

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

from

**MUNICIPAL SEPARATE STORM SEWER SYSTEMS
(MS4s)**

Permit No. GP-0-08-002

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

Effective Date: May 1, 2008

Expiration: April 30, 2010

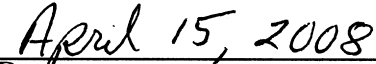
William R. Adriance
Chief Permit Administrator

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NYS DEC
Div. Environmental Permits
625 Broadway
Albany, N.Y. 12233-1750



Authorized Signature



Date

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 permit are authorized to *discharge stormwater* from their *small MS4* under this *general SPDES permit*.

A *permittee* authorized under GP-02-02 as of the effective date of GP-0-08-002, shall be permitted to discharge in accordance with the renewed permit, GP-0-08-002 unless otherwise notified by the Department. Coverage will be continued automatically upon renewal.

An *operator* not authorized under GP-02-02 may¹ obtain coverage under this *general SPDES permit* by submitting a Notice of Intent (“NOI”) to the address provided on the NOI form. Copies of this *general SPDES 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 permit. Authorization under this *general SPDES permit* occurs thirty (30) calendar days after receipt by the *Department* of a complete NOI.

*** Note: all italicized words within this 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 *general SPDES permit* because of exclusionary provisions of this permit. *Operators* that are excluded from coverage under this *general SPDES 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 *general SPDES permit* coverage does not authorize the *small MS4* to *discharge stormwater* runoff under the authority of this *general SPDES 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 *general SPDES 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 permit are met.
2. Exempt Non-Stormwater Discharges. The following non-stormwater *discharges* are exempt from the need for SPDES permit coverage unless the *Department* has determined them to be substantial contributors of pollutants to a particular *small MS4* applying for coverage under this *general SPDES 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 *permittee* 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 fire fighting activities
 - 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* requires that the *permittee’s stormwater management program* (“SWMP”) include public education and outreach activities directed at reducing pollution from these discharges.

(Part I.)

B. Limitations on Coverage

The following are not authorized by this *general SPDES 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 *permittee's SWMP*, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the permittee 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 *general SPDES permit* if the *discharges* are:

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

Part II. OBTAINING PERMIT COVERAGE

A. Continuance of Permit Coverage for Permittees Authorized by GP-02-02 (Continuing Permittees)

These procedures apply to *permittees* whose *stormwater discharges* were authorized by GP-02-02 and need to continue coverage under this *general SPDES permit*. For these *permittees*, authorization will be automatically continued when GP-02-02 is renewed, provided that the authorization under GP-02-02 was granted by the date that this *general SPDES permit* became effective.

For a single permittee, 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).

B. Permit Coverage for Permittees Newly Designated Under GP-0-08-002 (Small MS4s not Previously Authorized by GP-02-02)

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by

(Part II. B.)

GP-02-02, but are now required to gain coverage under this *general SPDES permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-02-02, but were granted a waiver from that requirement;
 - were not required to gain coverage under GP-02-02 based on the designation criteria, but they are now within an *Additionally Designated Area*; or
 - were otherwise not permitted under GP-02-02.
1. In order for *stormwater discharges* from *small MS4s* to be newly authorized under this *general SPDES permit*, an operator must:
 - a. within 180 days of receiving written notification from the department that a permit for discharges from MS4s is required, submit an NOI using the form provided by the *Department* (or a photocopy thereof); and
 - b. submit an NOI, signed in accordance with Part VI.J of this *general SPDES permit*, to:

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

2. Unless notified by the *Department* to the contrary, operators who submit a complete NOI in accordance with the requirements of this *general SPDES permit* are authorized to *discharge stormwater* from *small MS4s* under the terms and conditions of this *general SPDES permit* thirty (30) days after the date that a complete NOI is received by the *Department*.
3. In the *Department's* sole discretion, it may deny coverage under this general SPDES permit and require submittal of an application for an *individual SPDES permit* based on a review of the NOI or other information (see Part VI.O of this permit).

C. Small MS4s Not Required to Gain Coverage

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

D. Voluntary Extension of Permit Coverage to Permittee's Full Jurisdiction

Operators of regulated *small MS4s* may also extend their permit coverage to areas under their control, but outside of the existing area covered by this permit. This may be done by describing the program components 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 *permittee's* full jurisdiction.

Part III. SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

Where a *discharge* is already authorized under this *general SPDES 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 *permittee* of such violation(s) and may take enforcement actions for such violations. The *permittee* 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 *permittee* must document these actions in the *SWMP*. If violations occur, then coverage under this *general SPDES permit* may be terminated by the *Department* at its sole discretion, and an alternative *general SPDES permit* or *individual SPDES permit* may be issued. 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.

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 *impaired waters* listed in Appendix 2, the *permittee* must ensure no net increase in its *discharge* of the listed *POC* to that water.

By January 8, 2013, *permittees* must assess their progress and evaluate their *SWMP* with respect to the MS4's effectiveness in ensuring no net increased discharge of stormwater *POC(s)* to the impaired waters for *storm sewersheds* that have undergone non-negligible changes to land areas or practices during the time the MS4 has been covered by this permit. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that *discharge* to the listed waters. 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.

2. Watershed Improvement Strategies

The *SWMPs* for *permittees* in the watersheds listed below must be modified to comply with the following requirements. *Permittees* implementing these BMPs in addition to the BMPs required of all *permittees* will be taking satisfactory first steps towards achieving compliance with TMDL requirements. The *permittees* 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.

By January 8, 2013, *permittees* 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*.

If the modeling shows 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

(Part III.B.2)

waste load allocation.

a. New York City Watershed East of the Hudson River

Permittees 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

Permittees 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 and 5.

c. Pathogen Watersheds

Permittees 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 and 7.

d. Nitrogen Watersheds

Permittees 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 *permittee* must review the applicable *TMDL* to see if it includes requirements for control of *stormwater discharges*. If a *permittee* 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.

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.

Within three years of having modified its *SWMP* to ensure that reduction of the *POC* specified in the *TMDL* is achieved, permittees 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

Permittees must *develop, implement, and enforce* a *SWMP* designed to reduce the *discharge* of pollutants from *small MS4s* to the *maximum extent practicable* (“MEP”) in order to protect water quality and to satisfy the appropriate water quality requirements of the *ECL* and the *CWA*. *Permittees* must, by March 9, 2009 (or at the time of a Department audit of the *SWMP*), prepare a *SWMP plan* documenting 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 *permittee*, by a shared effort through a group or coalition of individual *permittees*, or by a third party entity. The *SWMP plan* shall be made readily available to permittee’s staff and to the public and to *Department* and EPA staff.

B. Cooperation Between Permittees Encouraged

The *Department* encourages *permittees* to cooperate when *developing* and *implementing* their *SWMP*². However, each *permittee* is responsible for obtaining its own permit coverage and for filing its own NOI. If one *permittee* is relying on another *permittee* to satisfy one or more of its permit obligations, that fact must be noted on the *permittee's* MCC form. The other entity must, in fact, *implement* the MCM(s) and must agree to *implement* the MCM(s) on the first *permittee'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 *permittee* for the duration of this *general SPDES permit*, including any administrative extensions of the permit term. Irrespective of any agreements between *permittees*, each individual *permittee* remains legally responsible for satisfying all GP-0-08-002 requirements and for its own *discharges*.

