person to address the situation should sign off on the form. If an additional inquiry regarding the same issue is made after the case has been closed, it should be treated as a new complaint.

ANNUAL STORMWATER COMPLAINT SUMMARY

Construction Complaints		
Total Number of Complaints	Number Resolved?	
	Yes	No
Action Taken:	Number	
Site Visit		
Phone Call		
Letter		
Outside Agency Referral		
Stop Work Order		
Fine		

Drainage Complaints		
Total Number of Complaints	Number Resolved?	
	Yes	No
Action Taken:	Number	
Site Visit		
Phone Call		
Letter		
Outside Agency Referral		
Repair of Problem		
Fine		

Post-Construction Complaints		
Total Number of Complaints	Number Resolved?	
	Yes	No
Action Taken:	Number	
Site Visit		
Phone Call		
Letter		
Outside Agency Referral		
Stop Work Order		
Fine		

Illicit Discharge Complaints		
Total Number of Complaints	Number Resolved?	
	Yes	No
Action Taken:	Number	
Site Visit		
Phone Call		
Letter		
Outside Agency Referral		
Disconnection		
Fine		

Note: This form should be used by the Stormwater Management Officer to tally total numbers of incoming complaints and their resolution at the end of the reporting year. These numbers should be based upon the information in the individual complaint sheets. Since several actions may be required to resolve a single complaint, actions should be tracked separately from the total number of complaints. Actions include both initial and follow-up actions needed to resolve a given problem, as reflected in the individual stormwater complaint forms.

APPENDIX H
MS4 Stormwater Inquiry Response Documents

MS4 Stormwater Inquiry Response Documents

Complaint Number: _____ Date/Time Responded: _____

Response Lodged By: _____

Response: _____

Complaint Number: _____ Date/Time Responded: _____

Response Lodged By: _____

Response: _____

APPENDIX I
Outfall Inspection Reports



Onondaga County Soil & Water Conservation District
 Outfall Inspection Program 2021-22 Summary
 Village of Fayetteville Outfalls

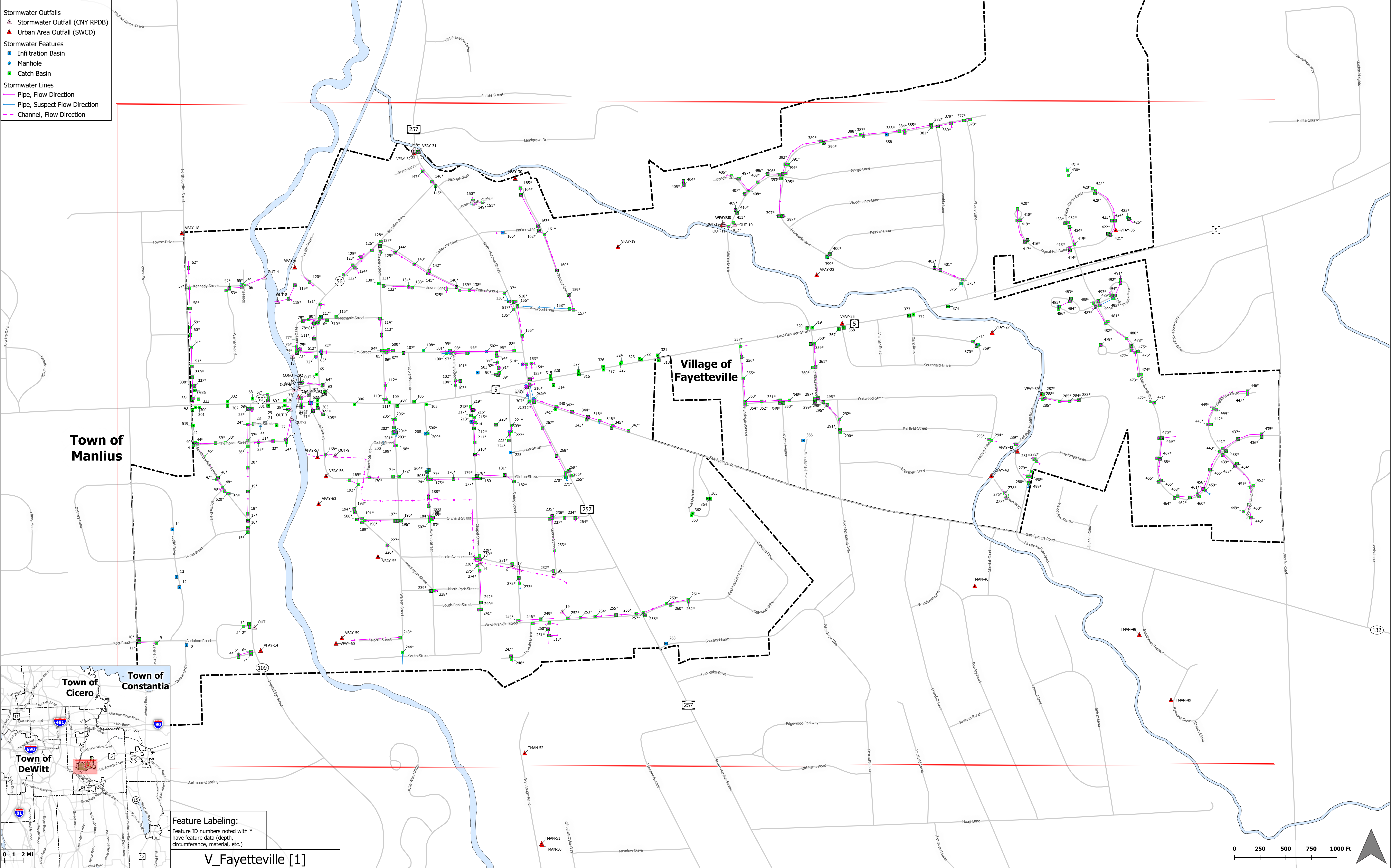
Outfall ID	Northing	Easting	Material	Diameter	Type	2021 Status	2022 Status
VFAY-1	1104819.0730	972473.2227	NA	0	Catch basin/Manhole	Blank	Blank
VFAY-10	1104413.4800	972691.1100	NA	0	Catch basin/Manhole	Unfounded	Blank
VFAY-11	1104228.0000	972661.0000	RCP	24	Pipe	Inspected	Blank
VFAY-12	1103907.6030	972761.1760	RCP	18	Pipe	Unfounded	Blank
VFAY-13	1103796.9920	972769.4158	Steel/Cast Iron	12	Pipe	Inspected	Blank
VFAY-14	1101872.2000	972385.3840	Steel/Cast Iron	6	Pipe	Inspected	Blank
VFAY-15	1102090.1700	972349.7000	CMP	6	Pipe	Inspected	Blank
VFAY-16	1105309.8010	972390.1228	HDPE	16	Pipe	Unfounded	Blank
VFAY-17	1105510.8430	972388.6784	RCP	24	Pipe	Inspected	Blank
VFAY-18	1105921.9400	971566.2899	RCP	41	Pipe	Blank	Blank
vfay-18	1105905.1140	971492.1391	HDPE	16	Pipe	Deleted	Blank
VFAY-19	1105869.8500	975822.3800	Steel/Cast Iron	16	Pipe	Blank	Blank
VFAY-2	1105763.5470	980187.1530	NA	0	NA	Inspected	Blank
VFAY-20	1106109.5360	976852.6702	CMP	16	Pipe	Blank	Blank
VFAY-21	1106109.0800	976854.5200	CMP	24	Pipe	Inspected	Blank
VFAY-22	1106427.2600	976824.3315	HDPE	14	Pipe	Unfounded	Blank
VFAY-23	1105631.5400	977766.9900	Steel/Cast Iron	15	Pipe	Blank	Blank
VFAY-24	1105375.6900	978915.7800	NA	0	Ditch/Swale	Inspected	Blank
VFAY-25	1105163.7500	978023.5247	RCP	18	Pipe	Inspected	Blank
VFAY-26	1105163.1700	977992.7672	NA	0	Ditch/Swale	Deleted	Blank
VFAY-27	1105100.9300	979488.8100	Steel/Cast Iron	16	Pipe	Inspected	Blank
VFAY-28	1105129.4980	979796.4463	HDPE	12	Pipe	Unfounded	Blank
VFAY-29	1104876.5780	981068.8878	HDPE	16	Pipe	Inspected	Blank
VFAY-3	1105929.9370	973295.3275	Steel/Cast Iron	18	Pipe	Deleted	Blank
VFAY-30	1106517.8800	974806.9000	Steel/Cast Iron	12	Pipe	Blank	Blank
VFAY-31	1106765.2630	973864.1734	CMP	28	Pipe	Blank	Blank
VFAY-32	1106767.0500	973809.0100	CMP	16	Pipe	Blank	Blank
VFAY-33	1106534.4860	980225.3232	Steel/Cast Iron	12	Pipe	Inspected	Blank
VFAY-34	1106217.2720	980698.9912	Steel/Cast Iron	12	Pipe	Blank	Blank

VFAY-35	1106124.5340	980676.1253	Steel/Cast Iron	12 Pipe	Blank	Blank
VFAY-36	1106217.2720	980698.9912	Steel/Cast Iron	12 Pipe	Blank	Blank
VFAY-37	1105498.2450	979444.8822	Steel/Cast Iron	12 Pipe	Inspected	Blank
VFAY-38	1104522.2340	979900.2058	Steel/Cast Iron	16 Pipe	Unfounded	Blank
VFAY-39	1104511.5560	979986.5596	RCP	24 Pipe	Inspected	Blank
VFAY-4	1105948.9720	973325.7372	HDPE	4 Pipe	Deleted	Blank
VFAY-40	1104473.0220	979901.1339	Steel/Cast Iron	18 Pipe	Unfounded	Blank
VFAY-41	1103995.4080	979700.9146	RCP	24 Pipe	Inspected	Blank
VFAY-42	1103947.2400	979757.2066	RCP	24 Pipe	Inspected	Blank
VFAY-43	1103703.8700	979506.1900	PVC	14 Pipe	Inspected	Blank
VFAY-44	1106561.9110	974501.8411	Steel/Cast Iron	16 Pipe	Blank	Blank
VFAY-45	1102282.5350	975345.6105	CMP	18 Pipe	Inspected	Blank
VFAY-46	1102167.9790	975144.6983	HDPE	12 Pipe	Blank	Blank
VFAY-47	1102175.5230	975218.4006	RCP	14 Pipe	Inspected	Blank
VFAY-48	1102697.5600	974922.6600	PVC	8 Pipe	Inspected	Blank
VFAY-49	1102737.1800	974850.9600	RCP	12 Pipe	Inspected	Blank
VFAY-5	1105906.0000	973118.0000	CMP	18 Pipe	Unfounded	Blank
VFAY-50	1102594.7540	975259.7243	PVC	10 Pipe	Blank	Blank
VFAY-51	1102435.8590	975318.1041	Steel/Cast Iron	12 Pipe	Blank	Blank
VFAY-52	1102676.5070	974526.6490	Steel/Cast Iron	6 Pipe	Inspected	Blank
VFAY-53	1102777.6940	974518.5250	HDPE	12 Pipe	Inspected	Blank
VFAY-54	1102797.7370	974488.6750	HDPE	12 Pipe	Inspected	Blank
VFAY-55	1102801.8900	973538.4000	Steel/Cast Iron	18 Pipe	Blank	Blank
VFAY-56	1103577.2680	973005.1890	Steel/Cast Iron	12 Pipe	Inspected	Blank
VFAY-57	1103763.6000	972930.1900	RCP	48 Pipe	Inspected	Blank
VFAY-58	1103335.2720	973738.1008	Steel/Cast Iron	5 Pipe	Blank	Blank
VFAY-59	1101978.9900	973201.7740	Steel/Cast Iron	12 Pipe	Inspected	Blank
VFAY-6	1105610.5270	972673.6749	RCP	12 Pipe	Blank	Blank
VFAY-60	1101948.4670	973179.6970	Steel/Cast Iron	10 Pipe	Inspected	Blank
VFAY-61	1101507.5840	973851.2630	NA	0 Seep	Inspected	Blank
VFAY-62	1101798.7750	974819.3601	NA	0 Catch basin/Manhole	Inspected	Blank
VFAY-63	1103305.9800	972951.1200	Steel/Cast Iron	12 Pipe	Inspected	Blank
VFAY-64	1103601.0660	973474.6325	NA	0 Catch basin/Manhole	Inspected	Blank
VFAY-65	1104135.7400	972667.2000	CMP	Pipe	Blank	Blank
VFAY-66	1105507.5700	972382.2900	HDPE	18 Pipe	Inspected	Blank
VFAY-67	1105264.7320	972518.3630	PVC	Pipe	Inspected	Blank
VFAY-68	1103770.3470	973107.8630		Pipe	Inspected	Blank

VFAY-69	1106107.3600	976959.0600	CMP	16 Pipe	Inspected	Blank
VFAY-70	1104740.7300	972668.3500	HDPE	18 Pipe	Inspected	Blank
VFAY-71	1102664.1400	975259.0300	PVC	8 Pipe	Inspected	Blank
VFAY-7	1104643.4640	972624.2235	Steel/Cast Iron	18 Pipe	Unfounded	Blank
VFAY-8	1104643.4640	972624.2235	Steel/Cast Iron	18 Pipe	Unfounded	Blank
VFAY-9	1104426.8900	972739.9300	NA	0 Catch basin/Manhole	Inspected	Blank

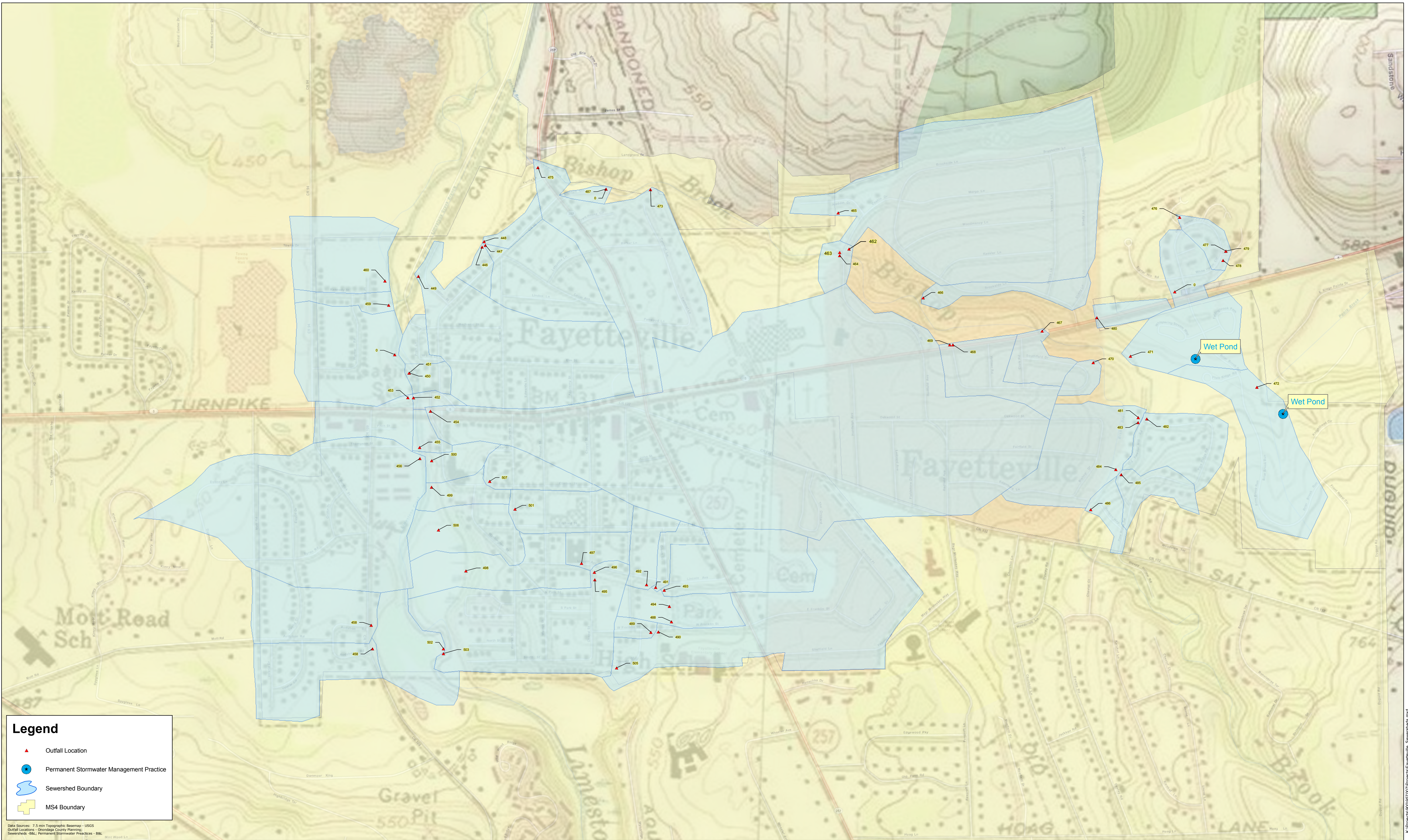
26 Inspected

APPENDIX J
Village of Fayetteville Stormwater Outfall Map



Village of Fayetteville Stormwater Features: V_Fayetteville [1]

APPENDIX K
Village of Fayetteville Storm Sewershed Mapping



Legend

▲

Outfall Location

●

Permanent Stormwater Management Practice

○

Sewershed Boundary

+

MS4 Boundary

Data Sources: 7.5 min Topographic Base Map - USGS
Outfall Locations: Onondaga County Planning
Sewersheds - B&L; Permanent Stormwater Practices - B&L

APPENDIX L
Illicit Discharge Detection and Elimination Local Law

*Village of Fayetteville, NY
Monday, May 6, 2013*

Chapter 147. STORM SEWERS

[HISTORY: Adopted by the Board of Trustees of the Village of Fayetteville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 81.

Sewers — See Ch. 133.

Site plan review — See Ch. 139.

Subdivision of land — See Ch. 151.

Zoning — See Ch. 187.

Article I. Illicit Discharges, Activities and Connections

[Adopted 12-18-2007 by L.L. No. 5-2007]

§ 147-1. Purpose; intent.

The purpose of this article is to provide for the health, safety and general welfare of the citizens of the Village of Fayetteville through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) and the New York State Pollutant Discharge Elimination System (SPDES) permit process. The objectives of this article are:

- A. To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- B. To prohibit illicit connections and discharges to the MS4.
- C. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

§ 147-2. Definitions.

For the purposes of this article, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY

Employees or designees of the director of the municipal agency designated to enforce this article.

BEST MANAGEMENT PRACTICES (BMPs)

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

CLEAN WATER ACT

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

CONSTRUCTION ACTIVITY

Activities subject to NPDES or SPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS

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

ILLEGAL DISCHARGE

Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in § 147-8A of this article.

ILLICIT CONNECTIONS

An illicit connection is defined as either of the following:

A. Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any nonstormwater discharge, including sewage, process wastewater and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY

Activities subject to NPDES or SPDES industrial stormwater permits, except for construction activities covered under GP-02-01 or GP-0-08-001, as amended or revised.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Village of Fayetteville and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT

A permit issued by the EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b) [SPDES]) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NONSTORMWATER DISCHARGE

Any discharge to the storm drain system that is not composed of surface water meeting the water quality standards identified within Part 70, Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations of the Official Compilation of Codes, Rules and Regulations of the State of New York.

PERSON

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

POLLUTANT

Anything which causes or contributes to pollution. Pollutants may include, but are not limited to; paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinance and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES

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

STORM DRAINAGE SYSTEM

Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT PLAN

A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER

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

§ 147-3. Applicability.

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted.

§ 147-4. Responsibility for administration.

The Code Enforcement Officer of the Village of Fayetteville shall administer, implement and enforce the provisions of this article. Any powers granted or duties imposed upon the Code Enforcement Officer may be delegated, in writing, by the Mayor of the Village of Fayetteville to persons or entities acting in the beneficial interest of or in the employ of the agency.

§ 147-5. Compatibility with other regulations.

This article is not intended to modify or repeal any other law, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other law, rule, regulation or other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other law, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

§ 147-6. Severability.

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

§ 147-7. Limitation on standards.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants.

§ 147-8. Discharge and connection prohibitions; exceptions.

- A. Prohibition of illegal discharges. No person shall throw, drain or otherwise discharge, cause or allow others under said person's control to throw, drain or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The

commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this article: waterline flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air-conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges and street wash water.
- (2) Discharges or flow from firefighting and other discharges specified, in writing, by the Code Enforcement Officer as being necessary to protect public health and safety.
- (3) Discharges associated with dye testing; however, this activity requires a verbal notification to the Code Enforcement Officer prior to the time of the test.
- (4) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES or SPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA) or the New York State Department of Environmental Conservation, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- (4) Improper connections in violation of this article must be connected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the Code Enforcement Officer of the Village of Fayetteville.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent and which may be connected to the storm sewer system shall be located by the owner or occupant of that property upon receipt of a written notice of violation from the Code Enforcement Officer of the Village of Fayetteville requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be

identified as storm sewer, sanitary sewer or other and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Code Enforcement Officer of the Village of Fayetteville.

§ 147-9. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

§ 147-10. Industrial or construction activity discharges.

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

B. Submission of notice of intent to Village.

- (1) The operator of a facility, including construction sites, required to have an NPDES or SPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the notice of intent (NOI) to the Code Enforcement Officer at the same time the operator submits the original notice of intent to the EPA or state DEC as applicable.
- (2) The copy of the notice of intent may be delivered to the Code Enforcement Officer either in person or by mailing it to:

Notice of Intent to Discharge Stormwater
Code Enforcement Officer, Village of Fayetteville
425 East Genesee Street
Fayetteville, New York 13066

- (3) A person commits an offense if the person operates a facility that is discharging stormwater associated with industrial activity without having submitted a copy of the notice of intent to do so to the Code Enforcement Officer.

§ 147-11. Compliance monitoring.

A. Right of entry for inspection and sampling. The Village Code Enforcement Officer or his/her designee shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article.

- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Village Code Enforcement Officer.
- (2) Facility operators shall allow the Village Code Enforcement Officer or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES or SPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law. The Village Code Enforcement Officer or his/her designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Village Code Enforcement Officer or his/her designee to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (3) The Village Code Enforcement Officer or his/her designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure said devices' accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Village Code Enforcement Officer or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (5) Unreasonable delays in allowing the Village Code Enforcement Officer or his/her designee access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with an NPDES or SPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Village Code Enforcement Officer or his/her designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

B. Search warrants. If the Village Code Enforcement Officer or his/her designee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Village Code Enforcement Officer may seek issuance of a search warrant from any court of competent jurisdiction.

§ 147-12. Prevention, control and reduction of stormwater pollutants by use of best management practices.

The Village Code Enforcement Officer or his/her designee will adopt requirements identifying best management practices for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the United States. The owner or operator of such activity, operation or facility shall provide, at said owner's or operator's own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises that is or may be the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES or SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

§ 147-13. Notification of spills.

A. Notwithstanding other requirements of this article, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Village Code Enforcement Officer or his/her designee, in person or by phone or facsimile, no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village Code Enforcement Officer or his/her designee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 10 years.

B. Failure to provide notification of a release as provided above is a violation of this article.

§ 147-14. Violations; warning notice; notice of violation; enforcement.

A. Violations.

- (1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In the event the violation constitutes an immediate danger to public health or public safety, the Village Code Enforcement Officer or his/her designee is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Village Code Enforcement Officer is authorized to seek costs of the abatement as outlined in § 147-18.

B. Warning notice. When the Village Code Enforcement Officer or his/her designee finds that any person has violated, or continues to violate, any provision of this article or any order issued hereunder, the Village Code Enforcement Officer or his/her designee may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the Village Code Enforcement Officer or his/her designee to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

C. Notice of violation.

- (1) Whenever the Village Code Enforcement Officer or his/her designee finds that a person has violated a prohibition or failed to meet a requirement of this article, the Village Code Enforcement Officer or his/her designee may order compliance by written notice of violation to the responsible person. The notice of violation shall contain:
 - (a) The name and address of the alleged violator;
 - (b) The address, when available, or a description of the building, structure or land upon which the violation is occurring or has occurred;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (f) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(2) Such notice may require without limitation:

- (a) The performance of monitoring, analyses and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

D. Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the Village Code Enforcement Officer or his/her designee may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

E. Suspension of MS4 access.

(1) Emergency cease-and-desist orders.

- (a) When the Village Code Enforcement Officer or his/her designee finds that any person has violated, or continues to violate, any provision of this article or any order issued hereunder or that the person's past violations are likely to recur and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Village Code Enforcement Officer or his/her designee may issue an order to the violator directing said violator to immediately cease and desist all such violations and directing the violator to:

[1] Immediately comply with all requirements of this article; and

[2] Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

- (b) Any person notified of an emergency order directed to said person under this subsection shall immediately comply and stop or eliminate the endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Village Code Enforcement Officer or his/her designee may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply,

sewer connection or other municipal utility services. The Village Code Enforcement Officer or his/her designee may allow the person to recommence discharge when said person has demonstrated to the satisfaction of the Village Code Enforcement Officer that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Village Code Enforcement Officer or his/her designee within 10 days of receipt of the emergency order. Issuance of an emergency cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(2) Suspension due to illicit discharges in emergency situations. The Village Code Enforcement Officer or his/her designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Village Code Enforcement Officer or his/her designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States or to minimize danger to persons.

(3) Suspension due to detection of illicit discharges.

(a) Any person discharging to the MS4 in violation of this article may have its MS4 access terminated if such termination would abate or reduce an illicit discharge. The Village Code Enforcement Officer or his/her designee will notify a violator of the proposed termination of its MS4 access.

(b) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Village Code Enforcement Officer or his/her designee.

§ 147-15. Penalties for offenses.

A. Civil penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 20 days, or such greater period as the Village Code Enforcement Officer or his/her designee shall deem appropriate, after the Village Code Enforcement Officer or his/her designee has taken one or more of the actions described above, the Village Code Enforcement Officer or his/her designee may impose a penalty not to exceed \$500 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

B. Criminal prosecution. Any person that has violated or continues to violate this article shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a

criminal penalty of \$500 per violation per day and/or imprisonment for a period of time not to exceed 60 days. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

§ 147-16. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the Village Code Enforcement Officer or his/her designee. The notice of appeal must be received within 10 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 60 days from the date of receipt of the notice of appeal. The decision of the municipal authority or his/her designee shall be final.

§ 147-17. Failure to comply.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the Village Code Enforcement Officer or his/her designee, then representatives of the Code Enforcement Officer shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

§ 147-18. Responsibility for cost of abatement of violation.

- A. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- B. Any person violating any of the provisions of this article shall become liable to the Village of Fayetteville by reason of such violation.

§ 147-19. Violations deemed a public nuisance.

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

§ 147-20. Remedies not exclusive.

