State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**See Application**	NAICS Code:	**See Application**	SPDES Number:	**NY0313157**
Discharge Class (CL):	**16**			DEC Number:	**0-0000-01129/00018**
Toxic Class (TX):	**N**			Effective Date (EDP):	**Anticipated July 1, 2025**
Major-Sub Drainage Basin:	**Various-Statewide**			Expiration Date (ExDP):	**EDP + 5 years**
Water Index Number:	**Various-Statewide**	Item No.:	**NA**	Modification Dates (EDPM):	
Compact Area:	**Various**				

This SPDES permit is issued in compliance with Titles 7 and 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. '1251 et.seq.)

PERMITTEE NAME AND ADDRESS					
Name:	**New York State Department of Transportation**	Attention:	**Alicia McNally**		
Street:	**50 Wolf Road**				
City:	**Albany**	State:	**NY**	Zip Code:	**12232**
Email:	**alicia.mcnally@dot.ny.gov**	Phone:	**518-457-2411**		

is authorized to discharge in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this SPDES permit; and 6 NYCRR Subparts 750-1 and 750-2.

This SPDES permit, and any authorization to discharge in accordance with II.A. of this SPDES permit, shall expire on midnight of the expiration date shown above. The permittee shall not discharge after the expiration date unless this SPDES permit has been renewed or extended pursuant to law. If the permittee intends to continue to discharge beyond the permit expiration date, the permittee shall submit a complete permit renewal application not less than 180 days prior to the permit expiration date shown above.

DISTRIBUTION:
RX – Permit Coordinator
RX – Permit Writer
CO BWC - SCIS
RX – RWE

Permit Administrator:			
Address:			
Signature:		Date:	/ /

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES INDIVIDUAL PERMIT FOR STORMWATER DISCHARGES FROM THE
NEW YORK STATE DEPARTMENT OF TRANSPORTATION'S
MUNICIPAL SEPARATE STORM SEWER SYSTEM

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Part I. PERMIT COVERAGE

A. Provided all the permit conditions are met, this *SPDES* permit authorizes stormwater *discharges* to *surface waters of the State* from the New York State Department of Transportation's (permittee) small MS4 where the MS4 is automatically or additionally designated (Appendix B).

B. Non-stormwater *discharges* through outfalls listed in Part 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) 750-1.2(a)(29)(vi) and 40 CFR 122.34(b)(3)(ii), are authorized by this *SPDES* permit provided they do not violate Environmental Conservation Law (ECL) Section 17-0501.

Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned.

Part II. DISCHARGE COMPLIANCE WITH WATER QUALITY STANDARDS

A. The permittee must implement the required controls contained in II. through VII. of this *SPDES* permit. The NYSDEC expects that compliance with the conditions of this *SPDES* permit will assure *MS4 discharges* meet applicable *water quality standards*.

B. It shall be a violation of the ECL for any *discharge* authorized by this *SPDES* permit to either cause or contribute to a violation of *water quality standards* as contained in 6 NYCRR 700-705.

C. The permittee must take all necessary actions to ensure *discharges* comply with the conditions of this *SPDES* permit. If at any time the permittee becomes aware that a *discharge* causes or contributes to the violation of an applicable *water quality standard*, the permittee must implement corrective actions and the permittee must document these actions in the *SWMP Plan* (Part III.).

D. If there is evidence indicating that, despite compliance with the conditions of this SPDES permit, the *stormwater discharge*s authorized by this SPDES permit are causing or contributing to a violation of *water quality standards*, or if the NYSDEC determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharge*s will no longer be eligible for coverage under this SPDES permit until this SPDES permit can be modified to prevent the violation(s).

Part III. *STORMWATER MANAGEMENT PROGRAM (SWMP)* REQUIREMENTS

The permittee must *develop*, implement, and enforce a *SWMP*. The permittee must retain the *SWMP Plan* in written format, hardcopy or electronic. Within the timeframes specified in this *SPDES* permit, the permittee must document in the *SWMP Plan* all the

elements of the SWMP that are *developed,* implemented, and enforced. One (1) year after the EDP, annually, by December 1, the permittee must update the *SWMP Plan* to ensure the permit requirements are documented.

The *SWMP Plan* may incorporate by reference any documents that meet the requirements of this *SPDES* permit. The *SWMP Plan* must identify if any requirements from III. through VII. require updates and include the reason(s) updates are needed.

A. Within six (6) months of the effective date of permit (EDP), the permittee must *develop* a written staffing plan/organizational chart which includes job titles and other entities as identified in III.C, and the roles and responsibilities for each corresponding to the required elements of the SWMP. The staffing plan must describe how information will be communicated and coordinated among all those with identified roles and responsibilities.

B. At EDP, the permittee must identify a *Stormwater* Program Coordinator, by name and title with contact information. The *Stormwater* Program Coordinator must be knowledgeable in the principles and practices of *stormwater* management, the requirements of this *SPDES* permit, and the *SWMP*. The *Stormwater* Program Coordinator oversees the *development*, implementation, and enforcement of the *SWMP;* coordinates all elements of the *SWMP* to ensure compliance with this *SPDES* permit; and *develops* and submits the Annual Report (IV.A.1.).

C. The permittee may utilize other entities or the resources of those entities to assist with any portion of the SWMP *development*, implementation, or enforcement. These entities may consist of *MS4 Operators*, a regional *stormwater* enterprise, a Coalition of *MS4 Operators*, other public entities, or a private third-party contractor. If the permittee is relying upon another entity for compliance with any portion of this *SPDES* permit, there must be an agreement in place that:
    1. Is legally binding;
    2. Is documented in writing;
    3. Is signed and dated by all parties including a certification statement that explains that the permittee is responsible for compliance with this *SPDES* permit;
    4. Identifies the activities that the entity will be responsible for including the particular MCM, the location and type of work;
    5. Includes the name, address, and telephone number of the contact person representing the entity;
    6. Is kept up-to-date; and
    7. Is retained by each party for the duration of the permit term.

D. The permittee must *develop* and maintain an inventory of entities assisting in permit implementation that includes the following information:
    1. Name of entity performing permit implementation; and
    2. Permit requirement being performed by entity.

E. Irrespective of any agreements, the permittee remains legally responsible for satisfying all requirements of this *SPDES* permit.

F. One (1) year after the EDP, annually, by December 1, alternative implementation agreements (III.C.) must be included in the inventory (III.D.).
G. Annually, by December 1, review and update any alternative implementation agreements (III.C).
H. Within six (6) months of the EDP, the permittee must make the current *SWMP Plan* available at a location that is accessible to the public or on a public website during normal business hours.

Part IV. REPORTING AND SWMP EVALUATION

A. Reporting

1. Annual Reports
    a. The permittee must submit an Annual Report electronically to the NYSDEC using NYSDEC's format.
    b. The reporting period for the Annual Report is July 1 of the current year to June 30 of the following year (reporting year).
    c. The permittee must submit the Annual Report to the NYSDEC by October 1 following the end of the reporting year.
2. Interim Progress Certifications
    a. The permittee must submit an Interim Progress Certification electronically to the NYSDEC using NYSDEC's format.
    b. The reporting periods for the Interim Progress Certifications are:
        i. January 1 through June 30 of the same year; and
        ii. July 1 through December 31 of the same year.
    c. The permittee must submit the Interim Progress Certifications to the NYSDEC by:
        i. For IV.A.2.b.i, October 1 of the same year; and
        ii. For IV.A.2.b.ii, April 1 of the following year.
3. The Annual Reports and Interim Progress Certifications must contain, for the applicable reporting periods (IV.A.1.b. and IV.A.2.b):
    a. The status of compliance with permit requirements, represented as yes/no, numerically, and narratively;
    b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
    c. A summary of the stormwater activities the permittee proposes to undertake to comply with the permit during the next reporting cycle;
    d. Any changes made during the reporting period to the permittee's stormwater management program; and

4. Notice that the permittee is relying on another governmental entity to satisfy some of the permit obligations (if applicable), consistent with § 122.35(a).

B. *SWMP* Evaluation

Once every five (5) years, the permittee must evaluate the *SWMP* for compliance with the conditions of this *SPDES* permit, including the effectiveness or deficiencies of components of the individual *SWMP Plan*, and the status of achieving the requirements outlined in this *SPDES* permit.

Part V. BASE PROGRAM REQUIREMENTS

The permittee must implement Part V. requirements in areas identified in Appendix B.

A. Mapping

The permittee must use the state highway as-built record plans (SHARP) system and other existing maps and mapping applications to meet the comprehensive system mapping requirements in V.A.. The permittee must document that which comprises the comprehensive system mapping in the *SWMP Plan*. The permittee must make, readily accessible to the permittee's staff, that which comprises the comprehensive system mapping, with scale and detail appropriate to provide a clear understanding of the *MS4*.

1. Within six (6) months of the EDP, the comprehensive system mapping must include the following information:
    a. *MS4 outfalls* (as required by *MS4* GP-0-15-003);
    b. *Interconnections* (as required by *MS4* GP-0-15-003);
    c. Hydrologic Unit Code (HUC) 12 watershed boundaries ;
    d. Construction sites (V.G.1.);
    e. Basemap information:
        i. Automatically[1] designated areas;
        ii. Names and location of all surface waters of the State, which includes:
            a) Waterbody classification;[2]
            b) Waterbody Inventory/Priority Waterbodies List (WI/PWL);[3]
                i) Impairment status; and
                ii) *POC*, if applicable;
        iii. *TMDL* watershed areas;[4]
        iv. NYS Highway system; and

[1]Utilizing the Stormwater Interactive Map on the NYSDEC's website or the NYS GIS Clearinghouse.
[2]Utilizing the Stormwater Interactive Map on the NYSDEC's website or the NYS GIS Clearinghouse.
[3]Utilizing the Stormwater Interactive Map on the NYSDEC's website or the NYS GIS Clearinghouse.
[4]Utilizing the Stormwater Interactive Map on the NYSDEC's website.

v. Topography.[5]

2. Within three (3) years of the EDP, the permittee must include the following information in the comprehensive system mapping:
   a. Monitoring locations, with associated prioritization (V.F.6.);
   b. Permittee owned/operated post-construction *stormwater management practices (SMPs)* (V.H.1.); and
   c. Facilities, with associated prioritization (V.I.6.).
3. Within five (5) years of the EDP, the permittee must include *MS4* infrastructure in the comprehensive system mapping which includes:
   a. Conveyance system
      i. Type (closed pipe or open drainage); and
      ii. Direction of flow;[6]
   b. *Stormwater* structures
      i. Type (drop inlet, *catch basin*, or manhole); and
      ii. Number of connections to and from drop inlets, *catch basins*, and manholes
4. Three (3) years after the EDP, annually, by October 1, the permittee must update the comprehensive system mapping.

B. Legal Authority and Enforcement Response

1. Within six (6) months of the EDP, the permittee must update its written policies/procedures to:
   a. Address *illicit discharges,* spills or other release of *pollutants*;
   b. Address unauthorized connections into the *MS4*;
   c. Describe the permittee's mechanism to receive and collect information related to the introduction of *pollutants* into its *MS4*;
   d. Describe the permittee's decision-making process for compliance and escalation of enforcement actions based on factors such as: the type, magnitude, and duration of the violation; effect of the violation on the receiving water; compliance history of the violator; and good faith of the violator in compliance efforts. The enforcement response includes:
      i. Verbal warning; and/or
      ii. Written notice; and/or
      iii. Referral process to NYSDEC or NYSDOH after appropriate due diligence as determined by the permittee.
         a) The level of due diligence is based on the reasonable likelihood of the violation adversely affecting human health or the environment.

[5] Utilizing USGS Quadrangle Map or finer.
[6] Direction of flow can be a written description or indicated as an arrow on the feature.

e. Describe the process for the permittee to take follow-up enforcement responses.

2. The permittee must track the *illicit discharge* or unauthorized connections including:

   a. Name of the owner/operator of the *facility* or site of the violation (can be redacted from the publicly available *SWMP Plan*);
   b. Location of the *stormwater* source;
   c. Description of the violation;
   d. Schedule for returning to compliance or follow-up enforcement response (V.B.);
   e. Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
   f. Accompanying documentation of enforcement response;
   g. Any referrals to different departments or agencies; and
   h. Date violation was resolved.

3. Timeframes

   a. Within thirty (30) days from the time the permittee becomes aware of the *illicit discharge* or unauthorized connection until its resolution, the permittee must:

      i. Track these instances; and
      ii. Initiate enforcement response (V.B.1.).

   b. Every three (3) months until resolution of the *illicit discharge* or unauthorized connection, follow-up on enforcement responses.

C. Training

1. The permittee must:
   a. *Develop* training provisions for the following procedures, in the following timeframes:

      i. Within one (1) year of the EDP, construction oversight (V.G.5.) and post-construction SMP inspection and maintenance (V.H.3.);

      ii. Within two (2) years of the EDP, monitoring locations inspection and sampling (V.F.9.), *illicit discharge* track down (V.F.11.a.), and *illicit discharge* elimination (V.F.13.a.); and

      iii. Within three (3) years of the EDP, facilities (V.I.2.) and operations (V.I.12.).

b. Train staff who will be conducting the procedures within the timeframes listed in V.C.1.a:

i. If new staff are added, training on the permittee's procedures (V.C.1.a.) must be given prior to conducting the procedures;

ii. For existing staff, training on the permittee's procedures (V.C.1.a.) must be given prior to conducting the procedures and once every five (5) years, thereafter; and

iii. If the procedures (V.C.1.a.) are updated (V.C.2.) training on the updates must be given to all staff prior to conducting the procedures.

c. Document the individuals who have received training, within the timeframes listed in V.C.1.a.

2. Annually, the permittee must update the inventory of the individuals who have received training.

D. MCM 1 – Public Education and Outreach Program

1. Within three (3) months of the EDP, the permittee must *develop* and implement an education and outreach program to increase public awareness of *pollutant* generating activities and behaviors.
   a. The permittee's public education and outreach program must address each of the following target audiences:
      i. Permittee's contractors;
      ii. Permittee's staff; and
      iii. Users of the NYS Highway system.
   b. The permittee must *develop* an educational message, for each target audience, to address each of the following:
      i. The impacts of *stormwater* on water quality, the general sources of *stormwater pollutants*, and the steps the target audience can take to reduce *pollutants* in *stormwater* runoff; and
      ii. The prevention of *illicit discharges* which includes:
         a) What types of *discharges* are allowable (I.B.);
         b) What is an *illicit discharge* and why is it prohibited (V.F.);
         c) The environmental hazards associated with *illicit discharges* and improper disposal of waste;
         d) Proper handling and disposal practices for the most common behaviors within the community; and
         e) How to report *illicit discharges* they may observe (V.F.1.).
2. Three (3) months after the EDP, the permittee must make available, at all times, at least one of the following methods for distribution of the

educational messages (V.D.1.b.) to the appropriate target audience (V.D.1.a.):
   a. Distribution of printed materials;
   b. Availability of electronic materials;
   c. Displays in public areas; or
   d. Promotion through social media.
3. One (1) year after the EDP, annually, by October 1, the permittee must review and update its education and outreach program (V.D.1.).

E. MCM 2 – Public Involvement/Participation

1. Within six (6) months of the EDP, the permittee must identify a point of contact to receive and respond to public concerns regarding *stormwater* management and compliance with permit requirements. The permittee must include the title of this individual, with an email address, on public involvement/participation materials (V.D.2.).
2. Within six (6) months of the EDP, the permittee must *develop* procedures describing the permittee's process for receiving and addressing public comments on the *SWMP Plan*. The procedures must include:
   a. The availability of the *SWMP Plan* on the permittee's website (III.H.);
   b. Information on the permittee's website regarding timeframes and procedures to submit comments including:
      i. Annually, by December 1, the permittee must provide an opportunity for the public to review and comment on the publicly available *SWMP Plan* by implementing the procedures *developed* in V.E.2, initiate addressing public comments, and prepare a summary of the comments.
3. Within six (6) months of the EDP, the permittee must *develop* procedures describing the permittee's process for receiving and addressing public comments on the draft Annual Report. The procedures must include:
   a. The availability of the draft Annual Report on the permittee's website;
   b. Information on the permittee's website regarding timeframes and procedures to submit comments including:
      i. Annually, by October 1, the permittee must provide an opportunity for the public to review and comment on the draft Annual Report by implementing the procedures *developed* in V.E.3, prepare a summary of the comments, and initiate addressing public comments.
4. Annually, the permittee must provide an opportunity for public involvement/participation in the *development* and implementation of the *SWMP* using:
   a. Public input; and
   b. Stewardship activities.

5. Annually, the permittee must inform the public of involvement/participation opportunities (V.E.4.) using at least one of the following methods:
    a. Distribution of printed materials;
    b. Availability of electronic materials;
    c. Displays in public areas; or
    d. Promotion through social media.

F. MCM 3 – *Illicit Discharge* Detection and Elimination

1. Within six (6) months of the EDP, the permittee must establish an email or phone number (with message recording capability) for the public to report a suspected *illicit discharge*.
2. Within thirty (30) days of receiving a report of a suspected *illicit discharge*, the permittee must document the following information:
    a. Date of the report;
    b. Location of the suspected *illicit discharge*;
    c. Nature of the suspected *illicit discharge*;
    d. Follow up actions taken or needed (V.F.9.); and
    e. Inspection outcomes and any enforcement taken.
3. The permittee must inspect the following monitoring locations for *illicit discharges*:
    a. *MS4 outfalls*;[7]
    b. *Interconnections*;[8] and
    c. *Facility intraconnections*.[9]
4. Within three (3) years of the EDP, the permittee must *develop* and maintain an inventory for the *MS4 outfalls* and *interconnections*[10] including:[11]
    a. Inventory information for *MS4 outfalls*
        i. ID;
        ii. Prioritization (high or low) (V.F.6.);
        iii. Type of monitoring location (V.F.3.);
        iv. Receiving waterbody name and class;

[7] *MS4 outfall*s can be found at a *facility*.
[8] *Interconnections* can be found a *facility*.
[9] *Facility intraconnections* can be found only at a *facility*.
[10] Inventory information for *facility intraconnections* is in the facility inventory (V.I.4.).
[11] The information included in the inventory is collected during inspections on the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) or equivalent.

v. Receiving waterbody WI/PWL Segment ID;
vi. Description of *discharge* point;
vii. Material;
viii. Dimensions;
ix. Submerged in water; and
x. Submerged in sediment.

b. Inventory information for *interconnections*

i. ID;
ii. Prioritization (high or low) (V.F.6.);
iii. Type of monitoring location (V.F.3.); and
iv. HUC 12.

5. Three (3) years after the EDP, annually, by October 1, the permittee must update the inventories of *MS4 outfalls* and *interconnections* (V.F.4.).
6. Within three (3) years of the EDP, the permittee must prioritize *MS4 outfalls* and *interconnections* which are included in the *MS4 outfalls* and *interconnections* inventories (V.F.4.) as follows:

a. High priority *MS4 outfalls* and *interconnections* include *MS4 outfalls* and *interconnections*:

i. At a high priority *facility*, as defined in V.I.6.a;
ii. Discharging to impaired waters listed in Appendix C;
iii. Discharging within a *TMDL* watershed in VII; and/or
iv. Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.

b. All other *MS4 outfalls* and *interconnections* are low priority.

7. Three (3) years after the EDP, within thirty (30) days of when *MS4 outfalls* and *interconnections* are added to the inventories, the permittee must prioritize those *MS4 outfalls* and *interconnections* (V.F.6.).
8. Three (3) years after the EDP, annually, by October 1, the permittee must update the *MS4 outfalls* and *interconnections* prioritization in the inventory (V.F.4).
9. Within two (2) years of the EDP, the permittee must *develop* monitoring locations inspection and sampling procedures to:

a. Complete the inspections during *dry weather*[12]:

[12] Permittees can reference the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) for other factors to consider when determining when to conduct monitoring location inspection and sampling.

i. Inspect each *MS4 outfall* and *interconnection* once during each five (5) year inspection cycle beginning with the EDP, and no more than seven (7) years since its last inspection; and

ii. Inspect *facility intraconnections* according to the timeframes in (V.I.10.a).

b. Document all monitoring location inspections, including any sampling results, using:

i. The Monitoring Locations Inspection and Sampling Field Sheet (Appendix D), or

ii. A form containing equivalent information;

c. Sample monitoring locations characterized as having a *suspect illicit discharge* which originate within the ROW.

i. If the *illicit discharge*, or its source, is clear and discernable, sampling is not necessary;

ii. Sampling may be done with field test kits or field instrumentation that are sufficiently sensitive to detect the parameter below the sampling action level used;[13]

d. Initiate track down procedures (V.F.11.), in accordance with the timeframes specified in (V.F.11.c..), for monitoring locations with an overall characterization[14] as *suspect illicit discharge* or *obvious illicit discharge* or that exceed any sampling action level used;

e. Within thirty (30) days of initial inspection, reinspect the monitoring location if there is a *physical indicator not related to flow*, potentially indicative *of intermittent* or *transitory discharges*;

i. The reinspection must be completed utilizing techniques described in Chapter 12.6 of the Center for Watershed Protection *Illicit Discharge* Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) or equivalent.

ii. If those same physical indicators not related to flow persist, the permittee must initiate *illicit discharge* track down procedures (V.F.11.).

f. Provisions to photograph the monitoring location at time of inspection.

[13] Refer to Chapter 12 of the CWP 2004 for parameters, sampling action levels, and procedures.
[14] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 5: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

g. Provisions to complete inspection and sampling at inaccessible monitoring locations.

h. Provisions to assess monitoring locations for damage.

10. Two (2) years after the EDP Annually, by October 1, the permittee must review and update the monitoring location inspection and sampling procedures (V.F.9.).

11. Within two (2) years of the EDP, the permittee must *develop* and implement the *illicit discharge* track down procedures including:

    a. Procedures as described in Chapter 13 of CWP 2004 or equivalent;

    b. Steps taken for *illicit discharge* track down procedures;

    c. The following timeframes to initiate *illicit discharge* track down:

        i. Within twenty-four (24) hours of discovery, the permittee must initiate track down procedures for flowing MS4 monitoring locations with *obvious illicit discharges*;[15]

        ii. Within two (2) hours of discovery, the permittee must:

            a) Initiate track down procedures for *obvious illicit discharges* of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes; and

            b) Report orally or electronically to the Regional Water Engineer and local health department; and

        iii. Within five (5) days of discovery, the permittee must initiate track down procedures for *suspect illicit discharges*.

12. Two (2) years after the EDP, annually, by October 1, the permittee must review and update the *illicit discharge* track down procedures (V.F.11.).

13. Within two (2) years of the EDP, the permittee must *develop* and implement the *illicit discharge* elimination procedures including:

    a. Provisions for escalating enforcement and tracking, both consistent with V.B. of this *SPDES* permit;
    b. Provisions to confirm the corrective actions have been taken;
    c. Steps taken for *illicit discharge* elimination procedures; and
    d. The following timeframes for *illicit discharge* elimination:
        i. Within twenty-four (24) hours of identification of an *illicit discharge* that has a reasonable likelihood of adversely

[15] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 5: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

affecting human health or the environment, the permittee must initiate elimination of the *illicit discharge*;

ii. Within five (5) days of identification of an *illicit discharge* that does not have a reasonable likelihood of adversely affecting human health or the environment, the permittee must initiate elimination of the illicit *discharge*; and

iii. Where elimination of an *illicit discharge* within the specified timeframes (V.F.13.d.) is not possible, the permittee must notify the Regional Water Engineer.

14. Two (2) years after the EDP, annually, by October 1, the permittee must review and update the *illicit discharge* elimination procedures (V.F.13.).

G. MCM 4 – Construction Site Stormwater Runoff Control

1. The construction site *stormwater* runoff control program must address *stormwater* runoff to the *MS4* from sites with *construction activities* permitted, approved, funded, or owned/operated by the permittee and which are permitted for the *discharge* of *stormwater* from *construction activities*.

2. The additional requirements for construction oversight described in V.G.5. and V.G.8-11. are not required for *construction activities* where the permittee is the owner/operator.

3. Within six (6) months of the EDP, the permittee must establish an email or phone number (with message recording capability) for the public to report complaints related to construction *stormwater* activity.

4. Within thirty (30) days of receiving construction site-related complaints, the permittee must document the following:

    a. Date of the complaint;

    b. Location of the construction site;

    c. Nature of complaint;

    d. Follow up actions taken or needed; and

    e. Inspection outcomes and any enforcement taken.

5. Within one (1) year of the EDP, the permittee must *develop* construction oversight procedures including:

    a. When the construction site *stormwater* control permit applies (V.G.1.);

    b. For the submission of SWPPPs;

c. SWPPP review requirements (V.G.12.);

d. Pre-construction oversight requirements (V.G.13.);

e. Construction site inspection requirements (V.G.14.);

f. Construction site close-out requirements (V.G.15-16.);

g. Enforcement process/expectations for compliance;

h. For the control of *stormwater* runoff from applicable *construction activities*;

i. To ensure *trained contractor*, *qualified inspector*, SWPPP reviewers involved in the *construction activity* itself have received four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other NYSDEC endorsed entity; and

6. One (1) year after the EDP, annually, by October 1, the permittee must review and update the construction oversight procedures (V.G.5.).

7. Within six (6) months of the EDP, the permittee must *develop* and maintain an inventory of all applicable construction sites (V.G.1.) including:

    a. Location of the construction site;

    b. Design-build (yes or no):

        i. If yes:

            a) Owner/operator contact information; and

            b) SWPPP approval date;

    c. Receiving waterbody name and class;

    d. Receiving waterbody WI/PWL Segment ID;

    e. Prioritization (high or low) (V.G.9.);

    f. Construction project *SPDES* identification number;

    g. Inspection history, including dates and ratings (satisfactory, marginal, or unsatisfactory, when available); and

    h. Current status of the construction site/project (active, temporarily shut down, termination is complete).

8. Six (6) months after the EDP, annually, by October 1, the permittee must update the inventory of construction sites (V.G.7.). The inventory update

includes removal of projects that have been terminated/completed for at least six (6) months.