Permittees that are working together to *develop* or *implement* their *SWMPs* are encouraged to complete shared annual reports. *Permittees* 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, *permittees* are required to *develop* 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.

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.

³ The purpose of this section is to minimize conflicts between adjacent *small MS4s*. For the purposes of this *general SPDES permit*, areas under the *permittee's* jurisdiction shall mean areas where the legal authority exists for the subject *permittee* to *develop* and *implement* an *SWMP* including the six MCMs. It is not a permit requirement for *permittees* to *implement* and enforce any portion of their *SWMP* in any area that is under the jurisdiction of another *permittee*. 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 *general SPDES permit*, this despite the fact that the subject drainage does not directly enter the town’s system.

(Part IV.C.)

SWMP coverage shall include all UA or additionally designated areas within the *permittee'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 Permittees Authorized by GP-02-02 (Continuing Permittees)

Permittees authorized under GP-02-02 were required to *develop* an initial *SWMP* prior to March 10, 2003 and provide adequate resources to fully *implement* the *SWMP* no later than January 8, 2008. Under GP-02-02, *permittees* were also required to make steady progress toward full *implementation*.

Permittees authorized under GP-02-02 shall continue to fully *implement* their *SWMP*. A *permittee* may modify its *SWMP* if it determines changes are needed to improve *implementation* of their *SWMP*. Any changes to a *SWMP* shall be reported to the *Department* in the *MS4's* annual report and Municipal Compliance Certification (MCC) form (See Part V.C and V.D).

E. SWMP Development and Implementation for Newly Regulated Permittees (Small MS4s not Previously Authorized by GP-02-02)

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-02-02, but are now required to gain coverage under this *general SPDES permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-02-02, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-02-02 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-02-02.

Operators of *small MS4s* newly regulated under this *general SPDES 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 *permittee* may modify its *SWMP* at any time, provided the modification complies with the terms and conditions of this *general SPDES permit*. 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).

Permittees 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 permit.

F. Minimum Control Measures

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

(Part IV.F)

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 *permittees* in watersheds with improvement strategies must address, referred to in Part III.B.2, are described in Part IX.

G. Reliance Upon Third Parties

This section applies when a *permittee* 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 *permittee* for services provided (for example businesses that create policies or procedures for *permittees*, perform illicit discharge identification and track down, maintain roads, remove snow, clean storm sewer system, sweep streets, etc as contracted by the permittee).

The permittee 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 (permittee’s name) stormwater management program and agree to implement any corrective actions identified by the (permittee’s name) or a representative. I also understand that the (permittee’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 (permittee’s name) will not diminish, eliminate, or lessen my own liability.”

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

A. Assessment

Permittees 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 *permittee’s SWMP* by allowing the examination of trends in the information collected.

(Part V. A.)

The *permittee* must conduct an annual evaluation of its program compliance, the appropriateness of its identified *BMPs*, 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*.

B. Recordkeeping

The *permittee* must keep records required by this 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 *permittee* shall keep duplicate records (either hard copy or electronic), to have one copy for public observation and a separate working copy where the *permittee'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:

**NYS DEC "MS4 Coordinator"
Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505**

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

a. Annual Report Submittal for Newly Regulated Permittees (Small MS4s not Previously Authorized by GP-02-02)

Newly regulated *permittees 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 *permittees* 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 year.

b. Annual Report Submittal for Permittees Authorized by GP-02-02 (Continuing Permittees)

Beginning with annual reports due in 2009 *permittees* 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*.

(Part V.C.)

2. Shared Annual Reporting and Submittal

Permittees working together to *develop* 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 *permittees* (*BMPs*, *measurable goals*, schedules of planned activities, etc.). To facilitate the submission of one annual report for the entire group of *permittees*, individual *permittee's* activities may be incorporated into the report by either:

- providing the details specific to the *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 the *small MS4(s)* on a separate sheet(s) that will be attached with the one group report.

Regardless of the method chosen, each *permittee* 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 *permittee* 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 *permittee*;
- 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 *permittee* at an existing *municipal* meeting or may be made available for comments on the internet. Additionally, *permittees* participating in shared annual reporting may combine meetings to have a group or regional meeting. While the group meeting is allowable, each *permittee* shall ensure that local officials are informed about the program, activities and progress made; and
- c. Submit a summary of any comments received and (intended) responses on the individual *permittee'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 additional *TMDL* 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*.

(Part V.C.3.)

- 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 may be submitted 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 MS4s* 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. 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 *general SPDES 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 the annual report (Part V.C.) and 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 *permittees*, however, are not enabled by state law to adopt local laws or ordinances. Those *permittees* (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 *permittee* 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, permit revocation, suspension, or modification; or for denial of a permit renewal application.

C. Enforcement

Failure of the *permittee*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the 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 General SPDES Permit

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

E. Technology Standards

Permittees, 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 *general SPDES permit* or controlling a pollutant not limited in the permit is promulgated or approved 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 *permittee* 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 *general SPDES permit*.

G. Duty to Mitigate

The *permittee* shall take all reasonable steps to minimize or prevent any *discharge* in violation of this *general SPDES permit* which has a reasonable likelihood of adversely affecting human health or the environment.

(Part VI. H.)

H. Duty to Provide Information

The *permittee* 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 *general SPDES permit*. Failure to provide information requested shall be a violation of the terms of this *general SPDES permit* and applicable regulation.

I. Other Information

Permittees 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 *general SPDES permit* requires be maintained by the *permittee*, 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, 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 *general SPDES permit* and other information requested by the *Department* including MCC forms (part V.D.) or authorized representative of the *Department* shall be signed by a person described above or by a duly authorized representative of that person⁴.

NOTE: 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 *permittee* (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- c. **Changes to authorization.** If an authorization to discharge is no longer accurate because a different *permittee* has responsibility for the overall operation of another *permittee's* program, these changes must be indicated on the MCC form submitted to the *Department* per Part V.D.

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.)

- d. **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.
- e. **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 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.”

- 3. 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 *general SPDES permit* shall be construed to preclude the institution of any legal action or relieve the *permittee* 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 *general SPDES 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 *general SPDES permit* are severable, and if any provision of this *general SPDES permit*, or the application of any provision of this *general SPDES 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.

(Part VI.)

O. Requiring an Individual Permit or an Alternative General Permit

1. In its sole discretion, the *Department* may require any person authorized by this *general SPDES permit* to apply for and/or obtain either an *individual SPDES permit* or an alternative *general SPDES permit*. Where the *Department* requires a *permittee* to apply for an *individual SPDES permit*, the *Department* will notify such 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 *permittee'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 *permittee* authorized by this *general SPDES permit* may request to be excluded from the coverage of this *general SPDES permit* by applying for an *individual SPDES permit or an alternative general SPDES permit*. In such cases, a *permittee* must submit an individual application or an application for an alternative general SPDES 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 *general SPDES permit* if the reasons cited by the *permittee* are adequate to support the request.
3. When an individual SPDES permit is issued to a *permittee* authorized to discharge under a general SPDES 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 *general SPDES permit* shall be construed to preclude the institution of any legal action or relieve a *permittee* 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 *general SPDES permit* releases the *permittee* from any responsibility or requirements under other environmental statutes or regulations.

