

Stormwater Phase II Overview

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In response to the 1987 Amendments to the Clean Water Act (CWA), the US Environmental Protection Agency (EPA) developed Phase I of the National Pollutant Discharge Elimination System (NPDES) Storm Water Program in 1990. The Phase I program addressed sources of storm water runoff that had the greatest potential to negatively impact water quality. The Department of Environmental Conservation (DEC) is responsible for administering the program in NYS as part of the State Pollutant Discharge Elimination System (SPDES). Under Phase I, SPDES permit coverage was required for storm water discharges from medium and large municipal separate storm sewer systems (MS4s) located in incorporated places or counties, eleven categories of industrial activity and construction activity that disturbed five or more acres of land.

The Phase II Final Rule, published in the Federal Register on December 8, 1999, expanded the stormwater permit program to include stormwater discharges from certain regulated small MS4s and construction activity that disturbs between 1 and 5 acres of land. On January 8, 2003, the DEC finalized two-new permits for stormwater discharges in NYS as required by the Federal EPA; the small MS4 and small construction permits.

The MS4 permit requires regulated municipal MS4s (those with a minimum population density of 1000 people per square mile and are located in urban areas as defined by the U.S. Census Bureau) to develop and fully implement a stormwater management program by 2008. Stormwater management programs must contain appropriate management practices in each of the following minimum control measure categories: Public Education and Outreach; Public Involvement and Participation; Illicit Discharge Detection and Elimination; Construction Site Stormwater Runoff Control; Post-Construction Site Stormwater Runoff Control; and Pollution Prevention for Municipal Employees.

As a first step toward obtaining SPDES permit coverage regulated MS4s were required to submit a Notice of Intent (NOI) form to DEC by March 10, 2003. The NOI required MS4s to provide an initial outline of planned management practices and to identify measurable goals to annually assess progress toward the full implementation of an appropriate stormwater management plan. Although DEC specified a few required actions and provided a list of approved management practices for each minimum control category, regulated MS4s were encouraged to tailor the development of their stormwater management programs to best meet local stormwater problems.

The DEC has renewed the SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES from CONSTRUCTION ACTIVITIES, GP-0-08-001 and the SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES from MUNICIPAL SEPARATE STORMWATER DISCHARGES from MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4S), GP-0-08-002.

The General Permits (formerly GP-02-01 and GP-02-20) have been re-titled GP-0-08-001 (Construction) and GP-0-08-002 (MS4). They shall be effective from may 1, 2008 to April 30, 2010. Exclusion criteria are contained in each permit identifying when use of each General Permit is not permissible.

Copies of the permits and fact sheets and applicable forms are available on the DEC website at: <http://www.dec.ny.gov/chemical/8468.html> or copies may be requested by contacting:

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These general permits will authorize new and existing discharges of stormwater from construction activities and MS4s required to have permits in accordance with Environmental conservation Law.

All permittees currently authorized under each of the General Permits will be notified and such permittees shall be permitted to be authorized under the renewal permits unless otherwise prohibited, and shall be considered authorized without interruption. Applicants seeking new authorizations to discharge will be required to file a Notice of Intent to obtain such authorization.

MS4 Annual Reports due on June 1, 2008 are not required to meet the reporting requirements of the renewal permit (GP-0-08-002). Instead they are required to meet the reporting requirements of the permit which covered the reporting period (GP-02-02).

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MS4 Phase II Program Requirements

Automatically designated operators of **Municipal Separate Storm Sewer Systems** (MS4s) must develop, implement, and enforce a stormwater management program (SWMP) designed to reduce the discharge of pollutants to the maximum extent practicable (MEP). MEP is a technology-based standard established by Congress in the Clean Water Act. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop their programs.

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Minimum Control Measures (MCMs)




SWMPs must include six minimum control measures. For each of these six minimum measures, MS4s must identify measurable goals

and implement management practices to achieve those measurable goals. The six minimum measures include:

- Public Education and Outreach
- Public Involvement/Participation
- Illicit discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Runoff Control
- Pollution Prevention/Good Housekeeping For municipal Operations

The following links provide access to sections of GP-0-08-002 that identify the requirements of each minimum control measure including reporting for three categories of MS4s: Traditional, Non-Traditional and Phosphorus MS4s. Not all requirements apply to all categories of MS4. Regulated MS4s should verify which category they belong to prior to taking action.

In most browsers, these links will open to the correct page of the Acrobat PDF. In the event that they don't, use Acrobat's left side (bookmarks) navigation to find the appropriate section, or find the document's table of contents near the front of the document (page three at the time of this writing).

-  [Traditional Land-Use Control MS4 Minimum Control Measures \(cities, towns and villages\)](#)
-  [Traditional Non-Land Use Control and Non-Traditional MS4 Minimum Control Measures \(county agencies without land use control and state and federal prisons, office complexes, hospitals; state; transportation agencies; university campuses, public housing authorities, schools, other special districts\) other \)](#)
-  [Other Phosphorus Watershed MS4 Minimum Control Measures \(Includes Onondaga Lake Watershed\)](#)

For additional information on the Stormwater Program, please send an e-mail to stormwater@cnyrpdb.org

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