Village of Bayville

Stormwater Management Program Plan

New York State Pollutant Discharge Elimination System (SPDES)
General Permit for Stormwater Discharges from
Municipal Separate Storm Sewers (MS4s)
General Permit No. GP-0-24-001

November 2025

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1.0 INTRODUCTION

The Village of Bayville (Village) has developed this Stormwater Management Program (SWMP) Plan to comply the New York State Department of Environmental Conservation (NYSDEC) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) (GP-0-24-001 or MS4 General Permit). The Village was identified by the NYSDEC as a Traditional Land Use Control MS4 (Traditional MS4) municipality under a previous iteration of the MS4 General Permit (GP-02-02) and obtained stormwater permit coverage in 2003. The Village's NYSDEC permit number is NYR20A304. Under this permit, the Village has developed and implemented this SWMP Plan to reduce stormwater pollutants from the Village's storm sewer system to the maximum extent practicable (MEP).

According to the NYSDEC, MS4s that are located within the boundaries of an urbanized area, as defined by the United States Census Bureau, are regulated under the United States Environmental Protection Agency's (USEPA) Phase II Stormwater Rule. The Phase II Stormwater Rule requires MS4s to develop a SWMP Plan which includes six (6) minimum control measures (MCMs) that, when implemented together, are expected to reduce the discharge of pollutants to the MEP. The overall goal of the program is to improve water quality and recreational use of waterways.

As a Traditional MS4, the Village must meet the requirements for the six (6) MCMs in accordance with Part VI of the MS4 General Permit. Generally, these requirements include development of programs to increase public awareness of the impacts of stormwater runoff, provisions for public participation in stormwater activities, implementation and enforcement of programs related to the control of illicit discharges to the storm sewer system, management of runoff from construction sites and new construction, and reduction of pollution from the Village's municipal facilities and operations. This SWMP Plan includes MCM compliance to date, and future compliance requirements and timeframes for each MCM throughout the 5-year permit term. The six (6) required MCMs are identified as:

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

Part VIII requirements of the MS4 General Permit must also be implemented for MS4s that are located within the sewersheds that discharge to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables. The Village's MS4 discharges to waterbodies that are impaired for pathogens and nitrogen (as further discussed in Section 1.2.2 of this SWMP Plan). As a result, Part VIII requirements, applicable to the pathogens and nitrogen, have been incorporated into the Village's SWMP Plan.

The mapping requirements for all MS4s, outlined in Part IV.D of the MS4 General Permit, have also been incorporated into this SWMP Plan.

1.1 Village of Bayville Overview

The Village is situated approximately 23 miles northeast of New York City and is located on the Bayville Peninsula in Nassau County within the Town of Oyster Bay. The Village is bordered on the north by the Long Island Sound; on the east by the Village of Centre Island; on the south by Mill Neck Bay; and on the west by the Village of Lattingtown. The Village has approximately 15,000 feet of shoreline on the Long Island Sound and 13,500 feet of shoreline on Mill Neck Bay.

The Village is approximately 1.46 square miles in area, and the topography ranges from about 150 feet above sea level in the vicinity of Village Woods Park at the end of Laurel Place just east of School Street to sea level along the shoreline. See Appendix A, Figure 1 for a map of the Village's topography.

The Village contains several zoning districts and land uses within the MS4 regulated area. Land use refers to the activity that is occurring on a property and within the structures that occupy the property. The zoning of a property regulates the types of uses and dimensional regulations of development that are permitted on a property. See Appendix A, Figures 2 and 3 for the zoning districts and land uses that exist within the Village and MS4 regulated area.

1.2 Notice of Intent

As discussed in Part II.A of the MS4 General Permit, MS4s were required to electronically submit the Notice of Intent (NOI) by February 20, 2024 in order to continue permit coverage under GP-0-24-001. The Village submitted the NOI to the NYSDEC on January 29, 2024, a copy of which is included as Appendix B. By submitting the NOI to the NYSDEC, the Village certified that they have read and agreed to comply with the permit and conditions of GP-0-24-001, including the provisions to update the SWMP Plan in accordance with the timeframes set forth in the permit. Further, the submission of the NOI authorized the Village to discharge stormwater under the new terms and conditions of GP-0-24-001.