Q. Proper Operation and Maintenance

A *permittee* 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 *permittee* to achieve compliance with the conditions of this *general SPDES 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, installed by a *permittee* only when necessary to achieve compliance with the conditions of the *general SPDES permit*.

(Part VI.)

R. Inspection and Entry

The *permittee* 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 *permittee's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this *general SPDES 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 *general SPDES permit* may be modified, revoked, or suspended for cause at any time. The filing of a request by the *permittee* for a permit modification, reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not limit, diminish and / or stay compliance with any terms of this permit.

T. Anticipated noncompliance.

The *permittee* 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.

U. Permit Transfers.

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

**Part VII. MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL
MS4s**

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 permittees refer to assistance and guidance documents available from the *State* and EPA.

Continuing permittees (authorized by GP-02-02) were required to develop a SWMP with the MCM requirements below by January 8, 2008. Under this *general SPDES permit*, the continuing *permittees* are required to implement their SWMP, including the MCM requirements below. Notwithstanding any sooner deadlines contained elsewhere within this permit, newly regulated *permittees* 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 plan, the *permittee* must identify (i) the agencies and/or offices that would be responsible for implementing the plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

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

1. **Public Education and Outreach - SWMP Development / Implementation**

At a minimum, all *permittees* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;
- b. *Develop* 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 contributors of these pollutants can take to reduce pollutants in *stormwater* runoff; and
 - iv. steps contributors of non-*stormwater discharges* can take to reduce pollutants (non-*stormwater discharges* are listed in Part I.A.2);
- c. *Develop*, record, periodically assess, and modify as needed, *measurable goals*; and
- d. Select appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

(Part VII.A.1.)

Required SWMP Reporting

e. **Program implementation reporting for continuing permittees** (authorized under GP-02-02). At a minimum, the *permittee* 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. *permittees* 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; and

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; and

- iii. report on effectiveness of program, *BMP* and *measurable goal* assessment.

f. Reporting for **newly regulated permittees** (small MS4s not authorized under GP-02-02). At a minimum, the *permittee* 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 general public and target or priority audiences that address *POCs*, geographic areas of concern, and / or *discharges* to *303(d)* / *TMDL* waterbodies;
- *permittees* 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.

(Part VII.A.1.f.)

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 *permittees* 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* 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* ;
 - ii. identifies types of input the *permittee* will seek from the key individuals and groups, public and private, to support *development* and *implementation* of the *SWMP* and how the input will be used; and
 - iii. describes the public involvement / participation activities the *permittee* 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;
- c. **Local stormwater public contact.**
Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *general SPDES 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 *permittees* are working together, they may have a group meeting (refer to Part V.C.2); or

(Part VII.A.2.d.)

- 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
 - 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 permittee must hold such a meeting. However, the permittee 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 *State 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 *general SPDES permit* does not require a specified time frame for public comments, although it is recommended that *permittees* 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. *Permittees* 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 *permittee'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*, record, periodically assess and modify as needed *measurable goals*; and
- f. Select 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 permittees** (authorized under GP-02-02). At a minimum, the *permittee* shall report on the items below:

(Part VII.A.2.g.)

- 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 permittees** (small MS4s not authorized under GP-02-02). At a minimum, the *permittee* 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 *permittee'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.
3. **Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation**
At a minimum, all *permittees* must:
- a. *Develop, implement* and enforce a program to detect and eliminate *illicit discharges* (as defined at Section 122.26(b)(2)) into the *small MS4*;
 - b. *Develop* and maintain a map, at a minimum within the *permittee'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 *permittee'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 *permittee's* jurisdiction; and
 - iii. when grant funds are made available or for sewer lines surveyed during an illicit discharge trackdown, the *permittee's* storm sewer system in accordance with available *State* and EPA guidance;
 - c. Field verify *outfall* locations;

(Part VII.A.3.)

- 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 *permittee'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;
- g. *Develop* 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 public employees, businesses, and the general public of the hazards associated with illegal *discharges* and improper disposal of waste;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary;
- j. *Develop*, record, periodically assess, and modify as needed, *measurable goals*; and
- k. Select appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

1. **Program implementation reporting** for **continuing permittees** (authorized under GP-02-02). At a minimum, the *permittee* 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;

(Part VII.A.3.1.)

- 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.
- m. Reporting for **newly regulated permittees** (small MS4s not authorized under GP-02-02). At a minimum, the *permittee* 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(1) 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 *permittees* must:

- a. *Develop, implement, and enforce* a program that:

- i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01 or GP-0-08-001), unless more stringent requirements are contained within this *general SPDES permit* (GP-0-08-002);

(Part VII.A.4.a.)

- 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 up-to-date 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 using the NYSDEC Gap Analysis Workbook or be certified by the attorney representing the small MS4 as being equivalent to one of the versions of the sample laws if one of the sample laws is not adopted or if a modified version of the sample law is adopted;
- 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 or local 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;
- vii. describes procedures for *SWPPP* review that incorporate consideration of potential water quality impacts and review of individual pre-construction *SWPPPs* to ensure consistency with *State* and local sediment and erosion control requirements;
 - 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 *permittee* must utilize the "SWPPP Acceptance Form" created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-08-001) when notifying construction site owner / operators that their plans have been accepted and approved by the *permittee*;
- viii. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff;

(Part VII.A.4.a.)

- 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 *permittee* 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;
- 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;
- xi. by two years from the date this permit is issued, ensures that construction site operators have received erosion and sediment control training before they do work within the *permittee's* jurisdiction. 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 *permittee* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the *permittee* may ask for a certificate of completion or other such proof of training; and
 - the *permittee* 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*, record, periodically assess and modify as needed *measurable goals*; and
- xiv. select 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 permittees** (authorized under GP-02-02). At a minimum, the *permittee* 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;

(Part VII.A.4.b)

- 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 permittees** (small MS4s not authorized under GP-02-02). At a minimum, the *permittee* 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;

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 *permittees* must:

a. *Develop, implement, and enforce* a program that:

- i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01 or GP-0-08-001), unless more stringent requirements are contained within this *general SPDES permit* (GP-0-08-002);
- 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:

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

- 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* or local law that meet the *State's* most up-to-date 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 using the NYSDEC Gap Analysis Workbook or certified by the attorney representing the *small MS4* as being equivalent to one of the sample laws if one of those sample laws is not adopted or if a modified version of one of the sample laws is adopted;
- iv. includes a combination of structural management practices (including, but not limited to practices from the NYS Stormwater Management Design Manual or equivalent) and / or non-structural management practices (including, but not limited to comprehensive plans, open space preservation programs, *Low Impact Development* (LID), Better Site Design (BSD) and other *Green Infrastructure* practices , , land use regulations) appropriate for the *permittee* that will reduce the *discharge* of pollutants to the MEP. Permittees are encouraged to implement *Green Infrastructure* practices at a site level and to review, and revise where appropriate, local codes and laws that include provisions that preclude construction that minimizes or reduces pollutant loadings.
- 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 that incorporate consideration of potential water quality impacts and review of individual pre-construction *SWPPPs* to ensure consistency with 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; and
 - after review of *SWPPPs*, the *permittee* must utilize the "SWPPP Acceptance Form" created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-08-001) when notifying construction site owner / operators that their plans have been accepted and approved by the *permittee*;