- A. The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Code Enforcement Officer to seek cumulative remedies.
- B. The Village Code Enforcement Officer or his/her designee may recover all attorneys' fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

APPENDIX M
Illicit Discharge Detection and Elimination Annual Summaries

ILLICIT DISCHARGE DETECTION AND ELIMINATION SUMMARY FORM

1. MONITORING SUMMARY

Total number of documented outfalls in municipality:

Number of outfalls inspected this year for dry-weather flows:

Percentage of total inspected (*min. 20 % per yr., 100% every 5 yrs.*):

2. IDENTIFICATION OF POSSIBLE ILLICIT DISCHARGES

Number of dry-weather flows discovered during field monitoring:

Number of discharges examined in response to complaint:

Discoveries of possible illicit discharges by other methods:

Total of above:

3. SOURCE TRACKING AND IDENTIFICATION

Number of confirmed illicit discharges, source identified:

Number of illicit discharges detected but source unidentified:

Number of suspected illicit discharges (not yet confirmed):

4. ELIMINATION OR RESOLUTION OF DISCHARGES

Dismissed as legal or permissible discharges:

Number of illicit discharges eliminated:

Number of identified illicit discharges remaining:

Notes: The Highway Department and Code Enforcement Officer should compile available information to complete this form, which is intended to track monitoring, tracking, and elimination and enforcement efforts for illicit discharges throughout the reporting year. Unresolved discharges from the previous reporting years should be included in Sections 3 and 4. Obtain data to complete this sheet from the Outfall Visual Inspection Forms and MS4 Stormwater Complaint Report forms.

APPENDIX N
Stormwater Pollution Prevention Plan Review Tracking Form
and Inspection Checklist

MS4 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REVIEW TRACKING FORM

Submittal date: 7/16/2018
Project name and/or description: Friendly Honda Fayetteville
Proposed location: 534 East Genesee St, Fayetteville, NY 13066

Owner / developer of property

Name of representative: _____
Company/agency/municipality: East Syracuse Cars, LLC

Type of project (residential, commercial, utility, road, etc.) Commercial

How many acres will the project disturb? 3.8

Number of post-construction stormwater management practices created? 0

SWPPP Preparer

Name: RZ Engineering
Affiliation: Consultant

Technical Reviewer

Name: _____
Affiliation: _____

Initial review date: _____

Summarize issues or problems identified with the SWPPP.

Resubmittal dates: _____

Review dates: _____

Summarize how the issues were corrected, addressed, or resolved.

Date of Acceptance: _____ (Must match date on MS4 SWPPP Acceptance Form.)

Note: This form is to be used to document all stages of the Planning Board's SWPPP review process. The Planning Board Secretary should initiate the process by completing the top portion and appending the form to each incoming SWPPP. The remainder of the form should be completed by the Planning Board Chair, in cooperation with the Technical Reviewer. **For a full list of the criteria that must be examined during the review of a SWPPP, refer to NYSDEC's "Stormwater Pollution Prevention Plan Review Checklist", which should be used in conjunction with this form to document all technical and administrative SWPPP requirements.**

MS4 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REVIEW TRACKING FORM

Submittal date: 6/1/2020
Project name and/or description: Wellwood Middle School
Proposed location: 700 S. Manlius Street, Fayetteville, NY 13066

Owner / developer of property

Name of representative: _____
Company/agency/municipality: Fayetteville-Manlius CSD

Type of project (residential, commercial, utility, road, etc.) Commercial

How many acres will the project disturb? 9.5

Number of post-construction stormwater management practices created? 2

SWPPP Preparer

Name: Apple Osborn
Affiliation: Consultant

Technical Reviewer

Name: _____
Affiliation: _____

Initial review date: _____

Summarize issues or problems identified with the SWPPP.

Resubmittal dates: _____

Review dates: _____

Summarize how the issues were corrected, addressed, or resolved.

Date of Acceptance: _____ (Must match date on MS4 SWPPP Acceptance Form.)

Note: This form is to be used to document all stages of the Planning Board's SWPPP review process. The Planning Board Secretary should initiate the process by completing the top portion and appending the form to each incoming SWPPP. The remainder of the form should be completed by the Planning Board Chair, in cooperation with the Technical Reviewer. **For a full list of the criteria that must be examined during the review of a SWPPP, refer to NYSDEC's "Stormwater Pollution Prevention Plan Review Checklist", which should be used in conjunction with this form to document all technical and administrative SWPPP requirements.**

MS4 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REVIEW TRACKING FORM

Submittal date: 7/28/2020
Project name and/or description: North Burdick Street Retail Site
Proposed location: North Burdick Street, Fayetteville, NY 13066

Owner / developer of property

Name of representative: _____
Company/agency/municipality: Skyline Development Co., LLC

Type of project (residential, commercial, utility, road, etc.) Commercial

How many acres will the project disturb? 1.6

Number of post-construction stormwater management practices created? 2

SWPPP Preparer

Name: RZ Engineering
Affiliation: Consultant

Technical Reviewer

Name: _____
Affiliation: _____

Initial review date: _____

Summarize issues or problems identified with the SWPPP.

Resubmittal dates: _____

Review dates: _____

Summarize how the issues were corrected, addressed, or resolved.

Date of Acceptance: _____ (Must match date on MS4 SWPPP Acceptance Form.)

Note: This form is to be used to document all stages of the Planning Board's SWPPP review process. The Planning Board Secretary should initiate the process by completing the top portion and appending the form to each incoming SWPPP. The remainder of the form should be completed by the Planning Board Chair, in cooperation with the Technical Reviewer. **For a full list of the criteria that must be examined during the review of a SWPPP, refer to NYSDEC's "Stormwater Pollution Prevention Plan Review Checklist", which should be used in conjunction with this form to document all technical and administrative SWPPP requirements.**

MS4 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REVIEW TRACKING FORM

Submittal date: _____

Project name and/or description: _____

Proposed location: _____

Owner / developer of property

Name of representative: _____

Company/agency/municipality: _____

Type of project (residential, commercial, utility, road, etc.) _____

How many acres will the project disturb? _____

Number of post-construction stormwater management practices created? _____

SWPPP Preparer

Name: _____

Affiliation: _____

Technical Reviewer

Name: _____

Affiliation: _____

Initial review date: _____

Summarize issues or problems identified with the SWPPP.

Resubmittal dates: _____

Review dates: _____

Summarize how the issues were corrected, addressed, or resolved.

Date of Acceptance: _____ (Must match date on MS4 SWPPP Acceptance Form.)

Note: This form is to be used to document all stages of the Planning Board's SWPPP review process. The Planning Board Secretary should initiate the process by completing the top portion and appending the form to each incoming SWPPP. The remainder of the form should be completed by the Planning Board Chair, in cooperation with the Technical Reviewer. **For a full list of the criteria that must be examined during the review of a SWPPP, refer to NYSDEC's "Stormwater Pollution Prevention Plan Review Checklist", which should be used in conjunction with this form to document all technical and administrative SWPPP requirements.**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**

SPDES General Permit for Stormwater Discharges from Construction Activity
(GP-0-15-002)

Stormwater Pollution Prevention Plan Review Checklist

Project Name:	<input type="checkbox"/> Basic SWPPP (E&SC Plan)	<input type="checkbox"/> Full SWPPP
Site Address:	Watershed:	Date:
MS4 Operator:	Appendix E 303(d) segment:	SPDES General Permit ID Number:
MS4 Permit #:		NYR1 _____
Owner/Operator:	Phone:	Reviewer:
Address:	Fax:	

Site Priority **HIGH** **LOW** **Citation**
☐ ☐ MS4 permit IV.D.6

General Requirements

<u>Yes</u>	<u>No</u>	<u>N/A or N/R</u>		<u>Citation</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP contains completed final NOI	III.A.1.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies potential sources of pollutants in runoff	III.A.2.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies Trained Contractor.	III.A.6.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contractor/Subcontractor certification statements have been signed.	III.A.6.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP is signed by responsible corporate officer, general partner, proprietor, principal executive officer, ranking elected official, or duly authorized representative.	VII.H.2.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OPRHP documentation...?	

Erosion & Sediment Control Requirements

<u>Yes</u>	<u>No</u>	<u>N/A or N/R</u>		<u>Citation</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location, type and size of project are described.	III.B.1.a.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phasing plan and sequence of operations are described.	III.B.1.d.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HSG is identified.	III.B.1.c.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies contractor/subcontractor responsible for installing, constructing, repairing, replacing, inspecting and maintaining the E&SCs.	III.A.6.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP documents selection, design, dimensions, material specifications, installation details, implementation & maintenance of E&SCs, including soil stabilization plans	III.A.1. III.B.1.f. III.B.1.h.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E&SCs are designed in conformance with the NYS Standards and Specifications for Erosion and Sediment Control; or equivalence to this standard is demonstrated and reason for the alternative is provided.	III.B.1. III.B.1.i.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maps of general location and site are present showing: Legend, scale, north arrow total area, all improvements, areas disturbed and not disturbed, existing vegetation, onsite and adjacent offsite surface waters, floodplain/floodway boundaries, wetlands and drainage patterns that could be affected the project,	III.B.1.b. III.B.1.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**

SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)

Stormwater Pollution Prevention Plan Review Checklist

			existing and final contours, locations of soil types & boundaries, material/waste/borrow/equipment storage areas, locations of stormwater discharges, and location/size/length of each E&SC	III.B.1.g.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location and sizing of any temporary sediment basins or structural practices planned to divert flows from exposed soils are included	III.B.1.h.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maintenance inspection schedule, in accordance with the NYS Standards & Specs for E&SCs is included	III.B.1.i.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pollution Prevention measures to control litter, chemicals, debris are described.	III.B.1.j.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Description & location of any industrial stormwater discharges (i.e., concrete, asphalt, etc.) is included	III.B.1.k.

Post-construction Stormwater Management Practices

Yes	No	N/A or N/R		Citation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP is prepared by a Qualified Professional.	III.A.3.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies contractor/subcontractor responsible for constructing the SMPs.	III.A.6.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Design Manual planning process for reducing runoff is employed: <u>Site planning</u> to preserve natural features and reduce impervious cover, <u>Calculation of the WQ_v</u> for the site, <u>Incorporation of runoff reduction</u> techniques and standard SMPs with Runoff Reduction Volume (RR _v) capacity, <u>Determine minimum RR_v required</u> , Use of <u>standard SMPs</u> , where applicable, <u>to treat the remaining WQ_v</u> not addressed by runoff reduction techniques and standard SMPs with RR _v capacity, design of <u>volume and peak rate control</u> practices where required	III.B.2.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP documents selection, design, installation, implementation and maintenance of SMPs	III.A.1.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SMPs are designed in conformance with the applicable sizing and performance criteria in the NYS Stormwater Management Design Manual (Jan. 2015); or equivalence to this standard is demonstrated and reason for the alternative is provided.	III.B.2. III.B.2.c.vi.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All SMPs are identified, including dimensions, material specs & installation details.	III.B.2.a.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location & size of SMPs are shown on a site map or construction drawing.	III.B.2.b.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The SWPPP includes a <u>Stormwater Modeling and Analysis Report</u> that contains: <ul style="list-style-type: none"> <u>Predevelopment map</u> w/ watershed/subcatchment boundaries, flow paths & design points, (list further detail per App. G Design Manual?) <u>Post-development map</u> showing same plus SMPs, <u>Hydrology & Hydraulics results</u> for required storm events including supporting calculations, methodology and a summary table comparing pre & post-development runoff rates & volumes for the different storm events, <u>Summary table</u> w/ calculations showing that ea. SMP conforms w/ the Design Manual sizing criteria 	III.B.2.c.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**

SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)

Stormwater Pollution Prevention Plan Review Checklist

- Identification of any Design Manual sizing criteria that are not required under the General Permit

<u>Yes</u>	<u>No</u>	<u>N/A or N/R</u>		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soil testing results and locations of test pits and borings are included	III.B.2.d.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Infiltration test results are included if needed	III.B.2.e.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O&M plan, including inspection & maintenance schedules, is included and identifies the responsible entity	III.B.2.f.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Enhanced Phosphorus Removal Standards sizing criteria are included if required.	III.B.3.

APPENDIX O
MS4 Construction Site Inspection Form and Annual Reporting Summaries

MS4 CONSTRUCTION SITE INSPECTION LOG

Site Name: _____

Owner: _____

Primary Contractor: _____

* **Construction Stages:**

PC = Pre-Construction

IESC = Initial Erosion &

Sediment Control

CC = Completion of Clearing

RGC = Rough Grading Complete

FGC = Final Grading Complete

CCS = Close of Construction Season

FV = Final Establishment of Vegetation

[illegible]

1 Determined by the Code Enforcement Officer based on actual observation.

2 To be completed if specific issue can be attributed to a given contractor.

Note: This form should be used in conjunction with the NYSDEC Construction Stormwater Inspection Report. Refer to the NYSDEC report for a comprehensive list of the technical and administrative requirements to be documented during a site inspection; issues noted on the NYSDEC report should be briefly summarized on this form. The Code Enforcement Officer should fill out a copy of this form for each individual site inspected, to summarize the history of inspection and enforcement activity for the site. The form records summary information regarding the owner/operator inspections as well as specific information obtained during the municipal site inspection. Multiple rows within the form may be used to document multiple issues noted during the same inspection.

MS4 CONSTRUCTION SITE ANNUAL REPORTING SUMMARY

[illegible]

1 This date refers to the initial start date of construction activity on the site. Resumption of construction following temporary shutdown is not recorded.

2 For projects that remain open at the end of the reporting year, this date refers to the anticipated end date of construction, which can be obtained from the Notice of Intent.

3 For projects closed before the end of the reporting year, this date refers to the end date of construction activity when Notice of Termination is filed. Temporary shutdown is not recorded.

Note: The Code Enforcement Officer should maintain this log on an annual basis based on completed copies of the individual Construction Site Inspection Log.

Stormwater Construction Site Inspection Report

General Information			
Project Name			
SPDES Tracking No.		Location	
Date of Inspection		Start/End Time	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Describe present phase of construction			
Type of Inspection: <input type="checkbox"/> Regular <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature:			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			

Site-specific BMPs

- Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.
- Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
3		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
11		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
14		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
15		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
18		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
19		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
20		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Are discharge points and receiving waters free of any sediment deposits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Are storm drain inlets properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Is the construction exit preventing sediment from being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Print name and title: _____

Signature: _____ **Date:** _____


APPENDIX P
MS4 Construction Site Violation Enforcement Procedures

Village of Fayetteville Construction Site Violation Enforcement Procedures

The Village of Fayetteville must take enforcement actions as needed for sites that are in violation. The following describes the Town of Hastings' process and an escalating series of enforcement actions:

1. The Village of Fayetteville may request voluntary compliance for minor concerns on site that do not pose an immediate threat to water quality.
2. If deficiencies in erosion and sediment control are not addressed as requested, or there is an immediate threat to water quality, the Village will issue a Notice of Violation and/or a Stop Work Order, depending on the severity of the violation. If the project is nearing completion and significant issues are not corrected, the Village may withhold Certificates of Occupancy as a means of compelling compliance.
3. If deficiencies in erosion and sediment control are still not corrected, the Village may issue administrative fines and civil penalties or contract terminations. The process may also escalate to criminal sanctions as the highest level of enforcement.

APPENDIX Q
Construction Inspection Training Documentation
(Certificates)




**Stormwater Training
Village of Fayetteville**

January 13, 2020 Illicit Discharge, Pollution Prevention and Good Housekeeping Municipal Stormwater Training

Pollution Prevention and Good Housekeeping

- Stormwater Requirements
 - General Permit for municipal separate storm sewer systems
 - Public Education and Outreach (MCM1)
 - Public Involvement (MCM2)
 - Illicit Discharge Detection and Elimination (MCM 3)
 - Construction Site Runoff Control (MCM 4)
 - Post Construction Stormwater Management (MCM 5)
 - Pollution Prevention and Good Housekeeping for Municipal Operations (MCM6)

What is an Illicit Discharge?



Excesses include water from fire fighting activities and discharges from facilities already under an NPDES permit.

- Illicit discharges are generally any discharge into a storm drain system this is not entirely of stormwater.

Look for Evidence of Illicit Discharges

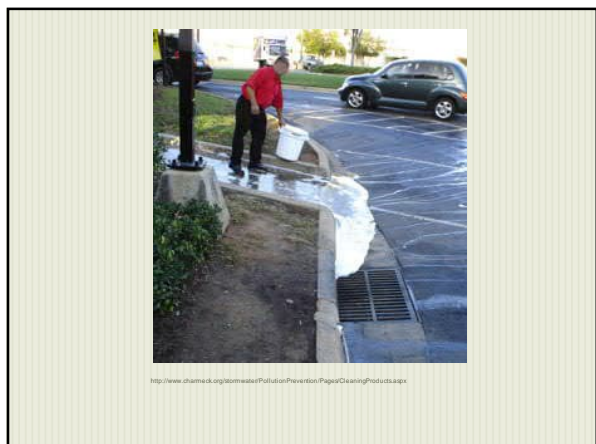
- Illicit Discharge = any discharge from a storm sewer that is not entirely made up of storm water, except for NYSDEC permitted flows.
- Sources may include:
 - Sanitary Sewer Waste
 - Illegal Dumping
 - Connections to a Floor Drain
- Look for evidence of Illicit Discharges at outfalls and along the R.O.W.

IDDE Connection

- Floor Drains
- Sewer cross connections
- Spills
- Dumping
- Outdoor Washing





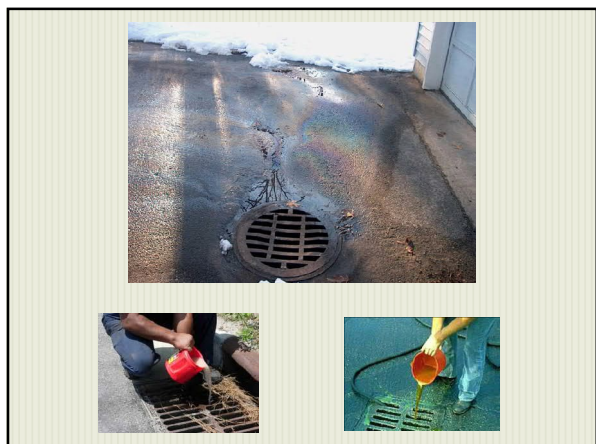


CD 2008-1: Detection








Evidence of Illicit Discharges

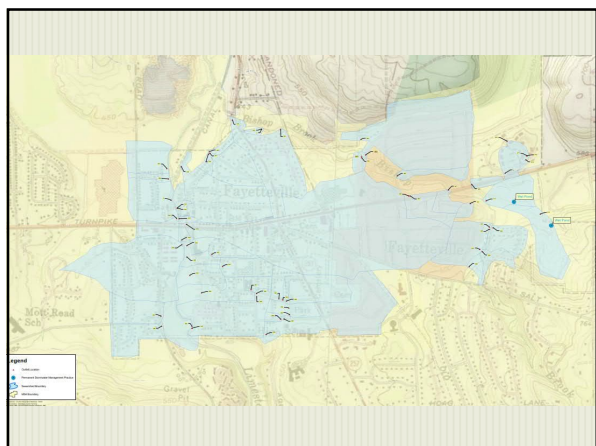
- Visual: grey or colored discharges, evidence of sewage, foam, soap suds or oil sheens
- Odor: those associated with sewage, chlorine, detergents, or petroleum, or other chemicals





How to Spot Illicit Discharges

<p>Sanitary Sewer Discharge</p> <p><u>Observations:</u></p> <ul style="list-style-type: none"> - Sanitary debris - Staining on pipe - Heavy Foam - Gray or Discolored Water - Odors (sewage, chlorine, rotten eggs and detergents) 	   
<p>Illegal Dumping, Spills, or Floor Drain Connection</p> <p><u>Observations:</u></p> <ul style="list-style-type: none"> - Oily sheen - Trash, non-sanitary debris - Petroleum odors - Stained sediment, rocks, and vegetation 	<p>Industrial Discharge</p> <p><u>Observations:</u></p> <ul style="list-style-type: none"> - Discolored water - Chemical odor
 	 



Record and Report Observations

- Look for Illicit Discharges. Some illicit discharges, such as failing septic systems, will not necessarily occur at stormwater outfalls.
- Look for Illegal Dumping.
- Record the location of anything suspicious and report suspected illicit discharges to your immediate Supervisor.

Spill Prevention & Cleanup

- Provide secondary containment for drums





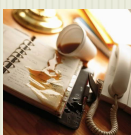
Spill Response Procedures

- Report the following to the Emergency Coordinator
 - Description of spill
 - Material spilled
 - Location of spill
 - Volume spilled
 - Time of spill/discovery
 - Environmental conditions
 - Affected receptors (employees, surface waters, etc.)



Minor Spills

- 5 gallons or less
 - Spill is localized
 - Will not reach a water body
 - Spill can be stopped and controlled
 - Little risk to human health or safety
 - Little risk of fire or explosion



Major Spills

- > 5-gallons
 - Spill has migrated
 - Product has reached, or will reach, drainage pathways or waters
 - Can not be controlled with spill kits
 - Risk to human health or safety
 - Risk of fire and explosion

Spill Notification (NYSDEC)

- All spills must be reported to the NYSDEC unless they meet all of the following:
 - <5-gallons
 - The spill is contained
 - The spill has not and will not reach water or land
 - The spill is cleaned up within 2 hours of discovery
- **NYSDEC Spill Hotline (800) 457-7362**
 - Notify within 2 hours of discovery

Petroleum Spill Response

- Contamination Found During Excavation Activities:
 - Stop excavation, report spill to NYSDEC spill hotline (800) 457-7362 within 2 hours of discovery.
 - Make a visual assessment of area and situation.
 - If necessary, make arrangements for appropriate cleanup.

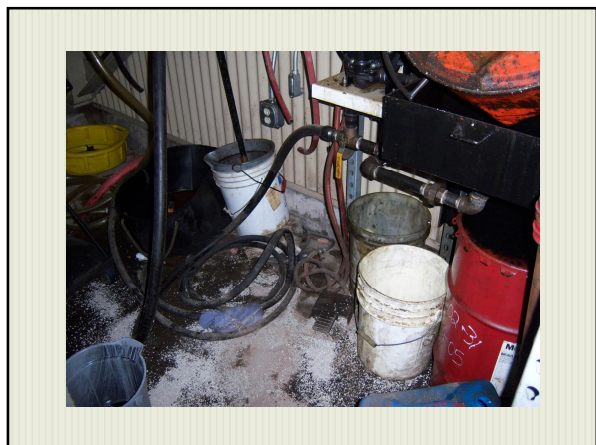
Spill Kit Supplies









PBS – Petroleum Bulk Storage

- Compliance Requirements
 - ▣ Tank ID labeling



Common Tank Labeling






-  UNLEADED REGULAR
-  UNLEADED PLUS
-  UNLEADED PREMIUM
-  DUAL POINT VAPOR RECOVERY

ABOVEGROUND TANK MARKINGS
 FILL PORT COLOR CODE
 TANK NO. -
 DESIGN CAPACITY -
 WORKING CAPACITY -

ABOVEGROUND TANK EQUIPMENT
 GAUGE OR EQUIVALENT DEVICE
 IMPERVIOUS UNDERLAYMENT
 MONTHLY INSPECTION FORM
 MAY REQUIRE SECONDARY CONT.



Common Tank Labeling

-  LOW SULFUR DIESEL
-  HIGH SULFUR DIESEL
-  #2 HEATING OIL
-  KEROSENE
-  WASTE OIL

For Tanks Installed After 1999

1) The tank must bear a permanent stencil, label or plate containing the following information:

- (i) manufacturer's statement that "This tank conforms with ENVIROM Part 6.14";
- (ii) the standard of design by which the tank was manufactured
- (iii) the petroleum products and percentages of volume of petroleum additives which may be stored permanently and compatibly within the tank or reference to a list available from the manufacturer which identifies products compatible with all tank materials;
- (iv) the year in which the tank was manufactured;
- (v) a unique identification number;
- (vi) the dimensions, design and working capacity and model number of tank; and
- (vii) the name of manufacturer.

2) A second label which shows all of the information required above and which also shows the date of installation must be conspicuously displayed and permanently affixed at the fill port. It must be readily visible to the carrier and may be imbedded in concrete, welded to the fill port, or otherwise permanently affixed.

PBS – Petroleum Bulk Storage

- Compliance Requirements
 - Color coding of fill ports



Stream Protection



Do not work in streams, rivers, wetlands or other "Waters of the U.S." unless there is a specific permit authorization.

Stream Protection

- Comply with all NYSDEC/ACOE permit conditions.
- Ensure proper water quality measures are installed before work starts (Turbidity curtains/Cofferdams)



Right of Way Maintenance

- Install silt fence for work with soil disturbance open for more than 1 day
- Protect adjacent areas
- Silt fence must be keyed into soil; sections overlapped; no tears/rips



Sediment Control



Silt fence around a soil stockpile.

Mowing

- ☐ Do not mow in sensitive (wet) areas
- ☐ Mow as late as possible in spring to protect ground-nesting birds; be alert for birds
- ☐ Avoid mowing delineated wetlands



Ditch Installation

Install check dams during excavation of a ditch.



Ditch Cleaning

- Ditch cleaning exposes bare earth that must be seeded.
- In some cases, it may be appropriate to install check dams.



Ditch Cleaning

- If the ditch is in a wetland, confirm that work is permitted.
- Transport excavated spoils to acceptable non-wetland fill areas.
- Do not spread excavated material that contains invasive species.
- Clean equipment of any soil that may contain invasive species fragments before leaving site.
- Promptly seed and mulch exposed areas with straw, or hydro-seeded.

Pragmites

- Large, coarse, perennial grass often found in wetlands and in ditches along roadways.



Giant Hogweed

- ❑ Can grow to 14 feet or more.
- ❑ Large, compound leaves can grow up to 5 feet wide.
- ❑ White flower heads can grow up to 2 ½ feet in diameter.
- ❑ DO NOT MOW OR TOUCH to your skin; contact Supervisor if found.



Poison Ivy

- ❑ Clusters of three leaflets (mitten shape).
- ❑ Alternate leaf arrangement.



Bridge Cleaning

- ❑ Install traffic control devices in accord w/traffic safety manual.



Bridge Cleaning

- Deck, sidewalk, joints, rails are flushed with clean water only.
- No detergents or hot water are used over waterways or wetlands.



Maintenance Yards



Maintenance of Yard

- Maintenance yard is clean and well kept.
- Trash is picked up and maintained.
- Empty barrels (former oil drums, etc.) covered, marked with "Empty" or "MT", and stored on side.
- No barrels have been allowed to fill with rain water.

Materials Management

- ❑ Materials are to be stockpiled and used properly.
- ❑ Unusable materials must be recycled or sent for disposal:
 - ❑ Metals (scrap metal) stockpiled under cover for recycling.
 - ❑ Batteries (lead acid) are returned to vendor.
 - ❑ Rechargeable batteries are sent for recycling.
- ❑ Equipment is stored to minimize potential for leaks (such as petroleum) to the ground and water.
 - ❑ Repair leaking equipment as soon as possible.

Solid Waste Management



Dumpsters

- ❑ Cover as appropriate.
- ❑ Closed drain & ensure dumpsters are not leaking.
- ❑ Recycle Bins are available and are in good condition.