The NOI included waterbody information applicable to the Village's MS4, including the waterbodies the Village's MS4 discharges to, identification of whether those waterbodies were listed as impaired in the MS4 General Permit, and which pollutant of concern (POC) the waterbody is impaired by if applicable. A summary of the waterbody information disclosed in the NOI is described in Section 1.2.1 and 1.2.2 below.

1.2.1 Drainage and Receiving Waters

Land areas within the Village of Bayville discharge stormwater runoff to three (3) surrounding waterbodies which include Mill Neck Creek, Oyster Bay Harbor, and the Long Island Sound. These three (3) waterbodies receive stormwater discharges from overland surface runoff and storm drainage systems constructed throughout the Village which captures stormwater runoff from local streets and properties. Many portions of the Village shoreline drain directly to the head waters of these three (3) waterbodies without passing through any recognized watershed or storm drainage system. See Appendix A, Figure 1 and 4 which shows the preliminary storm sewershed areas. It is also important to recognize that some of the Village's stormwater interconnection outfalls discharge to Nassau County's (non-traditional MS4) drainage system.

1.2.2 Impaired Waters and Pollutants of Concern

As discussed in Part III.B.1 of the MS4 General Permit, MS4s whose outfalls discharge to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables (Appendix C in the MS4 General Permit) must develop and implement the pollutant specific best management practices (BMPs), listed in Part VIII of the MS4 General Permit, targeted towards the POC causing the impairment. As described above in Section 1.2.1, the Village discharges to three (3) waterbodies, all of which are listed in Appendix C of the MS4 General Permit as impaired. A summary of the waterbodies the Village's MS4 discharges to and their respective POC, is listed below in Table 1.

Table 1: Village of Bayville Impaired Waters and Pollutants of Concern

Waterbody Segment Name	Pollutant of Concern
Mill Neck Creek and tidal tribs - 1702-0151	Pathogens
Oyster Bay Harbor - 1702-0016	Pathogens
Long Island Sound, Nassau County Waters - 1702-0028	Pathogens/Nitrogen
Sources: Appendix C of GP-0-24-001. Available at: SDPES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) - Permit No. GP-0-24-001 (ny.gov). Stormwater Interactive Mapper. Available at: https://gisservices.dec.ny.gov/gis/stormwater/	

As described in Table 1, pathogens and nitrogen were identified as POCs for the Village in Appendix C of the MS4 General Permit. As a result, Part VIII requirements, applicable to the pathogens and nitrogen, have been incorporated into the Village's SWMP Plan. The sources and impacts of these POCs are further detailed below.

Pathogens

Waterborne pathogens, including bacteria, viruses, and protozoa, are a direct threat to human health. The origin of most common waterborne pathogens in the United States can be traced to the fecal wastes of animals and humans. Potential sources of pathogens in Nassau County originate from failing septic systems, aging sanitary sewer infrastructure, sewer system overflows and animal waste. Waste that enters waterbodies via stormwater runoff degrades aesthetic quality and creates a hazard for wildlife and ecosystems.

Nitrogen

Nitrogen, in the forms of nitrate, nitrite, or ammonium, is a nutrient needed for plant growth. However, its overabundance in water can cause several adverse health and ecological effects. Although nitrogen is abundant naturally in the environment, it is also introduced through sewage effluent and runoff from land where fertilizer has been applied or stored. Excess nitrogen can cause overstimulation of growth of aquatic plants and algae, which can clog water intakes and block light to deeper waters. Lake and reservoir eutrophication can occur, which produces algae on the water surface, and can occasionally result in fish kills, and can even "kill" a lake by depriving it of oxygen. Thus, it can disrupt ecosystems and affect the Village's use of the water for fishing, swimming, and boating.[2]

[2] Source: USGS – Nitrogen and Water. Available from: https://www.usgs.gov/special-topics/water-science-school/science/nitrogen-and-water. Accessed November 2025.