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

- vi. by May 1, 2009 establish and maintain an inventory of post-construction stormwater management practices within the *permittees* 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
- 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. *Permittees* are not required to collect *stormwater* samples and perform specific chemical analysis;
- b. *Develop, 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, record, periodically assess and modify as needed measurable goals; and*
- d. *Select 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 permittees** (authorized under GP-02-02). At a minimum, the *permittee* 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;
- f. Reporting for **newly regulated permittees** (small MS4s not authorized under GP-02-02). At a minimum, the *permittee* shall report on the items below:
 - i. **program development deadlines and reporting:**

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

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:

- 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 *permittees* must:

- a. *Develop* 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 a self assessment of all *municipal* operations addressed by the SWMP to:
 - determine the sources of pollutants potentially generated by the *permittee'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

(Part VII.A.6.a.)

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 *permittee’s* capabilities;
 - 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 Multisector General Permit (MSGP, GP-0-06-002) 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 permittee 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* of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. *Develop*, record, periodically assess and modify as needed measurable goals; and
 - c. Select appropriate pollution prevention and good housekeeping *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- d. **Program *implementation* reporting for continuing *permittees*** (authorized under GP-02-02). *Permittees* 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 *permittee* 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, polices and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *permittee’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;

(Part VII.A.6.d.)

- pounds of phosphorus applied in chemical fertilizer
 - pounds of nitrogen applied in chemical fertilizer; and
 - pounds of pesticides / herbicides applied as pure product.
- 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 *permittee* shall report on items that will demonstrate program effectiveness.
- e. Reporting for **newly regulated permittees** (small MS4s not authorized under GP-02-02). *Permittees* 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 *permittee* 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);
 - 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 MS4'S**

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 permittees refer to assistance and guidance documents available from the *State* and EPA.

Continuing permittees (authorized by GP-02-02) were required to develop a SWMP with the MCM requirements below by January 8, 2008. Under this *general SPDES permit*, the continuing *permittees* are required to implement their SWMP, including the MCM requirements below. Newly regulated permittees are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

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

For each of the elements of the plan, the *permittee* must identify (i) the agencies and/or offices that would be responsible for implementing the 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 *general SPDES 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 *permittees* - general public using or living along transportation systems, staff, contractors;
- educational *permittees* - faculty, other staff, students, visitors;
- other government *permittees* - staff, contractors, visitors.

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

At a minimum, all *permittees* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;
- b. *Develop* 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 contributors of these pollutants can take to reduce pollutants in *stormwater* runoff; and
 - iv. steps contributors of non-*stormwater discharges* can take to reduce pollutants (non-*stormwater discharges* are listed in Part I.A.2);

(Part VIII.A.1.)

- 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 *permittee's* website;
 - iv. with pay checks; and
 - v. in employee break rooms;
- d. *Develop*, record, periodically assess and modify as needed *measurable goals*; and
- e. Select 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. **Program *implementation reporting* for *continuing permittees*** (authorized under GP-02-02). At a minimum, the *permittee* 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. *permittee'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 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; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- g. Reporting for **newly regulated *permittees*** (small MS4s not authorized under GP-02-02). At a minimum, the *permittee* 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;
 - *permittees* developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of

(Part VIII.A.1.g.i.)

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 *permittees* must:

- 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* and review of the *SWMP*;
- c. **Local stormwater public contact.**
Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *general SPDES 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

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

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 *permittees* 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
 - 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 *permittee* 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 *general SPDES permit* does not require a specified time frame for public comments, although it is recommended that *permittees* 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. *Permittees* 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 *permittees* 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) known to have a specific interest in the permittee'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*, record, periodically assess and modify as needed *measurable goals*; and
- f. Select 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 *permittees*** (authorized under GP-02-02). At a minimum, the *permittee* 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 *permittees*** (small MS4s not authorized under GP-02-02). At a minimum, the *permittee* 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 *permittees* must:

- a. *Develop, implement* and enforce a program to detect and eliminate *illicit discharges* (as defined at Section 122.26(b)(2)) into the *small MS4*;
- b. *Develop* and maintain a map, at a minimum within the *permittee'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 *permittee's storm sewersheds* determined using GIS or other tools, even if they extend outside of the *urbanized*

(Part VIII.A.3.b.ii.)

- area* (to facilitate trackdown), and *additionally designated area* within the *permittee's* jurisdiction; and
- iii. when grant funds are made available or for sewer lines surveyed during an illicit discharge trackdown, the *permittee'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 *permittee'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
 - ii. for *non-traditional MS4s*:
 - prohibit and enforce against *illicit discharges* through available mechanisms (ie. 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 *permittee's IDDE* program; and
 - the mechanisms and directive must be equivalent to the to the *State's* model illicit discharge local law;
 - g. *Develop* 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,

(Part VIII.A.3.g.)

- 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;
 - j. *Develop*, record, periodically assess, and modify as needed, *measurable goals*; and
 - k. Select appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*

Required SWMP Reporting

- l. **Program *implementation reporting* for *continuing permittees*** (authorized under GP-02-02). At a minimum, the *permittee* 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 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 *permittees*** (small MS4s not previously authorized under GP-02-02). At a minimum, the *permittee* 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);

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

- 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;

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 *permittees* must:

- a. *Develop, 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 *general SPDES 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 up-to-date technical standards:
 - through available mechanisms (ie. 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

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

projects that occur on property owned, under easement to, within the right-of-way of, or under the maintenance jurisdiction by the *permittee* 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* or local 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 *permittee's* jurisdiction, including the procedures for submission of *SWPPPs*, construction site inspections, and other procedures associated with control of construction stormwater;
- vii. by two years from the date this permit is issued, ensures that construction site operators have received erosion and sediment control training before they do work within the *permittee's* jurisdiction:
 - training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
 - the *permittee* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the *permittee* may ask for a certificate of completion or other such proof of training; and
 - the *permittee* 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, record, periodically assess and modify as needed *measurable goals*; and
- x. select 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 permittees*** (authorized under GP-02-02). At a minimum, the *permittee* 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.

(Part VIII.A.4.)

- c. Reporting for **newly regulated permittees** (small MS4s not authorized under GP-02-02). At a minimum, the *permittee* 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.

5. Post-Construction Stormwater Management SWMP Development / Implementation

At a minimum, all *permittees* must :

- a. *Develop, 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 *general SPDES 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 up-to-date technical standards:
 - through available mechanisms (ie. 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

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

- ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned by the *permittee* 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 management practices (including, but not limited to practices from the NYS Stormwater Management Design Manual or equivalent) and / or non-structural management practices (including, but not limited to comprehensive plans, open space preservation programs, *Low Impact Development* (LID), Better Site Design (BSD) and other *Green Infrastructure* practices , , land use regulations) appropriate for the *permittee* that will reduce the *discharge* of pollutants to the MEP. Permittees are encouraged to implement *Green Infrastructure* practices at a site level and to review, and revise where appropriate, local codes and laws that include provisions that preclude construction that minimizes or reduces pollutant loadings.
 - 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. by May 1, 2009 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. *Permittees* are not required to collect *stormwater* samples and perform specific chemical analysis;
- b. *Develop, 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*, record, periodically assess and modify as needed *measurable goals*; and
- d. Select appropriate post-construction *stormwater BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

(Part VIII.A.5.)