C&D

- C&D (uncontaminated solid waste from construction, repair, remodeling, and demolition) includes:
 - ▣ Bricks, glass, asphalt pavement, concrete and masonry materials.
 - ▣ Soil, rock and land clearing debris
 - ▣ Wood and wood products.
 - ▣ Wall coverings, plaster and drywall.
 - ▣ Pipes or metal within C&D materials.

C&D

- Only the following uncontaminated C&D can be disposed of as spoils:
 - ▣ Trees, stumps, yard wastes, and wood chips.
 - ▣ Uncontaminated concrete and concrete products, asphalt pavement, brick, glass, soil and rock that have not been in contact with a petroleum, other hazardous product or spill materials).

Used Oil

All containers, used oil ASTs, and fill pipes of used oil USTs must be clearly labeled "Used Oil" and specify the capacity of the tank or container on the label. Color code tank fill ports with a purple square.



Winter Maintenance



Winter Maintenance

- ❑ Limit deicing storage to approved areas.
- ❑ During loading & unloading, seal/cover stormwater structures, including curbing, that is near deicer storage tanks/sheds/domes.
- ❑ Avoid stockpiling salt & sand uphill of stormwater inlet structures.
- ❑ Clean & return deicing materials spilled outside the storage shelter during loading/unloading.
- ❑ Store liquid deicers in aboveground storage tanks. Protect storage from traffic impact by placing barriers such as bollards and/or guide rails.
- ❑ Spill clean up materials are kept near all liquid deicing tanks. Clean liquid spills immediately using dry absorbent.

Snow Disposal & Deicer

- ❑ May not dispose snow into waterway without prior approval
- ❑ Storage of deicing materials shall be protective of environment



Vehicle Washing



Vehicle Washing

- ❑ Wash vehicles within designated washing areas, such as wash bays.
- ❑ If wash bays are not available, bring vehicles to commercial vehicle washes.
- ❑ Do NOT wash vehicles in non-designated areas.
- ❑ Operate and maintain wash bay oil water separators.

Waste Oil Space Heaters

- ❑ Burn only waste oil generated.
- ❑ Must be free of all chemical contaminants such as antifreeze, degreasers, gasoline, heavy metals, and pesticides.



Compliance Standards

- No “substantial visible contrast” in turbidity.
- No increase in solids that will impair waters for their best usages.
- No residue from oil and floating substances.



Erosion and Sediment Control Practices

- Traditional E&SC Practices:
 - Straw Bales
 - Silt Fence
 - Check Dams
- Additional practices need to be incorporated to prevent erosion.



Slope Stabilization

- Most Important ESC Practice
- Can Eliminate >90% of Sediment Loss
 - Stop the Problem Before it Starts!!
- Achieved by:
- Seeding (Permanent & Temporary)
 - Mulch Application
 - Jute Mesh
 - Rolled Erosion Control Products (Steep Slopes)

Rolled Erosion Control Products

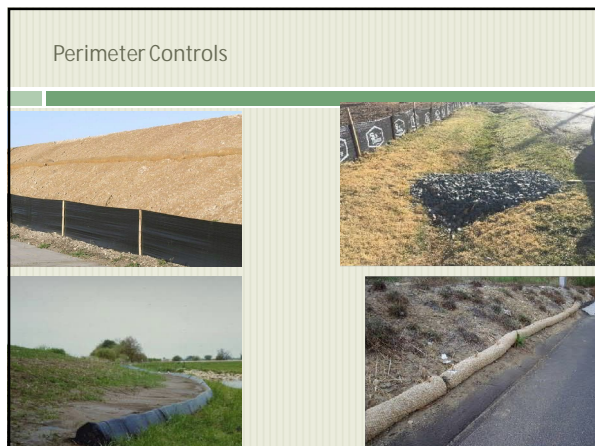




Site-Specific BMP Considerations

- Stabilize Drainage Swales:
 - Vegetation/Erosion Control Fabric
 - Check Dams
 - Rock Outlet Protection
- Limit Disturbed Areas
 - Seed and Mulch
 - Preserve Vegetation

















Thank you!

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MS4 Stormwater Program Issues for Planning and Code Enforcement Officials

February 23, 2010

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Central New York Regional Planning
& Development Board



Presentation Outline

- Brief Introduction to Stormwater
- Background and History of Phase II Stormwater Regulations
- Roles of Municipal Officials and Departments
- Acceptance of Post-Construction Stormwater Management Practices
- MS4 Jurisdictional Issues
- Better Site Design and the New Stormwater Management Design Manual

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What is Stormwater?

- *Stormwater* is water from rain or melting snow that does not soak into the ground. It runs off the surface of the “land” into storm sewers and ditches.
- “Land” includes:
 - **Pervious** surfaces (grassed or landscaped areas, woodlands) – some water soaks into soil, some runs off
 - **Impervious** surfaces (roads, parking lots, concrete, rooftops) – almost all water runs off, almost none soaks in

Why is Stormwater a Problem?

- Rain and snowmelt wash pollutants such as pesticide, motor oil, bacteria, fertilizer, soil and litter into storm sewers and ditches.
 - Ultimately, sewers and ditches empty to a lake, river or stream.



Photo courtesy of WNY Stormwater Coalition.

Why is Stormwater a Problem?

- Although stormwater runoff is a natural process, increases in impervious surfaces and changes in land use increase the quantity of runoff, leading to:
 - Erosion of soil from the land surface
 - Streambank erosion
 - Flooding and drainage problems
 - Damage to aquatic habitat
 - Damage to infrastructure and property



What is a Stormwater Outfall?



- A *stormwater outfall* is the point where a storm sewer or drainage system discharges to a waterway or to another municipal drainage system.

- Often the end of a pipe, but can be the end of an open ditch or channel.
- Can also be a cross-connection from one municipal system entering another.



Presentation Outline

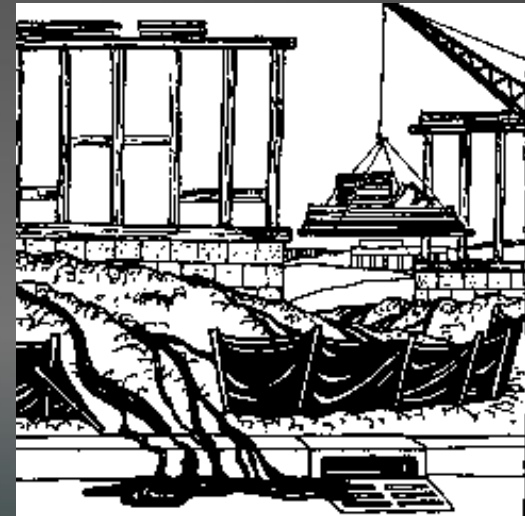
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Background: Phase II Stormwater Regulations

- The Phase II Stormwater Program
 - Federally mandated permit program under Clean Water Act
 - Implements nonpoint source pollution control provisions
 - Part of the National Pollutant Discharge Elimination System (NPDES)
 - In New York State, the Department of Environmental Conservation (NYSDEC) is the executive agency that has been delegated responsibility for the Phase II program
 - State Pollutant Discharge Elimination System (SPDES)

Brief History of the EPA Stormwater Program

- Phased approach to mitigating high levels of pollution in urban stormflow required by the 1987 Amendments to the Clean Water Act
- Phase I addressed
 - Certain industrial activities
 - Construction activities disturbing 5 acres or more
 - Medium and large municipal MS4s



Permit Goals and Intent

- Reduce the discharge of pollutants to the “maximum extent practicable”
- Protect water quality
- Satisfy the requirements of the Clean Water Act
 - No visible contrasts in appearance to natural conditions
 - No sheens of oil
 - No concentrations of grease



What is an MS4?

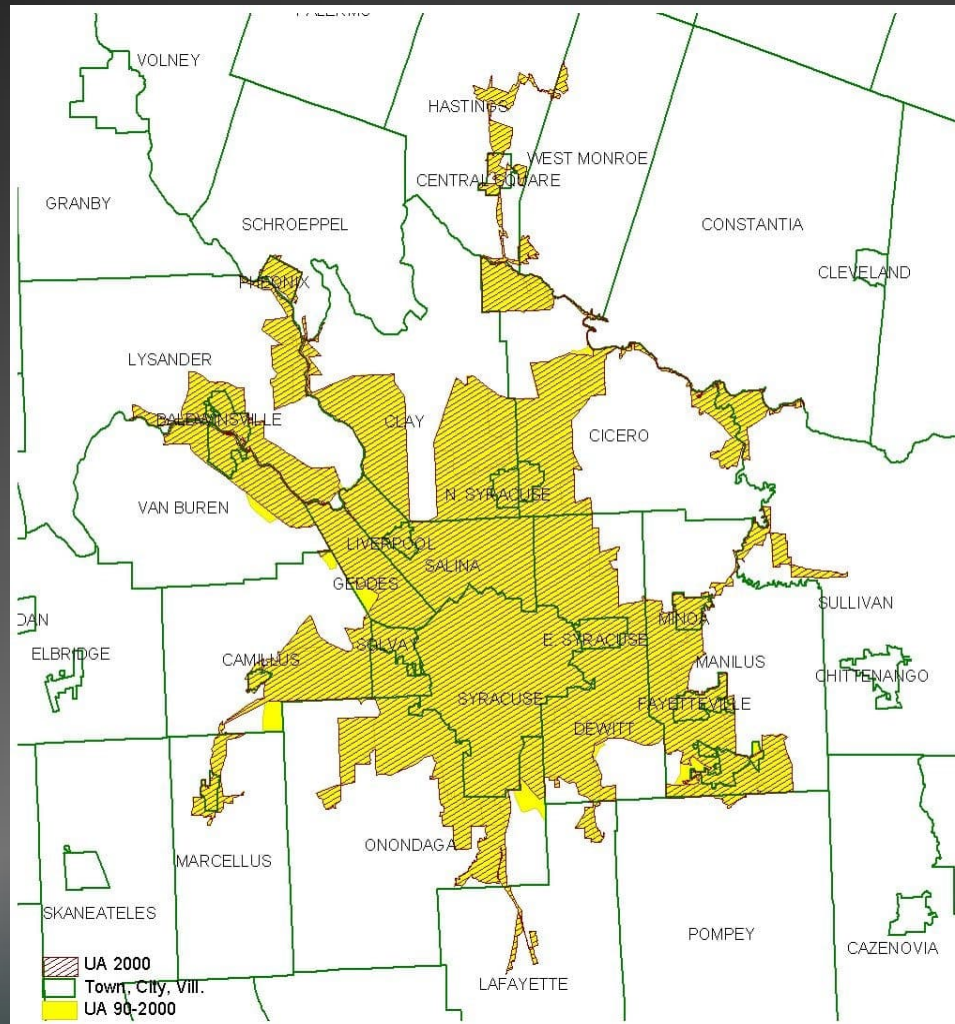


- MS4 = Municipal Separate Storm Sewer System
- Any system of open or closed pipes or ditches that carry runoff from rainwater or snowmelt (*not* sanitary sewer discharge)
- Owned and operated by a government entity (Town, City, Village, State, County, etc.)
- Also includes certain other entities (e.g. School and Fire Districts, government institutions)

What is a “Regulated MS4”?

- “*Regulated MS4*” is the term used to describe a government entity that owns and operates an MS4 and is subject to the Phase II Stormwater regulations due to the following:
 - It is part of an **urbanized area** of more than 50,000 total population
 - It has a **population density** of greater than 1000 people per square mile
- Regulated MS4s in New York State must obtain coverage under SPDES General Permit GP-0-10-002.

Syracuse Urbanized Area: Regulated MS4s



Baldwinsville Village
Camillus Town and Village
Central Square Village
Cicero Town
Clay Town
DeWitt Town
East Syracuse Village
Fayetteville Village
Geddes Town
Hastings Town
LaFayette Town
Liverpool Village
Lysander Town
Madison County
Manlius Town and Village
Marcellus Town and Village
Minoa Village
North Syracuse Village
Onondaga County and Town
Phoenix Village
Pompey Town
Salina Town
Solvay Village
Sullivan Town
Syracuse City
Van Buren Town
West Monroe Town

Pollutants of Concern

- What pollutants have been identified as problems in streams and lakes to which your municipality drains?
- 303d, TMDL – impaired waters with known pollutants as cause



Pollutants of Concern

- 303(d) list of impaired waters for stormwater runoff
 - Bloody Brook - pathogens
 - Ley Creek - phosphorus and pathogens
 - Ninemile Creek - phosphorus and pathogens
 - Onondaga Creek - phosphorus, pathogens, sediment
 - Harbor Brook - phosphorus and pathogens
 - Limestone Creek - pathogens
 - Seneca River - pathogens
- TMDL (Total Maximum Daily Load) for all sources
 - Onondaga Lake - phosphorus

MS4 Permit (SPDES GP-0-10-002)

- Requires regulated MS4s to implement a Stormwater Management Program consisting of Six Minimum Control Measures (MCMs):
 1. Public Education and Outreach
 2. Public Involvement and Participation
 3. Illicit Discharge Detection and Elimination
 4. Construction Site Runoff Control
 5. Post-Construction Stormwater Management
 6. Pollution Prevention and Good Housekeeping of Municipal Operations

Stormwater Construction Permit (SPDES GP-0-10-001)

- Developers of projects that disturb greater than one acre of land must obtain coverage from New York State under this permit
- Permit applies statewide (not just urbanized areas!)
- In regulated MS4s, the municipality is given regulatory responsibility for this permit (State has delegated to the local level)
 - Municipality responsible for review at design stage
 - Municipality also performs inspections and takes enforcement action during construction
 - However, the developer still must obtain permit coverage from NYSDEC

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Roles of Municipal Officials and Departments

- Planning Boards

- Construction Site Runoff Control & Post-Construction Stormwater Management (MCM #4 and MCM #5)
 - Review Stormwater Pollution Prevention Plans (SWPPPs) submitted by developers for construction projects
 - Issue acceptance for compliant SWPPPs
- Public Involvement & Participation (MCM#2)
 - Citizens have opportunity to comment on development proposals
 - Planning Boards take public input into account in their review
- Possible role in land use regulation changes



Roles of Municipal Officials and Departments (continued)

- Code Enforcement Officers
 - Construction Site Runoff Control and Post-Construction Stormwater Management (MCM #4 and MCM #5)
 - Receive SWPPPs, coordinate SWPPP review with Planning Board
 - Site inspections before, during, and at the close of construction
 - Issue violation notices, enforcement actions
 - Illicit Discharge Detection and Elimination (MCM #3)
 - Identify illicit connections to the drainage system and eliminate through voluntary compliance or enforcement action
 - Public Involvement and Participation (MCM #2)
 - Response to complaints regarding polluted runoff or discharges, flooding and drainage concerns

Roles of Municipal Officials and Departments (continued)

- Highway Departments
 - Illicit Discharge Detection & Elimination (MCM #3)
 - Monitor dry-weather flows from stormwater outfalls
 - Post-Construction Stormwater Management (MCM #5)
 - Maintenance of ponds and other practices
 - Public Involvement and Participation (MCM #2)
 - Response to resident complaints (flooding, drainage, etc.)



Roles of Municipal Officials and Departments (continued)

- Highway Departments (ctd.)
 - Pollution Prevention & Good Housekeeping of Municipal Operations (MCM #6)
 - Conduct day-to-day operations so as to minimize pollution
 - Document and quantify activities such as street sweeping, catch basin cleaning, deicer application, fleet maintenance
 - Train all staff in pollution prevention



Photos courtesy of WNY Stormwater Coalition

Roles of Municipal Officials and Departments (continued)

- Who is responsible for MCM #1 (Public Education and Outreach)?
 - Responsibility of departments varies between municipalities (often shared)
 - Distribute information, respond to questions from citizens, develop education and outreach program
- Annual Report and Public Presentation (MCM #2 – Public Involvement and Participation)
 - Responsible department or individual may vary
 - Report is prepared and made available for public review

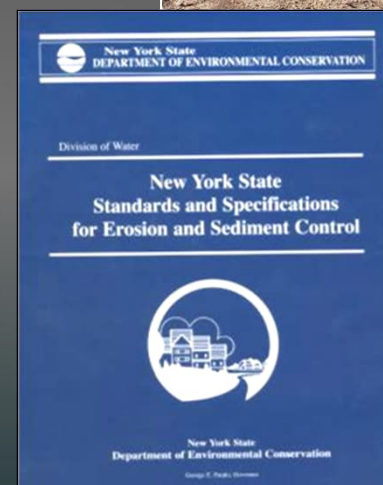
What is a SWPPP?



- A *Stormwater Pollution Prevention Plan (SWPPP)* is a document that describes the practices (actions and structures) to be implemented on a site to prevent polluted runoff from leaving the site to enter a body of water, wetland, or drainage system.
- Required for all development projects and other land-disturbing activities where **greater than one acre of soil disturbance** occurs

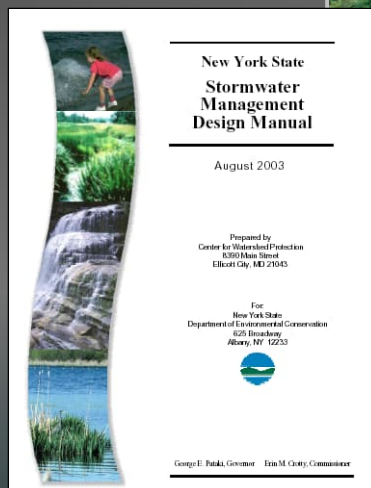
SWPPP Contents

- Notice of Intent (form used to apply for New York State coverage under General Permit)
- Erosion and Sediment Control Plan (required for all SWPPPs)
 - Non-structural practices (application of mulch, establishment of vegetation, soil treatments to minimize erosion, etc.)
 - Structural practices (e.g. silt fence, stone check dams, stabilized construction entrances, sediment trapping devices, etc.)



SWPPP Contents (continued)

- Post-Construction Stormwater Management Plan
 - Required for most projects where impervious surface is created
 - Components include:
 - Water Quality Treatment (Water Quality Volume)
 - Water Quantity Control (Attenuation of 1-year storm runoff volume and peak discharge from 10-year and 100-year storms)



- Accomplished through standard stormwater management practices (ponds, swales, filtration systems, bioretention, etc.) and site design

SWPPP Contents (continued)



Onondaga Lake Watershed requirements

- Compliance with Enhanced Phosphorus Removal Design Standards required for Post-Construction Stormwater Management Practices
- Must be reflected in local law
- Water Quality Volume = runoff from 1-year, 24-hour storm

SWPPP Contents (continued)

- Construction Site Waste Management Plan
 - Spill prevention and cleanup procedures
 - Storage and handling of materials and debris at the site
- Certification Statements
 - Owner/Operator (i.e. the developer)
 - Contractors and Subcontractors
- Procedures for maintenance of all erosion and sediment control and stormwater management practices
- Forms for documentation of site inspections



Planning Board Review Role

- Planning Board is responsible for "*administrative review*" of the SWPPP (i.e. **are all required components present?**) during subdivision or site plan review
 - Can rely on P.E. recommendations for technical aspects
 - SWPPP Completeness Checklist – NYSDEC Division of Water
 - Developer also applies for State coverage under the Construction General Permit (GP-0-10-001)
 - In MS4s only - Planning Board must complete the **MS4 SWPPP Acceptance Form** for the project to receive coverage
 - It is the *developer's responsibility* to submit this form to NYSDEC along with the NOI

Code Enforcement Officer Role

- Construction Site Inspections
 - Review owner/operator's inspections and ensure they are being completed accurately and that deficiencies are being corrected
 - Initiate voluntary compliance and/or enforcement actions, including stop work orders and fines, where deficiencies persist or are not addressed
 - Inspect post-construction stormwater management practices prior to municipal acceptance at termination of construction
- Code Enforcement Officer or other municipal inspector must be adequately trained in erosion and sediment control and stormwater management

Where does the authority come from?

- Passage of regulatory mechanism is required as a condition of the stormwater permit (GP-0-10-002)
 - Illicit Discharge Detection and Elimination Local Law
 - Stormwater Management and Erosion and Sediment Control Local Law
- Local laws designate:
 - Planning Board with SWPPP review powers (usually under Subdivision and/or Site Plan Review Regulations)
 - Stormwater Management Officer (usually Code Enforcement Officer) with inspection and enforcement powers (construction sites and illicit discharges)

Questions/Dinner

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Acceptance of Post-Construction Stormwater Management Practices

- Ownership and maintenance responsibility for most post-construction stormwater management practices is transferred to the municipality.
 - Under an alternative option, some residential practices may be maintained by homeowner associations.
 - In commercial and industrial projects, the site owner often retains ownership and responsibility for the practice.
- The MS4 permit regulates management of post-construction stormwater practices owned by municipalities.



Expectations at time of acceptance

- Practice should be online, functioning, and constructed according to an accepted SWPPP.



- As-built engineering plans stamped by licensed engineer are required for all stormwater management practices.
- Under the new General Construction Permit, developers are required to notify the MS4 prior to proceeding with any modifications to stormwater control practices that differ from the original SWPPP.

Expectations at time of acceptance



- No maintenance by the municipality should be necessary at the time of acquisition. This is the *developer's responsibility* and should be specified as such in the local law.
- The municipality should have access to all practices through easements or other means for future maintenance activities.
- The SWPPP should describe the required maintenance regime to be followed.
- A financial security mechanism should be used to guarantee satisfactory completion of the stormwater management practices.

Maintenance plan requirements

- When operators apply for termination of permit coverage, they must report:
 - Party responsible for long-term maintenance of the practice(s)
 - What maintenance will be needed
- This information is the basis for the MS4's ongoing oversight of the practice(s)
 - Identifies responsible party against whom the MS4 should enforce if practice(s) fail



Financial security mechanisms

- Options (in effect during construction):
 - Irrevocable letter of credit or performance bond / guarantee
 - Must name municipality as beneficiary
 - Must guarantee satisfactory completion of the project
 - Cash escrow account to be repaid upon satisfactory completion of the construction of the practice
 - Amount based on actual construction and landscaping costs
- Mechanism should be specified in local law
- Typically held open for 1 to 2 years after project completion

The municipality never should have to pay to repair a practice that was improperly constructed or non-functioning at the close of construction!

Permanent funding mechanisms

- Drainage Districts
 - Needed after the initial 1 to 2 years if municipality is solely responsible for operation and maintenance
 - Established prior to building construction on the first lot
 - Can increase the district fee as necessary
 - "Water quality" not covered through existing municipal law provisions
- Stormwater Districts (difficult to establish in NY State)
 - Lack of a state stormwater law as a legal mechanism
 - Currently no precedent exists in New York State
 - Regional Stormwater Entity in new MS4 permit may provide a possible avenue

Maintenance agreements

- For sites where the owner (developer) is to maintain the practice permanently, a formal maintenance agreement is recommended and included in NYSDEC's model local law.
- Prior to the issuance of an approval, the applicant or developer enters into an agreement with the municipality to:
 - Ensure the facility is maintained in proper working condition
 - Design standards and any other provisions established by local law are met
 - Issue an irrevocable letter of credit from an approved financial institution that the municipality may draw upon if necessary to properly maintain the facility

Notice of Termination Process

- Under the new stormwater permits, MS4s are required to sign off on the “Notice of Termination” (NOT) form when a developer closes Construction General Permit coverage.
- The Stormwater Management Officer should ensure:
 - Final stabilization (80% or greater vegetative cover across *all* pervious surfaces of the site)
 - Building construction on all lots is complete, lawns in place
 - Permanent drainage, erosion and sediment control, and stormwater management practices are built in accordance with the SWPPP and are properly functioning
 - Temporary practices are removed
- This is the point at which acceptance of stormwater management facilities typically occurs.



Acceptable vegetation density (>80% across entire site)



<80%



Does not cover entire site



Not acceptable (<80%)



Temporary Shutdown or Suspension

- Normally, the qualified inspector acting on behalf of the Owner conducts inspections a minimum of once every seven days.
 - Twice every 7 days if greater than 5 acres disturbed at once.
- If temporary stabilization is in place and operations are temporarily suspended (e.g. winter shutdown), owner inspection frequency decreases to every 30 days.
 - *Must notify MS4 in writing first!*
- If final stabilization is in place for temporary shutdown with *partial project completion*, inspections by owner may be stopped.
 - *Must notify MS4 in writing first!*
 - If construction does not resume within 2 years, NOT must be filed.

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MS4 Jurisdictional Issues

- The regulatory authority of the MS4 permit pertains only to portions of the drainage system that are *owned by the municipality*.
- The MS4 is not responsible for privately owned discharges to waters of the state that occur within its regulated boundaries if they do not pass through a municipal drainage system *unless* the MS4:
 - *Caused or contributed to* a discharge that resulted in a contravention of water quality standards **OR**
 - *Failed to enforce* its own local law, resulting in a discharge that caused a contravention of water quality standards

What is an Illicit Discharge?



- The term "*Illicit Discharge*" encompasses most types of flow entering an MS4 that are *not* comprised solely of stormwater runoff.
Examples:
 - Septic system discharges
 - Sanitary sewer cross-connections
 - Floor drains
 - Dumping into catch basins
- The permit aims to *eliminate* these discharges.
- A few exceptions exist for flows that are generally clean water (fire hydrant flushings, foundation drains, etc.)
 - These discharges are legal if determined by the MS4 to be free of contamination

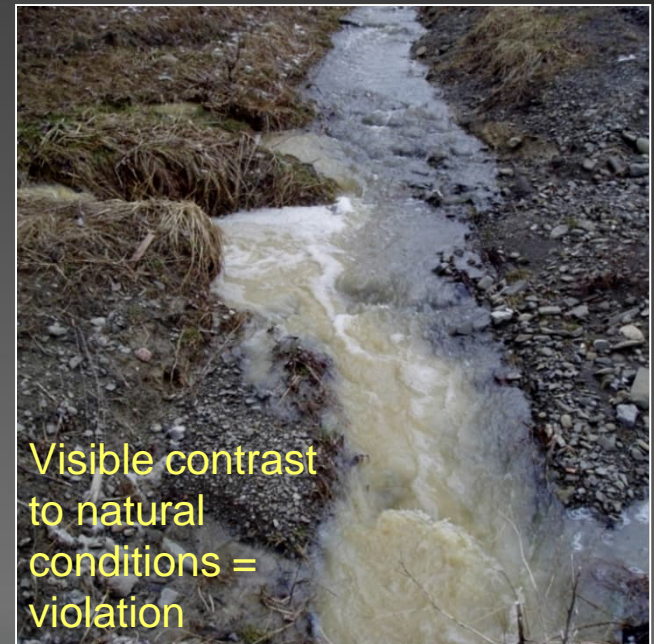
MS4 Jurisdictional Issues

- If polluted discharge enters one MS4 from another MS4, the **originating MS4** is responsible for enforcement and elimination of the discharge.
 - However, the receiving MS4 **must notify** the originating MS4 as soon as the discharge is discovered, and follow up if it persists.
 - (e.g. a Village discharges to a County drainage system, State DOT discharges to the Town drainage system, etc.)