1.3 Stormwater Contacts

In accordance with Parts IV.B.1, VI.C.1.a.i, and VI.D.2.a of the MS4 General Permit, the Village has identified stormwater contacts in the SWMP Plan including the Village's Stormwater Program Coordinator, and contacts to report illicit discharges and construction site complaints. These contacts are described below in Sections 1.3.1 and 1.3.2.

1.3.1 Stormwater Program Coordinator

The Village's Stormwater Program Coordinator is the Village Administrator & Clerk-Treasurer. As described in Part IV.B.1 of the MS4 General Permit, the Stormwater Program Coordinator must be knowledgeable in the principles and practices of stormwater management, the requirements of the MS4 General Permit, and the SWMP Plan. The Stormwater Program Coordinator oversees the development, implementation, and enforcement of the SWMP Plan; coordinates all elements of the SWMP Plan to ensure compliance with the MS4 General Permit; and develops and submits the MS4 Annual Report to the NYSDEC.

The current Stormwater Program Coordinator contact information is listed below:

Maria Alfano-Hardy
Village Administrator & Clerk-Treasurer
34 School Street
Bayville, NY 11709
516-628-1439, ext. 120
malfanohardy@bayvilleny.gov

1.3.2 Contact for Reporting Illicit Discharges and Construction Site Complaints

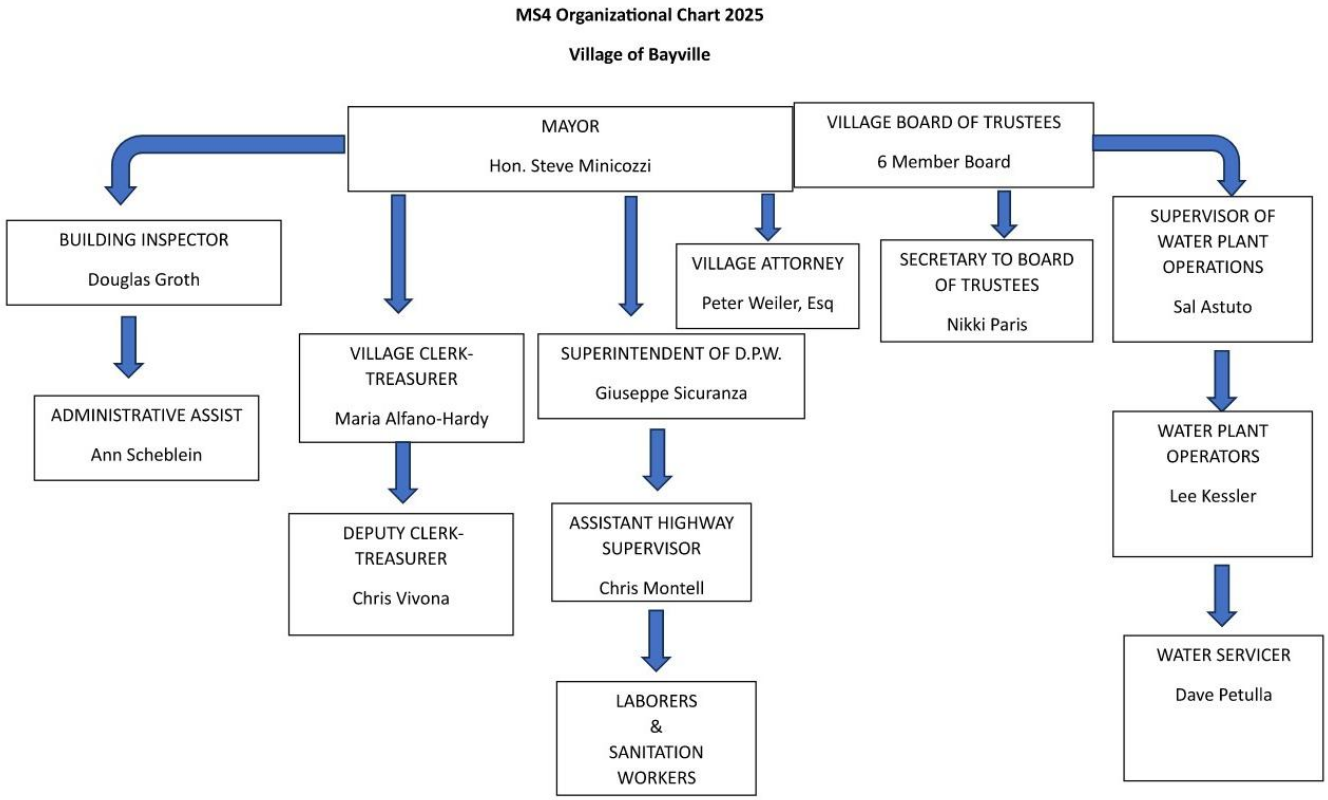
The Village has identified two (2) Village employees to whom the public can report illicit discharges and construction site complaints in accordance with Parts VI.C.1.a.i and VI.D.2.a of the MS4 General Permit. The contact information for these two (2) employees is listed below.