Required SWMP Reporting

- e. **Program *implementation* reporting for continuing *permittees*** (authorized under GP-02-02). At a minimum, the *permittee* 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.
- f. Program reporting for **newly regulated *permittees***(small MS4s not authorized under GP-02-02). At a minimum, the *permittee* shall report on the items below:
 - 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-0-08-001);
 - 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 *permittees* must:

- a. *Develop* 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 of a self assessment of all municipal operation to:

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

- determine the sources of pollutants potentially generated by the *permittee'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” 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 *permittee'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., 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-0-06-002) 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 permittee 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. *Develop*, record, periodically assess and modify as needed *measurable goals* ; and
- c. Select appropriate pollution prevention and good housekeeping *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- d. **Program *implementation* reporting for continuing *permittees*** (authorized under GP-02-02). *Permittees* 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 *permittee* 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

(Part VIII.A.6.d.ii.)

minimum, on the items below that the *permittee'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
- pounds of pesticides / herbicides applied as pure product.

iii. staff training events and number of staff trained; and

vii. 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 *permittee* shall report on items that will demonstrate program effectiveness.

e. Reporting for **newly regulated permittees** (small MS4s not authorized under GP-02-02). *Permittees* 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 *permittee* 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. ADDITIONAL BEST MANAGEMENT PRACTICES - WATERSHED
IMPROVEMENT STRATEGIES**

Part IX. ADDITIONAL BEST MANAGEMENT PRACTICES FOR WATERSHED IMPROVEMENT STRATEGIES

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

Within 3 years of the effective date of this permit (unless otherwise noted), permittees in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within their jurisdiction and their storm sewersheds:

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 *permittee* 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;

(Part IX.A.3.a.)

- 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.

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

Develop, implement and enforce a program to ensure that onsite wastewater treatment (septic) systems are inspected and, where necessary, maintained or rehabilitated at a minimum frequency of once every three years. 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 *permittee* 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 *permittee* shall start 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;

(Part IX.A.)

5. Post-Construction Stormwater Management

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

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 *permittee* should participate in locally based watershed planning efforts which involve the *Department*, other *permittees*, stakeholders and other interested parties;
- iii. establish policy and procedures for project permitting, design, funding, construction and maintenance.
- iv. for permittee's 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.

(Part IX.A.5.b.)

- v. pursuant to Part IV. F (Cooperation Between Permittees Encouraged), retrofit projects can be completed in cooperation with other permittees 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 permittee 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;
 - iii. policy and procedures for the inspection, maintenance and repair of a *permittee'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

(Part IX.A.6.b.i.)

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.

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

Within 3 years of the effective date of this permit (unless otherwise noted), permittees in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within the permittee's jurisdiction and the permittees' storm sewersheds:

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.

(Part IX.B.3.)

- a. *Develop, implement* and enforce a program to ensure that onsite wastewater treatment (septic) systems are inspected and, where necessary, maintained or rehabilitated at a minimum frequency of once every three years. 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. By September 30, 2008, the *permittee* 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 *permittee* should participate in locally based watershed planning efforts which involve the *Department*, other *permittees*, stakeholders and other interested parties;
 - iii. establish policy and procedures for project permitting, design, funding, construction and maintenance
 - iv. 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 phosphorus-containing fertilizer (as labeled) shall only be

(Part IX.B.6.a.i.)

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.

C. Pathogen Impaired Watershed MS4s (Mapped in Appendix 6 and7)

Within 3 years of the effective date of this permit, *permittees* in these watersheds shall, in addition to the requirements in Part VII. or VIII., depending on the type of the MS4, develop and implement the following MCMs for areas within the permittee's jurisdiction and the permittees's storm sewersheds:

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

- a. *Develop, implement* and enforce a program to ensure that onsite wastewater treatment (septic) systems are inspected and, where necessary, maintained or rehabilitated at a minimum frequency of once every three years. 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.

(Part IX. C.)

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;
- 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 *permittee* should participate in locally based watershed planning efforts which involve the *Department*, other *permittees*, 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.

D. Nitrogen Watershed MS4s (Mapped in Appendix 8)

Within 3 years of the effective date of this permit, permittees in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within the permittee's jurisdiction and the permittees's storm sewersheds:

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

(Part IX.D.1.a.)

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
 - 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, implement* and enforce a program to ensure that onsite wastewater treatment (septic) systems are inspected and, where necessary, maintained or rehabilitated at a minimum frequency of once every three years. 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 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;
- 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 *permittee* should participate in locally based watershed planning efforts which involve the *Department*, other *permittees*, 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.

(Part IX.D.)

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

Develop a turf management practices and procedures policy. The policy should address the following:

- a. 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 Licensed Landscape Architect; and
- b. 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).

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 permittee), 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 general SPDES 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.

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 general SPDES permit when the permittee 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 permittee 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 permittee 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.

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

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 permittee or Department has determined to be a substantial contributor of pollutants to the small MS4.

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

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.

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

Industrial Activity - as defined by the SPDES Multi-Sector General Permit (GP-0-06-002).

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 microscale 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 permittee chooses only a few of the least expensive methods, it is likely that MEP has not been met. On the other hand, if a permittee 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 permittees 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 permittee 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 general SPDES 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.

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

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, and floatables impacting waterbodies on the 303(d) list known to come in contact with stormwater that could be discharged to that water body. The sources of these pollutants are typically: urban runoff; urban / stormwater runoff; erosion; municipal; on-site waste treatment system (WTS); or other various, multiple sources.
- 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 permittee to assess known and potential POCs within the area served by their small MS4. This will allow the permittee 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, licensed 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..

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 abandon buildings to stormwater treatment systems
- Retrofit of abandon 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 to streams
- Upgrade of an existing conveyance system to provide water quality and /or quantity control within the drainage structure
- Reforestation

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

Staff - actual employees of the permittee 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.

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 sewersheds.**

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 .

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

Stormwater Management Program Plan- used by the permittee 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 permittee 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*.

Permittees can create their *SWMP plan* individually, with a group of other individual *permittees* or a coalition of *permittees*, 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 permittee'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 *permittee* 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 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.

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.

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 permittees 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.

Surface Waters of the State - shall be construed to include 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. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

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 permittee may be required at the Department's sole discretion to obtain an individual SPDES permit or an alternative general SPDES permit or the permit may be modified. In addition, coverage under this permit could terminate, meaning the discharge must cease.