MS4 Jurisdictional Issues

- Discharge of turbid water or sediment from a construction site:
 - Handled the same as an illicit discharge by NYSDEC in terms of determining violation of water quality standards, BUT
 - MS4 would take enforcement action through its Stormwater Runoff Control Local Law rather than its Illicit Discharge Detection and Elimination Local Law
 - Under new permit, MS4 authority will be extended to municipal boundary, not only urbanized area, for Stormwater Runoff Control (MCM 4 and 5)



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New Stormwater Management Design Manual



- Revisions to the New York State Stormwater Management Design Manual are scheduled to take effect later this year
 - Designers will be required to implement runoff reduction through Green Infrastructure, Better Site Design, and related practices to the Maximum Extent Practicable
 - If standard practices must be used, they must meet a “runoff reduction volume” requirement based on the soil type(s) in which they are constructed

New permit requirements for Green Infrastructure/Better Site Design

- MS4 Permit will require that municipalities *consider* Low Impact Development, Better Site Design and Green Infrastructure in land use planning
 - Comprehensive or Master Plans
 - Local laws, ordinances and land use regulations
 - Open space preservation programs and watershed plans
- Other aspects to be considered
 - Maintenance of natural hydrologic conditions
 - Protection of environmentally sensitive areas
 - Smart growth principles
 - Natural resource protection
 - Impervious area reduction



Georgia Stormwater Manual, 2001

New permit requirements for Green Infrastructure/Better Site Design

- Draft 2010 MS4 Permit indicates that municipalities must incorporate green infrastructure in routine upgrades to existing drainage systems to the maximum extent practicable.
- Examples:
 - Sunken islands in parking lots instead of raised islands
 - Incorporate trees and landscaping into previously paved areas
 - Use of open drainage systems or sheet flow instead of closed pipes along roadways
- It is understood that there will be instances where the above practices are not practical, but feasibility should be assessed.



Land Use Planning for Stormwater Management

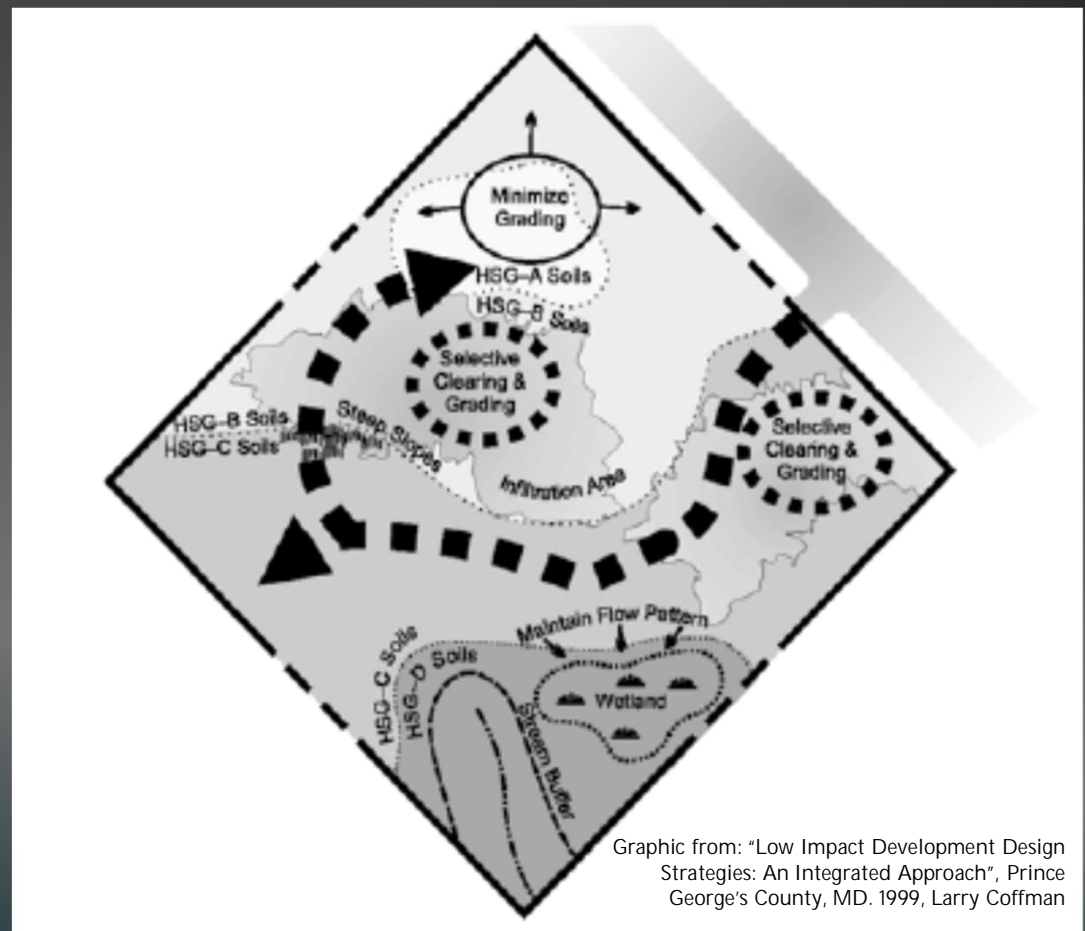
- Don't view projects in a vacuum! Realize larger landscape context
 - How does the proposal fit in with Comprehensive Plan, open space preservation and natural resource protection priorities?
- Consider protected resources and watersheds and how they are affected by a given proposal and SWPPP
 - Avoid development or consider design changes in areas where risk of resource damage is high



Georgia Stormwater Manual, 2001

Land Use Planning for Stormwater Management

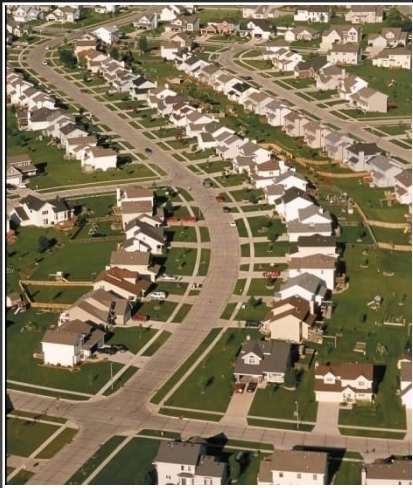
- Maintain natural drainage patterns
- Minimize total disturbance
- Protect soils that are valuable for infiltration
- Avoid work on highly erosive soils
- Preserve vegetation for buffering or filtering
- Protect stream corridors, wetlands



Land Use Planning for Stormwater Management

- Planning tools for conservation of open space
 - Local code may require:
 - Preservation of outstanding natural features (watercourses, wetlands, wooded areas, etc.)
 - Percentage of total subdivision, or number of acres per dwelling unit, dedicated as open space
 - Offsets from building envelope to natural resource or buffer areas
 - Overlay and performance districts
 - Transfer or purchase of development rights
- Make the developer aware of available options!

Land Use Planning for Stormwater Management



< The old way



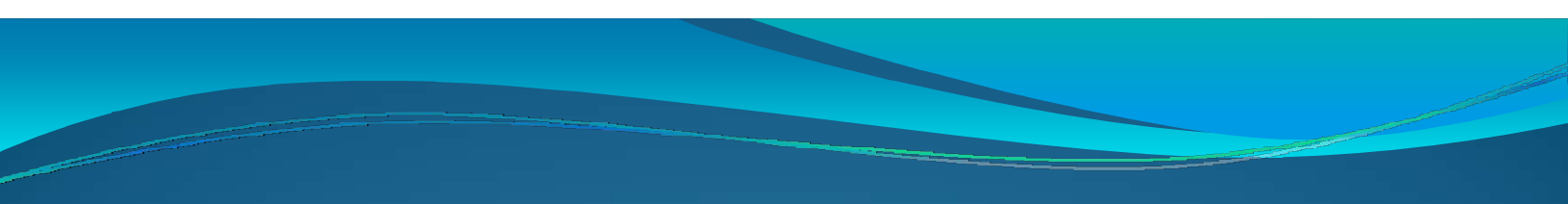
The new way

- Stormwater design in NYS is placing increasing priority on low impact development and green infrastructure
- Look for opportunities to use the existing landscape, vegetation, and soils with high infiltration capacity to attenuate runoff
- Depending on authority granted by local laws, you may not have to settle for conventional development and BMPs

Questions?

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MS4 Stormwater Compliance for Municipal Planning Boards

Kathleen Bertuch, Central New York Regional
Planning and Development Board



Presentation Outline

- Brief Introduction to Stormwater
- Background and History of Phase II Stormwater Regulations
- Regulated MS4s and the SPDES Permits
- What is a SWPPP?
- What is an Illicit Discharge?
- Roles of Municipal Officials and Departments



What is Stormwater?

• *Stormwater* is water from rain or melting snow that does not soak into the ground. It runs off the surface of the “land” into storm sewers and ditches.

• “Land” includes:

- **Pervious** surfaces (grassed or landscaped areas, woodlands) – some water soaks into soil, some runs off
- **Impervious** surfaces (roads, parking lots, concrete, rooftops) – almost all water runs off, almost none soaks

Why is Stormwater a Problem?

- Rain and snowmelt wash pollutants such as pesticide, motor oil, bacteria, fertilizer, soil and litter into storm sewers and ditches.
 - Ultimately, storm sewers and ditches empty to a lake, river or stream.



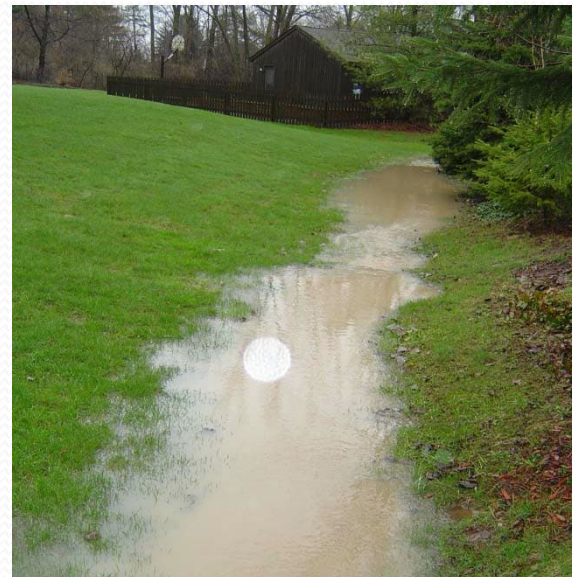
Photo courtesy of WNY Stormwater Coalition.

What is a Stormwater Outfall?



- Often the end of a pipe, but can also be the end of an open ditch or channel.

- A *stormwater outfall* is the point where a storm sewer or drainage system discharges to a waterway.



Why is Stormwater a Problem?

Although stormwater runoff is a natural process, increases in impervious surfaces and changes in land use increase the quantity of runoff, leading to:

- Erosion of soil from the land surface
- Streambank erosion
- Flooding and drainage problems
- Damage to aquatic habitat
- Damage to infrastructure and property





Background: Phase II Stormwater Regulations

The Phase II Stormwater Program

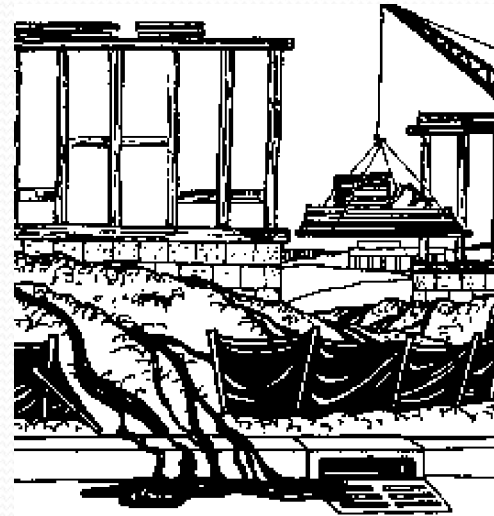
- Federally mandated permit program under Clean Water Act
 - Part of the National Pollutant Discharge Elimination System (NPDES)
- In New York State, the Department of Environmental Conservation (NYSDEC) is the executive agency that has been delegated responsibility for the Phase II program.
 - State Pollutant Discharge Elimination System (SPDES)

Brief History of the EPA Stormwater Program

• Phased approach to mitigating high levels of pollution in urban stormflow required by the 1987 Amendments to the Clean Water Act

• Phase I addressed

- Certain industrial activities
- Construction activities disturbing 5 acres or more
- Medium and large municipal MS4s



What is an MS4?



- MS₄ = **M**unicipal **S**eparate **S**torm **S**ewer **S**ystem
- Any system of open or closed pipe or ditches that carry runoff from rainwater or snowmelt (*not* sanitary sewer discharge)
- Owned and operated by a government entity (City, Town, Village, State, County, etc.) OR a publicly funded entity (school district, prison, hospital, etc.)



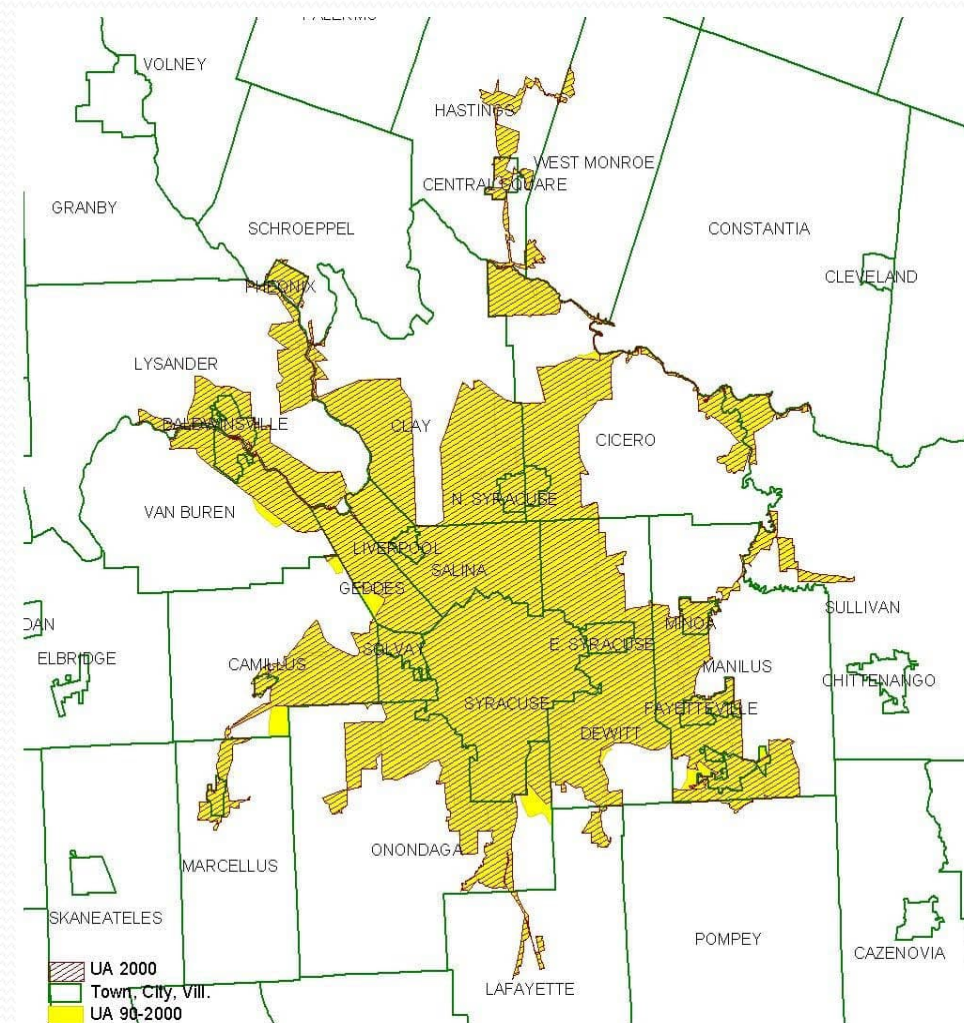
What is a “Regulated MS4”?

“*Regulated MS4*” is the term used to describe a government entity that owns and operates an MS4 and is subject to the Phase II Stormwater regulations due to the following:

- It is part of an **urbanized area** of more than 50,000 total population
- It has a **population density** of greater than 1000 people per square mile

Regulated MS4s in New York State must obtain coverage under SPDES General Permit GP-o-o8-002.

Syracuse Urbanized Area: Regulated MS



Baldwinsville Village
Camillus Town and Village
Central Square Village
Cicero Town
Clay Town
DeWitt Town
East Syracuse Village
Fayetteville Village
Geddes Town
Hastings Town
LaFayette Town
Liverpool Village
Lysander Town
Madison County
Manlius Town and Village
Marcellus Town and Village
Minoa Village
North Syracuse Village
Onondaga County and Town
Phoenix Village
Pompey Town
Salina Town
Solvay Village
Sullivan Town
Syracuse City
Van Buren Town
West Monroe Town



MS4 Permit (SPDES GP-0-08-002)

Requires regulated MS4s to implement a Stormwater Management Program consisting of Six Minimum Control Measures (MCMs):

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

Regulated MS4 Program Status



- Under previous permit (GP-02-02), regulated MS4s were required to develop a program consisting of all six minimum control measures by no later than January 2008.
- The new permit (GP-o-o8-002), issued May 2008, mandates **full implementation** of the stormwater management program by **January 2010**.



Stormwater Construction Permit (SPDES GP-0-08-001)

• Developers of projects that disturb greater than one acre of land must obtain coverage from New York State under this permit

• In regulated MS4s, the municipality is given regulatory responsibility for this permit (State has delegated to the local level)

- Municipality responsible for reviewing SWPPPs at design stage – SWPPP Acceptance Form
- Municipality also performs inspections and takes enforcement action during construction
- However, the developer still must obtain permit coverage from NYSDEC

What is a SWPPP?



- A *Stormwater Pollution Prevention Plan* (SWPPP) is a document that describes the practices (actions and structures) to be implemented on a site to prevent polluted runoff from leaving the site to enter a body of water, wetland, or drainage system.
- Required for all development projects and other land-disturbing activities where **greater than one acre of soil disturbance** occurs

SWPPP Contents

Notice of Intent (form used to apply for coverage under General Permit)

Erosion and Sediment Control Plan (required for all SWPPPs)

- Non-structural practices (application of mulch, establishment of vegetation, soil treatments to minimize erosion, etc.)
- Structural practices (e.g. silt fence, stone check dams, stabilized construction entrances, sediment trapping devices, etc.)



SWPPP Contents (continued)

- Post-Construction Stormwater Management Plan
 - Required for most projects where impervious surface is created
 - Common exceptions :
 - Developments consisting of single family homes disturbing less than 5 acres, in which <25% of finished project is impervious
 - USDA-approved agricultural best management practices
 - Components include:
 - Water Quality Treatment (Water Quality Volume)
 - Water Quantity Control (Attenuation of 1-year storm runoff volume and peak discharge from 1-year and 100-year storms)
 - Accomplished through standard stormwater management practices (ponds, swales, filtration systems, etc.) and site design



SWPPP Contents (continued)

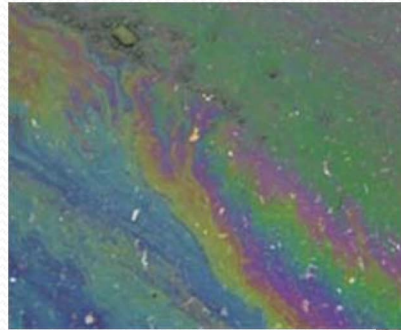
- Construction Site Waste Management Plan
 - Spill prevention and cleanup procedures
 - Storage and handling of materials and debris at the site
- Certification Statements
 - Owner/Operator (i.e. the developer)
 - Contractors and Subcontractors
- Procedures for maintenance of all erosion and sediment control and stormwater management practices
- Forms for documentation of site inspections



What is an Illicit Discharge?

The term “*Illicit Discharge*” encompasses most types of flow entering an MS4 that are *not* comprised solely of stormwater runoff. Examples:

- Septic system discharges
- Sanitary sewer cross-connections
- Floor drains
- Industrial waste
- Dumping into catch basins



The intent of the permit is to *eliminate* these discharges. A few exceptions exist for flows that are generally clean water (fire hydrant flushing, foundation drains, etc.)

- These types of discharges are legal if not contaminated

Roles of Municipal Officials and Departments

Planning Boards

- Construction Site Runoff Control and Post-Construction Stormwater Management (MCM #4 and MCM #5)
 - Review Stormwater Pollution Prevention Plans (SWPPPs) submitted by developers for construction projects
 - Issue approvals for compliant SWPPPs
- Public Involvement and Participation (MCM #2)
 - Citizens have opportunity to comment on development proposals
 - Planning Boards take public input into account in their review





Roles of Municipal Officials and Departments (continued)

Code Enforcement Officers

- Construction Site Runoff Control and Post-Construction Stormwater Management (MCM #4 and MCM #5)
 - Site inspections during construction
 - Issue violation notices, enforcement actions
- Illicit Discharge Detection and Elimination (MCM #3)
 - Identify illicit connections to the drainage system and eliminate through voluntary compliance or enforcement action
- Public Involvement and Participation (MCM #2)
 - Response to complaints regarding polluted runoff or discharges, flooding and drainage concerns

Roles of Municipal Officials and Departments (continued)

- Highway Departments

- Illicit Discharge Detection and Elimination (MCM #3)
 - Monitor dry-weather flows from stormwater outfalls
- Pollution Prevention and Good Housekeeping (MCM #6)
 - Conduct day-to-day operations so as to minimize pollution
 - Document and quantify activities such as street sweeping, catch basin cleaning, deicer application, fleet maintenance
 - Train all staff in pollution prevention
- Post-Construction Stormwater Management (MCM #4)
 - Maintenance of ponds and other stormwater practices
- Public Involvement and Participation (MCM #2)
 - Response to resident complaints (flooding, drainage, etc.)



Photos courtesy of WNY
Stormwater Coalition



Roles of Municipal Officials and Departments (continued)

What about MCM #1 (Public Education and Outreach)?

- Responsibility of departments varies between municipalities (often shared)
- Distribute information, respond to questions from citizens, develop education and outreach program

Annual Report and Public Presentation (MCM #2 – Public Involvement Participation)

- Responsible department or individual may vary
- Report is prepared and made available for public review



SWPPP Review by Planning Board

Planning Board is responsible for “*administrative review*” of the SWPPP (i.e. **are all required components present?**)

- Can rely on recommendations of Professional Engineer to approve technical aspects
 - SWPPP Completeness Checklist developed by NYSDEC is available from Region 7 Division of Water
- Developer also applies for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-o-o8-001)
 - Planning Board must complete the MS4 SWPPP Acceptance Form for the project to receive State coverage under GP-o-o8-001
 - It is the *developer's responsibility* to submit the MS4 SWPPP Acceptance form to NYSDEC, not the municipality's!



Where does the authority come from?

- Passage of regulatory mechanism is required as a condition of the stormwater permit (GP-o-o8-002)
 - Illicit Discharge Detection and Elimination Local Law
 - Stormwater Management and Erosion and Sediment Control Local Law
- Local laws designate:
 - Planning Board has SWPPP review powers (usually under Subdivision and/or Site Plan Review Regulations)
 - Stormwater Management Officer (usually Code Enforcement Officer) with inspection and enforcement powers (construction sites and illicit discharges)

Questions?

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Questions?

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315-426-7504

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APPENDIX R
SPDES General Permit for Stormwater Discharges from
Construction Activity (GP-0-20-001)



Department of
Environmental
Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP- 0-20-001


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

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator



Authorized Signature

1-23-20
Date

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 administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70.

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 ECL section 17-0505 and 17-0701, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. The *owner or operator* 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**

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Part 1. 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 November 2016, 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 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*, including both peak flowrates and total stormwater volume, 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;
 - (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and
 - (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.
- 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 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, hazardous and toxic 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 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 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 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

- (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.
- (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 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*; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: “Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned”; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharges* from *construction site* de-watering operations. All non-stormwater 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:

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.D.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 are undertaken on land with no existing *impervious cover*; and
 - c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.
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 are undertaken on land with no existing *impervious cover*; and
 - c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

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.D.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
- (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.

Part II. PERMIT COVERAGE

A. How to Obtain Coverage

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 Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.
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 the 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.
3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control 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.F. (Change of Owner or Operator) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*. This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

B. Notice of Intent (NOI) Submittal

1. Prior to December 21, 2020, 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. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.
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.

C. 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), or the equivalent from another New York State agency, 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.C.2 above 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. 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.C. of this permit.

D. 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-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor’s or subcontractor’s certification statement (see Part III.A.6.), 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 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 November 2016.
 - 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 or consistent with Part VII.K..
 5. 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*.
 6. 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.

E. Permit Coverage for Discharges Authorized Under GP-0-15-002

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-15-002), an *owner or operator* of a *construction activity* with coverage under GP-0-15-002, as of the effective date of GP- 0-20-001, shall be authorized to *discharge* in accordance with GP- 0-20-001, 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-0-20-001.

F. Change of Owner or Operator

1. 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. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4*, the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.
2. 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.B.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.
3. 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. 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, including construction drawings:
 - 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*;
 - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority; and
 - d. to document the final construction conditions.
5. The Department may notify the *owner or operator* at any time that the 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.D.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 *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 November 2016. 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 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 November 2016, 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 November 2016;

- 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 November 2016. Include the reason for the deviation or alternative design 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 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. 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

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),
 - New York State Erosion and Sediment Control Certificate Program holder
 - 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 the *owner or operator* has received authorization in accordance with Part II.D.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.B.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 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;
- 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

- I. 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.D.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

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.B.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.
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.F. 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.
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.

Part VI. REPORTING AND RETENTION 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.B.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. 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.

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 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 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 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.

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.

APPENDIX A – Acronyms and Definitions

Acronyms

APO – Agency Preservation Officer
BMP – Best Management Practice
CPESC – Certified Professional in Erosion and Sediment Control
Cpv – Channel Protection Volume
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
DOW – Division of Water
EAF – Environmental Assessment Form
ECL - Environmental Conservation Law
EPA – U. S. Environmental Protection Agency
HSG – Hydrologic Soil Group
MS4 – Municipal Separate Storm Sewer System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review
SEQRA - State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SPDES – State Pollutant Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UPA – Uniform Procedures Act
USDA – United States Department of Agriculture
WQv – Water Quality Volume

Definitions

All definitions in this section are solely for the purposes of this permit.

Agricultural Building – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products; excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Agricultural Property – means the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the “Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State” prepared by the Department in cooperation with agencies of New York Nonpoint Source Coordinating Committee (dated June 2007).

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.

Construction Site – means the land area where *construction activity(ies)* will occur. See definition for “*Commence (Commencement of) Construction Activities*” and “*Larger Common Plan of Development or Sale*” also.

Dewatering – means the act of draining rainwater and/or groundwater from building foundations, vaults or excavations/trenches.

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*.

Embankment – means an earthen or rock slope that supports a road/highway.

Endangered or Threatened Species – see 6 NYCRR Part 182 of the Department’s rules and regulations for definition of terms and requirements.

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).

Natural Buffer – means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

New York State Erosion and Sediment Control Certificate Program – a certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The certificate program is administered by the New York State Conservation District Employees Association.

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*.

Nonpoint Source - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

Overbank –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

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.

Point Source - means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which *pollutants* are or may be discharged.