9. Within one (1) year of the EDP, the permittee must prioritize all construction sites which are included in the construction site inventory (V.G.7.) as follows:
    a. High priority construction sites include construction sites:
        i. With a direct conveyance to a *surface water of the State* that is:
            a) Listed in Appendix C with silt/sediment, phosphorus, or nitrogen as the *POC*;
            b) Classified as AA-S, AA, or A waters; or
            c) Assigned as trout (T) or trout spawning (TS);
        ii. With five (5) acres or more of disturbed earth at any one time;
        iii. With earth disturbance within one hundred (100) feet of any lake or pond; and/or
        iv. Within fifty (50) feet of any rivers or streams;
    b. All other construction sites are low priority.
10. One (1) year after the EDP, within thirty (30) days of when a construction site becomes active, the permittee must prioritize those construction sites (V.G.9.).
11. One (1) year after the EDP, annually, by October 1, the permittee must update the construction site prioritization in the inventory (V.G.7.e.).
    a. If the prioritization of the construction site changes, the permittee must comply with the requirements that apply to that prioritization, high or low.
12. The permittee must:
    a. Ensure individual(s) responsible for reviewing SWPPPs for acceptance:
        i. Meet the definition of a *qualified professional* or *qualified inspector*; or
        ii. Receive four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil & Water

Conservation District, or other NYSDEC endorsed entity. This training must be completed:

a) Prior to conducting SWPPP reviews for acceptance; and

b) Within three (3) years of the EDP and every three (3) years thereafter.

b. Ensure individuals responsible for reviewing SWPPPs review SWPPPs for applicable *construction activities* (V.G.1.) and for conformance with the requirements of the applicable permit for *discharges* of *stormwater* from *construction activities*;

c. Document and update annually the inventory of the individuals who have received the trainings listed in V.G.12.a.ii;

d. Notify construction site owner/operators that their SWPPP has been accepted as required by the applicable permit for *discharges* of *stormwater* from *construction activities*.

13. Prior to initiation of *construction activities*, the permittee must ensure a pre-construction meeting is conducted which:

a. Includes the permittee, the owner/operator permitted to *discharge stormwater* from construction activities, contractor(s) responsible for implementing the SWPPP for the *construction activity,* and the *qualified inspector* (if required by permit for the *construction activity*);

b. Confirms the approved project has been permitted or will be permitted[16];

c. Verifies contractors and subcontractors selected by the owner/operator of the *construction activity* have identified at least one individual that has received four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity; and

d. Reviews the construction oversight procedures (V.G.6.).

14. The permittee must:

a. Ensure individuals(s) responsible for the *qualified inspector's* construction site inspections:

[16] Preconstruction meetings may occur prior to the acceptance of the SWPPP, however, the permittee must confirm coverage under a permit for the *discharge* of *stormwater* from *construction activities* will be applied for by the construction site owner/operator prior to initiation of construction of *construction activities*.

i. Meet the definition of a *qualified inspector;* or

ii. Receive four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other NYSDEC endorsed entity. This training must be complete:

a) Prior to conducting construction site inspections; and

b) Within three (3) years of the EDP and every three (3) years thereafter.

b. Annually inspect all sites with *construction activity* identified in the inventory (V.G.7.) during active construction, or sooner if deficiencies are noted that require attention.

i. Follow up to construction site inspections must confirm corrective actions are completed within timeframes established by the permit for the *discharge* of *stormwater* from *construction activities* and the permittee's enforcement response (V.B.).

c. Document and update annually the inventory of the individuals who have received the trainings listed in V.G.14.a.ii.

d. Document all inspections using the Construction Site Inspection Report Form (Appendix D) or an equivalent form containing the same information.

15. The permittee must ensure a final construction site inspection is conducted. In coordination with the final construction site inspection, the permittee must ensure the catch basins within the contract limits are cleaned.

16. The permittee must document the final construction site inspection using the Construction Site Inspection Report Form, or an equivalent form containing the same information, or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the applicable permit for *discharges* of *stormwater* from *construction activities*.

H. MCM 5 – Post-Construction *Stormwater* Management

1. The permittee must:

a. *Develop* and maintain an inventory for post-construction *SMPs*[17] installed after March 10, 2003 including post-construction *SMPs*:
    i. Inventoried for MS4 GP-0-15-003
    ii. As they are approved or discovered; or
    iii. After the owner/operator of the *construction activity* has filed the termination in accordance with the permit for the *discharge* of *stormwater* from *construction activities*.
b. Within five (5) years of the EDP, include the following information in the inventory:
    i. Highway reference marker or coordinates;
    ii. Type;[18]
    iii. Receiving waterbody name and class;
    iv. Receiving waterbody WI/PWL Segment ID;
    v. Date of installation (if available) or discovery;
    vi. Location of documentation depicting O&M requirements for post-construction *SMP*;
    vii. Frequency for inspection of post-construction *SMP*, as specified in the NYS SWMDM 2024 or as specified in the O&M plan contained in the approved SWPPP (V.G.12);
    viii. Date of last inspection;
    ix. Inspection results; and
    x. Any corrective actions identified and completed.

2. After the EDP, annually, by October 1, the permittee must update the inventory of post-construction *SMPs* (V.H.1.).
3. Within one (1) year of the EDP, the permittee must *develop* post-construction *SMP* inspection and maintenance procedures including:
    a. Provisions to ensure that each post-construction *SMP* identified in the post-construction *SMP* inventory (V.H.1.) is inspected at the frequency specified in the NYS SWMDM 2024 or as specified in the O&M plan contained in the approved SWPPP (V.G.12), if available;
    b. Documentation of post-construction *SMP* inspections using the Post-Construction *SMP* Inspection Checklist[19] or an equivalent form containing the same information;
    c. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction *SMP* inspection; and

[17] Post-construction *SMPs* can be found at a *facility*.
[18] Post-construction *SMP* types are listed in the NYS SWMDM 2024.
[19] The NYSDEC developed checklist forms specific to each post-construction *SMP* designed to assist the permittee in conducting inspections and maintenance activities of standard practices. The Post-Construction SMP Inspection Checklist, March 31, 2017, can be found on the NYSDEC's website.

4. One (1) year after the EDP, annually, by October 1, the permittee must review and update the post-construction *SMP* inspection and maintenance procedures (V.H.3.).

I. MCM 6 – Pollution Prevention & Good Housekeeping

1. Within three (3) years of the EDP, the permittee must consider and implement *best management practices* (*BMPs*) for facilities and operations. BMPs to be considered include:
    a. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized by:
        i. Locating materials and activities inside or protect them with storm resistant coverings;
        ii. Grading, berming, or curbing to minimize runoff of contaminated flows and divert run-on away from these areas;
        iii. Locating materials, equipment, and activities so leaks and spills are contained;
        iv. Cleaning up spills and leaks promptly using dry methods to minimize the *discharge* of *pollutants*;
        v. Storing leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
        vi. Using spill/overflow protection equipment;
        vii. Performing all vehicle and/or equipment cleaning operations indoors, under cover, or in areas that minimize runoff, run-on, and overspray; and/or
        viii. Minimizing exposure of chemicals by replacing with a less toxic alternative.
    b. Whether *facilities* qualify for *No Exposure* Certification (Appendix D), when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.
        i. High priority facilities (V.I.6.a.) with uncovered parking areas for vehicles awaiting maintenance may be low priority facilities (V.I.6.b.) if only routine maintenance is performed inside and all other *no exposure* criteria are met.
        ii. Facilities accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the *No Exposure* Certification.
        iii. Facilities must maintain the *No Exposure* Certification. The *No Exposure* Certification ceases to apply when activities or materials become exposed.
    c. Implementation of a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all

fueling areas, vehicles and equipment and systems to prevent leaks, spills and other releases. This includes:

i. Performing inspections and preventive maintenance of *stormwater* drainage, source controls, treatment systems, and equipment and systems; and
ii. Maintaining non-structural *BMPs*;
iii. Routine maintenance must be performed to ensure *BMPs* are operating properly.
iv. When a *BMP* is not functioning to its designed effectiveness and needs repair or replacement:
    a) Maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of *stormwater* controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable; and
    b) Interim measures must be taken to prevent or minimize the *discharge* of *pollutants* until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be *discharged* during subsequent storm events.

d. Minimization of potential for leaks, spills and other releases that may be exposed to *stormwater* and *develop* plans for effective response to such spills if or when they occur by:
    i. Storing materials in appropriate containers;
    ii. Labeling containers that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
    iii. Implementing procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the *discharge* of *pollutants* from these areas;
    iv. *Developing* procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
    v. Keeping spill kits on-site, located near areas where spills may occur or where a rapid response can be made;
    vi. *Developing* procedures for notification of the *facility* personnel, emergency response agencies, and regulatory agencies, as appropriate, when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the

stormwater pollution prevention team (V.I.9.a.). Any spills must be reported in accordance with 6 NYCRR 750-2.7; and

vii. Following any spill or release, the permittee must evaluate the adequacy of the *BMPs* identified in the *facility* specific SWPPP. If the *BMPs* are inadequate, the SWPPP must be updated to identify new *BMPs* that will prevent recurrence and improve the emergency response to such releases.

viii. Procedures for cleaning up spills or leaks must be consistent with applicable petroleum bulk storage, chemical bulk storage, or hazardous waste management regulations at 6 NYCRR Parts 596-599, 613 and 370-373.

ix. Procedures to report any spill of a hazardous substance in accordance with 6 NYCRR 597.4 and any spill of petroleum in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

e. Stabilization of exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation. This includes:
   i. Structural and/or non-structural controls found in the NYS E&SC 2016;
   ii. Areas that, due to topography, land disturbance, or other factors, have potential for significant soil erosion;
   iii. Whether structural, vegetative, and/or stabilization *BMPs* are needed to limit erosion;
   iv. Whether velocity dissipation devices (or equivalent measures) are needed at *discharge* locations and along the length of any channel to provide a non-erosive flow velocity from the structure to a water course; and
   v. Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (50) feet of a surface water of the State.

f. Management of vegetated areas on permittee owned/operated property and rights of way. This includes:
   i. Proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance with manufacturer's instruction and applicable State and Federal laws and regulations;
   ii. Using lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; and use of alternative landscaping materials;
   iii. Providing pet waste disposal and/or signage in areas designated for pets; and

iv. Addressing waterfowl congregation areas where needed to reduce waterfowl droppings from entering the MS4.

g. Enclosing or covering storage piles of salt,[20] or piles containing salt, used for deicing or maintenance of paved surfaces, except during loading, unloading, and handling. Implement appropriate measures to minimize exposure resulting from adding to or removing materials from the pile.

h. Management of waste, garbage, and floatable debris. This includes:
   i. Keeping all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that *discharges* have a control; and
   ii. Keeping exposed areas free of waste, garbage, and debris or intercept them before they are *discharged*:
   iii. Managing trash containers at parks and open space; and
   iv. Picking up trash and debris on permittee owned/operated property and rights of way.

2. Within three (3) years of the EDP, the permittee must *develop facility* procedures including:
   a. The *BMPs* (V.I.1.) implemented at *facilities*;
   b. The high priority *facility* requirements (V.I.9-10.), as applied to the specific *facility*; and
   c. The low priority *facility* requirements (V.I.11.), as applied to the specific *facility*.
3. Three (3) years after the EDP, annually, by October 1, the permittee must review and update the *facility* procedures (V.I.2.).
4. Within two (2) years of the EDP, the permittee must *develop* and maintain a *facility* inventory including:
   a. Name of *facility*;
   b. Location, as latitude and longitude;
   c. Type of *facility*;
   d. Prioritization of *facility* and associated *facility intraconnection* (high or low) (V.I.6.);
   e. Receiving waterbody name and class;
   f. Receiving waterbody WI/PWL Segment ID;
   g. Location of SWPPP (if high priority; when completed);
   h. *Facility intraconnection* location(s), if present;
   i. Type of activities present on site;
   j. Size of *facility* (acres); and
   k. Date of last comprehensive site assessment.

[20] For purposes of this *SPDES* permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

5. Two (2) years after the EDP Annually, by October 1, the permittee must update the inventory of *facilities* (V.I.4.).
6. Within three (3) years of the EDP, the permittee must prioritize all facilities as follows:
    a. High priority facilities include facilities that have one or more of the following on site and exposed to *stormwater*:
        i. Storage of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris;
        ii. Fueling stations; and/or
        iii. Vehicle or equipment maintenance/repair.
    b. Low priority facilities include any facilities that do not meet the criteria for a high priority *facility* (V.I.6.a.) or which qualify for a *No Exposure* Certification.
7. Three (3) years after the EDP, within thirty (30) days of when a *facility* is added to the inventory, the permittee must prioritize those facilities (V.I.6.).
8. Three (3) years after the EDP, annually, by October 1, the permittee must update the *facility* prioritization in the inventory (V.I.4.).
    a. If the prioritization of the *facility* changes, the permittee must comply with the requirements that apply to that prioritization, high or low.
9. Within five (5) years of the EDP, the permittee must develop and implement a *facility* specific SWPPP for each high priority *facility*. The permittee must retain a copy of the *facility* specific SWPPP on site of the respective *facility*. The *facility* specific SWPPP must:
    a. Identify the individuals (by name and/or title) and their role/responsibilities in developing, implementing, maintaining, and revising the *facility* specific SWPPP. The roles/responsibilities of the team must address all aspects of the *facility* specific SWPPP.
    b. Contain a written description of the nature of the activities occurring at the *facility* with a potential to *discharge pollutants*, type of *pollutants* expected, and location of key features as detailed in the site map (V.I.9.e.).
    c. Identify each area at the *facility* where materials or activities are exposed to *stormwater* or from which authorized non-*stormwater discharges* (I.B.) originate, including any potential *pollutant* sources for which the *facility* has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.
        i. Materials or activities include: machinery; raw materials; intermediate products; byproducts; final products or waste products; and material handling activities which includes storage, loading and unloading, transportation or conveyance

of any raw material, intermediate product, final product or waste product.

ii. For each separate area identified, the description must include:
    a) Activities - A list of the activities occurring in the area;
    b) *Pollutants* - A list of the associated *pollutant(s)* for each activity. The *pollutant(s)* list must include all materials that are exposed to *stormwater*; and
    c) Potential for presence in *stormwater* - For each area of the *facility* that generates *stormwater discharges*, a prediction of the direction of flow, and the likelihood of the activity to contaminate the *stormwater discharge*.

d. For areas that are exposed to precipitation, or that otherwise drain to a *stormwater* conveyance to be covered under this *SPDES* permit, include a list of spills or releases[21] of petroleum and hazardous substances or other *pollutants*, including unauthorized non-*stormwater discharges*, that may adversely affect water quality that occurred during the last three-year period. The list must be updated when spills or releases occur.

e. Include a site map identifying the following, as applicable:
    i. Property boundaries and size in acres;
    ii. Location and extent of significant structures (including materials shelters), and impervious surfaces;
    iii. Monitoring locations with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;
    iv. Location of all post-construction *SMPs* and MS4 infrastructure;
    v. Locations of *discharges* authorized under other *SPDES* permits;
    vi. Locations of haul and access roads;
    vii. Rail cars and tracks;
    viii. Arrows showing direction of *stormwater* flow;
    ix. Location of all receiving waters in the immediate vicinity of the *facility*, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them;
    x. Locations where *stormwater* flows have significant potential to cause erosion;
    and
    xi. Locations of the following areas where such areas are exposed to precipitation or *stormwater*:
        a) Fueling stations;

[21] This may also include releases of petroleum or hazardous substances that are not in excess of reporting quantities but which may still cause or contribute to significant water quality impairment.

b) Vehicle and equipment maintenance and/or cleaning areas;
c) Loading/unloading areas;
d) Locations used for the treatment, storage or disposal of wastes;
e) Liquid storage tanks;
f) Processing and storage areas;
g) Locations where significant materials, fuel or chemicals are stored and transferred;
h) Locations where vehicles and/or machinery are stored when not in use
i) Transfer areas for substances in bulk;
j) Location and description of non-*stormwater discharges* (I.B.);
k) Locations where spills[22] or leaks have occurred; and
l) Locations of all existing structural *BMPs*.

f. Document the location and type of *BMPs* implemented at the *facility* (V.I.1.). The *facility* specific SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.
g. Include a schedule for completing and recording results of routine and comprehensive site assessments (V.I.10.b.).

10. Three (3) years after the EDP, annually, by October 1, the permittee must complete the following at each high priority *facility*:
    a. For each *facility intraconnection,* a Monitoring Locations Inspection and Sampling field sheet (Appendix D), or an equivalent form, following the procedures in V.F.9; and
    b. A comprehensive site assessment for each high priority *facility* as identified in the inventory (V.I.4.) using the *Facility* Assessment Form (Appendix D) or an equivalent to determine that:
        i. The *facility* is in compliance with the conditions of this *SPDES* permit;
        ii. Deficiencies were identified, which have a reasonable likelihood of adversely affecting human health or the environment;

a) Within twenty-four (24) hours, the permittee must initiate the corrective action process. If the deficiency cannot be corrected within twenty-four (24) hours, the permittee must prepare a schedule that includes specific interim milestones to be implemented until the corrective action is implemented; or

[22] A spill includes: any spill of a hazardous substance that must be reported in accordance with 6 NYCRR 597.4 and any spill of petroleum that must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

iii. Deficiencies were identified, which do not have a reasonable likelihood of adversely affecting human health or the environment;

a) Within seven (7) days, the permittee must initiate the corrective action process. If the deficiency cannot be corrected within seven (7) days, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, to be implemented until the corrective action is completed.

11. The permittee must complete the following at each low priority *facility*:
    a. For each *facility intraconnection,* a Monitoring Locations Inspection and Sampling field sheet (Appendix D), or an equivalent, following the procedures in V.F.9, once within five (5) years from the date of the last inspection of that *facility* intraconnection.
    b. A comprehensive site assessment for each low priority *facility*, as identified in the inventory (V.I.4.), using the *Facility* Assessment Form (Appendix D) or an equivalent, once within five (5) years from the date of the last inspection of that *facility*. The comprehensive site assessment must be used to determine that:
        i. The *facility* is in compliance with the conditions of this *SPDES* permit;
        ii. Deficiencies were identified, which have a reasonable likelihood of adversely affecting human health or the environment;

            a) Within twenty-four (24) hours, the permittee must initiate the corrective action process. If the deficiency cannot be corrected within twenty-four (24) hours, the permittee must prepare a schedule that includes specific interim milestones to be implemented until the corrective action is implemented; or

        iii. Deficiencies were identified which do not have a reasonable likelihood of adversely affecting human health or the environment;

            a) Within seven (7) days, the permittee must initiate the corrective action process. If the deficiency cannot be corrected within seven (7) days, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, to be implemented until the corrective action is completed.

12. Within three (3) years of the EDP, the permittee must develop operations procedures including:

a. The *BMPs* (V.I.1.) incorporated into the operations program;

b. The operations corrective actions requirements (V.I.15.); and

c. All operations requirements (V.I.16-18.).

13. Three (3) years after the EDP, annually, by October 1, the permittee must review and update the operations procedures (V.I.12.).

14. For operations, the permittee must:

a. Ensure compliance with the conditions of this *SPDES* permit; and

b. If deficiencies are identified, implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the conditions of this *SPDES* permit:

i. Within twenty-four (24) hours of discovery for situations that have a reasonable likelihood of adversely affecting human health or the environment;

ii. Initiated within seven (7) days of inspection and completed within thirty (30) days of inspection for situations that do not have a reasonable likelihood of adversely affecting human health or the environment; and

iii. For corrective actions that require special funding or construction that will take longer than thirty (30) days to complete, prepare a schedule that specifies interim milestones, at intervals not to exceed six (6) months, and implement such interim milestones.

15. Within three (3) years of the EDP, unless the problem is related to a surface obstruction, the permittee must:

a. Inspect *catch basins* when:

i. The *catch basin* is not functioning properly; or

ii. Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.

b. Inventory *catch basin* inspection information including:

i. Location;

ii. Date of inspection;

iii. Nature of problem;

iv. Approximate level of trash, sediment, and/or debris captured at time of clean-out (no trash, sediment, and/or debris, <50% of the depth of the *sump*, >50% of the depth of the *sump*);

v. Depth of structure;

vi. Depth of *sump*;

vii. Clean out necessary (yes or no); and

viii. Date of clean out, if applicable (V.I.15.c.).

c. Based on inspection results, clean out *catch basins* within the following timeframes:
   i. Within six (6) months after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris exceeding 50% of the depth of the *sump* as a result of a *catch basin* inspection;
   ii. Within one (1) year after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris at less than 50% of the depth of the *sump* as a result of a *catch basin* inspection; and
   iii. The permittee is not required to clean out *catch basins* if the *catch basins* are operating properly and:
      a) There is no trash, sediment, and/or debris in the *catch basin*; or
      b) The *sump* depth of the *catch basin* is less than or equal to two (2) feet.
d. Properly manage (handling and disposal) materials removed from *catch basins* during clean out so that:
   i. Water removed during the *catch basin* cleaning process may be returned to the MS4 if there is no substantial visual contrast from the receiving water in the MS4, no visual evidence of oil or grease, and no floatables. Otherwise, water removed during the *catch basin* cleaning process will not enter the MS4 or surface waters of the State;
   ii. Material removed from *catch basins* is disposed of in accordance with any applicable environmental laws and regulations; and
   iii. Material removed during the *catch basin* cleaning process will not reenter the MS4 or surface waters of the State.
e. Determine if there are signs/evidence of *illicit discharges* and implement procedures for referral/follow-up if *illicit discharges* are encountered.

16. Within two (2) years of the EDP, the permittee must develop procedures for sweeping lots at facilities.
17. Two (2) years after the EDP, annually, the permittee must sweep lots at facilities.
18. Within four (4) years of the EDP, the permittee must develop and implement procedures for sweeping and/or cleaning streets, bridges, and parking lots owned/operated by the permittee. The procedures must specify:

a. The permittee must sweep and/or clean all roads, bridges, and parking lots once every five (5) years. This condition is not applicable to:

i. Uncurbed roads with no *catch basins*;

ii. High-speed limited access highways; or

iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

19. Within five (5) years of the EDP, the permittee must *develop* and implement the following provisions:

a. Pave, mark, and seal streets, bridges, and parking lots in accordance with the permittee's specifications and guidance;

b. Stage road operations and maintenance activity to reduce the potential *discharge* of *pollutants* to the MS4 or surface waters of the State;

c. Optimize the use of herbicides/pesticide application to roadside vegetation; and

d. Minimize *pollutants* associated with bridge maintenance activities.

20. Within five (5) years of the EDP, the permittee must *develop* and implement the following provisions:

a. Routinely calibrate equipment to control salt/sand application rates; and

b. Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.[23]

Part VI. IMPAIRED WATERS WITHOUT A *TMDL* REQUIREMENTS

The permittee must implement Part VI. requirements, for each *pollutant of concern*, in the *sewershed*s which *discharge* through *MS4 outfall*s to waters listed in Appendix C.

A. *Pollutant* Specific *BMPs* for Phosphorus

1. Mapping

a. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include the following for each *MS4 outfall*:

[23] The Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal can be found on the NYSDEC's website.

i. *MS4* infrastructure mapping requirements (V.A.3.); and

ii. *Sewersheds*.

2. MCM 1 – Public Education and Outreach

   a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.).

   b. Three (3) years after the EDP, twice a year, once from March to August and once from September to February, the permittee must provide educational messages with information specific to phosphorus to the applicable target audiences (V.D.1.a.).

3. MCM 4 - Construction Site *Stormwater* Runoff Control

   a. Three (3) years after the EDP, where the permittee is not the owner/operator, the permittee must inspect high priority construction sites during active construction.

      i. If the permittee is completing the inspection, the construction site must be inspected every ninety (90) days; or

      ii. If the permittee utilizes *qualified inspector's* weekly inspection reports, which are authorized by the permit for the *discharge* of *stormwater* from *construction activities*, to satisfy this requirement, the permittee must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

4. MCM 6 - Pollution Prevention and Good Housekeeping

   a. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.

5. Planned Upgrades to Facilities in *Sewershed*s to Impaired Waters

a. When feasible,[24] the permittee must incorporate cost-effective runoff reduction techniques[25] during planned upgrades including rights of way.

B. *Pollutant* Specific *BMPs* for Turbidity

1. Mapping

a. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include the following for each *MS4 outfall*:

i. *MS4* infrastructure mapping requirements (V.A.3.); and

ii. *Sewersheds*.

2. MCM 1 - Public Education and Outreach

a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.) .

b. Three (3) years after the EDP, each year of active construction, the permittee must educate those involved in the *construction activity* itself on the use of post-construction *SMPs*, as detailed in the New York State Stormwater Management Design Manual, July 2024 (NYS SWMDM 2024), that are intended to collect and separate silt and sediment debris from *stormwater* before discharging to waters of the State.

3. MCM 4 - Construction Site *Stormwater* Runoff Control

a. Three (3) years after the EDP, where the permittee is not the owner/operator, the permittee must inspect high priority construction sites during active construction.

i. If the permittee is completing the inspection, the construction site must be inspected every ninety (90) days; or

ii. If the permittee utilizes *qualified inspector's* weekly inspection reports, which are authorized by the permit for the *discharge* of *stormwater* from *construction activities*, to satisfy this requirement, the permittee must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

[24] Consideration of feasibility should include type of land use or *operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.
[25] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2024.

4. MCM 6 - Pollution Prevention and Good Housekeeping

    a. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.

5. Planned Upgrades to Facilities in *Sewershed*s to Impaired Waters

    a. When feasible,[26] the permittee must incorporate cost-effective runoff reduction techniques[27] during planned upgrades including rights of way.

C. *Pollutant* Specific *BMPs* for Pathogens

1. Mapping

    a. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include the following for each *MS4 outfall*:

        i. *MS4* infrastructure mapping requirements (V.A.3.);

        ii. *Sewersheds;*

        iii. Waterfowl congregation areas on property under the control of the permittee; and

        iv. Areas designated for pets.

2. MCM 1 - Public Education and Outreach

    a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.).

    b. Three (3) years after the EDP, twice a year, once from March to August and once from September to February, the permittee must provide educational messages with information specific to pathogens to the applicable target audiences (V.D.1.a.).