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 STREAM SEGMENTS AND PRIMARY 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	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
Erie	Ellicott Creek, Lower, and tribs	phosphorus
Erie	Ellicott Creek, Lower, and tribs	silt/sediment

APPENDIX 2.
IMPAIRED STREAM SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

COUNTY	WATERBODY NAME	POLLUTANT
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

APPENDIX 2.
IMPAIRED STREAM SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

COUNTY	WATERBODY NAME	POLLUTANT
Kings	Hendrix Creek	pathogens
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 Waters	pathogens
Nassau	Long Island Sound, Nassau County Waters	nitrogen
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Hempstead Harbor, north, 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	Oyster Bay Harbor	pathogens

**APPENDIX 2.
IMPAIRED STREAM SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN**

COUNTY	WATERBODY NAME	POLLUTANT
Nassau	Mill Neck Creek and tidal tribs	pathogens
Nassau	Cold Spring Harbor, 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
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

APPENDIX 2.
IMPAIRED STREAM SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

COUNTY	WATERBODY NAME	POLLUTANT
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
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 (Queens)	nitrogen
Queens	Jamaica Bay, Eastern, and tribs (Queens)	pathogens
Queens	Jamaica Bay, Eastern, and tribs (Queens)	floatables
Queens	Thurston Basin	floatables
Queens	Bergen Basin	Nitrogen
Queens	Bergen Basin	pathogens
Queens	Bergen Basin	floatables

APPENDIX 2.
IMPAIRED STREAM SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

COUNTY	WATERBODY NAME	POLLUTANT
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
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	Huntington Harbor	pathogens
Suffolk	Centerport Harbor	pathogens
Suffolk	Northport Harbor	pathogens
Suffolk	Millers Pond	phosphorus
Suffolk	Stony Brook Harbor and West Meadow Creek	pathogens
Suffolk	Port Jefferson Harbor, North, and tribs	pathogens
Suffolk	Conscience Bay and tidal tribs	pathogens
Suffolk	Setauket Harbor	pathogens
Suffolk	Mt Sinai Harbor and tidal tribs	pathogens
Suffolk	Mattituck Inlet/Cr, Low, and tidal tribs	pathogens
Suffolk	Goldsmith Inlet	pathogens
Suffolk	Beach/Island Ponds, Fishers Island	pathogens
Suffolk	West Harbor, Fishers Island	pathogens
Suffolk	Dering Harbor	pathogens
Suffolk	Stirling Creek and Basin	pathogens
Suffolk	Budds Pond	pathogens

APPENDIX 2.
IMPAIRED STREAM SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

COUNTY	WATERBODY NAME	POLLUTANT
Suffolk	Town/Jockey Creeks and tidal tribs	pathogens
Suffolk	Goose Creek	pathogens
Suffolk	Hashamomuck Pond	pathogens
Suffolk	Richmond Creek and tidal tribs	pathogens
Suffolk	Tidal Tribs to Gr Peconic Bay, Northshr	pathogens
Suffolk	Mattituck (Marratooka) Pond	phosphorus
Suffolk	Mattituck (Marratooka) Pond	pathogens
Suffolk	Flanders Bay, East/Center, and tribs	pathogens
Suffolk	Flanders Bay, West/Lower Sawmill Creek	nitrogen
Suffolk	Flanders Bay, West/Lower Sawmill Creek	pathogens
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	Reeves Bay and tidal tribs	pathogens
Suffolk	Sebonac Cr/Bullhead Bay and tidal tribs	pathogens
Suffolk	Little Sebonac Creek	pathogens
Suffolk	Scallop Pond	pathogens
Suffolk	North Sea Harbor and tribs	pathogens
Suffolk	Wooley Pond	pathogens
Suffolk	Noyack Creek and tidal tribs	pathogens
Suffolk	Sag Harbor and Sag Harbor Cove	pathogens
Suffolk	Acabonack Harbor	pathogens
Suffolk	Northwest Creek and tidal tribs	pathogens
Suffolk	Lake Montauk	pathogens
Suffolk	Oyster Pond/Lake Munchogue	pathogens
Suffolk	Georgica Pond	pathogens
Suffolk	Sagaponack Pond	pathogens
Suffolk	Mecox Bay and tribs	pathogens
Suffolk	Heady and Taylor Creeks and tribs	pathogens
Suffolk	Penny Pond, Wells and Smith Creeks	pathogens
Suffolk	Weesuck Creek and tidal tribs	pathogens
Suffolk	Phillips Creek, Lower, and tidal tribs	pathogens
Suffolk	Penniman Creek and tidal tribs	pathogens
Suffolk	Quogue Canal	pathogens
Suffolk	Ogden Pond	pathogens
Suffolk	Quantuck Bay	pathogens
Suffolk	Quantuck Canal/Moneybogue Bay	pathogens
Suffolk	Tuthill, Harts, Seatuck Coves	pathogens

APPENDIX 2.
IMPAIRED STREAM SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

COUNTY	WATERBODY NAME	POLLUTANT
Suffolk	Forge River, Lower and Cove	pathogens
Suffolk	Tidal tribs to West Moriches Bay	Nitrogen
Suffolk	Tidal tribs to West Moriches Bay	pathogens
Suffolk	Narrow Bay	pathogens
Suffolk	Bellport Bay	pathogens
Suffolk	Patchogue 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
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/Muscot 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