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, New York State Erosion and Sediment Control Certificate Program holder 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 authorized to discharge under New York State DEC's

SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

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,
- 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 stabilizes 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 designated on the current United States Department of Agriculture (“USDA”) Soil Survey as Soil Slope Phase “D”, (provided the map unit name is inclusive of slopes greater than 25%) , or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

Streambank – as used in this permit, means the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

Stormwater Pollution Prevention Plan (SWPPP) – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the *owner or operator* will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

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, New York State Erosion and Sediment Control Certificate Program holder, 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.

APPENDIX B – 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 <i>agricultural building</i>, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</p> <p>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.</p>
<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• Pond construction• Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover• Cross-country ski trails and walking/hiking trails• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.• Slope stabilization projects• Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics

**Table 1 (Continued) CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS**

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Spoil areas that will be covered with vegetation
- Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) excluding projects that *alter hydrology from pre to post development* conditions,
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* 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 *impervious cover*
- 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 greater than five acres and construction activities that include the construction or reconstruction of impervious area
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete

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 home that disturbs five (5) or more acres of land
- 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 duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- 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 development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's, water treatment plants, and water storage tanks
- Office complexes
- Playgrounds that include the construction or reconstruction of impervious area
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surface
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1

Table 2 (Continued)

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:

- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- 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
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a highway construction or reconstruction 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 Requiring Enhanced Phosphorus Removal

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

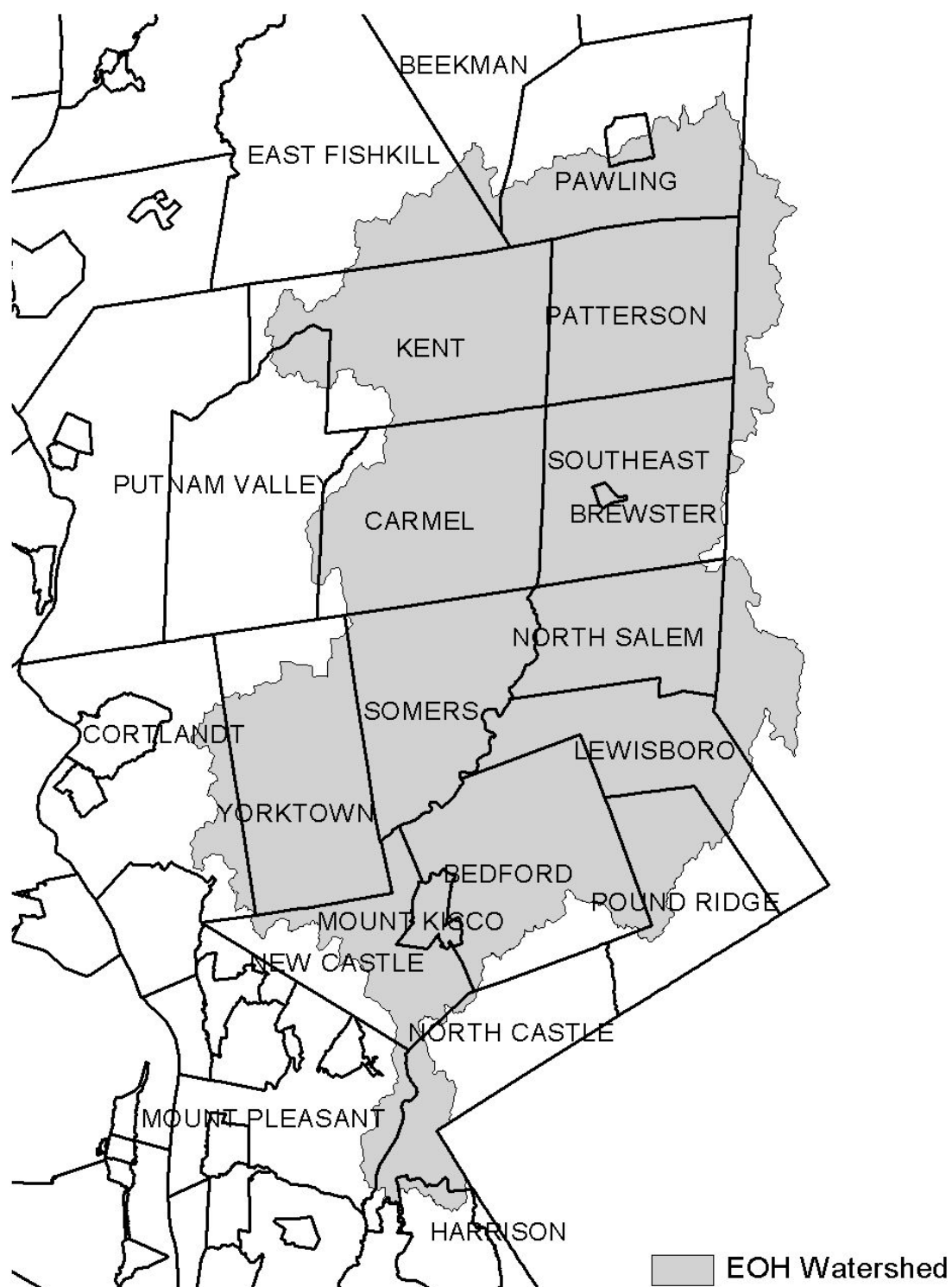
Figure 1 - New York City Watershed East of the Hudson

Figure 2 - Onondaga Lake Watershed

Figure 3 - Greenwood Lake Watershed

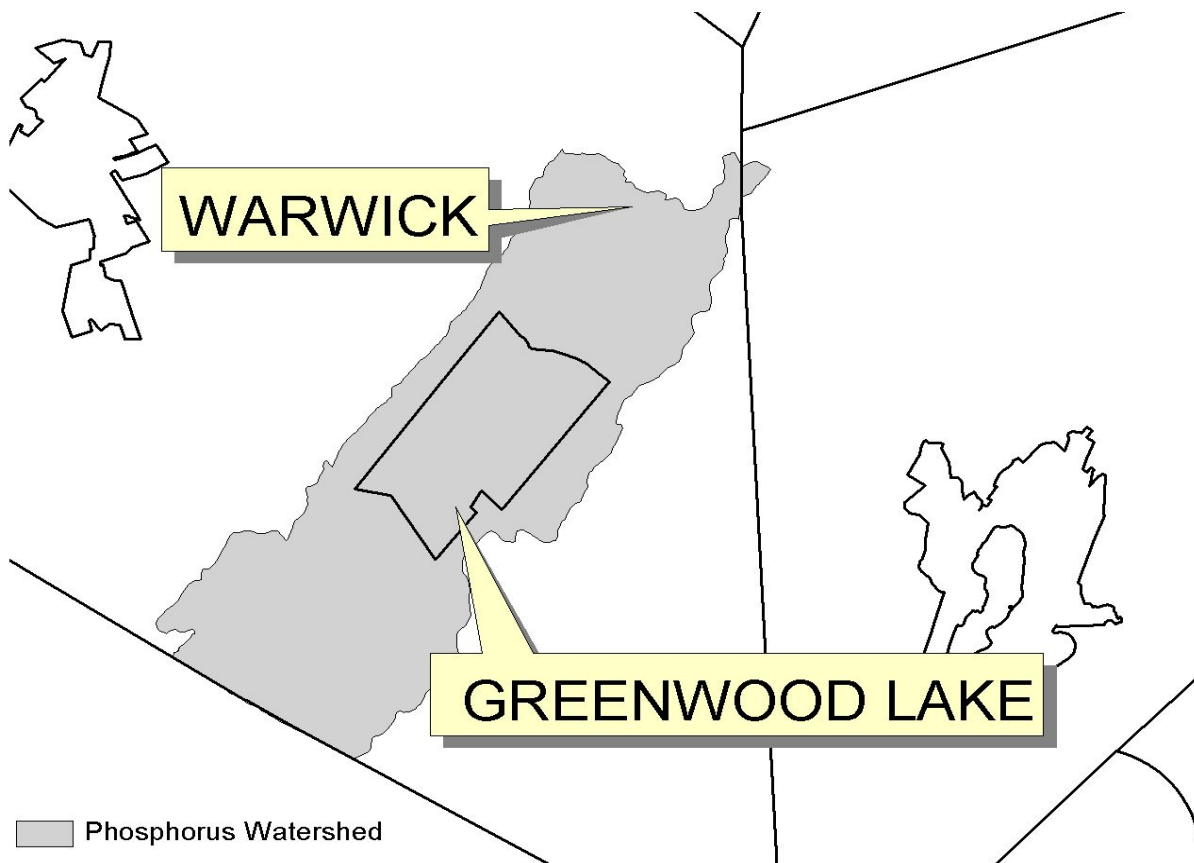


Figure 4 - Oscawana Lake Watershed

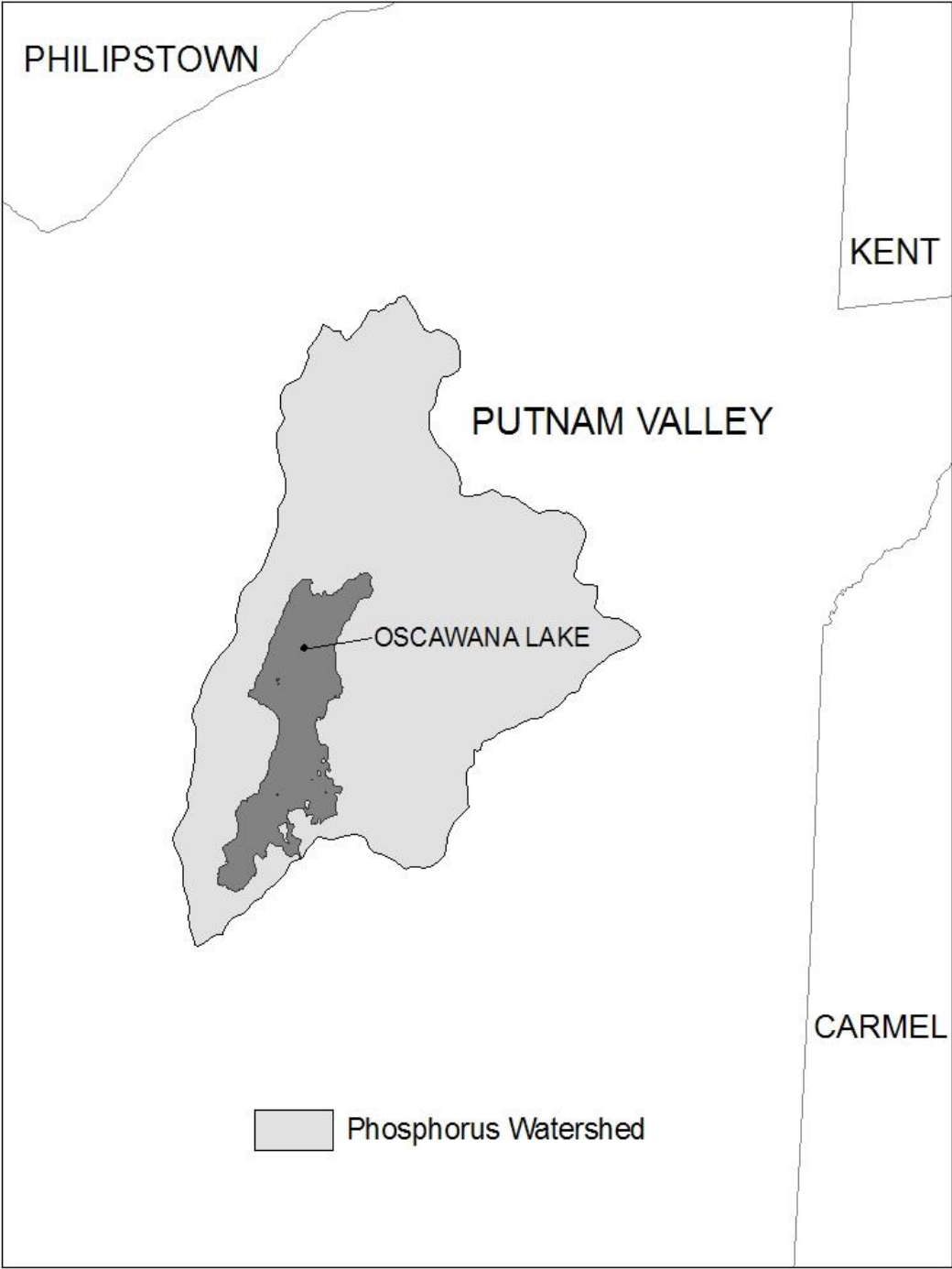
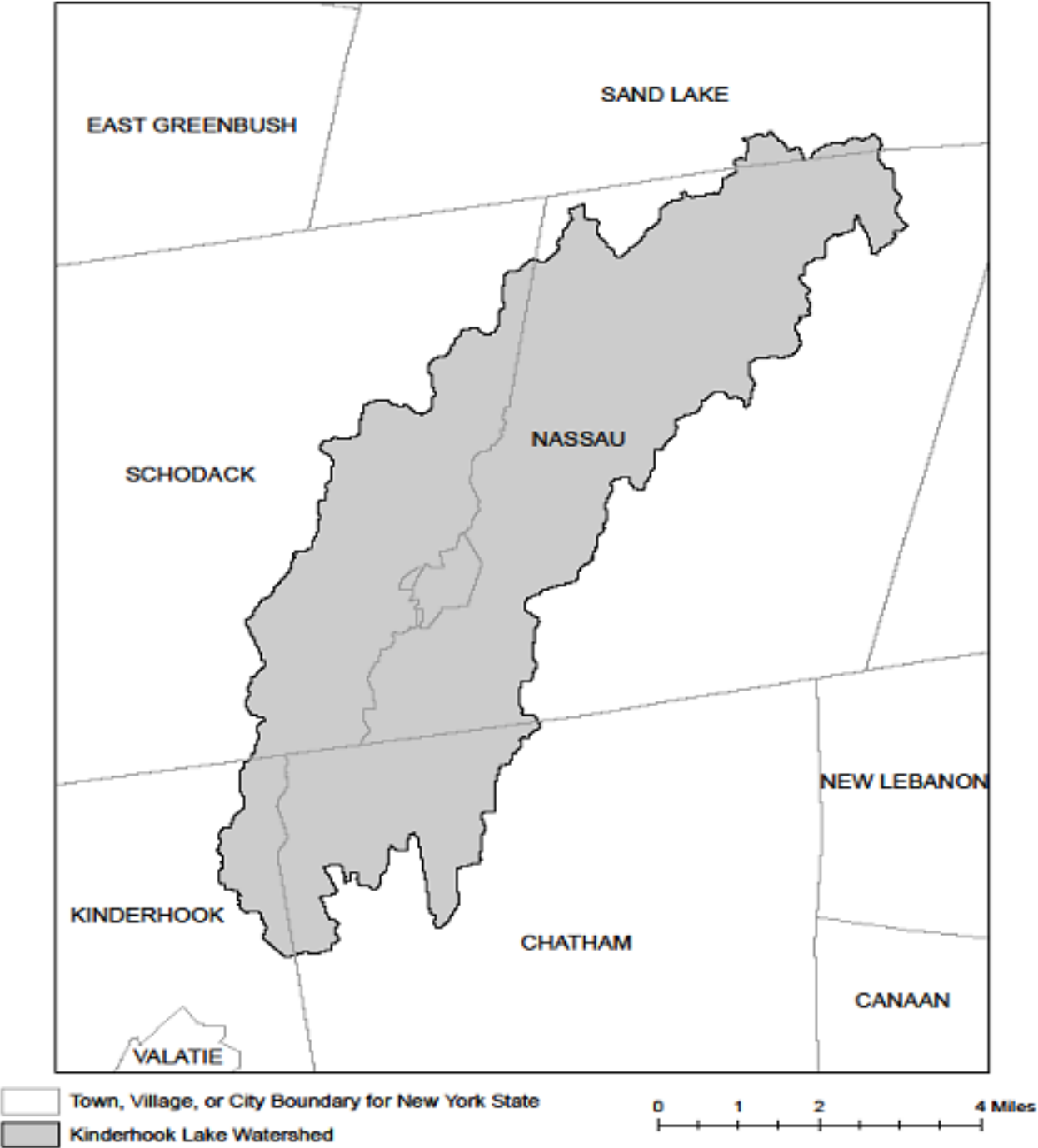


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Watersheds with Lower Disturbance Threshold

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
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APPENDIX E – 303(d) Segments Impaired by Construction Related Pollutant(s)

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). The list was developed using "The Final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy" dated November 2016. *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	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	Nutrients
Albany	Basic Creek Reservoir	Nutrients
Allegany	Amity Lake, Saunders Pond	Nutrients
Bronx	Long Island Sound, Bronx	Nutrients
Bronx	Van Cortlandt Lake	Nutrients
Broome	Fly Pond, Deer Lake, Sky Lake	Nutrients
Broome	Minor Tribs to Lower Susquehanna (north)	Nutrients
Broome	Whitney Point Lake/Reservoir	Nutrients
Cattaraugus	Allegheny River/Reservoir	Nutrients
Cattaraugus	Beaver (Alma) Lake	Nutrients
Cattaraugus	Case Lake	Nutrients
Cattaraugus	Linlyco/Club Pond	Nutrients
Cayuga	Duck Lake	Nutrients
Cayuga	Little Sodus Bay	Nutrients
Chautauqua	Bear Lake	Nutrients
Chautauqua	Chadakoin River and tribs	Nutrients
Chautauqua	Chautauqua Lake, North	Nutrients
Chautauqua	Chautauqua Lake, South	Nutrients
Chautauqua	Findley Lake	Nutrients
Chautauqua	Hulburt/Clymer Pond	Nutrients
Clinton	Great Chazy River, Lower, Main Stem	Silt/Sediment
Clinton	Lake Champlain, Main Lake, Middle	Nutrients
Clinton	Lake Champlain, Main Lake, North	Nutrients
Columbia	Kinderhook Lake	Nutrients
Columbia	Robinson Pond	Nutrients
Cortland	Dean Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Dutchess	Fall Kill and tribs	Nutrients
Dutchess	Hillside Lake	Nutrients
Dutchess	Wappingers Lake	Nutrients
Dutchess	Wappingers Lake	Silt/Sediment
Erie	Beeman Creek and tribs	Nutrients
Erie	Ellicott Creek, Lower, and tribs	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs	Nutrients
Erie	Green Lake	Nutrients
Erie	Little Sister Creek, Lower, and tribs	Nutrients
Erie	Murder Creek, Lower, and tribs	Nutrients
Erie	Rush Creek and tribs	Nutrients
Erie	Scajaquada Creek, Lower, and tribs	Nutrients
Erie	Scajaquada Creek, Middle, and tribs	Nutrients
Erie	Scajaquada Creek, Upper, and tribs	Nutrients
Erie	South Branch Smoke Cr, Lower, and tribs	Silt/Sediment
Erie	South Branch Smoke Cr, Lower, and tribs	Nutrients
Essex	Lake Champlain, Main Lake, South	Nutrients
Essex	Lake Champlain, South Lake	Nutrients
Essex	Willsboro Bay	Nutrients
Genesee	Bigelow Creek and tribs	Nutrients
Genesee	Black Creek, Middle, and minor tribs	Nutrients
Genesee	Black Creek, Upper, and minor tribs	Nutrients
Genesee	Bowen Brook and tribs	Nutrients
Genesee	LeRoy Reservoir	Nutrients
Genesee	Oak Orchard Cr, Upper, and tribs	Nutrients
Genesee	Tonawanda Creek, Middle, Main Stem	Nutrients
Greene	Schoharie Reservoir	Silt/Sediment
Greene	Sleepy Hollow Lake	Silt/Sediment
Herkimer	Steele Creek tribs	Silt/Sediment
Herkimer	Steele Creek tribs	Nutrients
Jefferson	Moon Lake	Nutrients
Kings	Hendrix Creek	Nutrients
Kings	Prospect Park Lake	Nutrients
Lewis	Mill Creek/South Branch, and tribs	Nutrients
Livingston	Christie Creek and tribs	Nutrients
Livingston	Conesus Lake	Nutrients
Livingston	Mill Creek and minor tribs	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs	Nutrients
Monroe	Buck Pond	Nutrients
Monroe	Cranberry Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Monroe	Lake Ontario Shoreline, Western	Nutrients
Monroe	Long Pond	Nutrients
Monroe	Mill Creek and tribs	Nutrients
Monroe	Mill Creek/Blue Pond Outlet and tribs	Nutrients
Monroe	Minor Tribs to Irondequoit Bay	Nutrients
Monroe	Rochester Embayment - East	Nutrients
Monroe	Rochester Embayment - West	Nutrients
Monroe	Shipbuilders Creek and tribs	Nutrients
Monroe	Thomas Creek/White Brook and tribs	Nutrients
Nassau	Beaver Lake	Nutrients
Nassau	Camaans Pond	Nutrients
Nassau	East Meadow Brook, Upper, and tribs	Silt/Sediment
Nassau	East Rockaway Channel	Nutrients
Nassau	Grant Park Pond	Nutrients
Nassau	Hempstead Bay	Nutrients
Nassau	Hempstead Lake	Nutrients
Nassau	Hewlett Bay	Nutrients
Nassau	Hog Island Channel	Nutrients
Nassau	Long Island Sound, Nassau County Waters	Nutrients
Nassau	Massapequa Creek and tribs	Nutrients
Nassau	Milburn/Parsonage Creeks, Upp, and tribs	Nutrients
Nassau	Reynolds Channel, west	Nutrients
Nassau	Tidal Tribs to Hempstead Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Silt/Sediment
Nassau	Tribs to Smith/Halls Ponds	Nutrients
Nassau	Woodmere Channel	Nutrients
New York	Harlem Meer	Nutrients
New York	The Lake in Central Park	Nutrients
Niagara	Bergholtz Creek and tribs	Nutrients
Niagara	Hyde Park Lake	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Oneida	Ballou, Nail Creeks and tribs	Nutrients
Onondaga	Harbor Brook, Lower, and tribs	Nutrients
Onondaga	Ley Creek and tribs	Nutrients
Onondaga	Minor Tribs to Onondaga Lake	Nutrients
Onondaga	Ninemile Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Middle, and tribs	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Onondaga	Onondaga Lake, northern end	Nutrients
Onondaga	Onondaga Lake, southern end	Nutrients
Ontario	Great Brook and minor tribs	Silt/Sediment
Ontario	Great Brook and minor tribs	Nutrients
Ontario	Hemlock Lake Outlet and minor tribs	Nutrients
Ontario	Honeoye Lake	Nutrients
Orange	Greenwood Lake	Nutrients
Orange	Monhagen Brook and tribs	Nutrients
Orange	Orange Lake	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Oswego	Lake Neatahwanta	Nutrients
Oswego	Pleasant Lake	Nutrients
Putnam	Bog Brook Reservoir	Nutrients
Putnam	Boyd Corners Reservoir	Nutrients
Putnam	Croton Falls Reservoir	Nutrients
Putnam	Diverting Reservoir	Nutrients
Putnam	East Branch Reservoir	Nutrients
Putnam	Lake Carmel	Nutrients
Putnam	Middle Branch Reservoir	Nutrients
Putnam	Oscawana Lake	Nutrients
Putnam	Palmer Lake	Nutrients
Putnam	West Branch Reservoir	Nutrients
Queens	Bergen Basin	Nutrients
Queens	Flushing Creek/Bay	Nutrients
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Nutrients
Queens	Kissena Lake	Nutrients
Queens	Meadow Lake	Nutrients
Queens	Willow Lake	Nutrients
Rensselaer	Nassau Lake	Nutrients
Rensselaer	Snyders Lake	Nutrients
Richmond	Grasmere Lake/Bradys Pond	Nutrients
Rockland	Congers Lake, Swartout Lake	Nutrients
Rockland	Rockland Lake	Nutrients
Saratoga	Ballston Lake	Nutrients
Saratoga	Dwaas Kill and tribs	Silt/Sediment
Saratoga	Dwaas Kill and tribs	Nutrients
Saratoga	Lake Lonely	Nutrients
Saratoga	Round Lake	Nutrients
Saratoga	Tribs to Lake Lonely	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Schenectady	Collins Lake	Nutrients
Schenectady	Duane Lake	Nutrients
Schenectady	Mariaville Lake	Nutrients
Schoharie	Engleville Pond	Nutrients
Schoharie	Summit Lake	Nutrients
Seneca	Reeder Creek and tribs	Nutrients
St.Lawrence	Black Lake Outlet/Black Lake	Nutrients
St.Lawrence	Fish Creek and minor tribs	Nutrients
Steuben	Smith Pond	Nutrients
Suffolk	Agawam Lake	Nutrients
Suffolk	Big/Little Fresh Ponds	Nutrients
Suffolk	Canaan Lake	Silt/Sediment
Suffolk	Canaan Lake	Nutrients
Suffolk	Flanders Bay, West/Lower Sawmill Creek	Nutrients
Suffolk	Fresh Pond	Nutrients
Suffolk	Great South Bay, East	Nutrients
Suffolk	Great South Bay, Middle	Nutrients
Suffolk	Great South Bay, West	Nutrients
Suffolk	Lake Ronkonkoma	Nutrients
Suffolk	Long Island Sound, Suffolk County, West	Nutrients
Suffolk	Mattituck (Marratooka) Pond	Nutrients
Suffolk	Meetinghouse/Terrys Creeks and tribs	Nutrients
Suffolk	Mill and Seven Ponds	Nutrients
Suffolk	Millers Pond	Nutrients
Suffolk	Moriches Bay, East	Nutrients
Suffolk	Moriches Bay, West	Nutrients
Suffolk	Peconic River, Lower, and tidal tribs	Nutrients
Suffolk	Quantuck Bay	Nutrients
Suffolk	Shinnecock Bay and Inlet	Nutrients
Suffolk	Tidal tribs to West Moriches Bay	Nutrients
Sullivan	Bodine, Montgomery Lakes	Nutrients
Sullivan	Davies Lake	Nutrients
Sullivan	Evens Lake	Nutrients
Sullivan	Pleasure Lake	Nutrients
Tompkins	Cayuga Lake, Southern End	Nutrients
Tompkins	Cayuga Lake, Southern End	Silt/Sediment
Tompkins	Owasco Inlet, Upper, and tribs	Nutrients
Ulster	Ashokan Reservoir	Silt/Sediment
Ulster	Esopus Creek, Upper, and minor tribs	Silt/Sediment
Warren	Hague Brook and tribs	Silt/Sediment

303(d) Segments Impaired by Construction Related Pollutant(s)

Warren	Huddle/Finkle Brooks and tribs	Silt/Sediment
Warren	Indian Brook and tribs	Silt/Sediment
Warren	Lake George	Silt/Sediment
Warren	Tribs to L.George, Village of L George	Silt/Sediment
Washington	Cossayuna Lake	Nutrients
Washington	Lake Champlain, South Bay	Nutrients
Washington	Tribs to L.George, East Shore	Silt/Sediment
Washington	Wood Cr/Champlain Canal and minor tribs	Nutrients
Wayne	Port Bay	Nutrients
Westchester	Amawalk Reservoir	Nutrients
Westchester	Blind Brook, Upper, and tribs	Silt/Sediment
Westchester	Cross River Reservoir	Nutrients
Westchester	Lake Katonah	Nutrients
Westchester	Lake Lincolndale	Nutrients
Westchester	Lake Meahagh	Nutrients
Westchester	Lake Mohegan	Nutrients
Westchester	Lake Shenorock	Nutrients
Westchester	Long Island Sound, Westchester (East)	Nutrients
Westchester	Mamaroneck River, Lower	Silt/Sediment
Westchester	Mamaroneck River, Upper, and minor tribs	Silt/Sediment
Westchester	Muscoot/Upper New Croton Reservoir	Nutrients
Westchester	New Croton Reservoir	Nutrients
Westchester	Peach Lake	Nutrients
Westchester	Reservoir No.1 (Lake Isle)	Nutrients
Westchester	Saw Mill River, Lower, and tribs	Nutrients
Westchester	Saw Mill River, Middle, and tribs	Nutrients
Westchester	Sheldrake River and tribs	Silt/Sediment
Westchester	Sheldrake River and tribs	Nutrients
Westchester	Silver Lake	Nutrients
Westchester	Teatown Lake	Nutrients
Westchester	Titicus Reservoir	Nutrients
Westchester	Truesdale Lake	Nutrients
Westchester	Wallace Pond	Nutrients
Wyoming	Java Lake	Nutrients
Wyoming	Silver Lake	Nutrients

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, SARATOGA, 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 ROADAVON, 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 AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7070

APPENDIX S
Stormwater Runoff Control Local Law

*Village of Fayetteville, NY
Monday, May 6, 2013*

Chapter 187. ZONING

Article X. Stormwater Management

[Adopted 12-11-2006 by L.L. No. 6-2006]

§ 187-74. Stormwater management and erosion and sediment control.