3. MCM 6 - Pollution Prevention and Good Housekeeping

[26] Consideration of feasibility should include type of land use or *operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[27] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2024.

a. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.

b. Within six (6) months of the EDP, the permittee must identify facilities with waterfowl populations that have the potential to contribute pathogens .

c. Within six (6) months of the EDP, signage must be available at those facilities (V.I.4.) where regular public access is permitted, instructing the public not to feed the waterfowl population.

d. Within six (6) months of the EDP, the permittee must remove accumulated trash and debris from facilities when necessary to eliminate potential food sources for the waterfowl population.

e. Within one (1) year of the EDP, the permittee must evaluate the effectiveness of deterrents, population controls, and other measures that may reduce bird-related pathogen contributions.

f. Within one (1) year of the EDP, the permittee must make dog waste receptacles available in areas designated for pets.

4. Planned Upgrades to Facilities in *Sewershed*s to Impaired Waters

a. When feasible,[28] the permittee must incorporate cost-effective runoff reduction techniques[29] during planned upgrades including rights of way.

D. *Pollutant* Specific *BMPs* for Nitrogen

1. Mapping

a. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include the following for each *MS4 outfall*:

i. *MS4* infrastructure mapping requirements (V.A.3.); and

[28] Consideration of feasibility should include type of land use or *operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[29] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2024.

ii. S*ewersheds*.

2. MCM 1 - Public Education and Outreach

   a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.).

   b. Three (3) years after the EDP, twice a year, once from March to August and once from September to February, the permittee must provide educational messages with information specific to nitrogen to the applicable target audiences (V.D.1.a.).

3. MCM 4 - Construction Site *Stormwater* Runoff Control

   a. Three (3) years after the EDP, where the permittee is not the owner/operator, the permittee must inspect high priority construction sites during active construction.

      i. If the permittee is completing the inspection, the construction site must be inspected every ninety (90) days; or

      ii. If the permittee utilizes the *qualified inspector's* weekly inspection reports, which are authorized by the permit for the *discharge* of *stormwater* from *construction activities*, to satisfy this requirement, the permittee must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

4. MCM 6 - Pollution Prevention and Good Housekeeping

   a. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.

5. Planned Upgrades to Facilities in *Sewershed*s to Impaired Waters

a. When feasible,[30] the permittee must incorporate cost-effective runoff reduction techniques[31] during planned upgrades including rights of way.

E. *Pollutant* Specific *BMPs* for Floatables

1. Mapping

a. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include the following for each *MS4 outfall*:

i. *MS4* infrastructure mapping requirements (V.A.3); and

ii. *Sewersheds*.

2. MCM 1 - Public Education and Outreach

a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.).

b. Three (3) years after the EDP, twice a year, once from March to August and once from September to February, the permittee must provide educational messages with information specific to floatables to the applicable target audiences (V.D.1.a.).

3. MCM 6 - Pollution Prevention and Good Housekeeping

a. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.

4. Planned Upgrades to Facilities in *Sewershed*s to Impaired Waters

[30] Consideration of feasibility should include type of land use or *operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[31] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2024.

a. When feasible,[32] the permittee must incorporate cost-effective runoff reduction techniques[33] during planned upgrades including rights of way.

Part VII. *TMDL* WATERSHED REQUIREMENTS

The permittee must implement Part VII. requirements, for the *pollutant of concern*, in areas identified in Appendix B.

Issued *TMDL* implementation plans, referenced in this Part, are incorporated into, and enforceable under, this *SPDES* permit:

- Updated Phosphorus *Total Maximum Daily Load* for Onondaga Lake, June 2012
- Greenwood Lake Watershed Phosphorus *TMDL* Implementation Plan, October 2019
- Croton Watershed Phase II *TMDL* Implementation Plan (January 2009)
- *TMDL* for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries (September 2007)

A. Onondaga Lake

1. Mapping
    a. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include the type of post-construction *SMPs*, as identified in the post-construction *SMP* inventory (V.H.1.b.).
2. MCM 1 - Public Education and Outreach
    a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.).
    b. Three (3) years after the EDP, twice a year, once from March to August and once from September to February, the permittee must provide educational messages with information specific to phosphorus to the applicable target audiences within the *TMDL* watershed.
3. MCM 4 - Construction Site *Stormwater* Runoff Control
    a. Three (3) years after the EDP, where the permittee is not the owner/operator, the permittee must inspect high priority construction sites during active construction.

[32] Consideration of feasibility should include type of land use or *operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.
[33] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2024.

i. If the permittee is completing the inspection, the construction site must be inspected every ninety (90) days; or
ii. If the permittee utilizes *qualified inspector's* weekly inspection reports, which are authorized by the permit for the *discharge* of *stormwater* from *construction activities*, to satisfy this requirement, the permittee must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

4. MCM 5 - Post-Construction *Stormwater* Management
   a. The permittee must use Chapter 10 of the NYS SWMDM 2024 for all new development and redevelopment projects that disturb greater than or equal to one (1) acre and construction projects less than one acre that are part of a *larger common plan of development or sale*.
   b. For construction sites located in the Onondaga Lake Watershed, where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected must be in conformance with the NYS E&SC 2016.
5. MCM 6 - Pollution Prevention and Good Housekeeping
   a. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.
6. Planned Upgrades to Facilities in Watersheds to Impaired Waters
   a. When feasible,[34] the permittee must incorporate cost-effective runoff reduction techniques during planned upgrades including rights of way.

B. Greenwood Lake

1. Mapping
   a. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include the type of post-

[34] Consideration of feasibility should include type of land use or *operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

construction *SMPs*, as identified in the post-construction *SMP* inventory (V.H.1.b.).

2. MCM 1 - Public Education and Outreach
    a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.).
    b. Three (3) years after the EDP, twice a year, once from March to August and once from September to February, the permittee must provide educational messages with information specific to phosphorus to the applicable target audiences who affect or can be affected by the *TMDL* watershed.
    c. Within five (5) years of the EDP, the permittee must provide educational messages with information specific to phosphorus to audiences who affect or can be affected by the *TMDL* watershed.
    d. Within five (5) years of the EDP, the permittee must *develop* and provide an audio or visual entertainment message with information specific to phosphorus to the applicable target audiences within the *TMDL* watershed.
3. MCM 2 - Public Involvement/Participation
    a. Three (3) years after the EDP, annually, the permittee must provide an adopt-a-highway opportunity.
4. MCM 4 - Construction Site *Stormwater* Runoff Control
    a. Three (3) years after the EDP, where the permittee is not the owner/operator, the permittee must inspect high priority construction sites during active construction.
        i. If the permittee is completing the inspection, the construction site must be inspected every ninety (90) days; or
        ii. If the permittee utilizes *qualified inspector's* weekly inspection reports, which are authorized by the permit for the *discharge* of *stormwater* from *construction activities*, to satisfy this requirement, the permittee must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.
5. MCM 5 - Post-Construction *Stormwater* Management
    a. The permittee must use Chapter 10 of the NYS SWMDM 2024 for all new development and redevelopment projects that disturb greater than or equal to one (1) acre and construction projects less than one acre that are part of a *larger common plan of development or sale*.
    b. For construction sites located in the Greenwood Lake Watershed, where soil disturbance activity has temporarily or permanently

ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected must be in conformance with the NYS E&SC 2016.

c. *Retrofit* program
    i. Within two (2) years of the EDP, complete an analysis to determine the available right-of-way for *retrofit* installations using the following information:
        a) Automatically designated area;
        b) Greenwood Lake Watershed;
        c) Location of right-of-way;
        d) Where previous *retrofits* have been completed;
        e) Impediments to future *retrofits*

    ii. Following the completion of the *retrofit* analysis (VII.B.5.c.) and within five (5) years of the EDP:
        a) If there is available right-of-way to complete *retrofits*, the permittee must submit to the NYSDEC a *retrofit* plan that identifies the following:
            i) Project name;
            ii) Location;
            iii) Proposed *retrofit* type;
            iv) Anticipated date for construction; and
            v) Estimated *retrofit* phosphorus reduction (reduction efficiencies in accordance with Table 10.3 of the NYS SWMDM 2024).
        b) If there is not available right-of-way to complete *retrofits*, there are no further requirements.

6. MCM 6 - Pollution Prevention and Good Housekeeping
    a. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.

7. Planned Upgrades to Facilities in Watersheds to Impaired Waters

a. When feasible, the permittee must incorporate cost-effective runoff reduction techniques during planned upgrades including rights of way.

C. NYC East of Hudson Phosphorus Impaired Watershed *MS4s*

1. Mapping
    a. The permittee must continue to maintain mapping of *MS4* infrastructure (as required by *MS4* GP-0-15-003), which includes:
        i. Conveyance system
            a) Type (closed pipe or open drainage);
            b) Conveyance description for closed pipes (material, shape, dimensions);
            c) Conveyance description for open drainage (channel/ditch lining material, shape, dimensions); and
            d) Direction of flow;
        ii. Culvert crossings (location and dimensions)
        iii. *Stormwater* structures
            a) Type (drop inlet, *catch basin*, or manhole); and
            b) Number of connections to *catch basins*, and manholes;
    b. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include:
        i. *MS4* infrastructure with a history of problems; and
        ii. The type of post-construction *SMPs* as identified in the post-construction *SMP* inventory (V.H.1.b.).
2. MCM 1 - Public Education and Outreach
    a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.).
    b. Three (3) years after the EDP, twice a year, once from March to August and once from September to February, the permittee must provide educational messages with information specific to phosphorus to the applicable target audiences who affect or can be affected by the *TMDL* watershed.
    c. Within five (5) years of the EDP, the permittee must provide educational messages with information specific to phosphorus to audiences who affect or can be affected by the *TMDL* watershed.
    d. Within five (5) years of the EDP, the permittee must *develop* and provide an audio or visual entertainment message with information specific to phosphorus to the applicable target audiences who affect or can be affected by the *TMDL* watershed.
3. MCM 2 - Public Involvement/Participation

a. Three (3) years after the EDP, annually, by October 1, the permittee must provide an adopt-a-highway opportunity.

4. MCM 4 - Construction Site *Stormwater* Runoff Control
   a. The permittee must include construction projects that disturb between 5000 square feet (sf) and one (1) acre in the construction site runoff control program as described in V.G.1. Construction projects meeting this threshold are low priority construction sites.
   b. Three (3) years after the EDP, where the permittee is not the owner/operator, the permittee must inspect high priority construction sites during active construction.
      i. If the permittee is completing the inspection, the construction site must be inspected every ninety (90) days; or
      ii. If the permittee utilizes *qualified inspector's* weekly inspection reports, which are authorized by the permit for the *discharge* of *stormwater* from *construction activities*, to satisfy this requirement, the permittee must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.
5. MCM 5 - Post-Construction *Stormwater* Management
   a. The permittee must use Chapter 10 of the NYS SWMDM 2024 for all new development and redevelopment projects that disturb greater than or equal to one (1) acre and construction projects less than one acre that are part of a *larger common plan of development or sale*.
   b. For construction sites located in the NYC East of Hudson watershed, where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected must be in conformance with the NYS E&SC 2016.
   c. *Retrofit* program
      i. Within two (2) years of the EDP, complete an analysis to determine the available right-of-way for *retrofit* installations using the following information:
         a) Automatically designated area;
         b) NYC East of Hudson Watershed;
         c) Location of right-of-way;
         d) Where previous *retrofits* have been completed; and
         e) Impediments to future *retrofits*.

ii. Following the completion of the *retrofit* analysis (VII.C.5.c.) and within five (5) years of the EDP:
    a) Where there is available right-of-way to complete *retrofits*, the permittee must initiate implementation of a *retrofit* plan that identifies the following:
        i) Project name;
        ii) Location;
        iii) Proposed *retrofit* type;
        iv) Anticipated date for construction; and
        v) Estimated *retrofit* phosphorus reduction (reduction efficiencies in accordance with Table 10.3 of the NYS SWMDM 2024).
    b) If there is not available right-of-way to complete *retrofits*, there are no further requirements.

6. MCM 6 - Pollution Prevention and Good Housekeeping
    a. Phosphorus *BMP* Study
        i. Within one (1) year of the EDP, the permittee must identify a project budget and initiate the process for requesting research proposals for an analysis of *BMPs* for reducing phosphorus, excluding *retrofits* identified in (VII.C.5.c.);
        ii. Within two (2) years of the EDP, the permittee must *develop* task assignments for the research team. The tasks must include:
            a) An assessment of feasibility of implementation; and
            b) Identify, as an estimate, the phosphorus reduction that would be achieved as a result of the permittee inspecting and cleaning *catch basins* twice a year;
            c) Identification of the phosphorus reduction that would be achieved as a result of the permittee's implementation of other *BMPs*.
            d) An analysis of all *BMPs* for reducing phosphorus, in VII.C.6.a.ii.b) and VII.C.6.a.ii.c);
        iii. Within four (4) years of the EDP, the permittee must ensure the completion of an analysis of *BMPs* for reducing phosphorus ;
        iv. Within four and a half (4.5) years of the EDP, the permittee must *develop* a phosphorus reducing *BMP* plan to be implemented by the permittee; and
        v. Within four and a half (4.5) years of the EDP, the permittee must initiate the implementation of a phosphorus reducing *BMP* plan that identifies the following:

a) The *BMPs* identified in VII.C.6.a.ii.d;
b) Location of implementation; and
c) Anticipated date for implementation.

b. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.

7. Planned Upgrades to Facilities in Watersheds to Impaired Waters

a. When feasible, the permittee must incorporate cost-effective runoff reduction techniques during planned upgrades including rights of way.

D. Peconic Estuary

1. Mapping
   a. The permittee must continue to maintain mapping of *MS4* infrastructure (as required by *MS4* GP-0-15-003), which includes:
      i. Conveyance system
         a) Type (closed pipe or open drainage);
         b) Conveyance description for closed pipes (material, shape, dimensions);
         c) Conveyance description for open drainage (channel/ditch lining material, shape, dimensions); and
         d) Direction of flow;
         e) Culvert crossings (location and dimensions)
      ii. *Stormwater* structures
         a) Type (drop inlet, *catch basin*, or manhole); and
         b) Number of connections to *catch basins*, and manholes;
   b. Within three (3) years of the EDP, the permittee must update the comprehensive system mapping (V.A.1.) to include the type of post-construction *SMPs*, as identified in the post-construction *SMP* inventory (V.H.1.b.).
2. MCM 1 - Public Education and Outreach
   a. Within six (6) months of the EDP, the permittee must make available information on how the impairment is being addressed by implementation of the permittee's written policies/procedures (V.B.).

b. Three (3) years after the EDP, twice a year, once from March to August and once from September to February, the permittee must provide educational messages with information specific to phosphorus to the applicable target audiences within the *TMDL* watershed.

3. MCM 4 - Construction Site *Stormwater* Runoff Control

a. Three (3) years after the EDP, where the permittee is not the owner/operator, the permittee must inspect high priority construction sites during active construction.

i. If the permittee is completing the inspection, the construction site must be inspected every ninety (90) days; or

ii. If the permittee utilizes *qualified inspector's* weekly inspection reports, which are authorized by the permit for the *discharge* of *stormwater* from *construction activities*, to satisfy this requirement, the permittee must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

4. MCM 5 - Post-Construction *Stormwater* Management

a. When feasible, the permittee must incorporate on-site retention of the 1-year storm or greater from new development or redevelopment projects using runoff reduction techniques3[35] selected from the NYS SWMDM 2024.

5. MCM 6 - Pollution Prevention/Good Housekeeping

a. Following an *MS4 outfall* inspection (V.F.9.), the permittee must initiate the corrective action process to repair any *MS4 outfall* protection and/or bank stability problem(s) identified during the inspection. If the problem(s) cannot be corrected within six (6) months, the permittee must prepare a schedule that includes specific interim milestones, at intervals not to exceed six (6) months, and implement those interim milestones until the corrective action is completed. The corrective actions must be completed in accordance with the NYS E&SC 2016.

6. Planned Upgrades to Facilities in Watersheds to Impaired Waters

a. When feasible, the permittee must incorporate cost-effective runoff reduction techniques during planned upgrades including rights of way.

[35] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2024.

Part VIII. GENERAL REQUIREMENTS

1. The regulations in 6 NYCRR Part 750, including the regulations in paragraphs 2. and 3. below, are incorporated by reference and are enforceable requirements under this SPDES permit.

2. General Conditions
    a. Duty to comply 6 NYCRR 750-2.1(e) & 2.4
    b. Duty to reapply 6 NYCRR 750-1.16(a)
    c. Need to halt or reduce activity not a defense 6 NYCRR 750-2.1(g)
    d. Duty to mitigate 6 NYCRR 750-2.7(f)
    e. Permit actions 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h)
    f. Property rights 6 NYCRR 750-2.2(b)
    g. Duty to provide information 6 NYCRR 750-2.1(i)
    h. Inspection and entry 6 NYCRR 750-2.1(a) & 2.3

3. Records and Reporting Requirements
    a. Records 6 NYCRR 750-2.5(c)(1)
    b. Signatory requirements 6 NYCRR 750-1.8 & 2.5(b)
    c. Reporting requirements 6 NYCRR 750-2.5(e), 2.7(e)
    d. Transfers 6 NYCRR 750-1.17
    e. Compliance schedules 6 NYCRR 750-1.14(d)
    f. Other noncompliance 6 NYCRR 750-2.7(e)
    g. Other information 6 NYCRR 750-2.1(f)

APPENDIX A – Abbreviations and Definitions

Abbreviations

BMP – Best Management Practice

ECL – Environmental Conservation Law

EDP– Effective Date of the Permit

EPCRA - Emergency Planning and Community Right-To-Know Act

IDDE – *Illicit Discharge* Detection and Elimination

MCM – Minimum Control Measure

MS4 – *Municipal Separate Storm Sewer System*

NYCRR – New York Codes, Rules and Regulations

NYSDEC – New York State Department of Environmental Conservation

O&M – Operations and Maintenance

POC – *Pollutant of Concern*

RSE – Regional *Stormwater* Entity

SPDES – State *Pollutant* Discharge Elimination System

SMP – *Stormwater* Management Practice

SWMP – *Stormwater Management Program*

SWMP Plan – *Stormwater Management Program Plan*

SWPPP – *Stormwater* Pollution Prevention Plan

TMDL – *Total Maximum Daily Load*

Definitions

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

Best Management Practice (BMP) – schedules of activities, practices, and prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. *BMPs* also include treatment requirements, operating procedures, and practices to control runoff, spillage and leaks, sludge or waste disposal, or drainage from areas that could contribute *pollutants* to *stormwater discharges*.

Catch Basin(s) – a cistern, vault, chamber, or well that is part of the MS4 and designed to capture trash, sediment, and/or debris in its *sump*.

Construction Activity(ies) – any clearing, grading, excavation, demolition or stockpiling activity that results in soil disturbance. Clearing activities can include but are not limited to logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. *Construction activity* does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a *facility*.

Develop (Developed) – to 1. continue to implement the permittee's SWMP as it exists at EDP and 2. modify and implement the SWMP to comply with the permit requirements.

Discharge (Discharging) – any addition of any *pollutant* to *surface waters of the State* through an outlet or point source (6 NYCRR 750-1.2(a)(28)).

Dry Weather – prolonged dry periods (at least 48 hours after the last runoff event).

Facility – a permittee operated premises where the permittee's operations have the potential to *discharge pollutants* to the *MS4* and/or *surface waters of the state*. A *facility*is not a road, street, parkway, arterial, interstate, right-of-way, bridge, tunnel, drainage structure, sign, guiderail, traffic management, or protective structure.

Facility Intraconnection – any point where *stormwater* is conveyed from the permittee's *facility* to the permittee's own *MS4*. This is the most down-drainage end of the MS4 infrastructure located on the *facility* prior to discharge to the *MS4*.

Illicit Discharge – any *discharge* into an *MS4* that is not entirely composed of *stormwater*, except those identified in I.A.3. Examples of *illicit discharges* are non-permitted sanitary sewage, garage drain effluent, and waste motor oil. However, an *illicit discharge* could be any other non-permitted discharge which the *permittee* or NYSDEC has determined to be a substantial contributor of *pollutants* to the *MS4*. *Illicit discharges* can occur throughout the *MS4*, including at post-construction *SMPs*.

Interconnection – any point of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow*,* where the permittee's *MS4* is *discharging* to another *MS4* or private storm sewer system. Areas of *sheet flow*

which drain to another *MS4* or private storm sewer system are not considered *interconnections*.

Intermittent Discharge – a *discharge* which occurs over a shorter period of time (e.g., a few hours per day or a few days per year) (CWP 2004).

Larger Common Plan of Development or Sale – a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term **"**plan" in *larger common plan of development or sale* is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, State Environmental Quality Review Act Application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a *larger common plan of development or sale* that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

MS4 Outfall – any point of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow*,* to *surface waters of the State* from the permittee's *MS4*. Areas of *sheet flow* which drain to *surface waters of the State* are not considered *MS4 outfalls.*

Municipal Separate Storm Sewer System (*MS4*) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, *catch basins*, curbs, gutters, ditches, man-made channels, or storm drains):

1. owned or operated by a State, city, town, village, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, *stormwater*, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA, that *discharges* to *surface waters of the State*;
2. designed or used for collecting or conveying *stormwater*;
3. which is not a combined sewer; and
4. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

No Exposure – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

Obvious Illicit Discharge – an *illicit discharge* from a flowing *MS4 outfall* that does not require sample collection for confirmation; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 5: Overall Outfall Characterization.

Physical Indicator not Related to Flow – an indicator of past *discharges*, potentially *intermittent* or *transitory discharge,* including *monitoring location* damage, *monitoring location* deposits or stains, abnormal vegetation growth, poor pool quality or pipe benthic growth; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 5: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations. These physical indicators can be present at both flowing and non-flowing monitoring locations.

Pollutant – dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast *discharged* into water; which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards or guidance values adopted as provided in Parts 700 et seq of this Title. For the purposes of this *SPDES* general permit, relevant *pollutants* include, but are not limited to, nitrogen, phosphorus, chloride, silt and sediment, pathogens, herbicides/pesticides, floatables, petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs).

Pollutant of Concern (POC) – a *pollutant* causing the impairment of an impaired water segment with an approved *TMDL* and/or listed in Appendix C, including phosphorus, silt/sediment, pathogens, nitrogen, and floatables.

Qualified Inspector – a person who is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other NYSDEC endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect must receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *qualified professional* qualifications in addition to the *qualified inspector* qualifications.

Note: Inspections of any post-construction *SMPs* that include structural components, such as a dam for an impoundment, must be performed by a licensed Professional Engineer.

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

Retrofit – to modify or add to existing *stormwater* infrastructure for the purpose of reducing *pollutant* loadings.

State Pollutant Discharge Elimination System (SPDES) – the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing *discharges* to the waters of the State.

Stormwater – that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the State.

Stormwater Management Practices (SMPs) – measures, either structural or nonstructural, that are constructed as part of new development or redevelopment projects and are intended to capture, treat, reduce and/or retain *stormwater* runoff.

Stormwater Management Program (SWMP) – the program *developed* and implemented by the permittee which provides a comprehensive integrated planning approach involving public participation and, where necessary, intergovernmental coordination, to reduce the *discharge* of *POCs* and specified *pollutants* to the maximum extent practicable, using management practices, control techniques and systems, design and engineering methods, and other appropriate provisions. The Permittee is required at a minimum to *develop*, implement, and enforce a *SWMP* designed to address *POCs* and reduce the *discharge* of *pollutants* from the *MS4* to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the ECL and the Clean Water Act. The *SWMP* must address all permit requirements in this *SPDES* general permit.

Stormwater Management Program Plan (SWMP Plan) – is used by the permittee to document and detail the activities and measures that will be implemented to meet the terms and conditions of this *SPDES* general permit. The *SWMP Plan* must be updated during the permit term as the permittee's activities are modified to meet permit conditions. The *SWMP Plan* can be hardcopy or digital.

Storm-sewershed (sewershed) – the catchment that drains to a waterbody based on the *MS4* and surface topography. Adjacent catchment areas that drain to the same waterbody are not separate *storm-sewersheds*.

Sump – the part of the *catch basin* between the bottom interior of the *catch basin* and the invert of the deepest outlet of the *catch basin*.

Surface Water(s) of the State – must be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Waters of the state are further defined in 6 NYCRR Parts 800 to 941. Storm sewers are not waters of the state unless they are classified in 6 NYCRR Parts 800 to 941. Nonetheless, a *discharge* to a storm sewer must be regulated as a *discharge* at the point where the storm sewer *discharges* to waters of the state.

Suspect Illicit Discharge – an *illicit discharge* from flowing monitoring locations with high severity (score of 3) on one or more physical indicators based on the relative severity index of physical indicators for flowing *MS4 outfall*s only; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 5: Overall Outfall Characterization.

Total Maximum Daily Load (TMDL) – the sum of the allowable loads of a single *pollutant* from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a *pollutant* that a waterbody can receive and still meet *water quality standards,* and an allocation of that amount to the *pollutant's* sources. A *TMDL* stipulates Waste Load Allocations (WLA) for point source *discharges*, Load Allocations (LA) for nonpoint sources, and a margin of safety (MOS).

Trained Contractor – an employee from the contracting (construction) company that has received four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC endorsed entity. After receiving the initial training, the trained contractor shall receive four (4) hours of training every three (3) years.