Doug Groth
Building Inspector
34 School Street
Bayville, NY 11709
516-628-1439 ext. 121
buildingdept@bayvilleny.gov

Maria Alfano-Hardy
Village Administrator & Clerk-Treasurer
34 School Street
Bayville, NY 11709
516-628-1439 ext. 120
malfanohardy@bayvilleny.gov

1.4 Staffing Plan/Organizational Chart

Individual SWMP components are developed, implemented and/or enforced by different entities and departments within the Village. The organizational chart below includes the different entities/departments and associated titles for those who have roles and responsibilities for implementing the Village's SWMP Plan. The Stormwater Program Coordinator is responsible for communication and coordination amongst the staff members listed in the chart below regarding their SWMP roles and responsibilities throughout the reporting period.



1.5 Municipal Facilities and Infrastructure

Below describes a brief overview of the Village's facilities and infrastructure:

- Administrative: The Village Hall is located at 34 School St, Bayville, NY 11709.
- Community Facilities: Bayville Free Library and Bayville Historical Museum are located at 34 School St, Bayville, NY 11709. The Bayville Community Center is located at 88 Bayville Ave, Bayville NY, 11709.
- Public Works: The Village's Public Works facilities are located at 34 School St, Bayville, NY 11709.
- Parks: The Village's four (4) parks and nature preserves include Sound Side Beach, West Harbor Beach, Creek Marina, and Harrison Williams Woods.
- Streets & Street Drainage: The Village owns and maintains 2.35 miles of roads including Merritt Ln, Perry Avenue, Creek Road, Mountain Avenue, Godfrey Avenue, and School Street. The road networks and drainage systems are interconnected.
- Water Facilities: The Village's water facilities include Well 1-1 (34 School Street), Well 1-3 (37 Godfrey Avenue), and Well 2-1 (10 West Harbor Drive).

1.6 Inventory of Entities Assisting with Permit Implementation

As described in Part IV.A.1 of the MS4 General Permit, MS4s may utilize other entities to assist with portions of the SWMP implementation, including coalitions of MS4s and private third-party contractors. Pursuant to Part IV.A.1.b of the MS4 General Permit, Table 2 below presents the existing, up to date inventory of entities assisting with permit implementation.

Table 2: Entities Assisting in Permit Implementation

Permit Requirement	Name	Type of Entity
MCM 1/ Public Education and Outreach	Oyster Bay Cold Spring Harbor Protection Committee (OBCSHPC)	MS4 Coalition
MCM 2/ Public Involvement and Participation	OBCSHPC	MS4 Coalition
MCM 3/ Outfall Reconnaissance Inventory (ORI) and Dry Weather Outfall Inspections	Cornell Cooperative Extension (CCE)	Private Third-Party Contractor
MCM 4/ SWPPP Review	H2M architects + engineers (H2M)	Consultant
MCM 5/ SWPPP Review	H2M	Consultant
MCM 6/ Catch Basin Cleaning	Earth Repair, LLC	Private Third-Party Contractor
MCM 6/ Vehicle Washing	Awash Corp	Private Third-Party Contractor
MCM 6/ Refuse Disposal	Winters Brothers Waste Management Company (Winter Bros)	Private Third-Party Contractor
MS4 Mapping	H2M	Consultant

1.6.1 Agreements for Alternative Implementation Options

As outlined in Table 2 above, there are currently six (6) entities assisting the Village with permit implementation. If an MS4 is relying on another entity for compliance with the MS4 General Permit, there must be an agreement in place consistent with the requirements outlined in Part IV.A.1.a.i – vii of the MS4 General Permit. Pursuant to Part IV.A.1.d. of the MS4 General Permit, agreements and Third-Party certifications between the Village and these six (6) entities are included in this SWMP Plan as Appendix C.