A. Findings of fact. It is hereby determined that:

- (1) Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- (2) This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- (3) Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- (4) Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;
- (5) Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- (6) Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- (7) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- (8) The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil

erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety;

- (9) Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

B. Purpose. The purpose of this section is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Subsection A hereof. This section seeks to meet those purposes by achieving the following objectives:

- (1) Meet the requirements of Minimum Measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02 or as amended or revised;
- (2) Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- (3) Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- (4) Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- (5) Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- (6) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

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

D. Applicability. This section shall be applicable to all land development activities as defined in this section. The municipality shall designate the Code Enforcement Officer to accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Code Enforcement Officer may review the plans, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost to be passed onto the land developer, or accept the certification of a licensed professional that the plans conform to the requirements of this section. All land development activities subject to review and approval by the Planning Board of the Village of Fayetteville under Subdivision of Land (Chapter 151 of the Village Code) and Zoning (Chapter 187 of the Village Code) regulations, especially §§ 151-6, 151-7, 187-7, 187-41, 187-42, and 187-37, shall be reviewed subject to the standards contained in this section. All land development activities not subject to review as stated in Subsection E below shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Code Enforcement Officer, who shall approve the SWPPP if it complies with the requirements of this section.

E. Exemptions. The following activities may be exempt from review under this section:

- (1) Agricultural activity as defined in this section;
- (2) Logging activity undertaken pursuant to an approved timber management plan prepared or approved by the County Soil and Water Conservation District or the New York State Department of Environmental Conservation, except that landing areas and log haul roads are subject to this section;
- (3) Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
- (4) Repairs to any stormwater management practice or facility deemed necessary by the Code Enforcement Officer;
- (5) Any part of a subdivision if a plat for the subdivision has been approved by the Planning Board of the Village of Fayetteville on or before the effective date of this section;
- (6) Land development activities for which a building permit has been approved on or before the effective date of this section;
- (7) Cemetery graves;
- (8) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- (9) Emergency activity immediately necessary to protect life, property or natural resources;
- (10) Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family; and

(11) Landscaping and horticultural activities in connection with an existing structure.

F. Definitions. The terms used in this § 187-74 or in documents prepared or reviewed under this section shall have the following meanings:

AGRICULTURAL ACTIVITY

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

APPLICANT

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

CHANNEL

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

CLEARING

Any activity that removes the vegetative surface cover.

DEDICATION

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

DEPARTMENT

The New York State Department of Environmental Conservation.

DESIGN MANUAL

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

DEVELOPER

A person who undertakes land development activities.

EROSION CONTROL MANUAL

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

GRADING

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

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT

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

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

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

LAND DEVELOPMENT ACTIVITY

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

LANDOWNER

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

MAINTENANCE AGREEMENT

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

NONPOINT SOURCE POLLUTION

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

PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN

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

PROJECT

Land development activity.

RECHARGE

The replenishment of underground water reserves.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT

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

STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT PRACTICES (SMPs)

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

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation (Public Review Draft - Stormwater Management Guidance Manual for Local Officials Appendix 1, Page 18).

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to 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.

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

WATERWAY

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

- G. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate Planning Board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this section.

- (1) Contents of stormwater pollution prevention plans. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project;
 - (b) Site map/construction drawing(s) for the project (scale for the maps should be no smaller than one inch equals 100 feet), including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s);
 - (c) Description of the soil(s) present at the site;
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (f) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (j) Temporary practices that will be converted to permanent control measures;

- (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (m) Name(s) of the receiving water(s);
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (p) Any existing data that describes the stormwater runoff at the site.
- (2) Land development activities meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection G(3) below as applicable:
- (a) Condition A. Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B. Stormwater runoff from land development activities disturbing five or more acres.
 - (c) Condition C. Stormwater runoff from construction activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- (3) SWPPP requirements for Condition A, B and C.
- (a) All information in Subsection G(1) above;
 - (b) Description of each post-construction stormwater management practice;
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 - (e) Comparison of post-development stormwater runoff conditions with predevelopment conditions;

- (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
 - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property; and
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the onsite stormwater management measures in accordance with Subsection L below.
- H. Plan certification. The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this section.
- I. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- J. Contractor certification. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards." The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. The certification statement(s) shall become part of the SWPPP for the land development activity. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
- K. Performance and design criteria for stormwater management and erosion and sediment control. All land development activities shall be subject to the following performance and design criteria:
- (1) Technical standards. For the purpose of this section, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this section:

- (a) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual); and
 - (b) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).
- (2) Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

L. Maintenance and repair of stormwater facilities.

- (1) Maintenance during construction. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this section. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.
- (2) Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Fayetteville to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this section. The easement shall be recorded by the grantor in the office of the Onondaga County Clerk after approval by the attorney for the Village of Fayetteville.
- (3) Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this section shall be operated and maintained to achieve the goals of this section. Proper operation and maintenance also includes, as a minimum, the following:
 - (a) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this section;

(b) Written procedures for operation and maintenance and training new maintenance personnel;

(c) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Subsection K(2) above.

(4) Maintenance agreements. The Village of Fayetteville shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Onondaga County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule A *Editor's Note: Said schedule is on file in the Village offices.* of this section entitled Sample Stormwater Control Facility Maintenance Agreement. The Village of Fayetteville, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this section and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

M. Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this section shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this section.

N. Effective date. This section shall be effective upon filing with the office of the Secretary of State.

O. Administration and enforcement.

(1) Construction inspection.

(a) Erosion and sediment control inspection.

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

[a] Start of construction;

[b] Installation of sediment and erosion control measures;

[c] Completion of site clearing;

[d] Completion of rough grading;

- [e] Completion of final grading;
- [f] Close of the construction season;
- [g] Completion of final landscaping;
- [h] Successful establishment of landscaping in public areas.

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

- (2) Stormwater management practice inspections. The Code Enforcement Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as-built" plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
- (3) Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. Inspections shall be performed by the Code Enforcement Officer or by a professional engineer or a certified professional in erosion and sediment control, provided such professionals submit a report to the Planning Board.
- (4) Submission of reports. The Code Enforcement Officer may require monitoring and reporting from entities subject to this section as are necessary to determine compliance with this section.
- (5) Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village of Fayetteville, its agents or employees, the right to enter the property at reasonable

times and in a reasonable manner for the purpose of inspection as specified in Subsection O(3).

P. Performance guarantee.

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

Q. Enforcement and penalties.

- (1) Notice of violation. When the Village determines that a land development activity is not being carried out in accordance with the requirements of this section, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - (a) The name and address of the landowner, developer or applicant;
 - (b) The address, when available, or a description of the building, structure or land upon which the violation is occurring;

- (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to bring the land development activity into compliance with this section and a time schedule for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (f) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.
- (2) Stop-work orders. The Village may issue a stop-work order for violations of this section. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this section.
- (3) Violations. Any land development activity that is commenced or is conducted contrary to this section may be restrained by injunction or otherwise abated in a manner provided by law.
- (4) Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this section shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this section shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- (5) Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this section the Code Enforcement Officer may prevent the occupancy of said building or land.

(6) Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

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

APPENDIX T
MS4 Post-Construction Stormwater Practice Inspection
and Maintenance Summaries

MS4 POST-CONSTRUCTION STORMWATER PRACTICE INSPECTION LOG

Practice ID#	Location	Type*	Inspection date	Identify maintenance needed	Date work completed	Date maintenance issue closed**

* Types include ponds, wetlands, infiltration and filter systems, open channels, alternative practices. Refer to NYS Stormwater Management Design Manual.

** It will be possible to address some issues immediately without additional followup, but many will require additional visits to determine success of initial repair work.

Note: The Highway Department or Code Enforcement Officer should maintain this form as a summary of each inspection completed. The Operation and Maintenance Log (Appendix G from the New York State Stormwater Management Design Manual) should be referred to for more detailed technical inspection criteria. Each practice within a given development should be listed separately. A separate entry should be used to denote different types of maintenance required for each particular practice.

APPENDIX U
Self-Assessment of Municipal Operations for
Stormwater Pollution Prevention and Good Housekeeping

Stormwater Pollution Prevention Facility Self Audit

Review each question and check the appropriate box to determine if your facility is incorporating stormwater pollution prevention in daily operations. This checklist may be used to identify opportunities for improvement in pollution prevention as well as to document practices that the facility uses to prevent stormwater pollution.

Facility Operation

	Yes	No	Not Applicable	Can't Determine
Are vehicles parked indoors or under a roof when not in use?				
Are operations such as vehicle washing, vehicle maintenance, draining of fluids, storage of fluids and waste performed under a roof or inside?				
Are vehicles washed regularly to remove contamination and prevent it from polluting stormwater?				
Is wash water treated in an oil-water separator prior to discharge?				
Is process water diverted to a trench drain system to collect contaminated run-off inside work areas?				
Is process water from the trench drain system treated in an oil-water separator prior to discharge?				
Are solids cleaned out of the oil-water separator and trench drain system regularly?				
When working outdoors, is contaminated process water and sediment collected to prevent it from mingling with and contaminating stormwater?				
Are drains inside the facility connected to a sanitary sewer?				

Fluids Management

	Yes	No	Not Applicable	Can't Determine
Are fluids in tanks or drums stored with an appropriate amount of secondary containment?				
Are drum-top pads used for leaks and spills that occur during transfer of fluids?				
Are fluids drained over a drip pan or pad?				
Are funnels or pumps used when transferring fluids?				
Are drip pans placed under leaks?				
Are containers maintained in good condition, closed, covered and away from equipment that can cause them to tip over?				
Are containers stored inside or under a roof?				
Are containers inspected regularly?				
Are all containers labeled in a manner that describes the contents adequately?				
Are absorbent pads used on drum tops to catch spills?				
Is a closed-loop parts washer system used (contains solvent)?				
Is the parts-washer lid kept closed when not in use?				
Is a contract in place with a parts washer service company to change out spent solvent?				
Has the possibility of using an aqueous-based parts washer been explored?				
Are fluids stored in appropriate containers and/or storage cabinets?				

	Yes	No	Not Applicable	Can't Determine
Are storage areas kept clean and well organized?				
Are storage areas labeled clearly?				

Leak and Spill Prevention and Control

	Yes	No	Not Applicable	Can't Determine
Are vehicles inspected daily for leaks?				
Is spill control equipment and absorbents readily available?				
Are emergency phone numbers posted in the area?				
Are material safety data sheets (MSDS's) readily available?				
Are spills cleaned up immediately?				
Are employees trained annually on spill prevention?				

Oil Management

	Yes	No	Not Applicable	Can't Determine
Is oil changed indoors over concrete, sloped to a drain or curbed surface?				
Is oil changed over a drip pan or pad?				
Are funnels or pumps used when transferring oil?				

	Yes	No	Not Applicable	Can't Determine
Are drip pans placed immediately under any oil leak?				
Is waste oil stored indoors when possible and with secondary containment?				
Are waste oil containers in good condition, closed, labeled and inspected regularly?				
Is anything else mixed with waste oil?				
Is waste oil recycled?				

Antifreeze

	Yes	No	Not Applicable	Can't Determine
Is antifreeze changed indoors over concrete that is sloped to drain or curbed surface?				
Is antifreeze drained over a drip pan or pad?				
Are funnels or pumps used when transferring antifreeze?				
Are drip pans placed immediately under any leak?				
Is waste antifreeze stored indoors when possible with secondary containment?				
Are containers kept in good condition, closed, labeled and inspected regularly?				
Is antifreeze mixed with any other wastes?				
Is waste antifreeze recycled?				

Lead-Acid Batteries

	Yes	No	Not Applicable	Can't Determine
Are lead-acid batteries stored indoors over a curbed impermeable surface?				
Are intact batteries stored on an acid resistant rack or tub?				
Are cracked or leaking batteries stored in closed leak-proof and labeled containers?				
Is the date each battery was placed into storage recorded?				
Are batteries stacked more than 5 high?				
Are batteries inspected regularly for leaks?				
Are acid neutralizing agents, such as baking soda, available in case of leaks?				
Are batteries recycled?				
Are batteries stored longer than 6 months before recycling?				
Are lead cable ends left on the batteries to be recycled?				

Tires

	Yes	No	Not Applicable	Can't Determine
Are tires stored indoors?				
If tires are stored outdoors, is the tire pile covered?				
Are tires recycled frequently to keep the number of tires stored on site low?				

Fueling Areas

	Yes	No	Not Applicable	Can't Determine
Is fueling performed under a canopy?				
Are spill cleanup materials available at the fueling area?				
Is the fueling handle lock disconnected so the person fueling must attend the fueling process?				
Are breakaway valves used on fueling hoses?				
Is fueling area stormwater runoff treated in an oil-water separator?				
Are all fuel deliveries monitored?				
Is the fueling automatic stop inspected regularly to ensure proper function?				

Rags, Oil-Absorbing Pads, Towels and Clothing

	Yes	No	Not Applicable	Can't Determine
Are oil rags and absorbent pads stored in appropriate containers and disposed of properly?				
Are reusable oily materials such as towels and clothing maintained through a commercial laundering service or an in-house washing machine that discharges to a sanitary system through and oil-water separator?				

Salt Storage

	Yes	No	Not Applicable	Can't Determine
Are salt piles stored in a salt storage building or under a roof?				

	Yes	No	Not Applicable	Can't Determine
Are salt spills at a facility cleaned up promptly?				
Does stormwater drain away from the salt pile?				

Miscellaneous Storage Piles

	Yes	No	Not Applicable	Can't Determine
Are piles of spoils, asphalt, street cuts, etc. stored at the facility under a roof or cover?				
Are spills of miscellaneous debris on facility grounds cleaned up promptly?				

Facility Stormwater Runoff

	Yes	No	Not Applicable	Can't Determine
Is uncontaminated stormwater prevented from mixing with process areas?				

Comments/Action Items

Inspected by: _____

Date: _____

Stormwater Pollution Prevention Facility Self Audit

Review each question and check the appropriate box to determine if your facility is incorporating stormwater pollution prevention in daily operations. This checklist may be used to identify opportunities for improvement in pollution prevention as well as to document practices that the facility uses to prevent stormwater pollution.

Facility Operation

	Yes	No	Not Applicable	Can't Determine
Are vehicles parked indoors or under a roof when not in use?				
Are operations such as vehicle washing, vehicle maintenance, draining of fluids, storage of fluids and waste performed under a roof or inside?				
Are vehicles washed regularly to remove contamination and prevent it from polluting stormwater?				
Is wash water treated in an oil-water separator prior to discharge?				
Is process water diverted to a trench drain system to collect contaminated run-off inside work areas?				
Is process water from the trench drain system treated in an oil-water separator prior to discharge?				
Are solids cleaned out of the oil-water separator and trench drain system regularly?				
When working outdoors, is contaminated process water and sediment collected to prevent it from mingling with and contaminating stormwater?				
Are drains inside the facility connected to a sanitary sewer?				

Fluids Management

	Yes	No	Not Applicable	Can't Determine
Are fluids in tanks or drums stored with an appropriate amount of secondary containment?				
Are drum-top pads used for leaks and spills that occur during transfer of fluids?				
Are fluids drained over a drip pan or pad?				
Are funnels or pumps used when transferring fluids?				
Are drip pans placed under leaks?				
Are containers maintained in good condition, closed, covered and away from equipment that can cause them to tip over?				
Are containers stored inside or under a roof?				
Are containers inspected regularly?				
Are all containers labeled in a manner that describes the contents adequately?				
Are absorbent pads used on drum tops to catch spills?				
Is a closed-loop parts washer system used (contains solvent)?				
Is the parts-washer lid kept closed when not in use?				
Is a contract in place with a parts washer service company to change out spent solvent?				
Has the possibility of using an aqueous-based parts washer been explored?				
Are fluids stored in appropriate containers and/or storage cabinets?				

	Yes	No	Not Applicable	Can't Determine
Are storage areas kept clean and well organized?				
Are storage areas labeled clearly?				

Leak and Spill Prevention and Control

	Yes	No	Not Applicable	Can't Determine
Are vehicles inspected daily for leaks?				
Is spill control equipment and absorbents readily available?				
Are emergency phone numbers posted in the area?				
Are material safety data sheets (MSDS's) readily available?				
Are spills cleaned up immediately?				
Are employees trained annually on spill prevention?				

Oil Management

	Yes	No	Not Applicable	Can't Determine
Is oil changed indoors over concrete, sloped to a drain or curbed surface?				
Is oil changed over a drip pan or pad?				
Are funnels or pumps used when transferring oil?				

	Yes	No	Not Applicable	Can't Determine
Are drip pans placed immediately under any oil leak?				
Is waste oil stored indoors when possible and with secondary containment?				
Are waste oil containers in good condition, closed, labeled and inspected regularly?				
Is anything else mixed with waste oil?				
Is waste oil recycled?				

Antifreeze

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Is antifreeze changed indoors over concrete that is sloped to drain or curbed surface?				
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Are tires recycled frequently to keep the number of tires stored on site low?				

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Are all fuel deliveries monitored?				
Is the fueling automatic stop inspected regularly to ensure proper function?				

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Salt Storage

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Are salt piles stored in a salt storage building or under a roof?				

	Yes	No	Not Applicable	Can't Determine
Are salt spills at a facility cleaned up promptly?				
Does stormwater drain away from the salt pile?				

Miscellaneous Storage Piles

	Yes	No	Not Applicable	Can't Determine
Are piles of spoils, asphalt, street cuts, etc. stored at the facility under a roof or cover?				
Are spills of miscellaneous debris on facility grounds cleaned up promptly?				

Facility Stormwater Runoff

	Yes	No	Not Applicable	Can't Determine
Is uncontaminated stormwater prevented from mixing with process areas?				

Comments/Action Items

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Facility Stormwater Runoff

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Is uncontaminated stormwater prevented from mixing with process areas?				

Comments/Action Items

Inspected by: _____

Date: _____

APPENDIX V
Pollution Prevention Policies, Procedures, and Management Practices

**POLLUTION PREVENTION/GOOD HOUSEKEEPING
FOR MUNICIPAL OPERATIONS:**

**A GUIDANCE DOCUMENT
OF
BEST MANAGEMENT PRACTICES
AND
INSPECTION CHECKLISTS**



WNY
Stormwater
Coalition



**Erie County Department of Environment and Planning
Division of Environmental Compliance Services**

POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS:

A GUIDANCE DOCUMENT OF BEST MANAGEMENT PRACTICES

AND INSPECTION CHECKLISTS

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20. CONSTRUCTION AND LAND DISTURBANCE

INTRODUCTION

This group of (17) Pollution Prevention/Good Housekeeping Best Management Practices and Inspection checklists that relate to municipal operations and their potential effects on stormwater have been developed and assembled by a group of municipal officials that have a wealth of experience pertaining to operations and maintenance within municipalities. The information that has been formulated as guidance material for implementation of the Stormwater Phase II Municipal Separate Storm Sewer System Permit **has not** been designed to be comprehensive in all aspects of each topic. Municipalities should be “flexible” in their use of this information as pertains to their own unique municipal operations.

STORMWATER REFERENCE INFORMATION

Many sources of information concerning stormwater are available. The sources listed below were used to develop the Guidance Document:

New York State Dept. of Transportation – (<http://www.dot.state.ny.us>) - use the search function to locate the Environmental Handbook for Transportation Operations document and other related information

Cornell University - (<http://www.cornell.edu>) – the Dept. of Horticulture has information pertaining to pest control, landscaping and lawn care

U.S. Environmental Protection Agency - (<http://www.epa.gov>) – the National Menu of Best Management Practices (BMPs) for NPDES Storm Water Phase II document can be found at <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/menu.cfm> within the EPA website, along with other stormwater related information

GLOSSARY OF TERMS

Biochemical oxygen demand – Depletion of dissolved oxygen in water caused by decomposition of chemical or biologic matter.

Catch Basin – A unit that is installed to capture and retain debris, particulate matter, or other solid materials, but allows stormwater to “flow through” to its discharge location

Drip Irrigation – irrigation via a perforated device (i.e. hose) that allows for a slow watering method with reduced evaporation and runoff losses

Hydraulic – Referring to water

(IPM) Integrated Pesticide Management – An environmentally sensitive approach to pest management (**not** elimination) that uses the least toxic control method – a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools.

Loading – Term used in conjunction with *sediment* and *hydraulic* to describe excessive amounts (of the term that is described)

Naturescaping – An alternative landscaping technique that incorporates native plants and creates beneficial wildlife habitat – also conserves water and energy, reduces soil/water pollution.

Oil/Water Separator – A unit that is installed “in line” to a wastewater discharge pipe which is devised to capture petroleum derived materials that float on water

Pesticides – Products that are toxic and are used to kill pests - can be classified as insecticides, herbicides, rodenticides, biocides, aquacides.

POTW – Publicly Owned Treatment Works - - a municipal wastewater treatment plant

Scupper – an opening (in a bridge deck) to allow water drainage – it does not capture debris, particulate matter, or other solid materials

Sediments - Small particles of matter that settle to the bottom of a body of water

Silt – Material consisting of mineral soil particles ranging in diameter from 0.02 millimeters to 0.002 millimeters

Stormwater - rainwater runoff or snow melt waters – these waters can interact with different types of materials, transporting contaminants to surface waters (i.e. streams, creeks, rivers)

Toxicity –The relative degree of being poisonous

Xeriscaping – An alternative landscaping technique that incorporates slow growing plants to conserve water and reduce yard trimmings

Zero input, low input (lawns) - have minimal need for care (i.e. addition of fertilizers/pesticides, water, etc.)

LANDSCAPING AND LAWN CARE
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Nutrient loading (nitrogen and phosphorous) from fertilizer runoff can cause excessive aquatic plant growth

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS. PRIORITIZE**

- Biochemical Oxygen Demand

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)**

- Purchase only enough lawn care products necessary for one year – store properly to avoid waste generation (spills, leaks)
- Use slow release or naturally derived (organic) fertilizers
- Train employees in the proper application of lawn care products
- Develop zero input/low input lawns
- Consider alternative landscape techniques (i.e. naturescaping, xeriscaping)
- Plant trees away from sewer lines or other underground utilities
- Use drip irrigation techniques for landscaping

4. **INSPECTION PROCEDURES**

- Routinely monitor lawns to identify problems during their early stages
- Identify nutrient/water needs of plants, inspect for problems by testing soils

5. **MAINTENANCE PROCEDURES**

- Minimize/eliminate fertilizer application
- Leave grass clippings on lawn, or mulch clippings into lawn
- Limit watering as necessary to supplement rainwater (1 inch/week is adequate)
- Mow with sharpened blades set high (3 inches) – remove only the top 1/3 of the leaves
- Water plants in the early A.M.