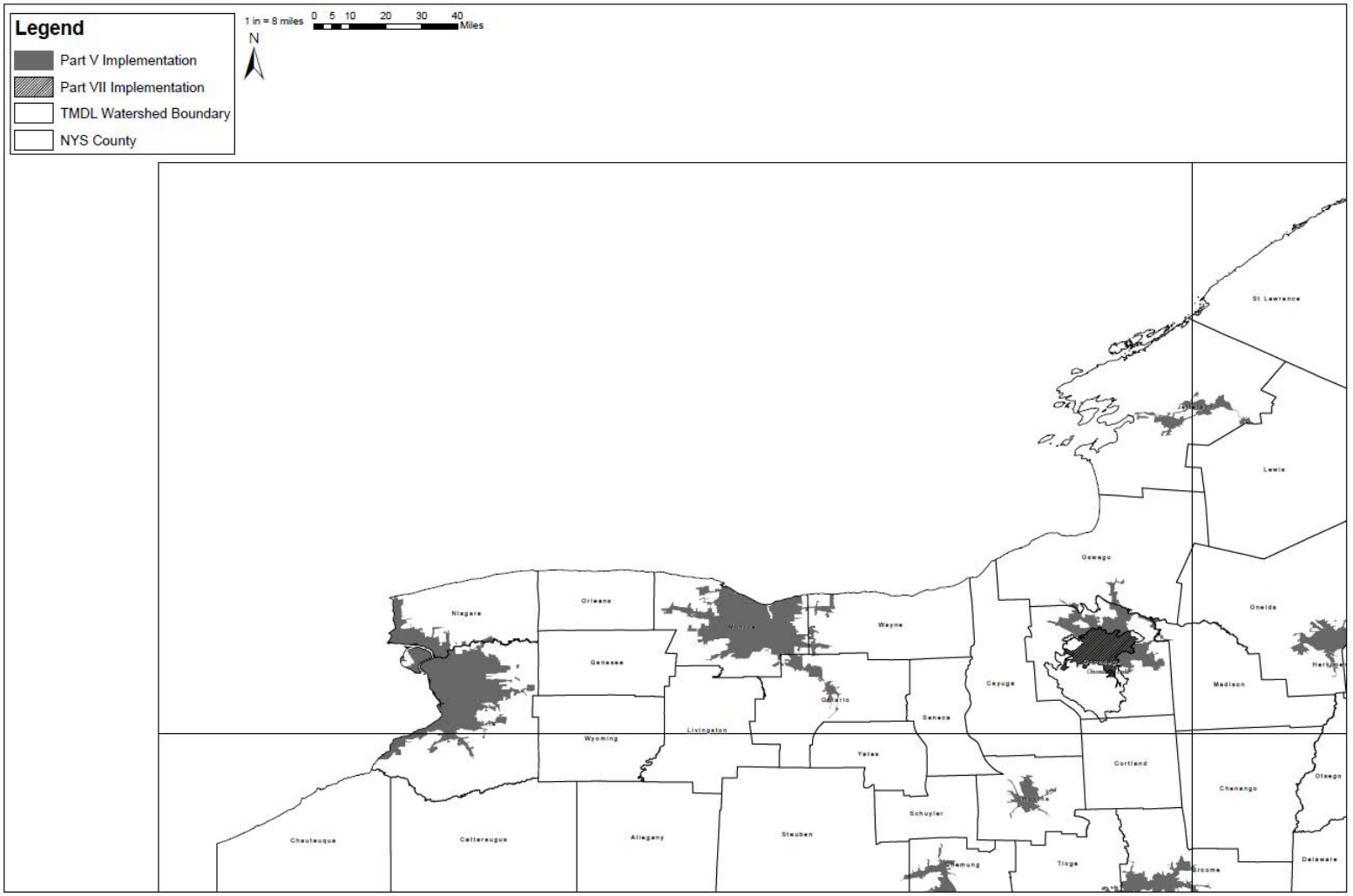
It can also mean an employee from the contracting (construction) company that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate

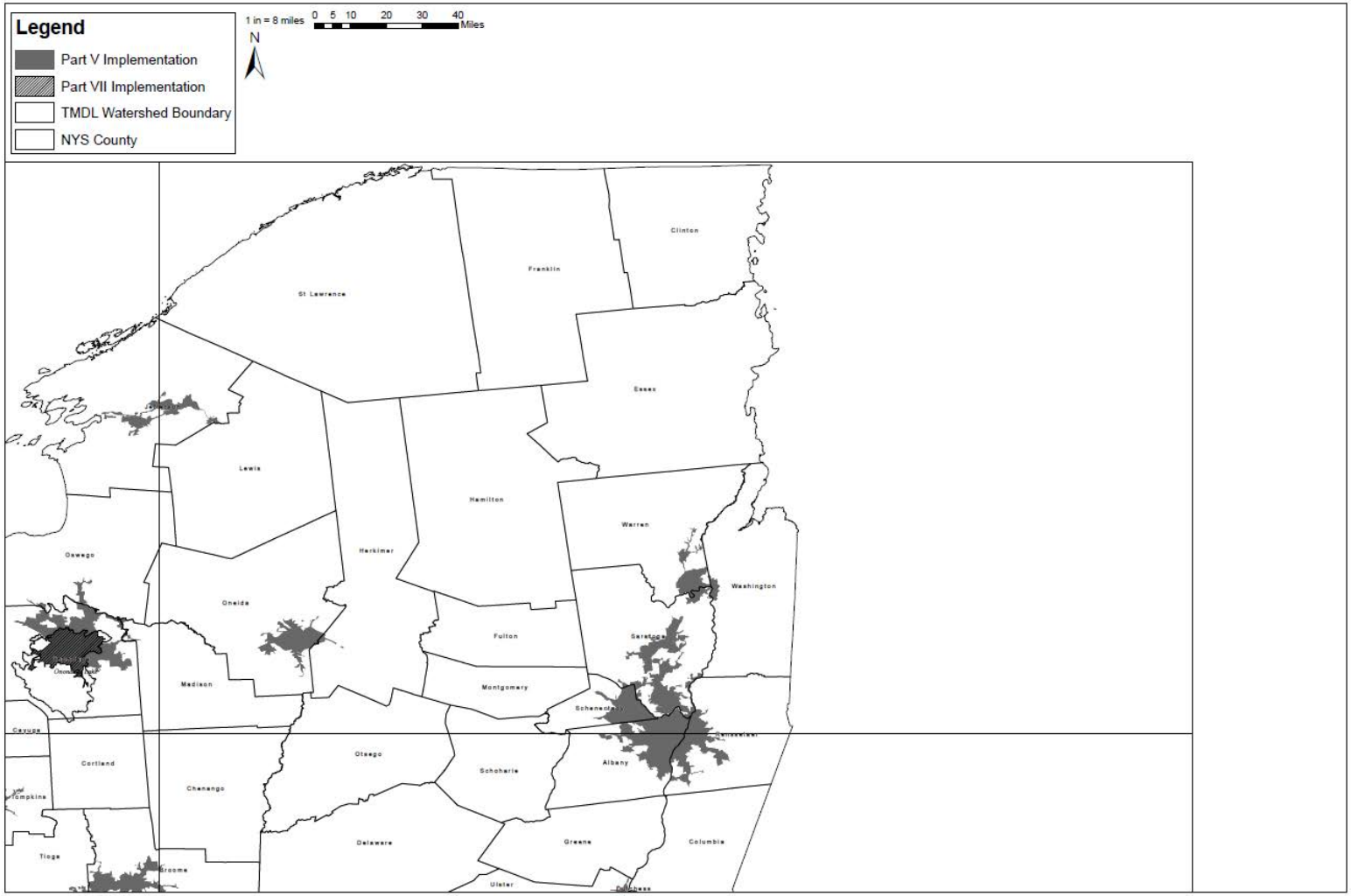
Program holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC endorsed entity).

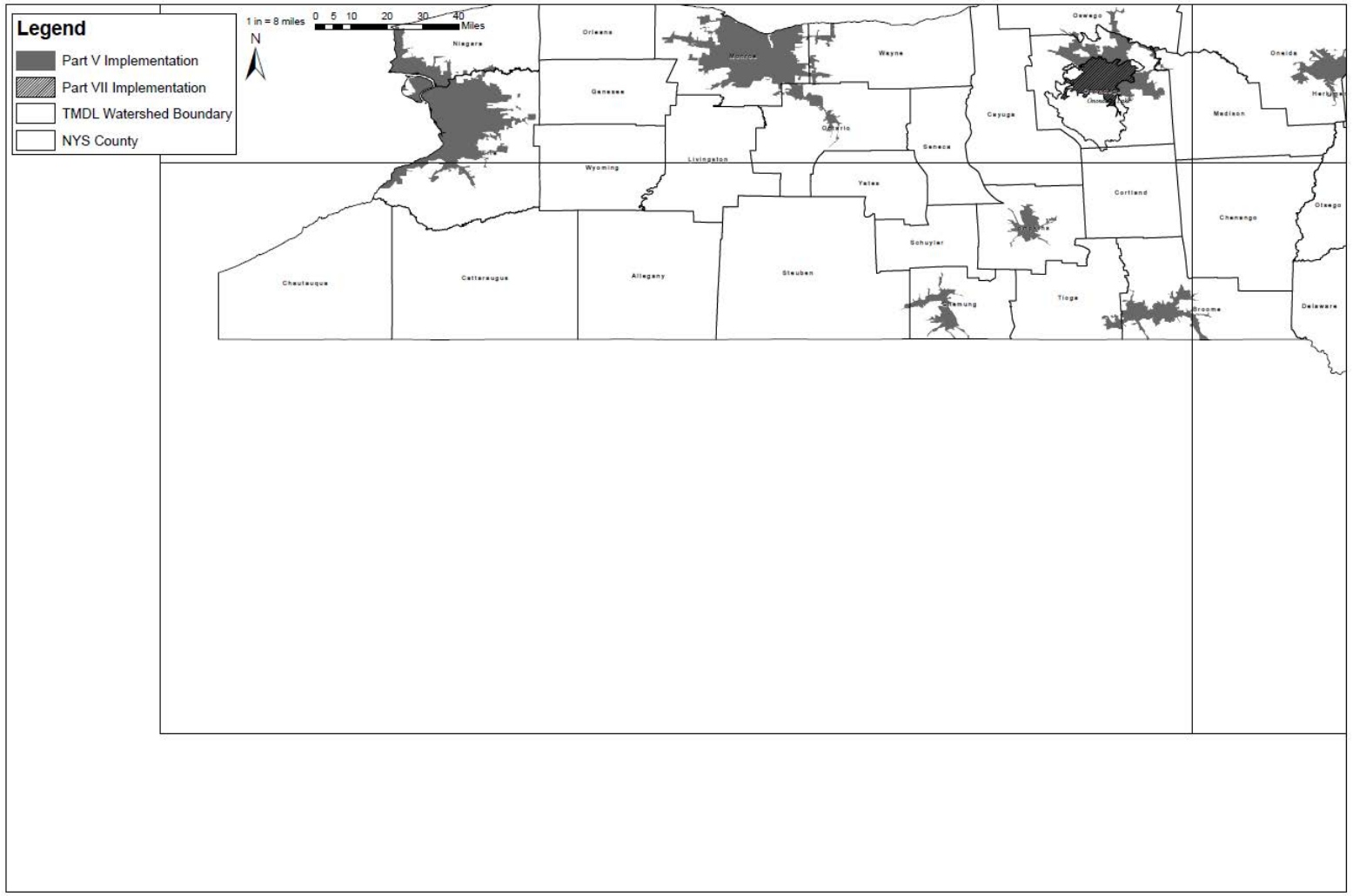
The *trained contractor* is responsible for the day-to-day implementation of the SWPPP.

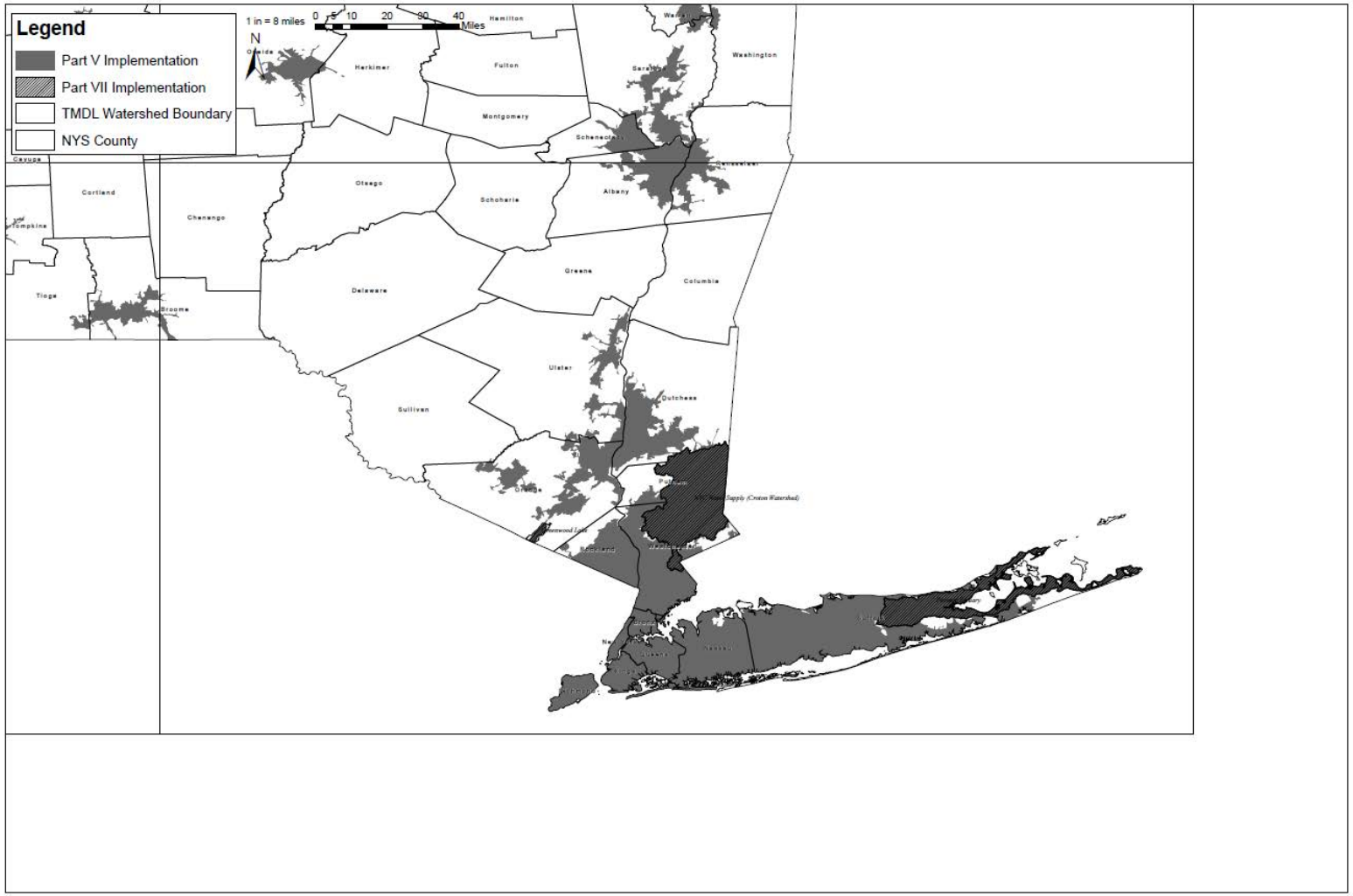
Transitory Discharge – a *discharge* which occurs rarely, usually in response to a singular event such as an industrial spill, ruptured tank, sewer break, transport accident or illegal dumping episode (CWP 2004).

APPENDIX B – Map of implementation area based on designation criteria




Legend
Part V Implementation
Part VII Implementation
TMDL Watershed Boundary
NYS County
1 in = 8 miles
0 5 10 20 30 40
Miles
N
St. Lawrence
Franklin
Clinton
Essex
Lewis
Hamilton
Warren
Washington
Oswego
Herkimer
Onelda
Fulton
Saratoga
Madison
Montgomery
Schenectady
Cayuga
Albany
Cortland
Otsego
Schoharie
Chenango
Tompkins
Delaware
Greene
Columbia
Tioga
Broome
Ulster
Dutchess


Legend
Part V Implementation
Part VII Implementation
TMDL Watershed Boundary
NYS County
1 in = 8 miles
0 5 10 20 30 40
Miles
N
Niagara
Orleans
Monroe
Wayne
Oswego
Oneida
Herkimer
Genesee
Ontario
Cayuga
Seneca
Madison
Wyoming
Livingston
Yates
Cortland
Chenango
Otsego
Schuyler
Chautauqua
Cattaraugus
Allegany
Steuben
Chemung
Tioga
Broome
Delaware


Legend
Part V Implementation
Part VII Implementation
TMDL Watershed Boundary
NYS County
1 in = 8 miles
0 5 10 20 30 40
Miles
N
Hamilton
Herkimer
Fulton
Montgomery
Schenectady
Washington
Saratoga
Albany
Schoharie
Otsego
Cortland
Chenango
Tompkins
Tioga
Broome
Delaware
Greene
Columbia
Ulster
Dutchess
Sullivan
Orange
Putnam
Rockland
Westchester
Nassau
Suffolk
New York City Water Supply (Croton Watershed)

APPENDIX C – Impaired Waters List

NOTES FOR THE TABLE BELOW:

1. An “X” is used to indicate the pollutant causing the impairment.
2. Part VI.A. Pollutant Specific BMPs for Phosphorus for waterbodies with the pollutant listed as "phosphorus" and “nutrients.”
3. Part VI.B. Pollutant Specific BMPs for Turbidity for waterbodies with the pollutant listed as "turbidity."
4. Part VI.C. Pollutant Specific BMPs for Pathogens for waterbodies with the pollutant listed as “enterococci” or "fecal coliforms."
5. Part VI.D. Pollutant Specific BMPs for Nitrogen for waterbodies with the pollutant listed as “ammonia,” “ammonium,” “nitrate, “nitrate nitrite,” “nitrite,” or "nitrogen."
6. Part VI.E. Pollutant Specific BMPs for Floatables for waterbodies with the pollutant listed as "garbage refuse" or "oil & floating substances."

County	PWL_ID	NAME	Phosphorus	Turbidity	Pathogens	Nitrogen	Floatables
Albany	1201-0096	Ann Lee (Shakers) Pond, Stump Pond	X				
Bronx	1702-0106	Bronx River, Middle, and tribs			X	X	X
Bronx	1702-0003	Hutchinson River, Lower, and tribs			X		X
Bronx	1702-0006	Bronx River, Lower			X		X
Bronx	1702-0007	Eastchester Bay			X		
Bronx	1702-0012	Westchester Creek			X		X
Bronx	1702-0027	Long Island Sound, Bronx				X	
Bronx	1702-0008	Van Cortlandt Lake	X				
Broome	0601-0031	Park Creek and tribs			X		
Broome	0603-0044	Minor Tribs to Lower Susquehanna (north)	X				
Dutchess	1301-0087	Fall Kill and tribs	X				
Dutchess	1304-0001	Hillside Lake	X				
Dutchess	1305-0001	Wappingers Lake	X				
Erie	0101-0005	Two Mile Creek and tribs			X		X
Erie	0101-0023	Scajaquada Creek, Lower, and tribs	X		X		X
Erie	0101-0033	Scajaquada Creek, Middle, and tribs	X		X		X
Erie	0101-0034	Scajaquada Creek, Upper, and tribs	X		X		

Erie	0101-0036	South Branch Smoke Cr, Lower, and tribs	X				
Erie	0102-0004	Ransom Creek, Lower, and tribs			X		
Erie	0102-0018	Ellicott Creek, Lower, and tribs	X				
Erie	0102-0027	Ransom Creek, Upper, and tribs			X		
Erie	0104-0018	Rush Creek and tribs	X		X		
Erie	0104-0045	Little Sister Creek, Lower, and tribs	X		X		
Erie	0104-0051	Muddy Creek, Lower, and tribs			X		
Erie	0101-0026	Delaware Park Pond	X				
Erie	0101-0038	Green Lake	X				
Erie	0104-0036	Lake Erie (Northeast Shoreline)			X		
Erie	0104-0037	Lake Erie (Main Lake, North)			X		
Genesee	0402-0028	Black Creek, Middle, and minor tribs	X				
Herkimer	1201-0093	Mohawk River, Main Stem			X		
Kings	1701-0006	Hendrix Creek			X	X	X
Kings	1701-0008	Coney Island Creek			X		X
Kings	1701-0011	Gowanus Canal			X		X
Kings	1701-0178	Mill Basin and tidal tribs					X
Kings	1701-0226	Jamaica Bay, Western, and tribs (Brklynb			X		
Kings	1701-0362	Fresh Creek			X	X	
Kings	1701-0363	Paerdegat Basin			X	X	X
Kings	1701-0196	Prospect Park Lake	X				
Monroe	0302-0023	Thomas Creek/White Brook and tribs	X				
Monroe	0302-0025	Mill Creek and tribs	X		X		
Monroe	0302-0026	Shipbuilders Creek and tribs	X		X		
Monroe	0302-0038	Minor Tribs to Irondequoit Bay	X		X		
Monroe	0401-0001	Genesee River, Lower, Main Stem			X		

Monroe	0402-0019	Honeoye Creek, Lower, and minor tribs				X	
Monroe	0402-0033	Black Creek, Lower, and minor tribs	X				
Monroe	0402-0049	Mill Creek/Blue Pond Outlet and tribs	X				
Monroe	0301-0015	Long Pond	X				
Monroe	0301-0016	Cranberry Pond	X				
Monroe	0301-0017	Buck Pond	X				
Monroe	0302-0031	Lake Lacoma	X				
Monroe	0302-0037	Durand, Eastman Lakes	X				
Monroe	0301-0068	Rochester Embayment - West	X		X		
Monroe	0302-0002	Rochester Embayment - East	X		X		
Nassau	1701-0174	Massapequa Creek and tribs	X		X		
Nassau	1701-0204	Tribs (fresh) to East Bay	X				
Nassau	1701-0212	Milburn/Parsonage Creeks, Upp, and tribs	X				
Nassau	1701-0221	Tribs to Smith/Halls Ponds	X				
Nassau	1701-0041	South Oyster Bay			X		
Nassau	1701-0200	Tidal Tribs to South Oyster Bay			X		
Nassau	1701-0202	East Bay			X		
Nassau	1701-0215	Reynolds Channel, east			X	X	
Nassau	1701-0216	Reynolds Channel, west				X	
Nassau	1701-0217	East Rockaway Inlet			X		
Nassau	1701-0219	Woodmere Channel			X	X	
Nassau	1701-0220	Hog Island Channel				X	
Nassau	1701-0380	Bannister Creek/Bay			X	X	
Nassau	1701-0381	East Rockaway Channel				X	
Nassau	1701-0382	Hewlett Bay			X	X	
Nassau	1701-0383	Brosewere Bay			X	X	
Nassau	1701-0386	Garrett Lead/East Channel			X		

Nassau	1701-0388	Freeport Creek/East Meadow Brook Lower			X		
Nassau	1701-0389	Seafords, Seamans Creeks, and tidal tribs			X		
Nassau	1702-0016	Oyster Bay Harbor			X		
Nassau	1702-0018	Cold Spring Harbor, and tidal tribs			X		
Nassau	1702-0021	Manhasset Bay, and tidal tribs			X		
Nassau	1702-0022	Hempstead Harbor, north, and tidal tribs			X		
Nassau	1702-0024	Dosoris Pond			X		
Nassau	1702-0028	Long Island Sound, Nassau County Waters			X	X	
Nassau	1702-0141	Manhasset Bay, and tidal tribs			X		
Nassau	1702-0146	Glen Cove Creek, Lower, and tribs			X		
Nassau	1702-0151	Mill Neck Creek and tidal tribs			X		
Nassau	1702-0263	Hempstead Harbor, south, and tidal tribs			X		
Nassau	1701-0015	Hempstead Lake	X				
Nassau	1701-0052	Camaans Pond	X				
Nassau	1701-0054	Grant Park Pond	X				
Nassau	1702-0152	Beaver Lake	X				
New York	1702-0004	Harlem River			X		X
New York	1702-0011	East River, Lower					X
New York	1702-0103	Harlem Meer	X				
New York	1702-0105	The Lake in Central Park	X				
Niagara	0101-0004	Bergholtz Creek and tribs	X		X		
Niagara	0102-0006	Tonawanda Creek, Middle, Main Stem			X		
Niagara	0101-0030	Hyde Park Lake	X				
Niagara	0301-0053	Lake Ontario Shoreline, Western	X				
Oneida	1201-0010	Mohawk River, Main Stem			X		X
Oneida	1201-0203	Ballou, Nail Creeks and tribs	X				
Oneida	1201-0228	Utica Harbor			X		X

Onondaga	0701-0008	Seneca River, Lower, Main Stem			X		
Onondaga	0702-0001	Ley Creek and tribs	X		X	X	
Onondaga	0702-0004	Onondaga Creek, Middle, and tribs		X	X		
Onondaga	0702-0005	Ninemile Creek, Lower, and tribs	X		X		
Onondaga	0702-0006	Bloody Brook and tribs			X		
Onondaga	0702-0007	Geddes Brook and tribs				X	
Onondaga	0702-0020	Onondaga Lake Outlet				X	
Onondaga	0702-0022	Minor Tribs to Onondaga Lake	X		X	X	
Onondaga	0702-0023	Onondaga Creek, Lower, and tribs	X	X	X	X	
Onondaga	0702-0024	Onondaga Creek, Upper, and minor tribs		X			
Onondaga	0703-0008	Limestone Creek, Lower, and minor tribs			X		
Onondaga	0702-0003	Onondaga Lake, northern end	X				
Onondaga	0702-0021	Onondaga Lake, southern end	X		X	X	
Ontario	0704-0034	Great Brook and minor tribs	X				
Orange	1306-0017	Wallkill River, Upper, and minor tribs	X				
Orange	1306-0038	Wallkill River, Middle, Main Stem	X				
Orange	1306-0061	Minor Tribs to Middle Wallkill	X				
Orange	1306-0074	Monhagen Brook and tribs	X				
Orange	1501-0036	Ramapo River, Middle, and tribs				X	
Orange	1501-0037	Ramapo River, Upper, and tribs				X	
Orange	1301-0008	Orange Lake	X				
Orange	1303-0012	Lake Washington	X				
Orange	1303-0013	Browns Pond Reservoir	X				
Orange	1303-0021	Beaver Dam Lake	X				
Orange	1501-0001	Greenwood Lake	X				