1.7 Village Local Laws and Enforcement Response Plans (ERP)

The Village has implemented restrictions and requirements that reduce stormwater runoff impacts. These restrictions and requirements that have been codified into Village local law are summarized below in Sections 1.7.1 through 1.7.3.

Pursuant to Part IV.F of the MS4 General Permit, the Village has also developed an ERP (Appendix D) which clearly describes the action(s) to be taken for violations against local laws the Village has enacted for illicit discharges, construction, and post-construction which are discussed in Sections 1.7.1 and 1.7.2 below. Instances of non-compliance and violations will also be discussed in Sections 1.7.1.1 and 1.7.2.1.

1.7.1 IDDE Ordinance and ERP

- Chapter 63A: Storm Sewers
    - Article I: Illicit Discharges – This article prohibits illegal discharges into the Village's MS4 and provides enforcement guidelines. The legislative intent of this chapter is further detailed in MCM 3 (See Section 2.3.2.1*)*.
- The Village has prepared an ERP in conformance with Part IV.F of the MS4 General Permit. Pursuant to the permit requirements, all MS4s must develop and implement an ERP to identify, document, and address potential and/or actual illicit discharge violations. The ERP describes the duties of the enforcement staff and the tools available to those staff to help ensure compliance with applicable regulations. The overall goal of the ERP is to provide Village staff with guidelines to achieve consistent enforcement in order to achieve compliance with the regulations of the MS4 General Permit. See the Village's ERP in Appendix D for further detail.

1.7.1.1 Instances of Non-compliance

- There has been one (1) instance of non-compliance related to illicit discharges as of November 2025. On November 5, 2025, a discharge of greywater onto the street occurred in front of a residential property on East Slope Road in Bayville, NY, originating from a recreational vehicle. The violation was addressed immediately with a verbal warning, and compliance was corrected forthwith. This event has been documented in the SWMP Plan using the ERP MS4 Enforcement Tracking Sheet (see Appendix D).

1.7.2 Stormwater Management Ordinance

- Chapter 63B: Stormwater Control
    - All new construction projects are required to conform to the minimum stormwater management requirements and controls of NYSDEC's SPDES General Permit for Stormwater Discharges from MS4s, and the substantive requirements of the NYSDEC's SPDES General Permit for Construction Activities, in order to minimize stormwater runoff, pollution, and erosion. This includes onsite stormwater retention and erosion and sediment controls to prevent pollution from construction and post-construction development. The legislative intent of this chapter is further detailed in MCM 3 (See Sections 2.4.2.1 and 2.5.2.1*)*.
- The Village has prepared an ERP in conformance with Part IV.F of the MS4 General Permit. Pursuant to the permit requirements, all MS4s must develop and implement an ERP to identify, document, and address potential and/or actual construction and post-construction violations. The ERP describes the duties of the enforcement staff and the tools available to those staff to help ensure compliance with applicable regulations. The overall goal of the ERP is to provide Village

staff with guidelines to achieve consistent enforcement in order to achieve compliance with the regulations of the MS4 General Permit. See the Village's ERP in Appendix D for further detail.

1.7.2.1 Instances of Non-compliance

- N/A – There have not been any instances of non-compliance related to construction and post-construction as of November 2025. Should there be any instances of non-compliance in the future, those instances would be inventoried in this section of the SWMP Plan, utilizing the ERP MS4 Enforcement Tracking Sheet (see Appendix D).