6. **ADVISORY**

- Refer to the Cornell University website (Dept. of Horticulture)

LANDSCAPING AND LAWN CARE INSPECTION CHECKLIST

Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY	ACTION
Grass/plant condition	Wilted/brown leaves	Yes No	<input type="checkbox"/> Add water
General area	Barren soils	Yes No	<input type="checkbox"/> Re-seed, cover with hay or burlap to prevent runoff

Date of Inspection _____

Name _____

Frequency _____

SPILL RESPONSE AND PREVENTION
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY MATERIALS THAT IMPACT STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Liquids associated with vehicle/equipment maintenance products (oils, fuels, antifreeze, etc.)
- Rock salt
- Chemicals (fertilizers, pesticides)

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Toxicity
- Biochemical oxygen demand

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)**

- Keep all materials properly stored in closed, labeled containment systems
- Use secondary containment systems where appropriate
- Obtain spill recovery materials for immediate response to a spill

4. **INSPECTION PROCEDURES**

- Inspect secondary containment systems, oil/water separators periodically
- Inspect containers for leaks, areas near storm receiver inlets and outlets, floor drains for indications of spills

5. **MAINTENANCE PROCEDURES**

- Use reusable spill clean up materials (sponge mops, oil absorbent pads, etc.)
- Pump out oil water separators as needed
- Protect drains with oil absorbent materials
- Clean out receivers on regular schedule
- Remove spilled salt from salt loading area

6. **ADVISORY**

- Report petroleum spills (as necessary) to the NYSDEC (851-7220 or 1-800-457-7362)
- Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations)

SPILL RESPONSE AND PREVENTION INSPECTION CHECKLIST

Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Products/waste storage areas	Uncovered/deteriorating containers Materials spilled, leaks	Yes	No	<input type="checkbox"/> Cover/replace <input type="checkbox"/> Clean up
Equipment storage areas	Fluid leaks	Yes	No	<input type="checkbox"/> Clean up
Secondary containment systems	Structural deterioration Leakage of fluids	Yes	No	<input type="checkbox"/> Repair/replace <input type="checkbox"/> Clean up
Oil/water separators	Excessive amounts of contaminants	Yes	No	<input type="checkbox"/> Pump out
Floor drains, storm receiver inlets and outlets	Accumulation of contaminants	Yes	No	<input type="checkbox"/> Clean up/remove

Date of Inspection _____

Name _____

Frequency _____

PEST CONTROL
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**
 - Runoff of pesticides may harm aquatic life, may contaminate water
2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**
 - Toxicity to aquatic plants and animals
3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)**
 - Purchase only enough pesticides necessary for one year – store properly to avoid waste generation (spills, leaks, product deterioration)
 - Minimize/eliminate pesticide application, use lowest toxicity pesticides
 - Do not apply pesticides immediately prior to or during rain events
 - Ensure that employees are properly trained and certified in pesticide application techniques and safety
 - Develop zero input, low input lawns
 - Eliminate food, water, and shelter for pests
 - Adopt integrated pest management (IPM) techniques
 - Adopt alternatives to pesticides options (i.e. use mechanical traps, physical methods for removal, or biological controls)
4. **INSPECTION PROCEDURES**
 - Identify pests – are levels acceptable or must action be taken to control pests?
 - Inspect pesticide inventory – properly dispose of out-of-date pesticide materials
5. **MAINTENANCE PROCEDURES**
 - Inspect pest traps (i.e. bait boxes) regularly – remove (and properly dispose of) dead pests
 - Block/eliminate access to buildings/structures for pests
 - Remove pests (insects) by hand
6. **ADVISORY**
 - Abide by NYSDEC regulations (6NYCRR Part 325) pertaining to this topic
 - Refer to the Cornell University website (Dept. of Horticulture)

PEST CONTROL INSPECTION CHECKLIST

Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY	ACTION
Pesticide storage area	Excessive amounts of pesticides Spilled pesticides Empty containers No security or access control	Yes No	<input type="checkbox"/> Reduce volumes, implement IPM <input type="checkbox"/> Clean up <input type="checkbox"/> Properly dispose <input type="checkbox"/> install
Application equipment	Improper amounts of pesticides applied	Yes No	<input type="checkbox"/> Properly calibrate
Floor	Drain system Not curbed around perimeter No impermeable surface	Yes No	<input type="checkbox"/> Eliminate <input type="checkbox"/> Install curbing <input type="checkbox"/> Install impermeable surface

Date of Inspection _____

Name _____

Frequency _____

PET WASTE COLLECTION
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)
 - Municipal animal shelters
2. PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE
 - Biochemical oxygen demand
 - Solids loading
3. IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)
 - House all animals in an enclosed, roofed structure
 - ID/utilize “permitted” waste disposal facilities for animal wastes
4. INSPECTION PROCEDURES
 - Inspect shelter regularly for necessary cleanup/removal of wastes
5. MAINTENANCE PROCEDURES
 - Remove spilled food, animal wastes on a regular basis
6. ADVISORY
 - None

PET FACILITY MAINTENANCE INSPECTION CHECKLIST

Facility Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Animal Housing area	Excessive amounts of waste	Yes	No	<input type="checkbox"/> Remove/rinse to floor drain (to sanitary sewer)
	Dead animals			<input type="checkbox"/> Bag and remove
Facility's floor drain	Discharges directly to environment	Yes	No	<input type="checkbox"/> Connect to sanitary sewer

Frequency of Inspection Daily_____

Name_____

Date _____

SEPTIC SYSTEM MANAGEMENT
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Ponding of improperly treated wastewaters (on the surface of a leach field or a sand filter system) can increase the biochemical oxygen demand of receiving waters.
- Excessive amounts of disinfectant (i.e. chlorine) applied to a wastewater discharge from a sand filter system can cause toxicity to aquatic plants and animals

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Biochemical oxygen demand

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)**

- Divert stormwater runoff (i.e. from roof drains) away from septic system
- Divert groundwater (sump pump) discharges away from septic system
- Locate swimming pools away from the septic system (at least 20' from the septic tank, at least 35' from the closest edge of the leach field or sand filter system)
- Prevent problems caused by vegetation - growth of woody plants on the system
- Prevent hydraulic loading - "Spread out" the use of devices which use large volumes of water across the entire day – clothes washing, dish washing, bathing, repair leaky fixtures
- Minimize water usage by using flow restrictors on potable water distribution devices (i.e. shower heads, water faucets)

4. **INSPECTION PROCEDURES**

Physical evidence of problems:

- "back up" of wastewater in sewer lines
- sewage odors
- leach field/sand filter - wetness/ponding on surface
- overflow of wastes from system components
- heavy vegetation (woody plants) growth on system components

5. **MAINTENANCE PROCEDURES**

- "Pump out" the septic tank as needed (NYSDEC recommends once/year)
- Mow surface vegetation regularly
- Prevent "heavy equipment" from driving on top of the system components

6. **ADVISORY**

- Obtain site plan/site sketch of system, and retain for reference.

SEPTIC SYSTEM MANAGEMENT INSPECTION CHECKLIST

Unit ID: _____ NYSDEC Permit # _____ Location _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Septic tank cover	Broken/cracked?	Yes	No	<input type="checkbox"/> Replace
Distribution box	sewage overflowing, distribution box level?	Yes	No	<input type="checkbox"/> Clean out <input type="checkbox"/> Re-level
Leach field or sand filter	sewage on surface, odors, excessive vegetation growth	Yes	No	<input type="checkbox"/> Clean out distribution lines <input type="checkbox"/> Cut vegetation
Disinfection system (if present)	Operating improperly	Yes	No	<input type="checkbox"/> Check/repair equipment
Outfall	Improper chlorine residual	Yes	No	<input type="checkbox"/> Perform monitoring, sampling/analysis as permit requires

Frequency of Inspection _____

Last pump out (date) _____

Date of Inspection _____

Name _____

(If unit is a HOLDING TANK, pump out schedule) _____

VEHICLE/EQUIPMENT MAINTENANCE
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Trace amounts of metals/hydrocarbons are found in materials (i.e. fuels, antifreeze, batteries, motor oils, grease, parts cleaning solvents) that are typically used in maintenance operations

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Toxicity
- Biochemical oxygen demand

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMPs)**

- Conduct maintenance work indoors – if work must be performed outside, guard against spillage of materials that could discharge to storm receivers
- Seal floor drains that discharge directly to the environment, if possible
- Initiate single purpose use of vehicle bays – dedicate one (or more) bays that have no (or sealed) floor drains for repairs/maintenance
- Clean up spilled materials immediately, using “dry” methods
- Install pretreatment systems (oil/water separators) where necessary in sewer lines to capture contaminants (oil, grit), and maintain as needed
- Never leave vehicles unattended while refueling
- Identify appropriate recycling/disposal options for wastes

4. **INSPECTION PROCEDURES**

- Inspect (for maintenance purposes) floor drain systems, oil/water separators
- Monitor “parked” vehicles/equipment for leaks

5. **MAINTENANCE PROCEDURES**

- Maintain a clean work area – remove contaminants from floors, drains, catch basins, using “dry” methods
- Use non-hazardous cleaners. Use non chlorinated solvents instead of chlorinated solvents
- Repair or replace any leaking containers
- Use steam cleaning /pressure washing instead of solvent for parts cleaning
- Store waste fluids in properly capped, labeled storage containers
- Store batteries in leak-proof, compatible (i.e. non reactive) containers
- Rinse grass from lawn care equipment on permeable (grassed) areas
- Protect against pollution if outside maintenance is necessary (cover storm receivers, use secondary containment vessels, etc.)

6. **ADVISORY**

- Report petroleum spills (as necessary) to the NYSDEC (851-7220 or 1-800-457-7362)
- Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations)

VEHICLE AND EQUIPMENT MAINTENANCE/STORAGE AREA INSPECTION CHECKLIST

Unit ID: _____ Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Truck/equipment	Leaks/spills	Yes	No	<input type="checkbox"/> Clean spill, repair leak, capture fluids in drip pan
Salt/sand spreader	Improper amounts of product applied	Yes	No	<input type="checkbox"/> Recalibrate
Lawn care equipment	Improper operation	Yes	No	<input type="checkbox"/> Inspect/repair

Date of Inspection _____

Name _____

Frequency _____

VEHICLE/EQUIPMENT WASHING
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Nutrients (biodegradable soaps)
- Metals
- Petroleum based wastes (organic pollutants)

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Biochemical oxygen demand from nutrient sources
- Toxicity
- Hydraulic loading

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMPs)**

- Initiate single purpose use of vehicle bays - dedicate only one bay for washing (with floor drain system)
- Perform cleaning with pressurized cold water, without the use of soaps, if wastewaters will flow to a **storm sewer** system
- Use minimal amounts of biodegradable soaps **only** if wastewaters will discharge to a **sanitary sewer** system
- Rinse with hoses that are equipped with automatic shutoff devices and spray nozzles
- Steam clean (without soap) where wastes can be captured for proper disposal (i.e. oil/water separator)

4. **INSPECTION PROCEDURES**

- Inspect floor drain systems regularly - use only those that discharge to a sanitary sewer, identify the need for cleaning of catch basins, oil/water separators

5. **MAINTENANCE PROCEDURES**

- Map storm drain locations accurately to avoid illegal discharges
- Perform steam cleaning or pressure washing where wastes can be captured for proper disposal
- Take precautions against excess use of/spillage of detergents

6. **ADVISORY**

- Require all facilities to connect floor drain systems to sanitary sewers (if available)
- Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations)

VEHICLE AND EQUIPMENT WASHING AREA INSPECTION CHECKLIST

Facility location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Designated "wash only" area	No impermeable pad with wastewater collection system	Yes	No	<input type="checkbox"/> Designate/construct area
Wastewater discharge location	Does not flow to either a holding tank or to sanitary sewers	Yes	No	<input type="checkbox"/> Properly relocate discharge
Washing/degreasing compounds	Solvent based	Yes	No	<input type="checkbox"/> Change to biodegradable products
Floor drain sump	Nonexistent	Yes	No	<input type="checkbox"/> Install and maintain sump, remove debris
Oil/water separator	Excessive oils/sludges	Yes	No	<input type="checkbox"/> Clean out contaminants
Catch basin	Non existent, accumulation of contaminants	Yes	No	<input type="checkbox"/> Install/maintain catch basin

Date of Inspection _____

Name _____

Frequency _____

ROADWAY AND BRIDGE MAINTENANCE
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Road salt components - sodium, calcium, and chlorides
- Hydrocarbons
- Particulates – such as dry paint or abrasive compounds, road debris
- Debris

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Particulate matter
- Toxicity (paint – may contain metals such as lead, barium, cadmium)

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMPs)**

- Incorporate preventive maintenance and planning for regular operations & maintenance activities
- Pave in dry weather only.
- Stage road operations and maintenance activity (patching, potholes) to reduce spillage. Cover catch basins and manholes during this activity.
- Clean up fluid leaks or spills from paving equipment/materials immediately
- Restrict the use of herbicides/pesticide application to roadside vegetation
- Use porous asphalt for pothole repair and shoulder work
- Sweep and vacuum paved roads and shoulders to remove debris and particulate matter
- Maintain roadside vegetation; select vegetation with a high tolerance to road salt
- Control particulate wastes from bridge sandblasting operations
- Use calcium magnesium acetate for deicing around bridges to minimize corrosion
- Clean out bridge scuppers and catch basins regularly
- Direct water from bridge scuppers to vegetated areas
- Mechanically remove (i.e. sweep) debris from bridge deck and structure prior to washing

4. **INSPECTION PROCEDURES**

- Inspect paving, sweeping, vacuuming, and all other maintenance vehicles/equipment as appropriate
- Inspect roads and bridges for implementation of applicable BMP's

5. **MAINTENANCE PROCEDURES**

- Clean bridge scuppers routinely and keep free of debris
- Direct runoff water from bridges to vegetated areas
- Install catch basins in place of bridge scuppers
- Use tarps, booms, and vacuums during painting or blasting activities (refer to reference information to control/capture particulate matter)
- Repair leaking/defective containers or equipment on paving equipment

6. **ADVISORY**

- Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations

ROADWAY AND BRIDGE MAINTENANCE INSPECTION CHECKLIST

Bridge No.: _____ BIN: _____ Carried: _____ Crossed: _____

Wetlands Present: Y N Stream Restriction: Y N If yes, Dates: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/ REPAIRS NECESSARY	ACTION
Bridge Deck (Top Side)	Debris Along Curb	Yes No	<input type="checkbox"/> Sweep bridge, deposit debris on bank 50' from sweep and spread out <input type="checkbox"/> Wash Bridge Deck
Bridge Seats at Abutment, or Top of Piers	Debris on Seat or Top of Pier	Yes No	<input type="checkbox"/> Remove debris, deposit on stream banks <input type="checkbox"/> Bird Nest Present? If yes, wait until nesting is complete. <input type="checkbox"/> Wash Abutment & Pier
Washing of Superstructure	Debris – Salts on Superstructure	Yes No	<input type="checkbox"/> Bird Nest Present? If yes, wait until nesting is complete. <input type="checkbox"/> Flaking Paint Present? If yes, do not wash. <input type="checkbox"/> Stream Restriction? If yes, wait until restrictions are removed. <input type="checkbox"/> Wash Superstructure

ALTERNATIVE DISCHARGE OPTIONS FOR CHLORINATED WATER POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)

- Discharge of chlorinated (i.e. swimming pool, POTW) waters to surface waters can injure or kill aquatic life

2. PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE

- Toxicity – very low levels of chlorine can detrimentally affect aquatic life
- Hydraulic loading

3. IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMPs)

- Dechlorinate pool water before any discharge, be it over land or to the sanitary sewer, or allow the “disinfectant” to dissipate with sunlight, use, etc. prior to discharge
- Use ultraviolet radiation or osmosis to disinfect water/wastewater
- Backwash water should be discharged to the sanitary sewer, if available – if not available, discharge water over vegetated areas, not to surface waters

4. INSPECTION PROCEDURES

- Check chlorine residuals prior to discharge.
- Do not discharge wastewaters into the sanitary sewer system during periods of high flow.

5. MAINTENANCE PROCEDURES

- Maintain proper levels of chlorine residuals in pool.
- Allow disinfectant to dissipate prior to discharge of pool waters.

6. ADVISORY

- Obtain permission from the municipal POTW prior to discharging any chlorinated pool waters to a sanitary sewer system.

ALTERNATIVE DISCHARGE OPTIONS FOR CHLORINATED WATER INSPECTION CHECKLIST

Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY	ACTION
Pools, hot tubs	Need to empty unit and replace water	Yes No	<input type="checkbox"/> Discharge to sanitary sewers or to vegetated areas after the disinfectant dissipates, not to storm sewers or surface waters

Date of Inspection _____

Name _____

Frequency _____

HAZARDOUS AND WASTE MATERIALS MANAGEMENT **POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES**

1. IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)

- Lube oils
- Coatings and their compatible solvents (paints, thinners, etc.)
- Anti freeze
- Cleaning agents
- Fuels (gas, diesel, kerosene)

2. PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE

- Biochemical oxygen demand
- Toxicity to aquatic plants and wildlife
- Particulate loading

3. IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)

- Ensure that all materials are stored in closed, labeled containers – if stored outside, drums should be placed on pallets, away from storm receivers – inside storage areas should be located away from floor drains
- Eliminate floor drain systems that discharge to storm drains, if possible
- Use a pretreatment system to remove contaminants prior to discharge
- Reduce stock of materials “on hand” – use “first in/first out” management technique
- Use the least toxic material (i.e. non hazardous) to perform the work
- Install/use secondary containment devices where appropriate
- Eliminate wastes by reincorporating coating/solvent mixtures into the original coating material for reuse
- Recycle materials if possible, or ensure proper disposal of wastes

4. INSPECTION PROCEDURES

- Physical on-site verification of sealed floor drains (or redirected to sanitary sewer)
- Regular inspection of material storage areas (inside and outside)
- Regular inspection and cleaning of oil/water separators by qualified contractor
- Inspect stormwater discharge locations regularly (for contaminants, soil staining, plugged discharge lines)

5. MAINTENANCE PROCEDURES

- 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

6. ADVISORY

- Abide by NYSDEC regulations (6NYCRR Part 372) and OSHA regulations (29 CFR Part 1910) pertaining to these topics
- Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations)

HAZARDOUS AND WASTE MATERIALS MANAGEMENT INSPECTION CHECKLIST

Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Outside storage areas	Weathering	Yes	No	<input type="checkbox"/> Protect from weathering – store on pallets, cover
Salt piles	Salt staining	Yes	No	<input type="checkbox"/> Cover with tarps
Soil staging areas	Silt runoff	Yes	No	<input type="checkbox"/> Cover with tarps, install physical barriers
Aboveground storage tanks	Deterioration	Yes	No	<input type="checkbox"/> Inspect/repair/maintain, install secondary containment
Inside storage areas	Potential for discharges	Yes	No	<input type="checkbox"/> Seal floor drains, install secondary containment
Drums, other containers	Deterioration	Yes	No	<input type="checkbox"/> Repair/replace
	Uncovered			<input type="checkbox"/> Cover/cap

Date of Inspection _____

Name _____

Frequency _____

OPERATIONAL BY PRODUCTS/WASTES
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Potential for leaching of toxic and biologic contaminants to receiving waters

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Toxicity
- Biochemical oxygen demand

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)**

- Post “no dumping” signs
- Illuminate area if possible
- Prevent access – erect barriers
- Identify the by products/wastes that should be recycled (i.e. paper, cardboard) or can be legally disposed of on municipal lands (i.e. deer carcasses) by referencing NYSDEC regulations (6NYCRR PART 360)

4. **INSPECTION PROCEDURES**

- Regularly scheduled inspections - for maintenance concerns
- Unscheduled patrolling of areas by police

5. **MAINTENANCE PROCEDURES**

- Clean up and dispose of “illegally dumped” materials, trash/debris in accordance with environmental regulations
- Cut and remove vegetation

6. **ADVISORY**

- Abide by NYSDEC regulations (6NYCRR Part 360) pertaining to this topic
- Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations)

OPERATIONAL BY-PRODUCTS AND WASTES INSPECTION CHECKLIST

Location _____

(example. Temporary dumping areas for bulky trash items)

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Condition of general area	Possible runoff to/ contamination of storm sewer or water body	Yes	No	<input type="checkbox"/> Remove <input type="checkbox"/> Fix
Type of material/waste observed?	Appropriate?	Yes	No	<input type="checkbox"/> Remove to appropriate container/location
Security	Regular policing of area, Location properly secured/closed/locked?	Yes	No	<input type="checkbox"/> Secure waste area
Disposal	Past disposal date?	Yes	No	<input type="checkbox"/> Dispose timely

Inspection Frequency _____

Last Clean-up Date _____

Date of Inspection _____

Name_____

CATCH BASIN AND STORM DRAIN SYSTEM CLEANING **POLLUTION PREVENTION/ GOOD HOUSEKEEPING PRACTICES**

1. IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)

- **Catch basins** capture grit and debris, which, if not removed in a timely fashion, can discharge toxic and biological pollutants during rain and/or snow melt events
- **Storm drainage systems**, while not designed for capture of solid materials, can perform in the same manner with similar results.
- **Storm ditches**, if stripped of vegetation during cleaning, can result in silt deposition in receiving waters

2. PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE

- Toxicity – heavy metals, organic compounds, etc.
- Biochemical oxygen demand
- Sediment loading

3. IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)

- Address:
 - storm drain receivers and (below grade) storm sewer systems
 - parking lot receivers
 - open ditches
 - catch basins and floor drain systems inside of buildings should be either:
 - sealed to prevent discharge
 - “permitted” by NYSDEC
 - discharged to sanitary sewers
- Contaminated wastewaters should not be discharged to a catch basin/street receiver/ditch
- Increase frequency of cleaning, as necessary
- Repair/replace storm drain receiver and catch basin receiver grates as necessary

4. INSPECTION PROCEDURES

- Physical inspection – prioritize storm drain systems and catch basins – catch basins on steep grades may need more frequent cleaning
- Clean catch basin when depth of deposits are $>1/3$ the depth from the bottom of the basin to the invert of the lowest pipe/opening into or out of basin – Institute temporary street parking bans to facilitate access to catch basins
- Ditch inspections – ID problems while traveling to job site
- Storm event inspection – identify pollution problems (i.e. sediments) to determine the need for additional protective measures
- Post storm event inspection – ID problems (i.e. blockages)

5. MAINTENANCE PROCEDURES

- Catch basins/storm sewer pipe – cleaning in spring to remove sand/grit/salt from winter road maintenance, cleaning in fall to remove leaves/silt/debris
- Established ditch:
 - Maintain proper slope
 - Maintain vegetation by cutting (to capture sediment) – Do not allow vegetation to grow to a height that would impair sight lines of drivers of motor vehicles
 - Remove obstacles/ debris – (i.e. trash, tree branches, brush, cut vegetation)
 - Excavation/ditch scraping – if necessary, use devices (i.e. hay bales, silt fence) to capture sediment prior to stormwater discharge into receiving waters, reseed ditch
- New installation – capture particulate matter – install sediment basins/other devices in ditch
- Proper disposal of debris

6. ADVISORY

- Refer to NYSDOT guidance information ([Environmental Handbook for Transportation Operations](#))

CATCH BASIN AND STORM DRAIN SYSTEM CLEANING INSPECTION CHECKLIST

Road Name: _____ Road Number: _____ Road Section: From: _____ To: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/ REPAIRS NECESSARY	ACTION	LOCATION (House number, distance from intersection)
Catch Basin/ Drop Inlet	Deterioration of Structure	Yes No	<input type="checkbox"/> Repair Structure or Grate <input type="checkbox"/> Replace Structure or Grate	
	Clogged Inlets During or After Storm Event	Yes No	<input type="checkbox"/> Clean Grate / Inlet	
	Deposits in Structure	Yes No	<input type="checkbox"/> Clean Out Structure	
Storm Manhole	Deterioration of Structure	Yes No	<input type="checkbox"/> Repair Structure or Cover <input type="checkbox"/> Replace Structure or Cover <input type="checkbox"/> Clean Out Structure	
	Deposits in Structure	Yes No		
Storm Sewer Piping	Clogged Pipe	Yes No	<input type="checkbox"/> Clean Out Pipe	
	Deteriorated Pipe	Yes No	<input type="checkbox"/> Replace Pipe	
Ditches (Pollutants)	Excessive Vegetation	Yes No	<input type="checkbox"/> Mow Vegetation <input type="checkbox"/> Scheduled Ditch Cleaning	
	Debris (branches, litter, garbage, etc.)	Yes No	<input type="checkbox"/> Clean Out Ditch	
	Excessive Siltation	Yes No	<input type="checkbox"/> Clean Out & Regrade Ditch	
Roadside / Cross Culverts	Clogged Pipe	Yes No	<input type="checkbox"/> Clean Out <input type="checkbox"/> Review Size & Replace <input type="checkbox"/> Clean Out & Regrade Ditch	
	Deteriorated Pipe	Yes No	<input type="checkbox"/> Replace Pipe <input type="checkbox"/> Line Pipe	
Sediment Basins	Excessive Vegetation	Yes No	<input type="checkbox"/> Mow	
	Excessive Sediment Deposits	Yes No	<input type="checkbox"/> Clean Out Basin	
Outfall	Pollutants	Yes No	<input type="checkbox"/> Rip-rap	

Date of Inspection _____ Name _____ Frequency _____

STREET CLEANING AND MAINTENANCE
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATER (SURFACE WATERS)**

- Poorly maintained streets allow for a “build up” of trash, grit, and debris, from which sediment and toxic/biological pollutants can be “washed out” during rain and /or snow melt events.
- Street repair/paving processes use materials that can contaminate receiving waters if they interact with stormwater.

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Particulate matter – can cause sediment loading
- Biochemical oxygen demand
- Toxicity to aquatic plants and wildlife

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)**

- Street sweeping/vacuuming - at regular intervals, and “as needed”
- Perform operations such as paving in dry weather only.
- Prior to road reconstruction, consider/evaluate the use of “shouldered roads” instead of “curbed roads”
- Maintain roadside vegetation; select plants/trees that can withstand the action of road salt. Direct runoff to these areas.

4. **INSPECTION PROCEDURES**

- Inspect streets, and plan (as needed) for maintenance/repairs
- Prioritize – some streets (i.e. those with high traffic flows, on flat grades, or with many trees) may need more frequent cleaning

5. **MAINTENANCE PROCEDURES**

- Spring sweeping/vacuuming – remove salt/sand residues
- Fall sweeping, collection of leaves at appropriate time intervals
- Dry sweep or vacuum streets during dry weather
- Initiate temporary street by street parking bans to allow access for cleaning
- Maintain equipment - check for/repair fluid leaks
- Stage road operations and maintenance activity (patching, pothole repair) to reduce spillage of materials. Cover catch basins and manholes during activity

6. **ADVISORY**

- Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations)

STREET CLEANING AND MAINTENANCE INSPECTION CHECKLIST

Location/Section of Road _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Roads (curb line)	Debris, grit, stone	Yes	No	<input type="checkbox"/> Shovel or Vacuum
Milling	Broken pavement (excavated material)	Yes	No	<input type="checkbox"/> Cover storm inlets, shovel, vacuum
Paving	Tack coat overspray	Yes	No	<input type="checkbox"/> Cover storm inlets
Storm drain inlets	Broken brick, block, mortar	Yes	No	<input type="checkbox"/> Repair
Roadside vegetation	Too high	Yes	No	<input type="checkbox"/> Cut
	None observed	Yes	No	<input type="checkbox"/> Re-seed

Date of Inspection _____

Name _____

Frequency _____

ROAD SALT STORAGE AND APPLICATION
GOOD HOUSEKEEPING/POLLUTION PREVENTION PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Salt is very soluble in water, and, in high concentrations, can have a deleterious effect on plants and aquatic life.

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Toxicity

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)**

- Require covered facility for salt storage (prevents lumping and run-off loss), and size properly for seasonal needs
- Store salt on highest ground elevation to allow for infiltration of stormwater
- Calibrate salt spreaders for proper application
- Consider alternative deicing materials (i.e. calcium chloride, magnesium chloride)
- Use a wetting agent with salt to minimize “bouncing” during application
- Cover salt loading area, or build into storage shed
- Unload salt deliveries directly into storage facility, or if not possible, move inside immediately

4. **INSPECTION PROCEDURES**

- Look for physical evidence of problems:
 - inspect salt storage shed for leaks, structural problems
 - inspect salt piles for proper coverage, tarps for leaks or tears
 - inspect salt application equipment
 - inspect salt regularly for lumping or water contamination
 - inspect surface areas for evidence of runoff – salt stains on ground near and around the salt shelter, loading area, or downslope
 - inspect for excessive amounts of salt on roads

5. **MAINTENANCE PROCEDURES**

- Service trucks and calibrate spreaders regularly to ensure accurate, efficient distribution of salt
- Educate and train operators on hazards of over-salting to roads and environment
- Repair salt storage shed – structural problems can lead to salt spillage
- Repair/replace tarps

6. **ADVISORY**

- Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations)

ROAD SALT STORAGE AND APPLICATION INSPECTION CHECKLIST

Unit ID: _____ Location _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Storage shed	Salt outside of shed	Yes	No	<input type="checkbox"/> Move salt into shed
Truck loading area	Salt on ground	Yes	No	<input type="checkbox"/> Pick up, load onto truck <input type="checkbox"/> do not overfill truck
Roads – (sites of application)	Excessive salt on ground	Yes	No	<input type="checkbox"/> Remove by sweeping?
Salt spreader	Excessive salt on ground	Yes	No	<input type="checkbox"/> Recalibrate salt spreader?