Putnam	1302-0001	Minor Tribs to Croton Falls Reservoir	X				
Putnam	1301-0035	Oscawana Lake	X				
Putnam	1301-0091	Barger Pond	X				
Putnam	1301-0147	Lake Peekskill	X				
Putnam	1302-0006	Lake Carmel	X				
Putnam	1302-0009	Middle Branch Reservoir	X				
Putnam	1302-0022	West Branch Reservoir	X				
Putnam	1302-0026	Croton Falls Reservoir	X				
Putnam	1302-0041	Bog Brook Reservoir	X				
Putnam	1302-0053	Lost Lake, Putnam Lake	X				
Putnam	1302-0080	Kirk Lake	X				
Putnam	1302-0103	Palmer Lake	X				
Queens	1701-0001	Shellbank Basin				X	
Queens	1701-0005	Jamaica Bay, Eastern, and tribs (Queens)			X	X	X
Queens	1701-0009	Bergen Basin			X	X	X
Queens	1701-0152	Thurston Basin					X
Queens	1701-0361	Spring Creek and tribs					X
Queens	1702-0002	Newtown Creek and tidal tribs			X		X
Queens	1702-0005	Flushing Creek/Bay			X	X	X
Queens	1702-0009	Alley Creek/Little Neck Bay Trib			X		
Queens	1702-0010	East River, Upper			X		X
Queens	1702-0029	Little Neck Bay			X		
Queens	1702-0032	East River, Upper					X
Queens	1702-0030	Meadow Lake	X				
Queens	1702-0031	Willow Lake	X				
Queens	1702-0258	Kissena Lake	X				
Queens	1701-0014	Atlantic Ocean Coastline			X		
Rensselaer	1301-0043	Snyders Lake	X				
Richmond	1701-0002	Raritan Bay, East			X		
Richmond	1701-0010	Arthur Kill, South, and minor tribs					X
Richmond	1701-0182	Arthur Kill, North, and minor tribs					X

Richmond	1701-0183	Kill Van Kull/Newark Bay					X
Richmond	1701-0184	Kill Van Kull					X
Richmond	1701-0357	Grasmere Lake/Bradys Pond	X				
Rockland	1301-0088	Sparkill Creek, Lower			X		
Rockland	1501-0007	DeForest Lake	X				
Rockland	1501-0017	Lake Lucille	X				
Rockland	1501-0019	Congers Lake, Swartout Lake	X				
Rockland	1501-0021	Rockland Lake	X				
Saratoga	1101-0001	Tribs to Lake Lonely	X		X		
Saratoga	1101-0001	Tribs to Lake Lonely	X		X		
Saratoga	1101-0007	Dwaas Kill and tribs	X				
Saratoga	1101-0012	Saratoga Lake	X				
Saratoga	1101-0034	Lake Lonely	X				
Saratoga	1101-0036	Ballston Lake	X				
Schenectady	1201-0077	Collins Lake	X				
Suffolk	1701-0104	Beaverdam Creek, Upper, and tribs				X	
Suffolk	1701-0030	Flanders Bay, East/Center, and tribs			X		
Suffolk	1701-0034	Mecox Bay and tribs			X		
Suffolk	1701-0035	Sag Harbor and Sag Harbor Cove			X		
Suffolk	1701-0037	North Sea Harbor and tribs			X		
Suffolk	1701-0042	Quantuck Bay			X	X	
Suffolk	1701-0048	Wooley Pond			X		
Suffolk	1701-0049	Stirling Creek and Basin			X		
Suffolk	1701-0111	Weesuck Creek and tidal tribs			X		
Suffolk	1701-0146	Sagaponack Pond			X		
Suffolk	1701-0162	Hashamomuck Pond			X		
Suffolk	1701-0235	Town/Jockey Creeks and tidal tribs			X		
Suffolk	1701-0236	Goose Creek			X		
Suffolk	1701-0237	Noyack Creek and tidal tribs			X		
Suffolk	1701-0245	Richmond Creek and tidal tribs			X		

Suffolk	1701-0246	West Creek and tidal tribs			X		
Suffolk	1701-0247	Tidal Tribs to Gr Peconic Bay, Northshr			X		
Suffolk	1701-0254	Flanders Bay, West/Lower Sawmill Creek			X	X	
Suffolk	1701-0256	Meetinghouse/Terrys Creeks and tribs	X		X	X	
Suffolk	1701-0259	Peconic River, Lower, and tidal tribs			X	X	
Suffolk	1701-0272	Reeves Bay and tidal tribs			X	X	
Suffolk	1701-0294	Heady and Taylor Creeks and tribs			X		
Suffolk	1701-0298	Penny Pond, Wells and Smith Creeks			X		
Suffolk	1701-0299	Phillips Creek, Lower, and tidal tribs			X		
Suffolk	1701-0300	Penniman Creek and tidal tribs			X		
Suffolk	1701-0301	Quogue Canal			X		
Suffolk	1701-0302	Ogden Pond			X		
Suffolk	1701-0309	Tuthill, Harts, Seatuck Coves			X		
Suffolk	1701-0312	Tidal tribs to West Moriches Bay			X		
Suffolk	1701-0316	Forge River, Lower and Cove			X		
Suffolk	1701-0318	Narrow Bay			X		
Suffolk	1701-0320	Bellport Bay			X		
Suffolk	1701-0326	Patchogue Bay			X		
Suffolk	1701-0371	Quantuck Canal/Moneybogue Bay			X		
Suffolk	1701-0375	Nicoll Bay			X		
Suffolk	1701-0376	Great Cove			X		
Suffolk	1701-0387	Middle Bay, Eastern Channels			X		
Suffolk	1702-0015	Port Jefferson Harbor, North, and tribs			X		
Suffolk	1702-0019	Mt Sinai Harbor and tidal tribs			X		

Suffolk	1702-0020	Mattituck Inlet/Creek, and tidal tribs			X		
Suffolk	1702-0026	Goldsmith Inlet			X		
Suffolk	1702-0047	Stony Brook Harbor and West Meadow Creek			X		
Suffolk	1702-0091	Conscience Bay and tidal tribs			X		
Suffolk	1702-0098	Long Island Sound, Suffolk County, West				X	
Suffolk	1702-0228	Huntington Harbor			X		
Suffolk	1702-0229	Centerport Harbor			X		
Suffolk	1702-0230	Northport Harbor			X		
Suffolk	1702-0240	Flax Pond			X		
Suffolk	1702-0242	Setauket Harbor			X		
Suffolk	1702-0265	Long Island Sound, Suffolk Co, Central			X		
Suffolk	1701-0018	Canaan Lake	X				
Suffolk	1701-0020	Lake Ronkonkoma	X		X		
Suffolk	1701-0113	Mill and Seven Ponds	X				
Suffolk	1701-0117	Agawam Lake	X				
Suffolk	1701-0125	Big/Little Fresh Ponds	X				
Suffolk	1701-0129	Mattituck (Marratooka) Pond	X		X	X	
Suffolk	1702-0013	Millers Pond	X				
Tompkins	0705-0040	Cayuga Lake, Southern End	X				
Ulster	1306-0027	Wallkill River, Lower, Main Stem	X				
Ulster	1307-0003	Esopus Creek, Middle, and minor tribs		X			
Ulster	1307-0010	Esopus Creek, Lower, Main Stem		X			
Ulster	1306-0037	Sturgeon Pond	X				
Westchester	1301-0007	Saw Mill River, Lower, and tribs	X		X		X
Westchester	1301-0100	Saw Mill River, Middle, and tribs	X		X		
Westchester	1302-0049	Muscoot River, Lower, and minor tribs				X	
Westchester	1702-0069	Sheldrake River and tribs	X				

Westchester	1702-0074	Hutchinson River, Middle, and tribs			X		X
Westchester	1702-0107	Bronx River, Upper, and tribs			X		
Westchester	1702-0001	Long Island Sound, Westchester (East)			X	X	
Westchester	1702-0063	Milton Harbor/Lower Blind Brook			X		X
Westchester	1702-0116	Larchmont Harbor			X		X
Westchester	1702-0125	Mamaroneck Harbor			X		X
Westchester	1702-0259	New Rochelle Harbor			X		X
Westchester	1702-0260	Port Chester Harbor			X		X
Westchester	1301-0053	Lake Meahagh	X				
Westchester	1301-0140	Wallace Pond	X				
Westchester	1301-0149	Lake Mohegan	X				
Westchester	1302-0004	Peach Lake	X		X		
Westchester	1302-0005	Cross River Reservoir	X				
Westchester	1302-0010	New Croton Reservoir	X				
Westchester	1302-0042	Muscoot/Upper New Croton Reservoir	X				
Westchester	1302-0044	Amawalk Reservoir	X				
Westchester	1302-0054	Truesdale Lake	X				
Westchester	1302-0083	Lake Shenorock	X				
Westchester	1302-0089	Lake Lincolndale	X				
Westchester	1302-0136	Lake Katonah	X				
Westchester	1302-0140	Lake Waccabuc	X			X	
Westchester	1702-0040	Silver Lake	X				
Westchester	1702-0075	Reservoir No.1 (Lake Isle)	X				

APPENDIX D – Forms

Included in this section are the following forms:

- Monitoring Locations Inspection and Sampling Field Sheet
- Construction Site Inspection Report Form
- No Exposure Certification
- Facility Assessment Form

Monitoring Locations Inspection and Sampling Field Sheet

Section 1: Background Data

Subwatershed:	Monitoring Location ID:
Today's date:	Time (Military):
Investigators:	Form completed by:
Temperature (F):	Rainfall (in.): Last 24 hours: Last 48 hours:
Latitude:	Longitude:
Notes (e.g., origin, if known):	

Section 2: Monitoring Location Description

	MATERIAL	SHAPE		DIMENSIONS (IN.)	SUBMERGED
☐ Closed Pipe	☐ RCP ☐ CMP ☐ PVC ☐ HDPE ☐ Steel ☐ Other: _____	☐ Circular ☐ Elliptical ☐ Box ☐ Other:	☐ Single ☐ Double ☐ Triple ☐ Other: ____	Diameter/Dimensions: _____	In Water: ☐ No ☐ Partially ☐ Fully With Sediment: ☐ No ☐ Partially ☐ Fully
☐ Open drainage	☐ Concrete ☐ Earthen ☐ rip-rap ☐ Other: ____	☐ Trapezoid ☐ Parabolic ☐ Other: _____		Depth: ____ Top Width: ____ Bottom Width: ____	
In-Stream	(applicable when collecting samples)				
Flow Present?	☐ Yes ☐ No				
Flow Description (If present)	☐ Trickle ☐ Moderate ☐ Substantial				

Section 3: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations

Are physical indicators that are not related to flow present? ☐ Yes ☐ No

INDICATOR	CHECK if Present	DESCRIPTION	COMMENTS
Deposits/Stains	☐	☐ Oily ☐ Flow Line ☐ Paint ☐ Other:	Appendix D
Abnormal Vegetation	☐	☐ Excessive ☐ Inhibited	
Poor pool quality	☐	☐ Odors ☐ Colors ☐ Floatables ☐ Oil ☐ Sheen ☐ Suds ☐ Excessive Algae ☐ Other:	
Pipe benthic growth	☐	☐ Brown ☐ Orange ☐ Green ☐ Other:	

Section 4: Physical Indicators Determining Suspected Illicit Discharges

Are any Physical Present in the flow? ☐ Yes ☐ No

INDICATOR	CHECK if Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	☐	☐ Sewage ☐ Rancid/sour ☐ Petroleum/gas ☐ Sulfide ☐ Other:	☐ 1 – Faint	☐ 2 – Easily detected	☐ 3- Noticeable from a distance
Color	☐	☐ Clear ☐ Brown ☐ Gray ☐ Yellow ☐ Green ☐ Orange ☐ Red ☐ Other:	☐ 1 - Faint colors in sample bottle	☐ 2 – Clearly visible in sample bottle	☐ 3 – Clearly visible in flow
Turbidity	☐	See severity	☐ 1 – Slight cloudiness	☐ 2 – Cloudy	☐ 3 – Opaque
Floatables -Does Not Include Trash!!	☐	☐ Sewage (Toilet Paper, etc) ☐ Suds ☐ Petroleum (oil sheen) ☐ Other:	☐ 1- Few or slight; origin not obvious	☐ 2 – Some; indications of origin (e.g., possible suds or oil sheen)	☐ 3 - Some; origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials)

Section 5: Overall Monitoring Location Characterization based on Section 4

☐ Suspect (one or more indicators with a severity of 3) ☐ Obvious

Section 6: Quantitative Characterization (additional parameters sampled for based on visual assessment)

FIELD DATA FOR FLOWING MONITORING LOCATIONS				
PARAMETER		RESULT	UNIT	EQUIPMENT
☐ Flow #1	Volume		Liter	Bottle
	Time to fill		Sec	
	Flow depth		In	Tape measure

☐ Flow #2	Flow width	____'	____"	Ft, In	Tape measure
	Measured length	____'	____"	Ft, In	Tape measure
	Time of travel			S	Stop watch

Section 7: Data Collection

1.	Sample for the lab?	☐ Yes	☐ No			
2.	If yes, collected from:	☐ Flow	☐ Pool			
3.	Intermittent flow trap set?	☐ Yes	☐ No	Type:	☐ OBM	☐ Caulk dam

Section 8: Any Non-Illicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?

Construction Site Inspection Report

Project Name and Location: _____ Individual MS4 Permit ID: _____	Date:	
	Weather:	
	Construction Activity Permit # (if any):	
	Entry Time:	Exit Time:
Name of SPDES Permittee:_____ Contacted: Yes ☐ No ☐	Inspection Type: ☐ NOT ☐ Complaint ☐ Compliance ☐ Referral	
On-site Representative(s) and Company(s):_____ Phone Number(s):_____ _____		

General Permit Requirements

	Yes	No	N/A	
1.	☐	☐	☐	Does the project have permit coverage (if required)?
2.	☐	☐	☐	Is a copy of the General Permit available on site?
3.	☐	☐	☐	Is a copy of the MS4 SWPPP Acceptance Form available on site?
4.	☐	☐	☐	Is a current copy of the signed SWPPP retained at the construction site?
5.	☐	☐	☐	Is a copy of the NOI & Acknowledgment Letter retained at the construction site?
6.	☐	☐	☐	Was written authorization issued for any disturbance greater than 5 acres?

SWPPP General Requirements

	Yes	No	N/A	
7.	☐	☐	☐	Is the SWPPP current (accurate Permittee information, reflect current project)?
8.	☐	☐	☐	SWPPP identifies potential sources of pollutants in runoff
9.	☐	☐	☐	SWPPP identifies Trained Contractor.
10.	☐	☐	☐	Contractor/Subcontractor certification statements have been signed.
11.	☐	☐	☐	SWPPP is signed by responsible corporate officer, general partner, proprietor, principal executive officer, ranking elected official, or duly authorized representative.

Recordkeeping

	Yes	No	N/A	
12.	☐	☐	☐	Does Trained Contractor have current certification card?
13.	☐	☐	☐	Are self-inspections performed at permit-required frequency? Daily during periods of soil disturbance by Trained Contractor Weekly during soil disturbance by Owner/Operator for excepted projects Weekly for soil disturbances <= 5 acres by Qualified Inspector Twice weekly for soil disturbances >5acres or if water segment listed in App. C or D Monthly during periods of temporary stabilization by Qualified Inspector
14.	☐	☐	☐	Do the qualified inspector's reports include the minimum reporting requirements?
15.	☐	☐	☐	Are the qualified inspector's reports signed and retained onsite?

16. ☐ ☐ ☐ Do the inspection reports identify deficiencies that are recurring &/or corrective measures that have not been implemented, & include date-stamped color photos?

Visual Observations

Yes No N/A

17. ☐ ☐ ☐ Are all erosion and sediment control measures installed properly?
18. ☐ ☐ ☐ Are all erosion and sediment control measures being maintained properly?
19. ☐ ☐ ☐ Have stabilization measures been implemented in inactive areas per Permit?
20. ☐ ☐ ☐ Are post-construction SMPs constructed/installed correctly?
21. ☐ ☐ ☐ Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal?
22. ☐ ☐ ☐ Was there a discharge from the site on the day of inspection?
23. ☐ ☐ ☐ Is there evidence that a discharge caused or contributed to a violation of water quality standards? ECL 17-0501, and 6 NYCRR 703.2 and I.B.

Water Quality Observations

Describe the discharge(s): location, source(s), impact on receiving water(s), etc.

_____

_____

Describe the quality of the receiving water(s) both upstream and downstream of the discharge

_____

_____

Describe any other water quality standards or permit violations

_____

_____

Additional Comments

_____

_____

☐ Photographs attached

Overall Inspection Rating: ❑ Satisfactory ❑ Marginal ❑ Unsatisfactory

Name/Agency of Inspector:	**Name of Lead Inspector:**
Names/Agencies of Other Inspectors:	

NO EXPOSURE CERTIFICATION

I. Owner/Facility Information

Owner/Operator Name:		
Mailing Address:	City/State/Zip:	
Contact Name:	Phone No.:	
Facility Name:		
Street Address:	City/State/Zip:	
County:	Latitude:	Longitude:

II. Exposure Checklist

	Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) If you answer "Yes" to any of these questions (1) through (11), you are not eligible for no exposure.	YES	NO
1	Cleaning machinery or equipment, and areas where residuals from using, storing or cleaning machinery or equipment remain and are exposed to stormwater		
2	Materials or residuals on the ground or in stormwater inlets from spills/leaks		
3	Materials or products during loading/unloading or transporting activities		
4	Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)		
5	Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers		
6	Waste material (except waste in covered, non-leaking containers [e.g., dumpster])		

III. Certification

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from SPDES stormwater permitting. I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materialsfrom the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)). I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the SPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request.

Printed Name:	Title/Position:
Signature:	Date:

Facility Assessment Form

Assessments must be conducted by a person with the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and evaluate the effectiveness of best management practices. This form includes questions that assess pollution prevention/good housekeeping at the facility. Some questions include suggested practices that exceed permit requirements but are provided to promote additional pollution prevention. Responses to these questions are not used to determine the level of compliance with permit requirements.

Facility Name:	Facility Type:	Date:
Weather Conditions:		
Is stormwater runoff present during this assessment? ☐ Yes ☐ No		
Best Management Practices (BMPs) Identified:		
Comments:		

General		**Yes**	**No**
1	Is this a high priority facility?		
2	If this is a high priority facility, does the facility qualify for a No Exposure Certification?[36]		
3	If this is a high priority facility, is there a completed SWPPP available?		
4	Does the facility have any MS4 outfalls?		
5	Does the facility have any interconnections?		
6	Does the facility have any facility intraconnections?		

Comments:

Facility Specific BMPs		**Yes**	**No**	**NA**
Minimize Exposure to Stormwater Runoff				
7	Are materials and activities located inside or protected with storm-resistant coverings?			
8	Is grading or curbing used to minimize runoff from contaminated surfaces and divert run-on away from these surfaces, and in good condition?			
9	Are materials and equipment located so leaks and spills are contained?			
10	Are spills and leaks cleaned up promptly?			
11	Are leaky vehicles and equipment stored indoors, or if stored outdoors, are drip pans and absorbents used to contain the leaks?			
12	Are vehicles inspected when staff is present for leaks?			
13	Are drip pans, absorbents, and/or diversions used to contain pollutants from leaky vehicles and equipment?			

[36] Refer to V.I.B. of SPDES permit for no exposure criteria.

14	Is spill/overflow protection used on fueling equipment?			
15	Is vehicle and equipment cleaning performed indoors, under cover, or in an area that minimizes runoff, run-on, and overspray?			
16	Is exposure of chemicals minimized by using less toxic alternatives when feasible?			
Preventive Maintenance				
17	Are inspections and preventive maintenance of drainage systems, source controls, treatment systems, and equipment conducted?			
Spill Prevention and Response				
18	Are spill kits, spill control equipment, and absorbents available?			
19	Are containment measures used?			
20	Are spill kits kept near areas where spills may occur?			
21	Are employees trained on the facility procedures?			
22	Are emergency phone numbers posted in conspicuous areas?			
23	Are materials stored in appropriate containers with lids and containment?			
24	Are containers properly labeled in a manner that describes the contents adequately?			
25	Are containers of product inspected regularly?			
26	Are procedures in place for material storage and handling to prevent discharge of pollutants?			
27	Are procedures in place for stopping, containing, and cleaning up leaks, spills, or other releases?			
28	Is there a spill reporting procedure in place for notifying facility personnel and emergency responders?			
29	Is BMP adequacy evaluated following any spills or releases and is the facility SWPPP is updated as needed?			
30	Are spill or leak clean up measures consistent with petroleum bulk storage, chemical bulk storage or hazardous waste management regulation at 6 NYCRR Parts 596-599, 613, and 370-373?			
Manage Vegetated Areas and Open Space				
31	Are structural and non-structural controls from the NYS Standards and Specification for Erosion and Sediment Control used on vegetated areas to control runoff and minimize erosion and sedimentation?			
32	Is the use of pesticides, herbicides, and fertilizers minimized and used in accordance with the product label?			
33	Are lawn maintenance and landscaping practices protective of water quality, including reduced mowing frequency, and use of sustainable landscaping materials?			
34	Are pet waste disposal and signage provided in areas designated for pets?			
Salt Storage				
35	Are salt piles enclosed or covered, except when loading, unloading, or handling?			
Waste, Garbage, and Debris				
36	Are dumpster covers kept closed when not in use?			
37	Do dumpster or roll offs without covers have secondary containment or spill kits nearby?			
38	Are outdoor waste receptacles covered, emptied regularly, not overflowing, and not leaking?			

39	Are maintenance, stockpile, and storage areas kept free of waste, garbage, debris, sediment, and contaminants, or waste is intercepted before discharge?			
Comments:				
Additional Site Assessment Questions		**Yes**	**No**	**NA**
Good Housekeeping				
40	Are all containers stored free of leaks and deposits?			
41	Are paved surfaces free of trash, sediment, and/or debris?			
42	Date paved area was last swept or vacuumed _____			
43	Are catch basins cleaned out within the timeframe identified in Part V.I.15. of the SPDES permit?			
Vehicles and Equipment Maintenance				
44	Are vehicles rinsed regularly to remove contamination and minimize pollutants from entering waterbodies?			
45	Is vehicle washing done without emulsifiers?			
46	Is wash water discharged in accordance with an individual SPDES permit or captured in a sanitary system?			
47	Are fluids drained over a drip pan or pad?			
48	Are funnels or pumps used when transferring fluids?			
49	Are waste rags and used absorbent pads disposed of properly?			
Fueling Areas				
50	Is fueling performed under a canopy or roof?			
51	Are breakaway valves used on fueling hoses?			
52	Is the fueling handle lock disconnected, so the operator must attend the fueling?			
53	Are all fuel deliveries monitored?			
54	Is stormwater runoff from fueling area monitored and assessed for necessary follow-up?			
Salt Storage				
55	Are controls in place to minimize spills when adding or removing material from the pile?			
56	Is overflow and tracked salt removed promptly from loading areas?			
57	Is stormwater draining away from salt storage directed to a vegetated filter area?			
Fluids Management				
58	Are Material Safety Data Sheets (MSDS/SDS) readily available?			
59	Is used oil and antifreeze stored indoors and/or on spill containment pallets?			
60	Is used oil and antifreeze property disposed of or recycled?			
Lead-Acid Batteries				
61	Are cracked or leaky lead-acid batteries stored indoors and/or with proper containment?			

62	Are batteries stacked more than 5 high?			
63	Are batteries inspected regularly for leaks?			
General Material Storage Areas				
64	Are spills of material or debris cleaned up promptly?			
65	Are material stockpiles located to minimize discharge of runoff toward receiving waters?			
66	Are fuel tanks, soiled scrap metal, and soiled parts drained of fluids stored under cover?			
67	Are fuel tanks, soiled scrap metal, and soiled parts stored within containment structures such as concrete barriers or berms, or under cover?			
68	Are used tire storage piles placed away from storm drains or conveyances?			
69	Are tires recycled frequently to keep the number/volume of material manageable?			
70	Is scrap metal recycled frequently to keep the number/volume of material manageable?			
Erosion and Sediment Control and Stormwater Management				
71	Are stormwater management practices constructed in accordance with the applicable NYS Stormwater Management Design Manual, or are equivalent?			
72	Are stormwater management practices functioning as designed?			
73	Are erosion and sediment controls installed in accordance with the NYS Standards and Specification for Erosion and Sediment Control (2016)?			
74	Are erosion and sediment controls functioning as designed?			
75	Are erosion and sediment controls free from debris and overgrown vegetation?			
76	Are stormwater management practices free from debris and overgrown vegetation?			
77	Are rooftop drains directed away from pavement?			
78	Are soil stabilization measures considered areas with potential for significant soil erosion?			
79	Are natural buffers maintained around surface waters?			
80	Are velocity reduction devices considered at monitoring and drainage outlets (rock riprap, check dams, baffles)?			
81	Are velocity reduction devices in place?			
	Comments:			
	Corrective Actions and Comment			
	Describe inspection findings and corrective actions taken:			

Inspector Signature		Date:		

Works Cited

Center for Watershed Protection, Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004)

New York State, Standards and Specifications for Erosion & Sediment Control, November 2016 (NYS E&SC 2016)

New York State Stormwater Management Design Manual, July 2024 (NYS SWMDM 2024)

DRAFT
FACT SHEET

for

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES INDIVIDUAL PERMIT
FOR
STORMWATER DISCHARGES FROM
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION'S
MUNICIPAL SEPARATE STORM SEWER SYSTEM
Permit No. NY0313157

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

Anticipated Issuance Date: July 1, 2025

Anticipated Effective Date: July 1, 2025

Anticipated Expiration Date: June 30, 2030

Preface

Pursuant to Section 402(p) of the Clean Water Act (CWA), 40 CFR 122.26, 40 CFR 122.32(a), and 6 NYCRR 750-1.4(b), discharges of stormwater to surface waters of the State from small municipal separate storm sewer systems (MS4s)[1] must be 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) program is an approved program with permits issued in accordance with title 8 of Article 17 of the Environmental Conservation Law (ECL). The New York State Department of Environmental Conservation (NYSDEC) regulates stormwater in accordance with ECL Section 17-0808.

As required by 40 CFR 122.32(a)(1), a small MS4 is regulated if it is located in an urban area with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census. As required by 40 CFR 122.32(a)(2), a small MS4 is regulated if it is designated by the permitting authority. As required by 40 CFR 123.35, New York State has criteria to designate small MS4 operators, other than those described in 40 CFR 122.32(a)(1), as regulated MS4s. Therefore, MS4s located in automatically designated areas, and those additionally designated by the NYSDEC, must have a SPDES permit.