1.7.3 Other Ordinances that Reduce Negative Stormwater Runoff Impacts

The Village enforces several other ordinances beyond those required in the MS4 General Permit that aid in the reduction of negative stormwater runoff impacts. A summary of these ordinances is provided below.

- Chapter 7A: Animals[3]
    - Chapter 7A, Article I prohibits the feeding of waterfowl and pigeons within Village parks, as it may cause water quality degradation.
- Chapter 9: Boats and Docks[4]
    - Chapter 9 prohibits the discharging of toilets and the dumping of oil, refuse, garbage, waste or sewage into the waters of the Village.
- Chapter 20: Coastal Erosion Hazard Area[5]
    - Chapter 20 establishes standards and procedures for minimizing and preventing damage from coastal flooding and erosion, and to safeguard natural protective features and other natural resources.
- Chapter 23: Dogs[6]
    - Chapter 23 prohibits dogs to soil, defile, defecate or commit any nuisance on any public sidewalk, bypath, play area, park, or any other place where people congregate. The chapter also states that all feces from dogs must be immediately removed by the owner and deposed of in a sanitary manor.
- Chapter 34: Landscaping and Spraying[7]
    - Chapter 34 establishes regulations for landscaping including prohibiting the spilling or dumping of oil, gasoline or other petroleum products, or any pesticide on the public highway, right-of-way or on the ground. This chapter also notes that equipment should not be filled or refilled except over a drop cloth or other device designed to capture potential spillage.

[3] Village of Bayville ECode, Chapter 7A Animals. Available from: https://ecode360.com/28126555#28126555. Accessed November 2025.
[4] Village of Bayville ECode, Chapter 9 Boats and Docks. Available from: https://ecode360.com/8985678#8985678. Accessed November 2025.
[5] Village of Bayville ECode, Chapter 20 Coastal Erosion Hazard Area. Available from: https://ecode360.com/8985855#8985855 Accessed November 2025.
[6] Village of Bayville ECode, Chapter 23 Dogs. Available from: https://ecode360.com/8986113. Accessed November 2025.
[7] Village of Bayville ECode, Chapter 34 Landscaping and Spraying. Available from: https://ecode360.com/8986599#8986599. Accessed November 2025.

- Chapter 38: Littering[8]
    - Chapter 38-9 specifically prohibits throwing or depositing litter or any other material in any body of water within the Village which would alter, impede, block or otherwise detrimentally affect the rate of flow of water, water quality, groundwater, or where it may be carried. The remainder of the chapter prohibits depositing litter in other areas throughout the Village (streets, sidewalks, parks, private property, commercial places, vacant lots), as litter in these areas have the potential to make its way into the Village's MS4 via stormwater runoff.
- Chapter 56: Refuse and Cesspool Waste[9]
    - Chapter 56 sets forth the regulations associated with solid waste storage and collection, in addition to cesspool collection.
- Chapter 57 Recycling[10]
    - Chapter 57 establishes a program for the mandatory separation of recyclables from solid waste within the Village. Such a program reduces the amount of solid waste to be disposed of.
- Chapter 61: Sewage Disposal Systems, Individual
    - Chapter 61 prohibits the discharge of sewage contents onto the ground surface, or into any storm sewer or drain, unless permitted by the State Commissioner of Health. The chapter also states that no new buildings or dwellings shall be constructed, and no substantial alterations or additions thereto shall be made, and no new parking fields shall be constructed unless suitable provision is made for the disposal of stormwater.
- Chapter 77A: Water Consistency Review[11]
    - Chapter 77A is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss of estuarine resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
- Chapter 80: Zoning
    - Chapter 80, Article XIIIB requires that onsite stormwater retention be added for any increase of impervious surface greater than 200 square feet.

These ordinances combined give the Village the authority to require property owners and developers to comply with this SWMP Plan.

[8] Village of Bayville ECode, Chapter 38 Littering. Available from: https://ecode360.com/8986666. Accessed November 2025.
[9] Village of Bayville ECode, Chapter 56 Refuse and Cesspool Waste. Available from: https://ecode360.com/8987000. Accessed November 2025.
[10] Village of Bayville ECode, Chapter 57 Recycling. Available from: https://ecode360.com/8987072#8987072. Accessed November 2025.
[11] Village of Bayville ECode, Chapter 77A Waterfront Consistency Review. Available from: https://ecode360.com/8988219. Accessed November 2025.