Date of Inspection _____

Name _____

ROAD KILL COMPOSTING OPERATIONS
GOOD HOUSEKEEPING/POLLUTION PREVENTION PRACTICES

1. IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)
 - Potential for leaching of biologic contaminants to receiving waters
2. PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE
 - Biochemical oxygen demand
3. IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)
 - Establish compost pile/windrow on a well drained, impervious surface that has minimal slope – segregate from other operations
 - Identify the proper types of carcasses (typically, deer) that should be composted
 - Locate compost piles at least 200 ft. away from receiving waters or wetlands
 - Prevent access by vermin/scavengers – erect barriers (i.e. snow fence) around pile
4. INSPECTION PROCEDURES
 - Check for odors, temperature of compost, exposed carcasses
 - Keep records (use a daily log)
5. MAINTENANCE PROCEDURES
 - Monitor temperatures
 - Take samples, analyze for pathogens
 - Establish windrows
 - Prevent erosion
 - Recycle completely composted material
6. ADVISORY
 - Abide by NYSDEC regulations (6NYCRR Part 360) pertaining to this topic
 - Refer to NYSDOT guidance

ROAD KILL COMPOST SITE INSPECTION CHECKLIST

Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Compost pile	Exposed Carcasses	Yes	No	<input type="checkbox"/> Add cover material (wood chips, compost)
	Odors	Yes	No	<input type="checkbox"/> Cover with wood chips <input type="checkbox"/> Add lime
	Liquid runoff (leachate)	Yes	No	<input type="checkbox"/> Absorb with wood chips, return to compost pile
	Animals scavenging	Yes	No	<input type="checkbox"/> Fence area <input type="checkbox"/> Temporarily cover with tarp
	Wood chips too dry	Yes	No	<input type="checkbox"/> Add water
	Wood chips too wet	Yes	No	<input type="checkbox"/> Allow to dry
	Insufficient compost temperature	Yes	No	<input type="checkbox"/> Temporarily cover with tarp

Date of Inspection _____

Name _____

Frequency _____

MARINA OPERATIONS
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. **IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)**

- Liquids associated with boat maintenance products (oils, fuels, antifreeze, wood preservatives, etc. and particulate matter (i.e. boat bottom paint from hull sanding) can contain toxics
- Boat sewage can contain pathogenic bacteria that contribute increased biochemical oxygen demand to waterways
- Barren soils can contribute to sedimentation

2. **PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE**

- Biochemical oxygen demand
- Toxicity
- Sediment loading

3. **IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)**

- Construct and maintain pump out stations (for sanitary wastes)
- Build and maintain fish cleaning stations
- Stabilize shoreline
- Designate locations for boat maintenance away from the water
- Minimize impervious areas – install vegetated buffer strips (i.e. grass, shrubs)
- Provide covered trash receptacles, spill clean up kits at fueling stations
- Educate (posters, signage) boaters and other marina users of potential problems

4. **INSPECTION PROCEDURES**

- Identify areas of runoff that lack vegetation
- Regularly inspect fueling stations (including tanks and piping), maintenance areas for spills, other potential sources of pollution
- Regularly check (and empty as necessary) fish cleaning stations, sewage pump out stations, trash cans

5. **MAINTENANCE PROCEDURES**

- Empty trash cans and pump out stations as needed
- Maintain vegetated areas between the water and work areas
- Replace spill clean up kits as necessary

6. **ADVISORY**

- Refer to: Shipshape Shores and Waters: A Handbook for Marina Operators and Recreational Boaters - <http://www.epa.gov/owow/nps/marinashdbk2003.pdf>

MARINA OPERATIONS INSPECTION CHECKLIST

Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Trash cans, sewage pump out stations, fish cleaning stations	Full	Yes	No	<input type="checkbox"/> Empty, dispose of wastes properly
Fueling stations	Spills	Yes	No	<input type="checkbox"/> Clean up
Vegetated areas	Barren soils	Yes	No	<input type="checkbox"/> Re-vegetate
		Yes	No	<input type="checkbox"/>
		Yes	No	<input type="checkbox"/>
		Yes	No	<input type="checkbox"/>

Date of Inspection _____

Name _____

Frequency _____

CONSTRUCTION AND LAND DISTURBANCE
POLLUTION PREVENTION/GOOD HOUSEKEEPING PRACTICES

1. IDENTIFY IMPACTS TO/ON STORMWATER/RECEIVING WATERS (SURFACE WATERS)
 - Sediment runoff (i.e. silt, debris) can affect fish reproduction and habitat
 - Removal of shade trees from stream banks can increase water temperature which can result in reduced dissolved oxygen content in streams
2. PROBLEM EVALUATION: ASSESS IMPACT ON RECEIVING WATERS, PRIORITIZE
 - Particulate matter – can cause sediment loading
 - Biochemical oxygen demand – increases with temperature, depletes oxygen
3. IDENTIFY (AND CHOOSE APPROPRIATE) SOLUTIONS (BMP's)
 - Plan the construction and/or land clearing activities so that soil is not exposed for long periods of time
 - Minimize compaction of soils and impervious cover
 - Maximize opportunities for infiltration
 - Install sediment control devices before disturbing soil
 - Limit grading to small areas
 - Stabilize site to protect against sediment runoff
 - Protect against sediment flowing into storm drains
 - Maintain native vegetation (especially near waterways)
 - Install sediment barriers on slopes or divert stormwater
4. INSPECTION PROCEDURES
 - Regularly scheduled inspections (of sediment control devices, erosion safeguards)
 - Inspect during storm or snow melt events
5. MAINTENANCE PROCEDURES
 - Check/repair all devices that have been installed to ensure protection against erosion
6. ADVISORY
 - Refer to NYSDOT guidance information (Environmental Handbook for Transportation Operations)
 - NY State Standards and Specifications for Sediment and Erosion Control
 - NY State Stormwater Management Design Manual

CONSTRUCTION AND LAND DISTURBANCE INSPECTION CHECKLIST

Location: _____

COMPONENTS/ITEMS TO CHECK	PROBLEMS OBSERVED	MAINTENANCE/REPAIRS NECESSARY		ACTION
Sediment control devices	None observed	Yes	No	<input type="checkbox"/> Install
	In disrepair	Yes	No	<input type="checkbox"/> Repair
Sediment barrier devices	None observed	Yes	No	<input type="checkbox"/> Install
	In disrepair	Yes	No	<input type="checkbox"/> Repair
		Yes	No	<input type="checkbox"/>
		Yes	No	<input type="checkbox"/>
		Yes	No	<input type="checkbox"/>
		Yes	No	<input type="checkbox"/>

Date of Inspection _____

Name _____

Frequency initial, and as needed (coinciding with storm events)

APPENDIX W
Stormwater Industrial Routine
Facility Inspection Report Form

Stormwater Industrial Routine Facility Inspection Report

General Information			
Facility Name			
NPDES Tracking No.			
Date of Inspection		Start/End Time	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Weather Information			
Weather at time of this inspection? <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snow <input type="checkbox"/> High Winds <input type="checkbox"/> Other: _____ Temperature: _____			
Have any previously unidentified discharges of pollutants occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: _____			
Are there any discharges occurring at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: _____			

Control Measures

- *Number the structural stormwater control measures identified in your SWPPP on your site map and list them below (add as many control measures as are implemented on-site). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required control measures at your facility.*
- *Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.*

	Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Corrective Action Needed and Notes (identify needed maintenance and repairs, or any failed control measures that need replacement)
1		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
2		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
3		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	

	Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Corrective Action Needed and Notes (identify needed maintenance and repairs, or any failed control measures that need replacement)
4		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
6		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
7		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
8		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
9		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
10		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	

Areas of Industrial Materials or Activities exposed to stormwater

Below are some general areas that should be assessed during routine inspections. Customize this list as needed for the specific types of industrial materials or activities at your facility.

	Area/Activity	Inspected?	Controls Adequate (appropriate, effective, and operating)?	Corrective Action Needed and Notes
1	Material loading/unloading and storage areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Equipment operations and maintenance areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Fueling areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Outdoor vehicle and equipment washing areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Waste handling and disposal areas	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	Area/Activity	Inspected?	Controls Adequate (appropriate, effective, and operating)?	Corrective Action Needed and Notes
6	Erodible areas/construction	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Non-stormwater/ illicit connections	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8	Salt storage piles or pile containing salt	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	Dust generation and vehicle tracking	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Non-Compliance

Describe any incidents of non-compliance observed and not described above:

Additional Control Measures

Describe any additional control measures needed to comply with the permit requirements:

Notes

Use this space for any additional notes or observations from the inspection:


CERTIFICATION STATEMENT

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Print name and title: _____

Signature: _____ **Date:** _____

APPENDIX X
Municipal Pollution Prevention and
Good Housekeeping Staff Training Documentation
(Sign-in Sheet)




**Stormwater Training
Village of Fayetteville**

January 13, 2020 Illicit Discharge, Pollution Prevention and Good Housekeeping Municipal Stormwater Training

Pollution Prevention and Good Housekeeping

- Stormwater Requirements
 - General Permit for municipal separate storm sewer systems
 - Public Education and Outreach (MCM1)
 - Public Involvement (MCM2)
 - Illicit Discharge Detection and Elimination (MCM 3)
 - Construction Site Runoff Control (MCM 4)
 - Post Construction Stormwater Management (MCM 5)
 - Pollution Prevention and Good Housekeeping for Municipal Operations (MCM6)

What is an Illicit Discharge?



Excesses include water from fire fighting activities and discharges from facilities already under an NPDES permit.

- Illicit discharges are generally any discharge into a storm drain system this is not entirely of stormwater.

Look for Evidence of Illicit Discharges

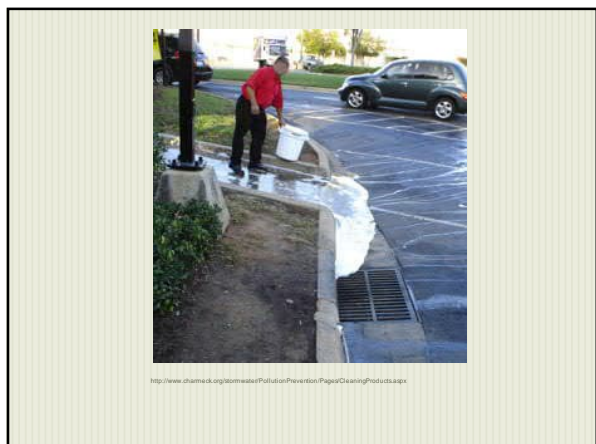
- Illicit Discharge = any discharge from a storm sewer that is not entirely made up of storm water, except for NYSDEC permitted flows.
- Sources may include:
 - Sanitary Sewer Waste
 - Illegal Dumping
 - Connections to a Floor Drain
- Look for evidence of Illicit Discharges at outfalls and along the R.O.W.

IDDE Connection

- Floor Drains
- Sewer cross connections
- Spills
- Dumping
- Outdoor Washing





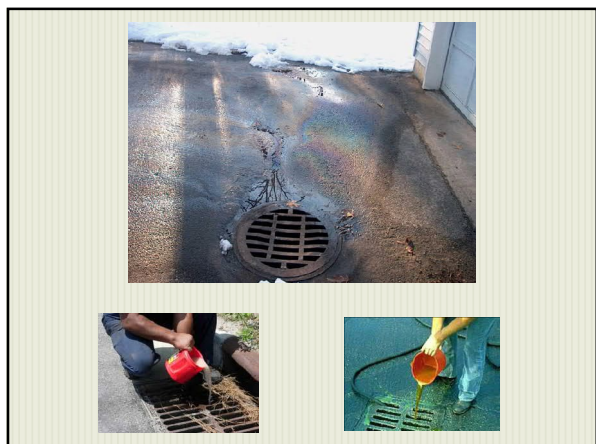


CD 2008-1: Detection


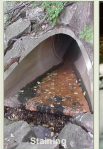

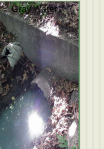




Evidence of Illicit Discharges

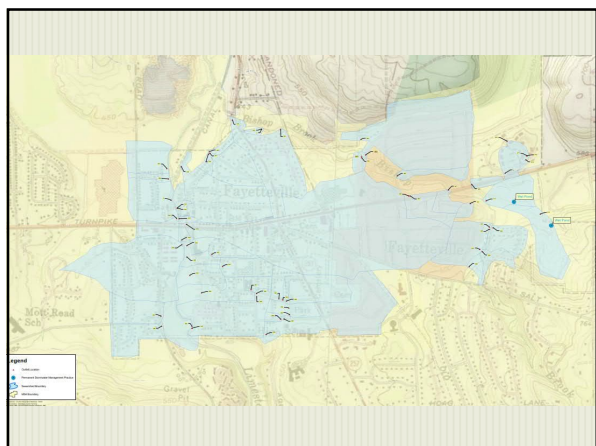
- Visual: grey or colored discharges, evidence of sewage, foam, soap suds or oil sheens
- Odor: those associated with sewage, chlorine, detergents, or petroleum, or other chemicals





How to Spot Illicit Discharges

<p>Sanitary Sewer Discharge</p> <p><u>Observations:</u></p> <ul style="list-style-type: none"> - Sanitary debris - Staining on pipe - Heavy Foam - Gray or Discolored Water - Odors (sewage, chlorine, rotten eggs and detergents) 	   
<p>Illegal Dumping, Spills, or Floor Drain Connection</p> <p><u>Observations:</u></p> <ul style="list-style-type: none"> - Oily sheen - Trash, non-sanitary debris - Petroleum odors - Stained sediment, rocks, and vegetation 	<p>Industrial Discharge</p> <p><u>Observations:</u></p> <ul style="list-style-type: none"> - Discolored water - Chemical odor
  	 
	<p>Agricultural Runoff, Fertilizers, or Sanitary Sewer Waste</p> <p><u>Observations:</u></p> <ul style="list-style-type: none"> - Algae growth at or near outlet - Heavy vegetation at or near outlet
	 



Record and Report Observations

- Look for Illicit Discharges. Some illicit discharges, such as failing septic systems, will not necessarily occur at stormwater outfalls.
- Look for Illegal Dumping.
- Record the location of anything suspicious and report suspected illicit discharges to your immediate Supervisor.

Spill Prevention & Cleanup

- Provide secondary containment for drums





Spill Response Procedures

- Report the following to the Emergency Coordinator
 - Description of spill
 - Material spilled
 - Location of spill
 - Volume spilled
 - Time of spill/discovery
 - Environmental conditions
 - Affected receptors (employees, surface waters, etc.)



Minor Spills

- 5 gallons or less
 - Spill is localized
 - Will not reach a water body
 - Spill can be stopped and controlled
 - Little risk to human health or safety
 - Little risk of fire or explosion



Major Spills

- > 5-gallons
 - Spill has migrated
 - Product has reached, or will reach, drainage pathways or waters
 - Can not be controlled with spill kits
 - Risk to human health or safety
 - Risk of fire and explosion

Spill Notification (NYSDEC)

- All spills must be reported to the NYSDEC unless they meet all of the following:
 - <5-gallons
 - The spill is contained
 - The spill has not and will not reach water or land
 - The spill is cleaned up within 2 hours of discovery
- **NYSDEC Spill Hotline (800) 457-7362**
 - Notify within 2 hours of discovery

Petroleum Spill Response

- Contamination Found During Excavation Activities:
 - Stop excavation, report spill to NYSDEC spill hotline (800) 457-7362 within 2 hours of discovery.
 - Make a visual assessment of area and situation.
 - If necessary, make arrangements for appropriate cleanup.

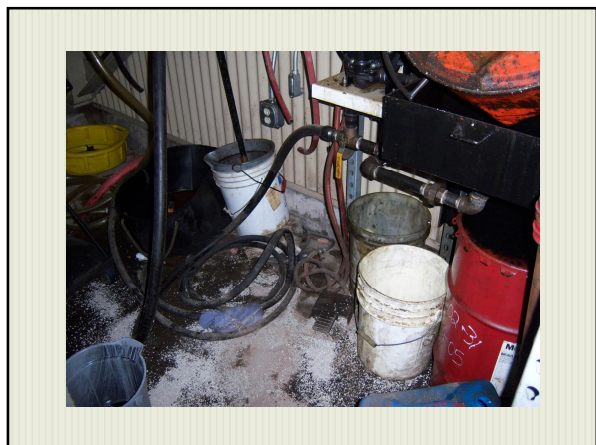
Spill Kit Supplies









PBS – Petroleum Bulk Storage

- Compliance Requirements
 - ▣ Tank ID labeling



Common Tank Labeling






-  UNLEADED REGULAR
-  UNLEADED PLUS
-  UNLEADED PREMIUM
-  DUAL POINT VAPOR RECOVERY

ABOVEGROUND TANK MARKINGS
 FILL PORT COLOR CODE
 TANK NO. -
 DESIGN CAPACITY -
 WORKING CAPACITY -

ABOVEGROUND TANK EQUIPMENT
 GAUGE OR EQUIVALENT DEVICE
 IMPERVIOUS UNDERLAYMENT
 MONTHLY INSPECTION FORM
 MAY REQUIRE SECONDARY CONT.



Common Tank Labeling

-  LOW SULFUR DIESEL
-  HIGH SULFUR DIESEL
-  #2 HEATING OIL
-  KEROSENE
-  WASTE OIL

For Tanks Installed After 1999

1) The tank must bear a permanent stencil, label or plate containing the following information:

- (i) manufacturer's statement that "This tank conforms with ENVIROM Part 6.14";
- (ii) the standard of design by which the tank was manufactured
- (iii) the petroleum products and percentages of volume of petroleum additives which may be stored permanently and compatibly within the tank or reference to a list available from the manufacturer which identifies products compatible with all tank materials;
- (iv) the year in which the tank was manufactured;
- (v) a unique identification number;
- (vi) the dimensions, design and working capacity and model number of tank; and
- (vii) the name of manufacturer.

2) A second label which shows all of the information required above and which also shows the date of installation must be conspicuously displayed and permanently affixed at the fill port. It must be readily visible to the carrier and may be imbedded in concrete, welded to the fill port, or otherwise permanently affixed.

PBS – Petroleum Bulk Storage

- Compliance Requirements
 - Color coding of fill ports



Stream Protection



Do not work in streams, rivers, wetlands or other "Waters of the U.S." unless there is a specific permit authorization.

Stream Protection

- Comply with all NYSDEC/ACOE permit conditions.
- Ensure proper water quality measures are installed before work starts (Turbidity curtains/Cofferdams)



Right of Way Maintenance

- Install silt fence for work with soil disturbance open for more than 1 day
- Protect adjacent areas
- Silt fence must be keyed into soil; sections overlapped; no tears/rips



Sediment Control



Silt fence around a soil stockpile.

Mowing

- ☐ Do not mow in sensitive (wet) areas
- ☐ Mow as late as possible in spring to protect ground-nesting birds; be alert for birds
- ☐ Avoid mowing delineated wetlands



Ditch Installation

Install check dams during excavation of a ditch.



Ditch Cleaning

- Ditch cleaning exposes bare earth that must be seeded.
- In some cases, it may be appropriate to install check dams.



Ditch Cleaning

- If the ditch is in a wetland, confirm that work is permitted.
- Transport excavated spoils to acceptable non-wetland fill areas.
- Do not spread excavated material that contains invasive species.
- Clean equipment of any soil that may contain invasive species fragments before leaving site.
- Promptly seed and mulch exposed areas with straw, or hydro-seeded.

Pragmites

- Large, coarse, perennial grass often found in wetlands and in ditches along roadways.



Giant Hogweed

- ❑ Can grow to 14 feet or more.
- ❑ Large, compound leaves can grow up to 5 feet wide.
- ❑ White flower heads can grow up to 2 ½ feet in diameter.
- ❑ DO NOT MOW OR TOUCH to your skin; contact Supervisor if found.



Poison Ivy

- ❑ Clusters of three leaflets (mitten shape).
- ❑ Alternate leaf arrangement.



Bridge Cleaning

- ❑ Install traffic control devices in accord w/traffic safety manual.



Bridge Cleaning

- Deck, sidewalk, joints, rails are flushed with clean water only.
- No detergents or hot water are used over waterways or wetlands.



Maintenance Yards



Maintenance of Yard

- Maintenance yard is clean and well kept.
- Trash is picked up and maintained.
- Empty barrels (former oil drums, etc.) covered, marked with "Empty" or "MT", and stored on side.
- No barrels have been allowed to fill with rain water.

Materials Management

- ❑ Materials are to be stockpiled and used properly.
- ❑ Unusable materials must be recycled or sent for disposal:
 - ❑ Metals (scrap metal) stockpiled under cover for recycling.
 - ❑ Batteries (lead acid) are returned to vendor.
 - ❑ Rechargeable batteries are sent for recycling.
- ❑ Equipment is stored to minimize potential for leaks (such as petroleum) to the ground and water.
 - ❑ Repair leaking equipment as soon as possible.

Solid Waste Management



Dumpsters

- ❑ Cover as appropriate.
- ❑ Closed drain & ensure dumpsters are not leaking.
- ❑ Recycle Bins are available and are in good condition.



C&D

- C&D (uncontaminated solid waste from construction, repair, remodeling, and demolition) includes:
 - ▣ Bricks, glass, asphalt pavement, concrete and masonry materials.
 - ▣ Soil, rock and land clearing debris
 - ▣ Wood and wood products.
 - ▣ Wall coverings, plaster and drywall.
 - ▣ Pipes or metal within C&D materials.

C&D

- Only the following uncontaminated C&D can be disposed of as spoils:
 - ▣ Trees, stumps, yard wastes, and wood chips.
 - ▣ Uncontaminated concrete and concrete products, asphalt pavement, brick, glass, soil and rock that have not been in contact with a petroleum, other hazardous product or spill materials).

Used Oil

All containers, used oil ASTs, and fill pipes of used oil USTs must be clearly labeled "Used Oil" and specify the capacity of the tank or container on the label. Color code tank fill ports with a purple square.



Winter Maintenance



Winter Maintenance

- ❑ Limit deicing storage to approved areas.
- ❑ During loading & unloading, seal/cover stormwater structures, including curbing, that is near deicer storage tanks/sheds/domes.
- ❑ Avoid stockpiling salt & sand uphill of stormwater inlet structures.
- ❑ Clean & return deicing materials spilled outside the storage shelter during loading/unloading.
- ❑ Store liquid deicers in aboveground storage tanks. Protect storage from traffic impact by placing barriers such as bollards and/or guide rails.
- ❑ Spill clean up materials are kept near all liquid deicing tanks. Clean liquid spills immediately using dry absorbent.

Snow Disposal & Deicer

- ❑ May not dispose snow into waterway without prior approval
- ❑ Storage of deicing materials shall be protective of environment



Vehicle Washing



Vehicle Washing

- ❑ Wash vehicles within designated washing areas, such as wash bays.
- ❑ If wash bays are not available, bring vehicles to commercial vehicle washes.
- ❑ Do NOT wash vehicles in non-designated areas.
- ❑ Operate and maintain wash bay oil water separators.

Waste Oil Space Heaters

- ❑ Burn only waste oil generated.
- ❑ Must be free of all chemical contaminants such as antifreeze, degreasers, gasoline, heavy metals, and pesticides.



Compliance Standards

- No “substantial visible contrast” in turbidity.
- No increase in solids that will impair waters for their best usages.
- No residue from oil and floating substances.



Erosion and Sediment Control Practices

- Traditional E&SC Practices:
 - Straw Bales
 - Silt Fence
 - Check Dams
- Additional practices need to be incorporated to prevent erosion.



Slope Stabilization

- Most Important ESC Practice
- Can Eliminate >90% of Sediment Loss
 - Stop the Problem Before it Starts!!
- Achieved by:
- Seeding (Permanent & Temporary)
 - Mulch Application
 - Jute Mesh
 - Rolled Erosion Control Products (Steep Slopes)

Rolled Erosion Control Products

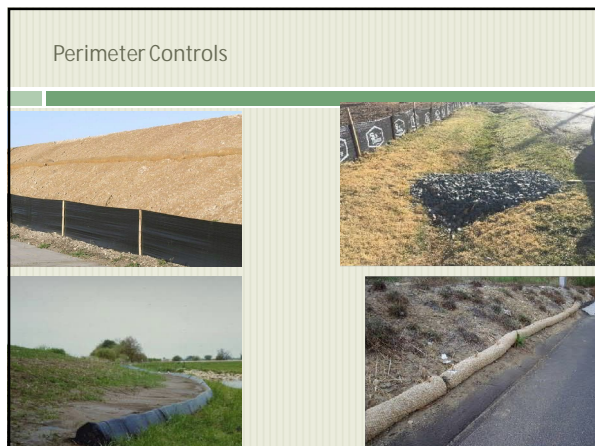




Site-Specific BMP Considerations

- Stabilize Drainage Swales:
 - Vegetation/Erosion Control Fabric
 - Check Dams
 - Rock Outlet Protection
- Limit Disturbed Areas
 - Seed and Mulch
 - Preserve Vegetation

















Thank you!

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APPENDIX Y
Catch Basin and Conveyance
Inspection and Maintenance Log

Catch Basin/Conveyance Structure Inspection and Maintenance Log
Village of Fayetteville, Onondaga County, NY

Date/ Time	Inspector	Weather Conditions	Type of Structure Inspected/Cleaned	General Condition of Structure	Sediment Accumulation (%)	Required Cleaning, Maintenance, or Corrective Action

APPENDIX Z
MS4 Municipal Public Works
Annual Stormwater Pollution Prevention Reporting Summary

MUNICIPAL PUBLIC WORKS ANNUAL MAINTENANCE REPORTING LOG

Required baseline reporting items (must be reported annually per MS4 General Permit):

Infrastructure Maintenance

Activity	Total in municipality	Number inspected	Number maintained	% of total inspected	% of total maintained
Ditch maintenance (miles)					
Storm sewer pipe (miles)					
Parking lot sweeping (acres)	4	4	4	100%	100%
Street sweeping (miles)	114	114	114	100%	100%
Catchbasin cleaning	~400	~100	~100	25%	25%

Fertilizer and Pesticide Use

Material	Amount used	Amount used last year	Percent reduction
Fertilizer: phosphorus (lbs)	0	0	0%
Fertilizer: nitrogen (lbs)	0	0	0%
Pesticide	0	0	0%

The following actions must be reported **if they are part of your municipal SWMP**. If not, the following are optional reporting items that may be useful in documenting long-term compliance intent and/or evaluating SWMP effectiveness:

Winter Road Maintenance

Event type	Current report year	Last report year
Total inches snow		
# Plowable snow events	Unknown	Unknown
# Ice/black ice events	Unknown	Unknown
# Freezing rain/sleet events	Unknown	Unknown
Material	Amount used	Amount last report year
Salt (tons or cubic yards)		
Sand (tons or cubic yards)		
Stone (tons or cubic yards)		
Other solid (specify) (tons/cy)		
Liquid deicer (specify) (gallons)		

Waste Recycling

Product	Quantity recycled
Oil	N/A
Antifreeze	N/A
Batteries	N/A
Hydraulic fluid	N/A
Brake fluid	N/A
Other hazardous waste (specify)	N/A
Yard waste (compost)	N/A

Green Product Use

List alternative products used	Product replaced

Note: The reporting year runs from March 10 through March 9. This form should be completed at the end of each reporting year. Information needed to complete this summary form should be obtained from daily operational records. Generally the Highway Department will compile the information, but may require input from multiple departments.

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listen
The power to
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