Background

Permittee

New York State Department of Transportation (NYSDOT) is a public agency established under the laws of the State of New York to develop and maintain a transportation network. NYSDOT maintains the largest MS4 in New York State with approximately 16,000 outfalls over 13,000 lane miles of highway statewide. Based on the breadth of its MS4 area, which spans the entirety of the State, it is expected that this MS4 is adjacent to, or enters: (1) all types of land use areas; (2) areas that are listed on the National or State Register of Historic Places or are eligible for listing on the State Register of Historic Places; (3) State listed Critical Environmental Areas; (4) wetlands or regulated waterbodies; (5) areas that contain animal species or associated habitats that are listed by the State or Federal government as endangered; (6) active or closed solid waste management facilities; and (7) property that has been the subject of ongoing or closed hazardous waste remediation. The SPDES application for this permit has been reviewed in accordance with the State Environmental Quality Review Act (SEQR) as prescribed by 6 NYCRR Part 617.

NYSDOT's MS4 consists of stormwater structures along the New York State highway including catch basins, manholes, ditches, man-made channels, and storm drains. Stormwater in NYSDOTs MS4 comes from both along the New York State highway and connected local MS4s. All parts of NYSDOT's MS4 are owned by NYSDOT or operated under NYSDOT jurisdiction using easements, leases, or other agreements.

[1] A small MS4 is defined in 40 CFR 122.26(a)(1)(v), 122.26(b)(8), and 122.26(b)(16)-(19).

As a state transportation agency, NYSDOT is responsible for the operation, maintenance, and construction of much of the State's transportation infrastructure, which includes its MS4. As such, the composition of NYSDOT's MS4 is subject to frequent changes due to construction and re-construction associated with these responsibilities.

Permit

Since 2003, NYSDEC has issued SPDES general permits for small MS4 operators. NYSDOT has continuously maintained general permit coverage to operate and maintain the statewide MS4 located in urban areas throughout New York State. NYSDOT's coverage began on March 10, 2003 after submittal of a Notice of Intent. NYSDOT is a non-traditional MS4 Operator.

In 2010, several environmental groups filed a petition under Article 78 of the New York Civil Practice Laws and Rules challenging GP-0-10-002. As the litigation was still in the appeals process when GP-0-10-002 was due for renewal in 2015, the NYSDEC issued GP-0-15-003, essentially unchanged from GP-0-10-002. That litigation concluded on May 5, 2015 in the NYSDEC's favor. On October 30, 2016, more than 180 days prior to the expiration of GP-0-15-003 on April 30, 2017, the NYSDEC proposed to renew and modify GP-0-15-003 through publicly noticing the draft GP-0-17-002. Thus, since May 1, 2017, GP-0-15-003 has been administratively extended under the New York State Administrative Procedure Act (SAPA) §401 and 6 NYCRR 621.11(l). NYSDOT currently has coverage under GP-0-15-003.

The NYSDEC considered all comments made on the draft GP-0-17-002 and made significant changes as detailed in a revised draft permit, draft GP-0-22-002, and associated fact sheet. The NYSDEC publicly noticed the draft GP-0-22-002 on January 12, 2022. In 2024, NYSDEC issued a new general permit (GP-0-24-001),[2] GP-0-24-001 and its associated fact sheet reflect changes based on these comments. Changes are explained in the responsiveness summary for GP-0-24-001.

NYSDOT operates a linear transportation network, which crosses every urban area in the state,[3] and has narrow jurisdiction for implementation of the MS4 program. Given the size and complexity of the MS4 and the linear transportation network, NYSDEC determined that an individual SPDES permit is more appropriate for NYSDOT (6 NYCRR 750-1.21(e)). Thus, instead of submitting an NOI for coverage under GP-0-24-001, NYSDOT applied for an individual SPDES permit for the continued operation of the agency's MS4.

Structure

The structure of the permit, including the six (6) minimum control measures (MCMs) specified within the permit, are consistent with 40 CFR 122.34. The MCMs represent the non-numeric effluent limitations of the permit to reduce the discharge of pollutants to

[2] The permit number was updated from GP-0-22-002 to GP-0-24-001 to correlate with the effective date of the permit.
[3] This is different from other non-traditional MS4 Operators who operate their MS4 within a single urban area.

the maximum extent practicable (MEP), protect water quality, and generally satisfy the Clean Water Act. The permittee must implement the permit requirements for each MCM, as specified in all parts of the permit. The permit requirements consist of best management practices (BMPs), schedules for implementation and maintenance, frequency of actions, etc.

In accordance with ECL 70-0117 and 6 NYCRR 750-1.21(a), "[t]The department (NYSDEC) may issue a general permit … to cover a category of point sources of one or more discharges within a stated geographical area that:

(1) involve the same or substantially similar types of operations;
(2) discharge the same types of pollutants;
(3) require the same effluent limitations or operating conditions;
(4) require the same or similar monitoring; and
(5) that will result in minimal adverse cumulative impacts."

Thus, the conditions in a general permit reflect a broader scale and include some variability in the respective operations of those with coverage. For example, GP-0-15-003 and GP-0-24-001 authorize discharges from traditional land use control MS4 Operators, traditional non-land use control MS4 Operators, and non-traditional MS4 Operators. The individual permit shares the same basic components as the general permits, described above in Structure, and follows the concepts outlined in the Basis of the Permit, described below. In comparison to a general permit, individual permits include only requirements that the specific permittee must meet. The requirements in the individual permit are tailored to the particular permittee, reflecting information submitted by the permittee and garnered over the course of the permittee's continued general permit coverage. While recognizing the unique nature of the linear transportation network, the permit reduces the discharge of pollutants to the maximum extent practicable (MEP) and satisfies the clear, specific, and measurable requirements of the Phase II Remand Rule (both discussed below). This fact sheet identifies where the individual permit is the same as, or similar to, GP-0-15-003 and/or GP-0-24-001, as well as the appropriate differences.

Basis of Permit

Phase II Remand Rule

In 2014, several environmental groups, many of which also challenged GP-0-10-002, petitioned the United States Court of Appeals for the Ninth Circuit to force the United States Environmental Protection Agency (USEPA) to make changes to the regulations governing small MS4s.[4] Through resolution of that petition, on January 6, 2016, the USEPA proposed the Phase II Remand Rule, revising the small MS4 regulations. On December 9, 2016, the USEPA finalized the rule making and it became effective on January 9, 2017.[5]

[4] Environmental Defense Center, et al v USEPA, 344 F.3d 832 (9th Cir 2003).
[5] "National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System General Permit Remand Rule" (Final Rule). 40 CFR 122, Vol. 81, No. 237, (December 9, 2016) p. 89320. Available from: https://www.govinfo.gov/content/pkg/FR-2016-12-09/pdf/2016-28426.pdf.

In relevant part, the Phase II Remand Rule changed 40 CFR 122.34(a), requiring "[t]erms and conditions that satisfy the requirements of this section must be expressed in clear, specific, and measurable terms." The USEPA developed model permit language for what is "clear, specific, and measurable" and compiled several examples where small MS4 permits have already included requirements that would be consistent with the Phase II Remand Rule.

The NYSDEC identified areas of GP-0-15-003 where additional clarity or specificity was needed to meet the Phase II Remand Rule and consulted with the following USEPA guidance:

- MS4 Permit Improvement Guide;[6]
- MS4 General Permit Compendium: Examples of Six Minimum Control Measure Provisions;[7]
- Municipal Separate Storm Sewer System Permits—Post-Construction Performance Standards & Water Quality-Based Requirements: A Compendium of Permitting Approaches;[8] and
- Center for Watershed Protection's guide on Illicit Discharge Detection and Elimination (IDDE): A Guidance Manual for Program Development and Technical Assistance.[9]

The USEPA Transportation Stormwater Permit Compendium was also consulted in the development of the permit.

Maximum Extent Practicable (MEP)

In accordance with Clean Water Act 402(p)(3)(B)(iii), ECL 17-0808(3)(c), and 40 CFR 122.24(a), the permit requires the permittee to achieve MEP. The USEPA views the MEP standard as an iterative process; that is, MEP should continually adapt to current conditions and the effectiveness of BMP implementation. To satisfy the Phase II Remand Rule, and meet MEP, the permit provides specific requirements, timeframes, and methodologies, building upon GP-0-15-003. The permit requires the permittee to: 1) implement BMPs for the MCMs to reduce the discharge of pollutants to the MS4, 2) track information collected through implementation of the BMPs and 3) adjust the BMPs in its written Stormwater Management Program (SWMP) accordingly to improve the SWMP effectiveness in protecting water quality.

Water Quality Standards

[6] USEPA. 2010. MS4 Permit Improvement Guide. Office of Water. Office of Wastewater Management. Available from: http://water.epa.gov/polwaste/npdes/stormwater/upload/ms4permit_improvement_guide.pdf
[7] USEPA, 2016. MS4 Compendium: Examples of Six Minimum Control Measure Provisions. Office of Wastewater Management, Water Permits Division. Available from: https://www.epa.gov/sites/production/files/2017-01/documents/part1-epa_compendium_of_ms4_general_permit_requirements_508.pdf
[8] USEPA. 2014. Municipal Separate Storm Sewer System Permits—Post-Construction Performance Standards & Water Quality-Based Requirements: A Compendium of Permitting Approaches. Office of Water, Water Permits Division. https://www3.epa.gov/npdes/pubs/sw_ms4_compendium.pdf
[9] Center for Watershed Protection and Robert Pitt. 2004. Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments. Available from: https://www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf

The permit includes required MCMs that will reduce the discharge of pollutants to the MEP. Parts I through V of the permit are the base program, which the permittee must implement throughout its statewide MS4. Where the permittee discharges to an impaired waterbody without a TMDL, the permittee must comply with additional requirements in Part VI. Where the permittee discharges to an impaired waterbody with an approved Total Maximum Daily Load (TMDL), the permittee must comply with additional requirements in Part VII. The base program is not repeated in Parts VI and VII, where there are no additional requirements.

In accordance with 6 NYCRR 750-2.1(b) and 40 CFR 122.34, the NYSDEC expects that compliance with the terms and conditions of the permit will reduce the discharge of pollutants to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA.

Timeframes for Compliance

In accordance with 6 NYCRR 750-1.14, the timeframes in the permit reflect the shortest time reasonable for the permittee to complete permit requirements. GP-0-15-003 included timeframes. However, more specific timeframes were included in GP-0-24-001. The permit timeframes are essentially unchanged from those in GP-0-24-001 except for those requirements that are tailored to the individual permittee. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific timeframes. The timeframes for certain requirements in the permit are written as to be completed X months after the effective date of the permit (EDP) because there is a corresponding permit requirement that either comes first sequentially or is prioritized. For example: The permit requires the permittee to prioritize MS4 outfalls and interconnections within three (3) years of EDP. The permit then requires the permittee to update the MS4 outfalls and interconnections prioritization in the inventory three (3) years after the EDP.

General

Similar to GP-0-24-001, there are three sections with permit requirements:

- The Base Program Requirements section;
- The impaired waters without a TMDL requirements section, which includes enhanced pollutant-specific BMPs for discharges to impaired waters; and
- TMDL requirements section, which includes enhanced pollutant-specific BMPs for discharges for TMDLs applicable to the permittee.

6 NYCRR 750-1 and 6 NYCRR 750-2 are incorporated by reference into the permit (see the cover page of the permit). Redundant content in the permit has been removed. This replaces the Standard Permit Conditions in GP-0-24-001.

In the Stormwater Management Program Plan section of the permit, there is a requirement for the permittee to document permit requirements in the SWMP Plan. That requirement applies throughout the permit, but is not otherwise repeated, unlike GP-0-24-001.

Mapping, legal authority, enforcement response, training, and the base program MCMs are included in the Base Program Requirements section of the permit, unlike GP-0-24-001.

In the permit, specific forms and an equivalent are included as ways to satisfy permit requirements. That is included because sometimes the content of the form is collected using a different tool (e.g., a Survey 1-2-3 form built with the same content as the Monitoring Locations Inspection and Sampling form).

Numerous changes were made in the permit, compared to GP-0-24-001, to increase clarity and readability, but with no substantive changes. Some of those changes are noted in this Fact Sheet.

Part I. PERMIT COVERAGE

Permit Coverage was included in GP-0-15-003 and GP-0-24-001. The permit follows that same approach. However, since this permit is based on the individual permittee, the structure of the permit in this Part is permittee-specific and omits some content from GP-0-24-001.

Part I of the permit defines what is authorized and is similar to GP-0-24-001. Appendix B of the permit identifies the automatically or additionally designated areas for the individual permittee. The exemptions and limitations on coverage in GP-0-24-001, as well as the process to obtain permit coverage in GP-0-24-001, are not necessary in the permit as they are addressed through the individual permit process.

Part II. DISCHARGE COMPLIANCE WITH WATER QUALITY STANDARDS

This section was included in GP-0-15-003 and GP-0-24-001. The permit follows that same approach.

Part II of the permit simply restates ECL 17-0501 and 6 NYCRR 750-2.1(b). NYSDEC expects that compliance with the conditions in the permit will result in discharges being controlled as necessary to meet applicable water quality standards.

Part III. STORMWATER MANAGEMENT PROGRAM (SWMP) REQUIREMENTS

SWMP requirements in the permit were included in GP-0-15-003 and in GP-0-24-001. The permit follows that same approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific SWMP requirements.

Pursuant to 40 CFR 122.34(b)(2)(ii) and 122.34(a)(2), the permittee is required to develop, implement, and enforce a SWMP to reduce the discharge of pollutants to the MEP, that may enter into and be discharged from its MS4. In accordance with 40 CFR

122.34(a) and (b), and Part III of the permit, the permittee is required to develop a written SWMP Plan that describes how the permittee will meet the requirements in the permit to reduce the discharge of pollutants to the MEP. The SWMP may involve coordination between several departments under the permittee. The SWMP provides the framework for compliance with the permit. The SWMP Plan requirements in GP-0-24-001 include small changes from GP-0-15-003 for better overall readability and clarity in requirements. GP-0-15-003 generally addressed updates to be made to the SWMP but did not specify a timeframe necessary to complete the update; GP-0-24-001 specifies that timeframe. Part III of the permit specifically requires the permittee to update the SWMP Plan annually by December 1. For ease of administration, the December 1 date correlates to the public review and comment period of the SWMP Plan. This allows for the SWMP Plan to be updated based on public feedback received on the draft annual report and the SWMP Plan. This approach is the same as GP-0-24-001; however, the timeframe for completion is different. The extended timeframe is necessary because the permittee must gather information from 11 regions across the state to update the SWMP Plan, and compile that information into a single SWMP Plan update for internal QA/QC, review by management, and executive level approval. Updating the SWMP Plan ensures that the permittee is aware of, and utilizes, new information as it becomes available. The SWMP is a consolidation of all the permittee's relevant legal authority, as well as the description of all procedures that will be implemented and enforced to comply with the permit.

Whereas GP-0-24-001 requires identifying in the SWMP Plan permit requirements that did not need to be updated, the permit requires identifying which updates were needed. For ease of administration, this approach varies from GP-0-24-001 as a majority of the elements of the SWMP Plan will not change.

As the permittee has a significant volume of resources that comprise the SWMP Plan, it would be infeasible for the SWMP Plan to include copies of all the relevant documents. The permit contains an explicit authorization to allow the permittee to incorporate by reference, into the SWMP Plan, any documents that meet the requirements of the SPDES permit. This language was not specifically included in GP-0-15-003, but is the same as GP-0-24-001.

Unlike GP-0-15-003 and GP-0-24-001, the permit requires the SWMP Plan be maintained as a hard copy or electronically, although electronic storage is recommended. The permit follows the GP-0-24-001 approach. In accordance with 6 NYCRR 750-2.5(c)(1), the permittee must keep the SWMP Plan for at least five (5) years after it is generated. Documentation that the permittee must include in the SWMP Plan is identified throughout the permit. The permit contains permittee-specific requirements. Therefore, the permit does not require the permittee to identify, in the SWMP Plan, what requirements are not applicable; all requirements in the individual permit are applicable (i.e., permittee-specific).

GP-0-15-003 required the MS4 Operators to provide an opportunity for the public to participate in the development, implementation, review and revision of the SMWP. In

accordance with 40 CFR 122.34(d)(2), GP-0-24-001 explicitly requires the permittee must make the SWMP Plan available to the public, the permittee's management and staff responsible for implementation, as well as the NYSDEC and United States Environmental Protection Agency (USEPA) staff. The permit follows the GP-0-24-001 approach.

Organizational Chart

GP-15-003 required the identification of individual interested or affected by the SWMP. GP-0-24-001 explicitly requires an organizational chart. The permit follows the GP-0-24-001 approach. The requirement to maintain an organizational chart is important because individual SWMP components may be developed, implemented, or enforced by different titles associated with the permittee, or other entities as described in the permit. The requirement to maintain a staffing plan is important to describe how information will be communicated and coordinated among all those with identified roles and responsibilities. Both requirements increase the permittee's ability to effectively implement the SWMP Plan.

Stormwater Program Coordinator

Although GP-0-15-003 did not specifically include a requirement to designate a Stormwater Program Coordinator, it was implied that an individual would need to be designated to oversee cohesive implementation of the general permit. GP-0-24-001 specifically requires the MS4 Operator to identify a Stormwater Program Coordinator, by name and title. GP-0-24-001 outlines the specific responsibilities of the Stormwater Program Coordinator. The permit follows the approach of GP-0-24-001.

Alternative Implementation Options

In accordance with 40 CFR 122.33(b)(1)(i) and 122.35, permittees may opt to enter into alternative implementation options to complete specific SWMP components. Those alternative implementation options include working with MS4 Operators, consultants, businesses, Regional Stormwater Entities (RSE), or coalitions. GP-0-15-003 and GP-0-24-001 included alternative implementation options. The permit follows that same approach. This approach provides a cost-effective means of development, implementation, and enforcement of the SWMP components through cooperative efforts where resources can be shared, and duplication of effort is avoided.

Should the permittee choose to utilize alternative implementation options, the permittee must have a legally binding written agreement with the cooperating entity, specifying the services to be provided to the permittee by that entity. GP-0-24-001 requires alternative agreements to be documented in the SWMP Plan within thirty (30) days of signing. However, since this permit is based on the individual permittee, the permit varies from GP-0-24-001 in that the inventory of these agreements must be updated annually. These agreements will be documented at the local level prior to the annual update, but operationally, an annual update for the consolidated list is most practicable. The NYSDEC does not enforce these legal agreements. Regardless of whether the permittee utilizes alternative implementation options, the permittee is responsible for complying with the terms and conditions of the permit and is liable for any violations or

penalties rendered by the NYSDEC for noncompliance with the permit or the Environmental Conservation Law.

To this end, if an alternative implementation option is used, the permit requires an agreement that is signed and dated and includes a certification statement that explains that the permittee is responsible for compliance with the permit.

Part IV. REPORTING AND SWMP EVALUATION

On October 22, 2015, the USEPA published the NPDES Electronic Reporting Rule (eRule). 40 CFR 127.11 requires MS4 Operators to submit reports (e.g., annual reports, interim progress certifications, and interim progress reports) electronically to the NYSDEC (see also 40 CFR 122.34(d)(3)). The USEPA finalized the eRule Phase 2 extension of the NPDES eRule[10] giving MS4 Operators until December 21, 2025 to comply with the eRule, unless the specific permit requires earlier e-reporting. Electronic submission of reports, required by IV.A. of the permit, is consistent with the intent of 40 CFR Part 127 and 6 NYCRR 750-2.5(e). nForm is the format acceptable to the NYSDEC.

GP-0-15-003 did not contain electronic reporting requirements as it was issued before the eRule. However, GP-0-24-001 requires electronic reporting. The permit follows the GP-0-24-001 approach.

A. Reporting

Annual Reports: The annual reporting requirements in the permit were included in GP-0-15-003 and GP-0-24-001. The permit follows that same approach. The annual reporting requirements in the permit are in accordance with 40 CFR 122.34(d)(3). The Annual Report is an evaluation of the permittee's compliance with the elements of the permit which the permittee must complete within the year. Additionally, although the annual reporting cycle and report due dates in GP-0-24-001 and the permit are different, they follow the same approach – effective date of GP-0-24-001 and anticipated effective date of the permit.

Interim Progress Certifications: The interim progress certification requirements in the permit were not included in GP-0-15-003.[11] However, GP-0-24-001 requires an interim progress certification. The permit follows the approach in GP-0-24-001. The interim progress certification requirements in the permit are in accordance with 6 NYCRR 750-1.14 and 40 CFR 122.34(d)(1). Interim Progress Certifications are the evaluation of the permittee's compliance with the elements of the permit which the permittee must complete with a date beyond nine (9) months. This includes progress towards pollutant load reductions as specified in the respective implementation plans for the TMDLs. Although the interim progress certification cycle and certification submission due dates

[10] "NPDES eRule Phase 2 Extension." USEPA, September 23, 2020. https://www.epa.gov/compliance/npdes-electronic-reporting-rule-phase-2-extension.
[11] GP-0-15-003 included a requirement for MS4 Operators located within TMDL watersheds to submit Interim Progress Reports based on requirement for the TMDL.

in GP-0-24-001 and the permit are different, they both follow the same approach – effective date of GP-0-24-001 and anticipated effective date of the permit.

B. SWMP Evaluation

The SWMP evaluation requirements in the permit were included in GP-0-15-003 and in GP-0-24-001. The permit follows that same approach. The SWMP evaluation is in accordance with 40 CFR 122.34(d)(1). The permittee must evaluate the SWMP for compliance with the terms and conditions of the general permit, including the effectiveness or deficiencies of components of the individual SWMP Plan, and the status of achieving the general permit requirements.

PART V. BASE PROGRAM REQUIREMENTS

A. Mapping

Pursuant to 40 CFR 122.34(b)(3)(i)(A), MCM 3 in GP-0-15-003 required MS4 Operators to map the location of their outfalls and preliminary sewersheds. To satisfy the permit requirement of mapping preliminary sewersheds under GP-0-15-003, the permittee utilized HUC 12 watershed boundaries. This is a suitable technique used to map preliminary sewersheds when the MS4 is not mapped.

GP-0-24-001 requires comprehensive system mapping which includes additional components to build a foundation for the proper implementation of the SWMP. Comprehensive system mapping: 1) is necessary to facilitate a clear understanding of the MS4 using geographical representations; and 2) serves as a planning tool, geared towards improving water quality and increases efficiency of program implementation. GP-0-24-001 does not specify the format for the comprehensive system mapping but does require that the MS4 Operator choose a map format such that the map demonstrates a clear understanding of the MS4. GP-0-24-001 does not prohibit the use of multiple tools to comply. For example, the coordinated use of as-builts, the stormwater interactive map, and an in-house geographic information system (GIS) could be used to satisfy the permit requirements. The permit follows the GP-0-24-001 approach.

Throughout GP-0-24-001, items that are mapped in one section are crossed referenced to the part of the permit which required the mapping, identified by the phrase “mapped in accordance with...” These cross references were removed throughout the permit as it was a guide, but did not add anything substantive.

Mapping in Phases: Unlike the GP-15-003, GP-0-24-001 organizes information to be included in the map into two phases for completion. Phase I includes mapping elements which either: 1) provide foundational information that will be used for later permit requirements (e.g., waterbody information) or 2) had permit requirements from previous iterations of the MS4 general permit pertain to them (e.g., municipal facilities). Phase II includes mapping elements which either: 1) connect mapping elements in Phase I (e.g., pipes) or 2) require more time for the MS4 Operator to collect (e.g., privately-owned

stormwater management practices). The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit does not require the permittee to map “land use” as is required in GP-0-24-001. The permittee only has one “land use,” highway.

Format: GP-0-15-003 required mapping in a GIS of MS4 infrastructure for MS4 Operators implementing the permit in areas subject to the *Croton Watershed Phase II TMDL Implementation Plan, January 2009*, or *TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries, September 2007*. For GP-0-24-001, these mapping requirements were moved from the TMDL section of the permit to the mapping section. The permit varies from GP-0-24-001 in that the mapping requirements have been retained in their corresponding TMDL watershed section. However, since this permit is based on the individual permittee, the permit requires the permittee to use its in-house State Highway As-built Record Plans (SHARPs) application and other existing mapping resources, including the NYSDOT GIS-based Environmental and Facility Viewers and ESRI Collector/Field Maps applications to meet the GIS mapping requirements set forth in GP-0-24-001. Those mapping requirements appear in V.A.1-3, VI, and VII. The permit does not require the permittee to complete the system mapping requirements using GIS because those other platforms meet the intention of the permit conditions.

The Non-Agricultural Nonpoint Source Planning and MS4 Mapping Grant (NPG) offered by DEC allows entities regulated by the MS4 General Permit to apply for funding to map, in a GIS, their MS4 and associated components. However, NYSDOT is not eligible for funding through this program, making mapping in a GIS not practicable.

B. Legal Authority and Enforcement Response

Traditional MS4 Operators and non-traditional MS4 Operators have different legal authority available to them. Non-traditional MS4 Operators, like NYSDOT, cannot pass “ordinances” and do not have enforcement authority like a typical municipality, so legal authority may consist of other mechanisms such as policies, procedures, standards, or specific contract language. Although these differences exist, consistent with 40 CFR 122.34(b)(3)(i)(B), the permit requires the permittee to develop, implement, and enforce policies and procedures to control how the MS4 is used and to prohibit non-stormwater discharges.

The USEPA Stormwater Phase II Final Rule Fact Sheet 2.1 supports how non-traditional MS4 operators can implement their illicit discharge detection and elimination program absent of the legal authority possessed by Traditional MS4 Operators.

Who Is Responsible if the Small MS4 Operator Lacks the Necessary Legal Authority?

Some regulated small MS4s may lack the necessary legal authority to implement one or more of the required minimum control measures that comprise the Phase II stormwater management program. For example, a local government that is a small MS4 operator may be in a State that does not have an enabling statute that allows local regulatory control of construction site runoff into the sewer system. Another example is a State DOT that may not have the legal authority to require and enforce controls on illicit discharges into its system. In these situations the small MS4 is encouraged to work with the neighboring regulated small MS4s. As co-permittees, they could form a shared stormwater management program in which each permittee is responsible for activities that are within their individual legal authorities and abilities.