**APPENDIX 2.
IMPAIRED STREAM SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN**

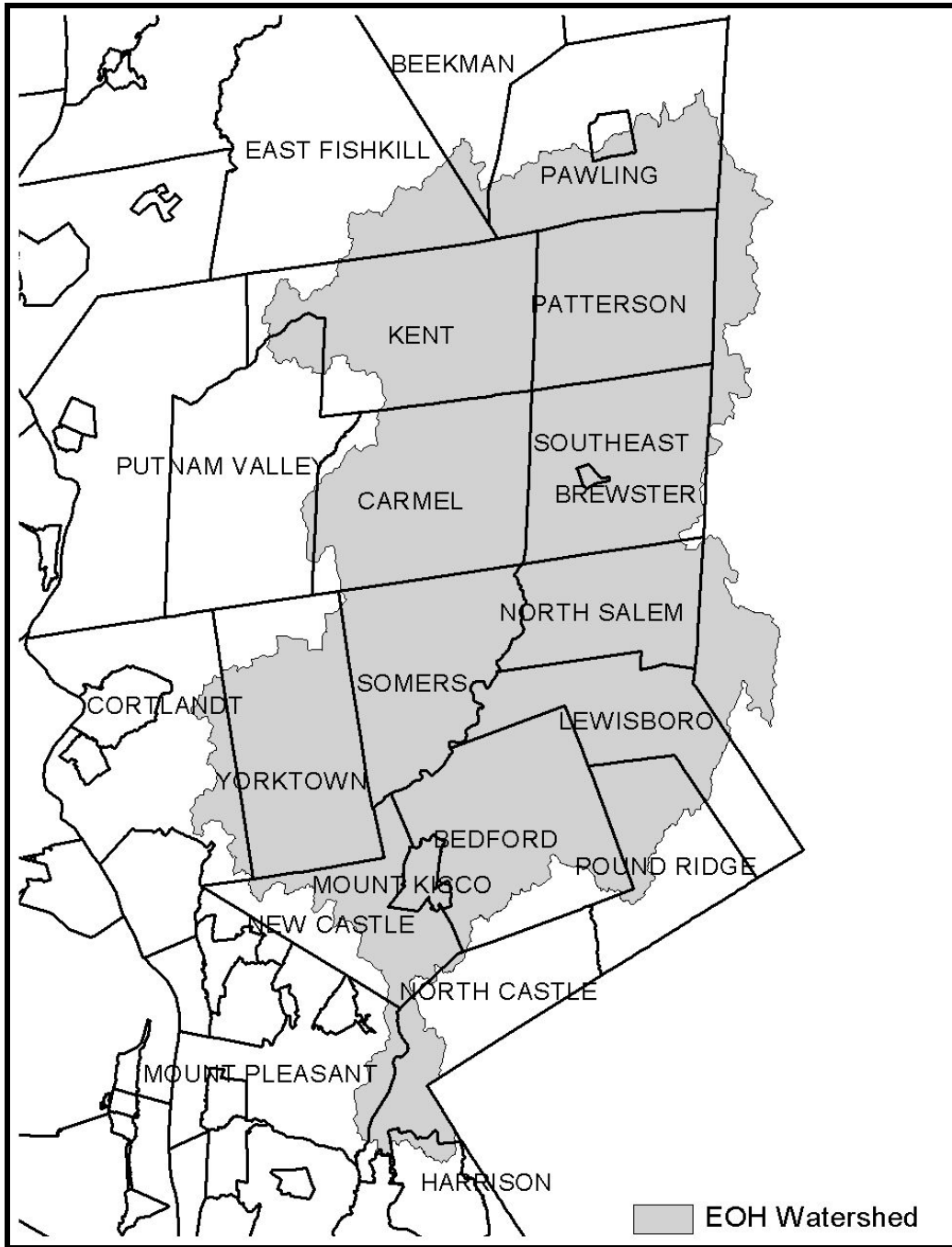
COUNTY	WATERBODY NAME	POLLUTANT
Westchester	New Rochelle Harbor	floatables
Westchester	Long Island Sound, Westchester Co Waters	pathogens
Westchester	Long Island Sound, Westchester Co Waters	nitrogen
Westchester	Larchmont Harbor	pathogens
Westchester	Larchmont Harbor	floatables
Westchester	Hutchinson 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 tribs	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