Legal authority in the permit was included in GP-0-15-003 and GP-0-24-001. However, since this permit is based on the individual permittee, the permit requires permittee-specific policies and procedures instead of that which the Traditional Land-Use MS4 Operators use. The permittee is the owner/operator of the construction activity and the operation and maintenance of post-construction SMPs; therefore, the permit does not require corresponding policies and procedures.

Throughout the individual MCM sections, GP-0-15-003 required MS4 Operators to develop and implement enforcement measures for violations. GP-0-24-001 consolidated those enforcement requirements in GP-0-24-001, the Enforcement Response Plan. The permit follows the GP-0-24-001 approach. The permittee is the owner/operator of the construction activity and the operation and maintenance of post-construction SMPs; therefore, the permit does not require a corresponding enforcement response.

The permit requirements identify the permittee's range of enforcement actions to address the variability and severity of noncompliance (V.B.2.). As in V.B.1.d.iii. of the permit, where the permit identifies due diligence on the part of the permittee, the permittee must exercise some base effort. Different from GP-0-24-001, the permit allows the permittee to redact the name of the owner/operator of the facility or site of the violation from the publicly available SWMP Plan to preserve a harmonious relationship.

With respect to tracking illicit discharges under enforcement response, V.B.2.b of the permit requires the permittee to identify the location of the stormwater source (e.g., construction project). V.B.2.f of the permit requires the permittee to provide accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations).

C. Training

GP-0-15-003 did not require training for personnel conducting outfall inspections. GP-0-24-001 includes a requirement to train those conducting monitoring location inspection and sampling once every five (5) years. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific training requirements. Training requirements are consolidated in the permit so that the permittee can streamline training into what the permittee is already doing and, thus, be more efficient. The permittee is required to develop trainings for the following procedures: illicit discharge detection, track down, and elimination, construction oversight, post-construction inspection and maintenance, facilities, operations. The permit requires the permittee to document only the *names*, as opposed to names and contact information required in GP-0-24-001, of those trained because the permittee maintains contact information through internal mechanisms.

MCMs

The six (6) MCMs in the permit were included in GP-0-15-003 and in GP-0-24-001; however, the MCMs in GP-0-24-001 met the Phase II Remand Rule to be clear, specific, and measurable. The MCMs are essentially unchanged from GP-0-24-001 except for those BMPs that are permittee-specific. The permit requires the permittee to develop the BMPs for the six (6) MCMs. All MCMs are implemented within the automatically designated areas and within the additionally designated areas that are subject to Criterion 1 or 2 of the Additional Designation Criteria (Appendix B of the permit). The permit does not require the permittee to develop programs like GP-0-24-001, but does require the permittee to inventory, prioritize, and take corrective actions.

Inventory: Following the approach set forth in GP-0-24-001, the permit includes inventories for monitoring locations, construction sites, post-construction SMPs, and facilities. In the permit, permittee-specific inventory information is required for permit components. The permit varies from GP-0-24-001 in that the permit requires all inventoried items to be mapped (V.A.). Mapping these items eliminates the need to include redundant information across the inventories because similarities can be determined geographically.

Additionally, unlike GP-0-24-001, “Receiving waterbody [Waterbody Inventory/Priority Waterbody List] Segment ID” (WI/PWL Segment ID) is required for all inventories except interconnections. There are not enhanced requirements for interconnections that discharge to a water listed in Appendix C so it is not necessary to collect this information.

Prioritization: The following list of permit requirements applies to all prioritizations:

1) Criteria used for the prioritization;
2) The requirement to prioritize previously unprioritized permit components; and
3) The requirement to update the prioritizations in the inventory annually.

By completing the mapping requirements of the permit, the permittee has some of the prioritization criteria readily available.

Corrective Actions: The permit includes corrective actions to be taken in response to the detection of a pollutant source for the monitoring location inspection and sampling program, facility comprehensive site assessments, operations, and the catch basin inspections. The permit differentiates between corrective actions based on the presence (e.g., monitoring location inspection and sampling, facility comprehensive site assessments, and operations) or absence (e.g., catch basin) of an on-going source of pollution.

Where an on-going source of pollution is present, the permit contains conditions consistent with 40 CFR 122.41(d), 6 NYCRR 750-1.14, and 6 NYCRR 750-2.7(f), which is to "take all reasonable steps to minimize or prevent any discharge in violation of the permit." Additionally, the permit requires the permittee to develop a schedule, to implement corrective actions for the illicit discharges, facilities, and operations, within set timeframes. Consistent with 40 CFR 122.41(d), 6 NYCRR 750-1.14, and 6 NYCRR 750-2.7(f), these timeframes are based on the severity of the permit violation and written as either: 1) "has a reasonable likelihood of adversely affecting human health or the environment," or 2) "does not have a reasonable likelihood of adversely affecting human health or the environment." Some corrective actions may be able to be completed expeditiously and efficiently, while others may require coordination of resources and the permittee's departments to accomplish.

Where an on-going source of pollution is not present, timeframes for the completion of corrective actions are based on the severity of the issue (e.g., the amount of debris found in the catch basin sump). While there is not an on-going source of pollution, there is the potential to become a source of pollution. This approach of distinguishing an on-going source of pollution from a potential source of pollution also recognizes that some corrective actions may be able to be completed before the required timeframes in the permit.

D. MCM 1 – Public Education and Outreach Program

As required by 40 CFR 122.34(b)(1), the permit requires implementation of a public education and outreach program to distribute educational materials to the permittee's target audiences about the impacts of stormwater discharges on surface waters of the State and the steps that the public can take to reduce pollutants in stormwater runoff.

GP-0-15-003 required the permittee to identify the areas with distinct pollutant generating activities in order to target education and outreach efforts towards behaviors and activities that pose the greatest risk of pollutants discharging through the MS4. GP-0-24-001 requires the permittee to determine their focus areas(s), target audience(s), and educational topic(s). However, since this permit is based on the individual permittee, the permit requires permittee-specific education and outreach efforts. The focus area of the permittee is the highway. The permittee does not have other focus areas like residential areas; therefore, the permit does not need to require the permittee to identify focus areas. The target audiences in the permit reflect the relevant audiences to the permittee, which are users of the highway, as well as staff and contractors. Similarly, the distribution methods in the permit reflect the relevant options for the

permittee to implement. The permit does not include the requirement to hold public meeting, as it is not practicable for the permittee to hold such meetings throughout the state. Instead, the permittee is required to utilize printed and electronic materials, displays in public areas, and social media. Although these requirements are permittee-specific, the goal of public education and outreach is still met.

In accordance with 40 CFR 122.34(b)(3)(i)(D), GP-0-15-003 required illicit discharge education and/or outreach under MCM 3, illicit discharge prevention. In GP-0-24-001, this requirement is in MCM 1. The permit follows the GP-0-24-001 approach. By including all education and outreach requirements under MCM 1, the permittee will more easily be able to develop a comprehensive education and outreach program. Some examples of illicit discharges that may be included in the education and outreach program are: vehicle washing, material storage, or other activities resulting in illicit discharges as they are permittee-specific.

GP-0-15-003 required an on-going education and outreach program without a specified frequency of implementation. GP-0-24-001 requires the permittee to deliver at least one educational message every five (5) years for each target audience within each focus area. The permit is different in that it requires the permittee to do what the permittee is already doing, which is to continually implement at least one of the methods for distribution of the educational messages to the appropriate target audience. This is equivalent the approach in GP-0-24-001. Additionally, this variation is appropriate for the permittee as those who comprise the target audiences are more fluid (i.e. the users of the highway are not the same every day).

E. MCM 2 – Public Involvement/Participation

As required by 40 CFR 122.34(b)(2)(i), the permit requires the permittee to develop and implement a program to involve the public in activities and decisions that relate to the issues of stormwater pollution. The permittee must provide opportunities for public participation including: public noticing the draft annual report, providing an opportunity to comment, and informing the public of opportunities to become more involved. Citizens who take an active role in the decision-making process take ownership in the SWMP and, therefore, are more likely to adhere to the SWMP and to help facilitate the SWMP policies. Encouraging the public to frequently participate in a voluntary capacity can provide an economic benefit by maximizing resources of the permittee and can help to shorten compliance schedules. An involved public can be a valuable resource for detection of problems and public reports can be used to better focus the SWMP toward problem areas.

GP-0-15-003 required MS4 Operators to include the public in the development and implementation of the SWMP. This requirement was continued in GP-0-24-001, which also could include stewardship activities. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific methods to inform the public of involvement and participation opportunities. The opportunities for public involvement in the permit reflect the relevant options for the permittee, public input, and stewardship activities. For example, the

permittee hosts an adopt-a-highway program. Consistent with MCM 1, the distribution methods in the permit reflect the relevant options for the permittee.

Public input on the SWMP Plan is necessary to provide adequate opportunity to the public for input on the SWMP. As required by 40 CFR 122.34(b)(2)(ii), and consistent with GP-0-15-003 and GP-0-24-001, the permit requires that the SWMP Plan be publicly available. Although GP-0-15-003 required that the permittee provide the SWMP Plan to the public, and, in essence, there would have been an opportunity for public comment, GP-0-15-003 did not include a specific requirement to allow the public to comment on the SWMP Plan. GP-0-24-001 explicitly includes a requirement for an opportunity for the public to comment on the SWMP Plan. The permit is consistent with the GP-0-24-001 approach. The permit is different in that it requires the permittee to do what the permittee is already doing, which is initiate addressing public comments by a specified timeframe.

F. MCM 3 – Illicit Discharge Detection and Elimination

40 CFR 122.26(b)(2) defines an illicit discharge as any discharge to an MS4 that is not composed entirely of stormwater. In accordance with 40 CFR 122.34(b)(3)(i), the IDDE requirements of the permit include methods for prevention, detection, track-down, and elimination. The IDDE program in GP-0-15-003 largely focused the program on the mapping and inspection of outfalls, as well as the creation of procedures to track down and eliminate illicit discharges. GP-0-24-001 expanded and restructured these requirements. The requirements that were found in MCM 3 in GP-0-15-003 were relocated as follows:

- The legal authority requirements were moved to the Legal Authority section of GP-0-24-001;
- Illicit discharge prevention was moved to MCM 1 in GP-0-24-001;
- Mapping of outfalls was moved to the mapping section of GP-0-24-001.

The permit follows the GP-0-24-001 approach.

Public Reporting of Illicit Discharges: GP-0-15-003 required a “hotline” the public could use to report an illicit discharge. The GP-0-24-001 continued to require a method for the public to report illicit discharges via phone or email. The permit follows the GP-0-24-001 approach.

Description of Monitoring Locations: GP-0-15-003 defined an outfall as the location where an MS4 discharges to either a surface water of the State or to another MS4. For clarity in GP-0-24-001, the definition of outfall was separated into newly defined terms, MS4 outfall and interconnection. The GP-0-24-001 definition of “MS4 outfall” more closely reflects the definition of an “outfall” found in 6 NYCRR 750-1.2(a)(60), only including where a permittee’s MS4 discharges stormwater to a surface water of the State. GP-0-24-001 includes a separate definition of “interconnection” as any point the MS4 Operator’s MS4 is discharges stormwater to another MS4 or private storm sewer system. The permit follows the GP-0-24-001 approach.

GP-0-24-001 introduced facility intraconnections as a location to identify and conduct inspections and sampling, as part of the illicit discharge detection process. Collectively, in GP-0-24-001, the locations where the inspections and sampling occur are referred to as “monitoring locations” and include: a) MS4 outfalls, b) interconnections, and c) facility intraconnections. The permit follows the GP-0-24-001 approach.

Monitoring Locations Inventory: GP-0-15-003 did not explicitly include a requirement to inventory the outfalls. GP-0-24-001 explicitly includes the requirement to inventory the monitoring locations. The permit follows the GP-0-24-001 approach. The inventory information for MS4 outfalls and interconnections includes information which may be the most useful based on the type of monitoring location. The inventory for interconnections requires a subset of inventory information compared to that for MS4 outfalls.

The MS4 outfall and interconnection inventories in the permit vary from GP-0-24-001 as follows:

- MS4 outfall:
    - “Name of MS4 Operator’s municipal facility, if located at a municipal facility” is not in the permit. Nearly all of the permittee’s MS4 outfalls and interconnections do not occur at facilities. Inspection procedures for MS4 outfalls interconnections occur regardless of those structures being at a facility. Additionally, this information was needed to determine wet weather visual monitoring; in the permit, wet weather visual monitoring is not included in the permit.
    - “Land use” is not in the permit. The “land use” for the permittee will default to highway.
    - “Type of conveyance (open or closed)” was replaced in the permit with “description of discharge point.” The permittee has categories used to describe the discharge points such as: ditch, pipe, pump house, gutter, underdrain (outlet from an SMP), other, scupper, abutment drain (GW), cast iron pipe, concrete box, SWP, CMP, CB/Structure, etc.
    - “Shape” is not in the permit because dimensions are included in the inventory and indicate shape.
- Interconnection:
    - “Name of MS4 Operator receiving discharge or private storm system” is not in the permit. As the permittee transects localities across the state, collecting this information for each interconnection is not practicable.
    - “Name of MS4 Operator’s municipal facility, if located at a municipal facility” is not in the permit (see above).
    - “Receiving waterbody name and class” was replaced in the permit with “HUC 12.” As the permittee transects localities across the state, collecting this information for each interconnection is not practicable. However, monitoring locations that occur in the same HUC 12 will have a common surface water to which they discharge. This is an educated way to determine where stormwater flow discharges to considering the scope/size of the linear network.

Facility intraconnections in GP-0-24-001 and in the permit 1) only occur at facilities, 2) are internal points to the overall MS4, and 3) require a smaller subset of inventory information compared to that for MS4 outfalls or interconnections. The facility intraconnection inventory information and the facility inventory information share many commonalities. In the permit, for ease of administration, the inventory for facility intraconnections was merged with the facility inventory in MCM 6.

MS4 Outfall and Interconnections Prioritization: GP-0-15-003 did not include prioritization of outfalls. GP-0-24-001 includes criteria to prioritize monitoring locations. The criteria are based on: 1) the pollutant discharge potential (e.g., MS4 outfalls at high priority facilities), 2) the waterbody receiving the stormwater discharge (e.g., discharging to impaired waters), and 3) the report of citizen complaints. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific prioritization, reflecting what the permittee is already doing.

MS4 outfalls and interconnections are prioritized in accordance with criteria set forth in MCM 3. Unlike GP-0-24-001, prioritization of monitoring locations in the permit does not include waterbody classification. Since there are no additional requirements based on the prioritization of monitoring locations, removing this prioritization criterion does not change anything substantively. The waterbody classification information for each monitoring location can still be determined, if needed, as the waterbody classification information is documented in the comprehensive system mapping.

Monitoring Locations Inspection and Sampling Frequency: GP-0-15-003 and GP-0-24-001 include routine inspections used to detect illicit discharges in the MS4, as well as structural concerns (e.g., excessive debris build up). Under GP-0-15-003, an “outfall reconnaissance inventory” (i.e., inspection) of all outfalls had to be conducted once a permit term and permittees were directed to CWP 2004 for guidance on conducting the inspections. GP-0-24-001 requires inspection and sampling once every (5) years, the same frequency required under GP-0-15-003. The permit follows that same approach. However, the permit varies from GP-0-24-001 in that the frequency of inspection and sampling of monitoring locations is once during each of the permittee’s five (5) year inspection cycles, and no more than seven (7) years since its last inspection. The permittee completes monitoring location inspections simultaneous to other work in an area. Because of this, the permittee is not always completing all inspections in the same order. The permit provides the permittee with seven (7) years as an opportunity to determine if there are any outstanding monitoring locations inspections needed.

Monitoring Locations Inspection and Sampling Methodology: GP-0-15-003 and GP-0-24-001 reference CWP 2004 as an option in establishing the methodology for conducting monitoring location inspections and sampling, the use of the Monitoring Locations Inspection and Sampling Form (adapted from the ORI sheet), or the equivalent, and the development of inspection and sampling procedures. GP-0-24-001 specifically uses terminology from the CWP 2004 ORI Sheet for determining the severity of illicit discharges and proper follow-up. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit

requires permittee-specific sampling requirements for monitoring locations characterized as having a suspect or obvious illicit discharge which originate within their right-of-way.

The monitoring location inspection and sampling procedures in the permit vary from GP-0-24-001 as follows:

- Sampling is only required for those monitoring locations that are characterized as "suspect." Obvious illicit discharges, as defined in the permit, do not require sampling.
- Changed "If the source of the illicit discharge is clear and discernable, sampling is not necessary" to "If the illicit discharge, or its source, is clear and discernable, sampling is not necessary." This edit was made because while sampling can assist with track down and determine the composition of an illicit discharge, if the source of an illicit discharge is already known, there is no need to conduct sampling when there is no added benefit.
- Identification of the camera used and photo numbers for pictures taken during monitoring location inspection and sampling is not on the Monitoring Location Inspection and Sampling Form, an appendix in the permit. Instead, that part of the form is replaced with a permit requirement to photograph monitoring locations during the inspection.
- The assessment of monitoring locations for damage is not on the Monitoring Location Inspection and Sampling Form, an appendix to the permit. Instead, that part of the form is replaced with a permit requirement to assess monitoring locations for damage during the inspection.
- Sampling is only required for those monitoring locations that are characterized as 'suspect' because follow up is only needed for monitoring locations characterized as 'suspect.'

Illicit Discharge Track Down: GP-0-15-003 included the requirement to develop and enforce an illicit discharge track down program to identify the source of illicit discharges and the responsible party. GP-0-24-001 expanded the illicit discharge track down program. The timeframes for corrective actions are consistent with 750-2.7(b) and (d). The permit follows the GP-0-24-001 approach.

Illicit Discharge Elimination: GP-0-15-003 included the requirement to develop and enforce an illicit discharge elimination program. GP-0-24-001 expanded the illicit discharge elimination program. The timeframes for corrective actions are consistent with 750-2.7(b) and (d). The permit follows the GP-0-24-001 approach.

Background for MCM 4 and MCM 5: Construction/Post-Construction Requirements

As required by 40 CFR 122.34(b)(4)(i) and (5)(i), and as in GP-0-15-003 and GP-0-24-001, the permit requires the permittee to develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. The requirements applied during construction activity are contained in MCM 4, and the requirements

applied to post-construction are included in MCM 5. The implementation of the construction site stormwater runoff control program promotes the proper planning and installation of post-construction stormwater management practices (SMPs).

Implementation of MCM 4 and 5: GP-0-15-003 required that the MS4 Operator develop and implement a program that addressed stormwater runoff to the small MS4 from construction activities that require coverage under the SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001 (CGP). To clarify existing permit language, GP-0-24-001 requires that the MS4 Operator develop and implement a program that addresses stormwater runoff within automatically and additionally designated areas from construction activities that require coverage under the CGP. The permit follows the GP-0-24-001 approach, with a clarification to more accurately reflect 40 CFR 122.34(b)(4)(i). The permit requirements are not limited to construction with coverage under the CGP. The permit also applies to construction stormwater discharges authorized by an individual permit.

Stormwater Pollution Prevention Plan (SWPPP) Review: In accordance with 40 CFR 122.34(b)(4)(i)(D), GP-0-15-003 required that, before coverage under CGP, a permittee review and accept a SWPPP. GP-0-15-003 also required that permittees must then inspect all construction sites and enforce compliance with that SWPPP. In accordance with 40 CFR 122.34(b)(4)(i)(B), the SWPPP must be in conformance with the requirements of the CGP including the technical standards referenced in the CGP, or equivalent. GP-0-24-001 requires all of the above.

MCM 5 of GP-0-15-003 required permittees to: 1) incorporate into the SWPPP review procedures, additional elements to ensure all post-construction SMPs meet the sizing criteria contained in the 2015 NYS Stormwater Management Design Manual; 2) ensure the SWPPP includes adequate provisions for long term maintenance as required by the CGP; and 3) have an O&M plan that identifies the entity that will be responsible for the long-term O&M of each practice. GP-0-24-001 requires the same; however, these requirements have been relocated to the SWPPP review section of MCM 4 to ensure SWPPP review was completed prior to construction occurring. The permit follows the GP-0-24-001 approach.

G. MCM 4 – Construction Site Stormwater Runoff Control

GP-0-15-003 required the MS4 Operator to develop and maintain a construction site inventory of active sites and to perform regularly scheduled inspections. GP-0-24-001 expanded upon this by specifying what must be included in the inventory, as well as criteria used to prioritize active construction sites. The permit follows the GP-0-24-001 approach. However, the permit no longer reflects paraphrased language from the CGP.

Public Reporting of Construction Site Complaints: GP-0-15-003 required a “hotline” the public could use to report construction sites of concern. In accordance with 40 CFR 122.34(b)(4)(i)(E), GP-0-24-001 requires the MS4 Operator to provide a method for the

public to report construction activity issues. The permit follows the GP-0-24-001 approach.

Construction Site Inventory & Inspection: GP-0-15-003 includes the requirement for the MS4 Operator to maintain an inventory of active construction sites to conduct inspections more effectively. GP-0-24-001 built upon this by requiring more information to be collected about the construction site for the inventory, and specifically includes: the location of the project; owner/operator information; receiving waterbody name; WI/PWL segment ID; the prioritization of the construction site; when the SWPPP was approved by the MS4 Operator; inspection history; and the status of the construction site/project. The permit follows the GP-0-24-001 approach. However, there are variations:

- The inventory requirements in the permit distinguish construction projects that are design build. If the construction project is not design build, the permittee would be the owner of the construction project.
- "When the SWPPP was approved" is not in the permit because the permittee is the only entity doing the SWPPP review.

Construction Site Prioritization: GP-0-15-003 did not include a prioritization of constructions sites. GP-0-24-001 includes prioritization criteria for construction sites, similar to the Vermont Construction General Permit risk-based standard.[12] GP-0-24-001 requires the MS4 Operator to prioritize all construction sites on the inventory. The prioritization of construction sites is based on criteria which can be used to evaluate the impact a construction site may have on a waterbody. The permit follows the GP-0-24-001 approach. High priority construction sites in the permit include those with a direct conveyance to a surface water of the state (V.G.9.a.i); the channels, ditches, and storm sewers are examples of a direct conveyance.

Pre-Construction Meeting: GP-0-15-003 did not include a requirement to hold a pre-construction meeting. GP-0-24-001 requires a preconstruction meeting and the MS4 Operator to maintain a specific list of individuals who need to be present during a pre-construction meeting. The permit follows the GP-0-24-001 approach.

Construction Site Inspections: In accordance with 40 CFR 122.34(b)(4)(i)(F) requires procedures for site inspection and enforcement of control measures. While GP-0-15-003 required that "all sites must be inspected where the disturbance is one acre or greater," that permit did not specify the frequency of inspection. GP-0-24-001 includes annual inspection regardless of prioritization for construction sites. GP-0-24-001 no longer requires permittees to utilize the qualified inspector's weekly inspection reports as the basis to inspect sites at a lesser frequency as all construction site inspections are required annually. The permit follows the GP-0-24-001 approach. The permit identifies the roles of individuals who must receive four (4) hours of NYSDEC endorsed training

[12] The Vermont Construction Stormwater Discharge Permits can be found here: https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/stormwater-construction-discharge-permits

(V.G.5.i.) and includes corresponding definitions from the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001.

H. MCM 5 – Post-Construction Stormwater Management

In accordance with 40 CFR 122.34(b)(5)(i)(A), GP-0-15-003 and GP-0-24-001, include elements, such as SWPPP Review, post-construction SMP inventory and inspection tracking, and post-construction SMP inspection and maintenance. In accordance with 40 CFR 122.34(b)(5)(i)(C), the permittee develops and maintains an inventory of post-construction SMPs and inspects the post-construction SMPs to ensure long-term O&M. GP-0-24-001 refines the MCM 5 requirements in GP-0-15-003. These refinements include: more detailed oversight inspection requirements; inventory and inspection information to be maintained for all applicable post-construction practices that are designed and maintained in conformance with the applicable NYS SWMDM 2015 or equivalent; training requirements for individuals overseeing inspections; and inspection guidance to use. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific post-construction related requirements.

Post-Construction SMP Inventory & Inspection Tracking: To effectively conduct inspections and maintain both private and public post-construction SMPs, GP-0-15-003 required permittees to have an inventory of post-construction SMPs and track maintenance activities within the inventory. However, information regarding privately owned SMPs can be difficult to obtain in some cases and difficult to maintain regularly compared to publicly owned post-construction SMPs.

GP-0-24-001 requires a single inventory with the same information for both publicly and privately owned/operated post-construction SMPs for Traditional Land-Use MS4 Operators and publicly owned/operated post-construction SMPs for Traditional Non-Land-Use Control & Non-Traditional MS4 Operators. This approach ensures that all post-construction SMPs are being maintained to the level necessary to function properly. The inventory information must be included by using either: 1) the MS4 Operator maintenance records, or 2) verification of maintenance records (by visual, written, or verbal confirmation) from the owner of the public or private post-construction SMP. The permit follows the GP-0-24-001 approach. However, the permit is tailored to include only publicly-owned post-construction SMPs within the permittee's jurisdiction. Note: the word "publicly" is not used in the permit since the permittee is a public entity. New development, redevelopment, retrofits, and flood control are examples of reasons for installation of the post-construction SMPs that are to be included in the inventory (V.H.1.a.).

The post-construction SMP inventory in the permit varies from GP-0-24-001 as follows:

- The permit does not stipulate where the information for the inventory comes from. Some sources of the information can include: the construction site SWPPP or maintenance records.
- "Reason for installation, if known" was removed. All post-construction SMPs are managed appropriately regardless of its reason for installation.

Post-Construction SMP Inspection & Maintenance Program: GP-0-15-003 required inspections and maintenance of post-construction SMPs by trained staff. GP-0-24-001 includes provisions for training individuals responsible for inspection and maintenance of post-construction SMPs. On March 31, 2017, the NYSDEC finalized the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017),[13] developed with the Center for Watershed Protection. NYS DEC Maintenance Guidance 2017 is utilized by design professionals and staff of the MS4 Operator in the development and review of operation and maintenance (O&M) plans for post-construction SMPs, as well as a reference for ongoing inspections and maintenance of existing practices. GP-0-24-001 requires the MS4 Operator to use the NYS DEC Maintenance Guidance 2017 in specific instances but allows for an equivalent tool to be used for post-construction SMP inspections. The permit follows the GP-0-24-001 approach.

GP-0-24-001 requires MS4 Operators to inspect post-construction SMPs at the frequency specified in the O&M plan of the approved SWPPP. For practices where an associated SWPPP is not on file, GP-0-24-001 requires MS4 Operators to follow the frequencies outlined in the NYS DEC Maintenance Guidance 2017. The permit follows the GP-0-24-001 approach.

GP-0-15-003 required documentation and timeframes for corrective actions. GP-0-24-001 required documentation of specific data elements and time frames for corrective actions (details can be found in the Enforcement Response Plan Section of this fact sheet). The permit follows the GP-0-24-001 approach. However, the permit does not require the permittee to develop provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete. As the construction activity is owned/operated by the permittee, the permittee would not take enforcement against itself.

I. MCM 6 – Pollution Prevention & Good Housekeeping

As specified in 40 CFR 122.34(b)(6)(i), GP-0-15-003 established the basis for MS4 Operators to develop and implement a pollution prevention and good housekeeping program for facilities and operations. The pollution prevention and good housekeeping program ensures the permittee's own activities, at facilities or during operations, do not contribute pollutants to surface waters of the State. GP-0-15-003 largely focused the program on assessments of facilities and operations and determining BMPs. GP-0-24-001 requires the development and implementation of the pollution prevention and good housekeeping program, reorganized into fewer, distinct sections: 1) BMPs, 2) municipal facilities, and 3) municipal operations & maintenance. The permit follows the GP-0-24-001 approach.

[13] The maintenance guidance is available on the NYSDEC website.

Best Management Practices (BMPs): GP-0-15-003 required the implementation of BMPs for all municipal facilities and operations but did not include a list of BMPs to use. A comprehensive list of BMPs for the MS4 Operator to consider was included in GP-0-24-001 to minimize the discharge of pollutants associated with facilities and operations, respectively. The permit follows the GP-0-24-001. However, since this permit is based on the individual permittee, the permit only includes permittee-specific BMPs that the permittee would consider. The permit varies from GP-0-24-001 as follows:

- "…unless not technologically possible or not economically practicable and achievable in light of best industry practices, including areas…" is not in the permit because it is redundant with MEP.
- "Ensure vehicle washwater is not discharged to the MS4…" is not in the permit because it conflicts with the permit requirement for allowable non-stormwater discharges (I.B.).
- "This [permit] does not relieve the [permittee] of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances" is not in the permit because it is repetitive with another permit requirement.
- "proper disposal of lawn clippings" is not in the permit because the permittee's operations do not result in the collection of lawn clippings, thus, no disposal is needed.

Relevant examples for the BMPs are also permittee-specific. The following are some of those relevant examples:

- Absorbents are examples of dry methods to promptly clean up spills and leaks in V.I.1.a.iv. of the permit.
- Use non-hazardous cleaners are examples of less toxic alternatives for minimizing exposure of chemicals in V.I.1.a.viii. of the permit.
- Keeping spill response supplies available and personnel appropriately trained are examples of maintaining non-structural *BMPs* in V.I.1.c. ii. of the permit.
- "Used Oil," "Spent Solvents," "Fertilizers and Pesticides" are examples of labeling containers that could be susceptible to spillage or leakage in V.I.1.d.ii of the permit.
- Construction is an example of land disturbance that has potential for significant soil erosion in V.I.1.e.ii. of the permit.
- Lawn maintenance and landscaping practices that are protective of water quality, in V.I.1.f.ii. of the permit, include: reduced mowing frequencies; and use of alternative landscaping materials (e.g., sustainable planting).
- Appropriate measures for storage of piles of salt, in V.I.1.g. of the permit, include: good housekeeping, routine sweeping, diversions, containment to minimize exposure resulting from adding to or removing materials from the pile.
- For dumpsters and roll off boxes that do not have lids and could leak, examples of controls for discharges, in V.I.1.h.i. of the permit, include having spill kits nearby, secondary containment, and treatment.

Facilities: GP-0-15-003 did not include a definition for facility. GP-0-24-001 includes a definition of municipal facilities. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit includes a definition of facility that more accurately defines the extent of what is considered a facility. The definition was tailored based on the federal definition of "highway" (23 USC 101(a)(11)).

Facility Inventory: GP-0-15-003 did not include a requirement to inventory the municipal facilities. GP-0-24-001 includes a requirement to inventory the municipal facilities. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the facility inventory does not include:

- Contact information or responsible department as that information would be the same across facilities.
- BMPs identified as that information is now required as part of the Facility Assessment form.

Additionally, as was mentioned in the MCM 3 section of this Fact Sheet, facility intraconnections are included in facility inventory.

Facility Prioritization: GP-0-15-003 did not include prioritization of municipal facilities. GP-0-24-001 includes criteria to use to prioritize municipal facilities. In GP-0-24-001, municipal facility prioritization is based on the activities occurring at the municipal facility which are the indicator for pollutant generating potential. Prioritization allows permittees to focus their efforts on municipal facilities with the potential to discharge pollutants. The permit follows the GP-0-24-001 approach.

High priority facilities have activities occurring on site with pollutant generating potential which are exposed to stormwater (e.g., uncovered fueling performed at the facility). Low priority facilities do not have activities occurring on site with pollutant generating potential which are exposed to stormwater (e.g., no permanent fuel storage).

Assessments: GP-0-15-003 required the MS4 Operator to conduct a municipal facility self-assessment every three years but did not specify the contents of the assessment. GP-0-24-001: 1) includes a Municipal Facility Assessment form to complete the municipal facility comprehensive site assessments; 2) requires wet weather visual monitoring, once every five (5) years; and 3) requires comprehensive site assessments once every five (5) years, regardless of the municipal facility's prioritization. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit does not include wet weather visual monitoring at high priority facilities as it is not practicable for the permittee. Instead, the permit requires annual comprehensive site assessments and facility intraconnection inspections for high priority facilities. Although the types of inspections are different than those in GP-0-24-001, these assessments are of equal environmental protection to the wet weather visual monitoring because:

- Due to the permittee's unique nature, the permit requirements can be more effectively implemented;

- Overall, there is an increased frequency of assessments, as opposed to having up to five (5) year gaps between inspections;
- The comprehensive site assessments identify pollutant sources and issues prior to pollutants getting discharged;
- The evidence of an illicit discharge would still be observed through the dry weather inspections;
- Corrective actions are still required; and
- Regardless of how an issue is discovered, all six (6) MCMs can be used to address the issue.

The Facility Assessment form includes "Yes/No/NA" questions that assess pollution prevention/good housekeeping practices at the facility. Some questions include suggested practices that exceed permit requirements but are provided to promote additional pollution prevention. Responses to these questions are not used to determine the level of compliance with the permit requirements. The questions in the form have been tailored to address pollutant generating sources potentially encountered by the individual permittee as well as reflect the BMPs specific to the individual permittee.

Facility Specific SWPPP: GP-0-15-003 did not require the development of municipal facility specific SWPPPs. GP-0-24-001 requires the development of a municipal facility specific SWPPP for the stormwater activities occurring at the site at high priority municipal facilities. The permit follows the GP-0-24-001 approach.

The permit requirements for the SWPPP site map in the permit varies from GP-0-24-001 as follows:

- "Locations where potential spills or releases can contribute to pollutants in stormwater discharges and their accompanying drainage points" has been removed. The permittee's facilities are constantly monitored for potential stormwater pollution.
- "Location and source of run-on from adjacent property containing significant quantities of pollutants and/or volume of concern to the facility" was removed. The permittee does not accept discharges onto its facilities from adjacent properties.

Material storage, equipment fueling and cleaning are examples of activities occurring at the facility in V.I.9.c.ii.a. of the permit.

Operations & Maintenance: GP-0-24-001 includes a definition of municipal operations as well as a list of potential municipal operations for the MS4 Operators. The permit includes a definition of municipal operations. However, the list of operations are not included in the permit because the BMPs directly correlate to the permittee's operations. The permittee-specific operations include: street and bridge maintenance; winter road maintenance; MS4 maintenance; open space maintenance; trash, litter, and debris management; new construction and land disturbances; or right-of-way maintenance.

Under GP-0-15-003, the MS4 Operators were required to implement BMPs, as well as conduct annual assessments, for municipal operations because municipal operations

that are not properly implemented can become sources of pollution. GP-0-24-001 expanded and included specific permit requirements for catch basins, roads, bridges, and right of ways as these are also potential sources of pollution. The permit follows the GP-0-24-001 approach.

Operations Corrective Actions: Similar to the municipal facility assessments, GP-0-15-003 required the MS4 Operator to conduct municipal operations self-assessments every three (3) years but did not specify the contents of the assessment. Instead of creating a separate municipal operations form to assess municipal operations, GP-0-24-001 requires MS4 Operators to document information, which otherwise would have been collected during an assessment, in the SWMP Plan, Annual Report, and Interim Progress Certification. The permit follows the GP-0-24-001 approach with a minor edit-corrective actions include interim milestone development when problems cannot be resolved in the timeframe listed.

Catch Basin Inspection and Maintenance: GP-0-15-003 did not explicitly require the development and implementation of a catch basin inspection program, but it required the number of catch basins inspected and/or cleaned to be included in the annual reports. However, storm sewer maintenance is necessary to ensure structures meant to reduce pollutants do not become sources of pollution themselves. Regularly maintaining catch basins prevents the accumulation of pollutants (e.g., sediment and trash) that are later released during rain events as well as blockages, backups, and flooding. To address these issues, GP-0-24-001 contains a four-step approach to catch basin clean out. First, GP-0-24-001 requires the MS4 Operator to evaluate when an inspection of the catch basin is necessary based on conditions outlined in the GP-0-24-001. Second, the MS4 Operator is required to inventory the inspection with five pieces of information (date of inspection, approximate level of trash, sediment, and/or debris, depth of structure, depth of sump, date of clean out). Third, based on the results of the inspection of the catch basin, the MS4 Operator is required to clean out catch basins in accordance with the following compliance timeframe: six (6) months if the sump is over 50% full of trash, sediment, and/or debris, one (1) year if the sump is less than 50% full of trash, sediment, and/or debris, no clean out is required if there is no debris or if the sump is less than or equal to two (2) feet deep and operating properly. Finally, the MS4 Operator is required to manage the material and/or water removed from the catch basins, so it does not reenter the MS4 or surface waters of the State. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, catch basin inspection and maintenance varies from GP-0-24-001 as follows:

- The permit does not include a requirement for the permittee to consider when to complete a catch basin inspection. Instead, catch basins are inspected when 1) the catch basin is not functioning properly, not related to a surface obstruction (e.g., roadkill, leaf debris, garbage bag); or 2) there is a history of citizen complaints. Additionally, the other considerations for identifying when catch basin clean-out is needed in GP-0-24-001 did not apply to the permittee (i.e., residential, commercial, and industrial areas listed in GP-0-24-001 are not included in this permit) or are otherwise accounted for (i.e., areas with construction activities in GP-0-24-001 are managed during the construction site

close-out of this permit, requiring the catch basins within the construction contract limits to be cleaned in coordination with the last construction site inspection).

- The inventory information in GP-0-24-001 is expanded in the permit to include "nature of problem" (e.g., plugged pipes) and "clean out necessary (yes or no)," requiring the permittee to do what the permittee is already doing.
- Consistent with the narrative water quality standards 6 NYCRR 703.2, water removed during the catch basin cleaning process may be returned to the MS4 if there is no significant visual contrast from the receiving water in the MS4, no visual evidence of oil or grease, and no floatables. This permit requirement makes catch basin clean out more practicable for the permittee who would otherwise need to find an appropriate disposal option (i.e., which is not part of the permittee's MS4).

Roads, Bridges, Parking Lots, & Right of Way Maintenance:

Annual reports submitted under GP-0-15-003 asked MS4 Operators for details of the municipal operations BMPs (e.g., the miles of street swept), but GP-0-15-003 did not require the implementation of specific BMPs for the maintenance of roads, bridges, and right of ways. To address this, GP-0-24-001 includes BMPs for the maintenance of roads, bridges, and right of ways. GP-0-24-001 requires street sweeping once every five (5) years and annually in business and commercial areas. Currently, the permittee is street sweeping in a manner consistent for compliance with GP-0-15-003, tracking miles of street swept. The six (6) month compliance timeframe in GP-0-24-001 for the permittee to develop procedures for sweeping is not practicable for the permittee. In order to achieve the sweeping requirements of GP-0-24-001, the permittee will need to:

- Develop a statewide inventory of street segments that require sweeping, excluding the exemptions listed in the permit, and incorporate that inventory into an asset management system for adequate tracking;
- Determine where sweeping is currently occurring, which entity is currently completing that sweeping (the permittee or a municipality through an arterial maintenance agreement), and the frequency of that sweeping;
- For sweeping performed through arterial maintenance agreements, the permittee will need to review those agreements to determine if they will satisfy the new permit requirements;

Therefore, the compliance timeframe for developing sweeping procedures is four (4) years in the permit; sweeping would then be implemented once every five (5) years. Serving as an interim milestone, within two (2) years of the EDP, the permittee will develop and implement procedures for sweeping lots at the permittee's own facilities. This timeframe for this requirement reflects the fact that external maintenance agreements are not necessary to satisfy the requirement. These facility lots would then be swept annually. Due to the compliance timeframes for sweeping in V.I.16-18. and the five (5) year permit term, corresponding sweeping requirements are not included in Part VI. or Part VII.

With respect to general maintenance, patching potholes is an example of a road maintenance activity in V.I.19.b. of the permit and paint chips, dust, cleaning products,

other debris are examples of pollutants associated with bridge maintenance activities in V.I.19.d. of the permit.

Part VI. IMPAIRED WATERS WITHOUT A *TMDL* REQUIREMENTS

In accordance with ECL Section 17-0811(5) and 6 NYCRR 750-1.11(a)(5)(i), for discharges to impaired waters[14] without a Total Maximum Daily Load (TMDL), GP-0-15-003 included enhanced BMPs supplementing the six MCMs, collectively referred to as "no-net increase." The "no-net increase" requirement in GP-0-15-003 relied upon the MS4 Operators to ensure that new construction did not result in pollutant loads that would negate the progress made with the six MCMs. GP-0-24-001 includes BMPs targeted towards the pollutant of concern causing the impairment (i.e., enhanced BMPs), but has removed the term "no-net increase." Part VI. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part V. MCM 2 and MCM 5 do not have enhanced BMPs. The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific enhanced BMPs.

Part VI includes permit requirements which are based on sewersheds[15] that discharge 1) through MS4 outfalls and 2) to waters listed in Appendix C. The 2020/2022 Section 305(b) Water Quality Report[16] was used as the basis for creating Appendix C in the final GP-0-24-001. Appendix C consists of waterbodies that meet the following criteria: 1) are in Integrated Reporting Categories 4 and 5; and 2) the pollutant impacting the waterbody is phosphorus, turbidity, pathogens, nitrogen, and/or floatables.

ADA MS4 outfalls was a newly defined term in GP-0-24-001. Unlike "MS4 outfalls," "ADA MS4 outfalls" are found only 1) in the additionally designated area based on Criterion 3 of the Additional Designation Criteria (Appendix B of GP-0-24-001) and 2) discharging stormwater to waters listed in Appendix C. Criterion 3 does not apply to the permittee; therefore, ADA outfalls and associated permittee requirements are not included in the permit.

GP-0-24-001 includes requirements to: 1) include potential pollutant sources identified in mapping in the monitoring location inventory; 2) for nutrients and silt/sediment impaired waterbodies, inspect high priority construction sites every ninety (90) days, or every six (6) months if using the qualified inspector's report; and 3) sweep streets annually. GP-0-24-001 also includes targeted enhanced BMPs for silt/sediment and floatables. However, the permit only requires mapping of potential pollutant sources within the permittee's jurisdiction. Therefore, only corresponding permit requirements remain, connected to those mapping efforts. See the MCM 6 section of this Fact Sheet for street sweeping rationale.

[14] In the permit, this is Appendix C.
[15] A sewershed is different than a watershed. Because of the presence of an MS4, which conveys stormwater, a watershed boundary may not always reflect where stormwater will flow.

[16] The 2020/2022 Section 305(b) Water Quality Report can be found on the NYSDEC's website.

With respect to pathogen and floatables impaired waterbodies, GP-0-24-001 does not require MS4 Operators to conduct additional construction site inspections. This approach is consistent with the CGP. Enhanced BMPs for construction oversight does not have an environmental benefit as it does not address pathogens or floatables. The permit follows the GP-0-24-001 approach.

However, since this permit is based on the individual permittee, the permit requires permittee-specific potential pollutant sources to be included. Instead of "nuisance bird populations" included in GP-0-24-001, the permit includes a specific reference to "waterfowl populations" as the potential pollutant sources to address permittee-specific concerns regarding waterfowl. Canada geese are examples of waterfowl populations that have the potential to contribute pathogens in VI.C.1.a.iii. of the permit.

Areas designated for pets at rest areas are examples of areas where pets/domestic animals may frequent in VI.C.1.a.iv. of the permit.

The following are examples of cost-effective runoff reduction techniques, in VI.A.5, VI.B.5, VI.C.4, VI.D.5, and VI.E.4. of the permit: bioswales, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction.

Part VII. *TMDL* WATERSHED REQUIREMENTS

Part VII requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part V. Part VII. requirements apply in the watersheds which discharge to the TMDL waterbodies. Part VII requirements are based on TMDL watersheds listed in [citation] of the permit. Part VII requirements must be implemented in the areas in Appendix B of the permit. A TMDL determines a pollutant reduction target and allocates load reductions necessary to the source(s) of the pollutant; in this instance, the pollutant source is the MS4. The TMDLs or implementation plans describe how the MS4 Operator achieves the pollutant load reduction in the TMDL watershed. For each of the TMDL watersheds, the corresponding TMDLs or implementation plans developed by the NYSDEC are incorporated by reference into Part VII; thus, the permit requires compliance with those TMDLs or implementation plans.

In accordance with 40 CFR 122.34(c)(1) and 6 NYCRR 750-1.11, GP-0-15-003 required enhanced BMPs supplementing the six (6) MCMs for discharges to impaired waters where the USEPA has approved a TMDL.[17] GP-0-24-001 contains similar requirements with additional enhanced BMPs for phosphorus and nitrogen, to build upon the work completed during previous permit cycles. Where the NYSDEC determined that the additional pollutant-specific enhanced BMPs in Part VIII of GP-0-24-001 were not sufficient to achieve the TMDL implementation plan, Part IX of GP-0-24-001 contains additional pollutant-specific enhanced BMPs. The permit follows the GP-0-24-001

[17] Although the USEPA approved TMDLs for Buck, Long, and Cranberry Ponds, Kinderhook Lake, Long Island Sound, and Chesapeake Bay, the TMDL reduction required for New York's MS4 contribution can be achieved through implementation of the six (6) MCMs of Part VI. and Part VII, depending on the MS4 Operator type.

approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific enhanced BMPs for the specific pollutants.

1. Onondaga Lake TMDL Watershed

The *Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012*, identified pollutant load reductions for MS4 Operators, which includes the permittee. GP-0-15-003 and GP-0-24-001 require implementation of pollutant-specific enhanced BMPs for the Onondaga Lake TMDL Watershed. The permit follows that same approach. However, since this permit is based on the individual permittee, the permit does not include septic system operation oversight as noted in the *Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012*. Where the permittee's facilities have septic systems, the systems are permitted using other permitting approaches. Corresponding edits were made based on Part VI. of the permit.

2. Greenwood Lake TMDL Watershed

The *Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019,* identified pollutant load reductions for MS4 Operators, which includes the permittee. GP-0-15-003 and GP-0-24-001 require implementation of pollutant-specific enhanced BMPs for the Greenwood Lake TMDL Watershed. The permit follows that same approach. However, the retrofit program in GP-0-24-001 may not be practicable for the permittee. The permit requires the permittee to complete alternative enhanced BMPs as follows:

- MCM 1 - provide educational messages with information specific to phosphorus to audiences who affect or can be affected by the *TMDL* watershed. This requirement is not necessarily limited to the target audiences (permittee's contractors; permittee's staff; and users of the highway);
- MCM 1 - provide an audio or visual entertainment message (e.g., podcast)with information specific to phosphorus to the applicable target audiences within the *TMDL* watershed focus area (highway);
- MCM 2 - provide an adopt-a-highway opportunity;
- MCM 5 - complete an analysis determining the availability of right-of-way; and retrofits installations. If the analysis determines that right-of-way retrofits installations are possible, the permittee is required to implement the retrofit plan corresponding to GP-0-24-001.

Although these are alternative, phosphorus-reducing BMPs compared to what is included in GP-0-24-001, the alternative, phosphorus-reducing BMPs will also aid in the reduction of phosphorus in the watershed.

Corresponding edits were made based on Part VI. of the permit.

C. New York City East of Hudson Phosphorus Impaired Watershed MS4s

The *Croton Watershed Phase II Implementation Plan* for the New York City East of Hudson Watershed identified pollutant load reductions for all East of Hudson MS4 Operators. Similar to GP-0-15-003, GP-0-24-001 requires implementation of: 1) pollutant-specific enhanced BMPs; and 2) retrofits. Both requirements are consistent

with the *Croton Watershed Phase II Implementation Plan* for the New York City East of Hudson Watershed. The permit follows that same approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific enhanced BMPs. The septic system operation oversight approach used in VI.A. of the permit for the Onondaga Lake TMDL Watershed was also used for the New York City East of Hudson Watershed. Additionally, the approach used in VI.B. of the permit for the Greenwood Lake TMDL Watershed was also used for the New York City East of Hudson Watershed.

Unique to the New York City East of Hudson Watershed, GP-0-24-001 requires catch basin inspections twice a year in the New York City East of Hudson Watershed; this is not practicable for the permittee. In place of the catch basin inspection and cleaning as described in GP-0-24-001, the permit includes, in MCM 6, phosphorus BMP study. The goals of this study are to: 1) compare the phosphorus reduction potential of catch basin inspection and clean out to other phosphorus reducing BMPs; and 2) based on the results of that analysis, develop and implement a phosphorus-reducing BMP plan. The permit includes interim milestones, based on the permittee's internal procedures, to achieve these goals.

Although this is an alternative phosphorus-reducing BMP compared to what is included in GP-0-24-001, the analysis of the alternative phosphorous-reducing BMPs will determine the equivalency needed to meet the wasteload reduction requirements.

Corresponding edits were made based on Part VI. of the permit.

D. Nitrogen Impaired Watershed MS4s

The *TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries, September 2007*, identified pollutant load reductions for MS4 Operators, including the permittee. GP-0-15-003 and GP-0-24-001 require implementation of pollutant-specific enhanced BMPs for the Nitrogen Impaired TMDL Watershed. The permit follows that same approach. Corresponding edits were made based on Part VI. of the permit.

Appendix B

Appendix B of GP-0-24-001 includes designation criteria for identifying regulated MS4s. The criteria found in GP-0-24-001 are as follows:

> "Automatic Designation Criteria Required by USEPA
>
> The USEPA's automatic designation criteria are based strictly on population and density. An area is *automatically designated* if the population is at least 50,000 and has an overall population density of at least 1,000 people per square mile based on the 2000 and 2010 censuses.

Additional Designation Criteria

The USEPA requires the *Department* to develop a set of criteria for *additionally designated areas*. The following criteria, using a combination of population and environmental factors, have been adopted to designate additional *MS4*s in NYS.

Criterion 1: *MS4*s *discharging* to waters for which a USEPA-approved Total Maximum Daily Load (TMDL) requires reduction of a *pollutant of concern* beyond what can be achieved with existing programs (and the area is not already covered under automatic designation).

Criterion 2: *MS4*s, contiguous to *automatically designated areas* (municipal lines), that *discharge* to sensitive waters classified as AA-Special (fresh surface waters), AA (fresh surface waters) with filtration avoidance determination or SA (saline surface waters).

Criterion 3: *Automatically designated areas* are extended to town, village, or city boundaries, but only for town, village or city implementation of minimum control measure 4 construction site stormwater runoff control and minimum control measure 5 post-construction stormwater management in development and redevelopment. This additional designation may be waived, by written request to the *Department*, where the *automatically designated area* is a small portion of the total area of the town, village or city (less than 15 %) and where there is little or no *construction activity* in the area outside of the *automatically designated area* (less than 5 disturbed acres per year)."

The permit follows the GP-0-24-001 approach. However, since this permit is based on the individual permittee, the permit requires permittee-specific designation criteria. Appendix B of GP-0-24-001 serves as the basis for determining where the permittee must implement permit requirements. The criteria that apply to the permittee are as follows:

1. Automatic Designation Criteria Required by USEPA

   The USEPA's automatic designation criteria are based strictly on population and density. An area is *automatically designated* if the population is at least 50,000 and has an overall population density of at least 1,000 people per square mile based on the 2000 and 2010 censuses.

2. Additional Designation Criteria

   Criterion 1: *MS4*s *discharging* to waters for which an USEPA-approved Total Maximum Daily Load (TMDL) requires reduction of a *pollutant of concern* beyond what can be achieved with existing programs (and the area is not already covered under automatic designation).

Criterion 2 of the additional designation criteria in GP-0-24-001 is not included in the permit because the permittee does not have any areas subject to those conditions. Criterion 3 of the additional designation criteria in GP-0-24-001 in not included in the permit because the criterion is only applicable to towns, villages, or cities; the permittee is a state agency.

For ease of administration, Appendix B of the permit is a map of the area based on the applicable designation criteria within which the permittee must implement the permit. Table 1 is also a summary of the information in Appendix B of the permit.

Table 1. Summary of permit implementation.

Designation Criteria [a]	**Part of Permit**		
	V	VI	VII
Automatically Designated Area	X	X	X
Additionally Designated Area, subject to Criterion 1	X		X

[a] Designation criteria are in Appendix B of the permit.