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

COUNTY	WATERBODY	POLLUTANT
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

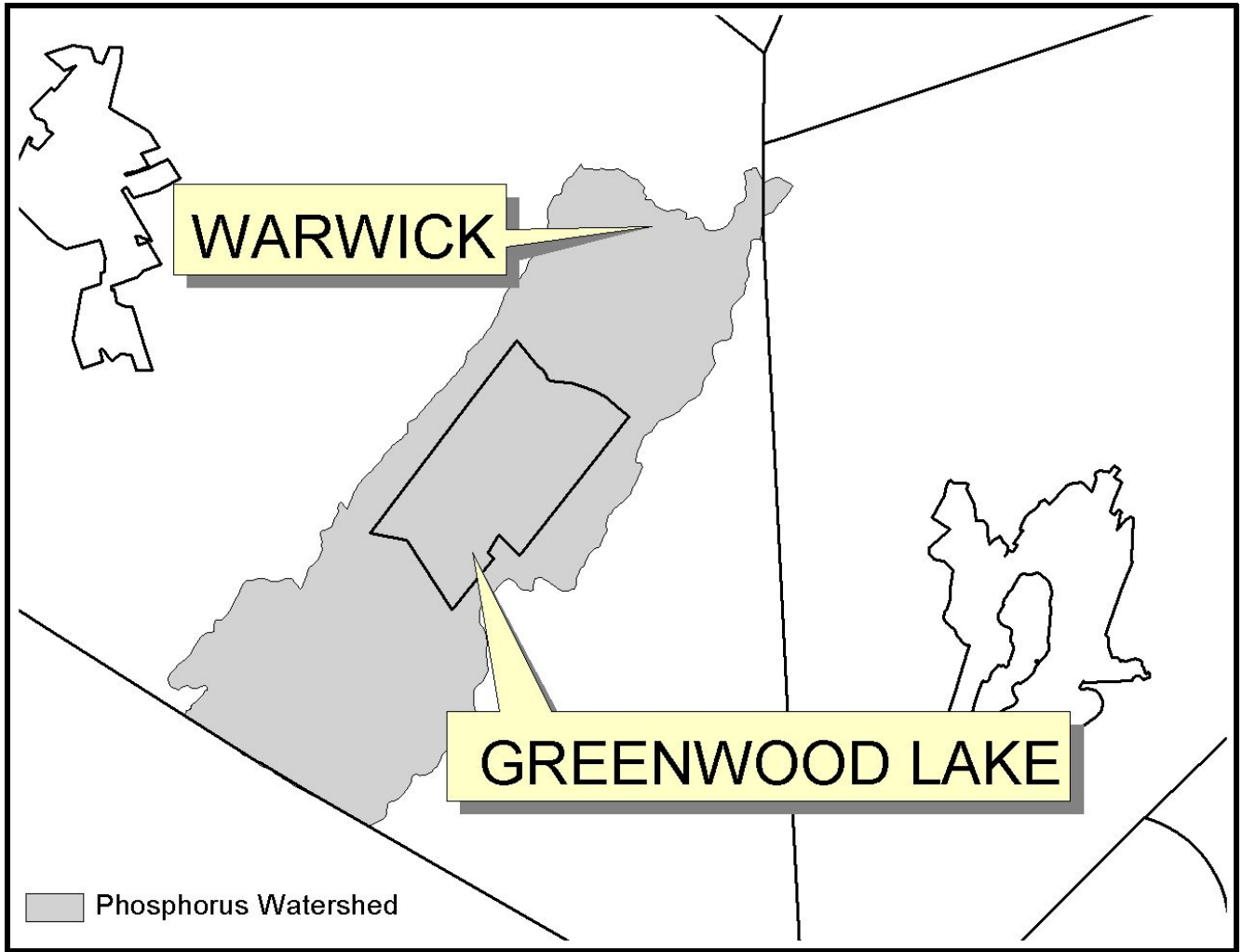


APPENDIX 4
ONONDAGA LAKE WATERSHED MAP



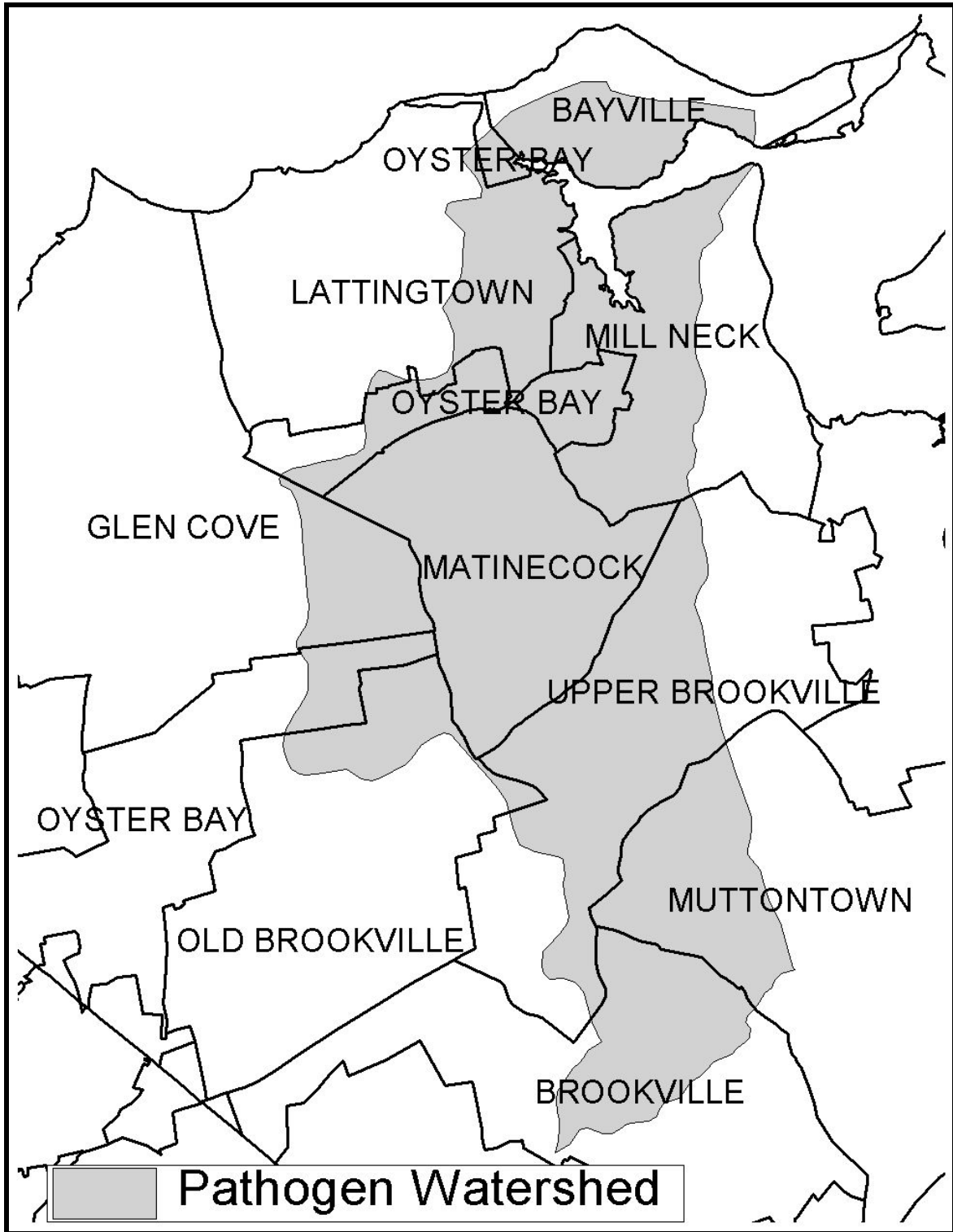
SPDES General Permit for Stormwater Discharge from MS4s, GP-0-08-002

APPENDIX 5
GREENWOOD LAKE WATERSHED MAP



APPENDIX 6

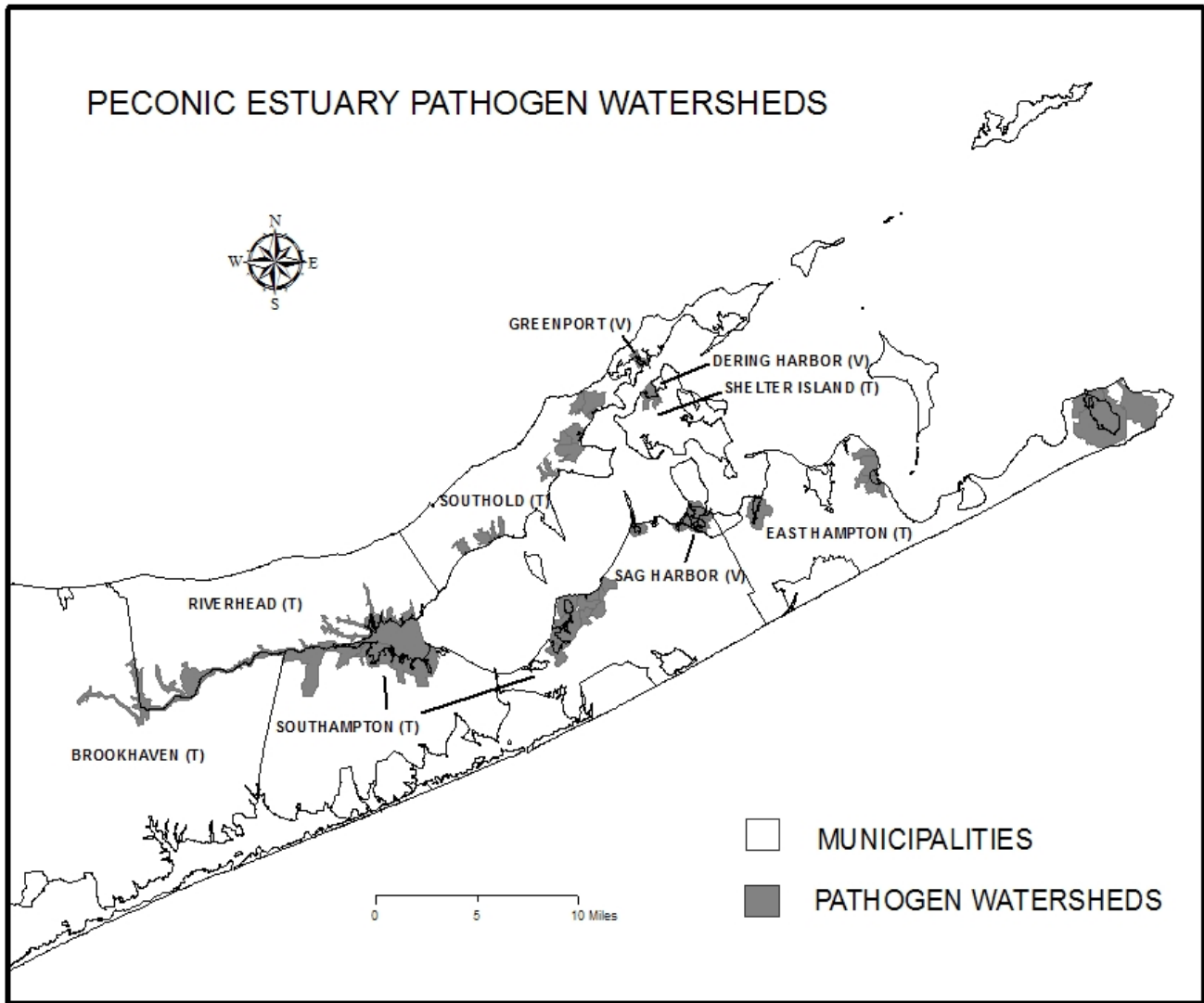
OYSTER BAY WATERSHED MAP



SPDES General Permit for Stormwater Discharge from MS4s, GP-0-08-002

APPENDIX 7

PECONIC ESTUARY PATHOGEN WATERSHED MAP



APPENDIX 8

PECONIC ESTUARY NITROGEN WATERSHED MAP