1.8 Availability of SWMP Plan and MS4 Annual Reports

In accordance with Parts IV.B.2.a and IV.B.2.b of the MS4 General Permit, the Village has made this current SWMP Plan available to Village staff, the public, as well as the NYSDEC and USEPA via the Village's MS4 Webpage.[12] The SWMP Plan is also made available to these individuals during normal business hours at the Village Hall.

The MS4 Annual Reports are also available to Village staff, the public, as well as the NYSDEC and USEPA via the Village's MS4 Webpage and during normal business hours at the Village Hall.

Availability of the SWMP Plan and MS4 Annual Reports is further discussed in Section 2.2.2 of the SWMP Plan with regard to public input.

[12] Village of Bayville MS4 webpage. Available from: https://bayvilleny.gov/ms4. Accessed November 2025.

1.9 Submission of MS4 Annual Reports

In accordance with Part V.B.2.a. of the MS4 General Permit, the Village has submitted an MS4 Annual Report to the NYSDEC each year since the Village's original designation as an MS4. The final MS4 Annual Reports submitted to the NYSDEC since the 2010 – 2011 reporting period are located on the Village's MS4 webpage.

The next MS4 Annual Report will be electronically submitted to the NYSDEC by April 1, 2026. This annual report will include content and metrics related to the Village's SWMP Plan from January 3, 2025 – January 2, 2026.

1.10 Evaluation of SWMP Plan

In accordance with Part V.C of the MS4 General Permit, the Village evaluates the SWMP Plan for compliance with the terms and conditions of the MS4 General Permit at least once a year. This includes evaluating the effectiveness or identifying deficiencies of the SWMP Plan and documenting the status of achieving the requirements outlined in the permit. This SWMP Plan has been evaluated and is up to date as of November 2025.

2.0 STORMWATER MANAGEMENT PROGRAM (SWMP) PLAN

This SWMP Plan is based on an approach of preventing the pollutants from reaching stormwater rather than removing the pollutants from stormwater after the fact. To accomplish this, the Village has developed and implemented a series of programs and procedures to meet the requirements of each of the six (6) required MCMs from the MS4 General Permit. These are described below, as are Future Compliance Requirements and Timeframes for each MCM.

2.1 MCM 1: Public Education and Outreach Program

2.2.1 Description of Minimum Control Measure

MCM 1 focuses on the development and implementation of an education and outreach program designed to inform the public about the impacts that stormwater discharges have on local water bodies. The educational materials contain specific actions as to how the public, as individuals or collectively as a group, can participate in reducing pollutants and their impact on the environment. The Public Education and Outreach program is expected to reach constituents within the MS4s permitted boundary. An informed and knowledgeable community is crucial to the success of the stormwater management program. As the public becomes aware of actions they can take to protect or improve the quality of surface waters, improvement to the surface waters will result. The target pollutant sources are construction site runoff, impacts from new and re-development projects, illicit discharges, and local/regional POCs. See a full description of permit requirements for this MCM in Appendix E (MS4 General Permit).

2.1.2 MCM Compliance to Date

2.1.2.1 Part VI Requirements for Traditional MS4s

- Information related to the prevention of illicit discharges is made available on the Village's MS4 webpage[13] and is periodically included in the Village's newsletters.[14] The information provided includes but is not limited to: BMPs for snow removal/salt application, auto care, pet waste management, pool water disposal, septic maintenance, and yard care/landscaping; sanitation/recycling information; paint recycling programs; and pharmaceutical disposal information. The Village also provides information on the Nassau County illicit discharge hotline for residents to report spills or contaminants released on Nassau County roads on their MS4 webpage.

- Methods used to distribute educational information and messages includes the following:

    - The Village posts educational stormwater information on kiosks, in the Village Hall, on the MS4 webpage, and at the Community Center.

    - The Village distributes newsletters that include stormwater related topics such as BMPs for snow removal/salt application, auto care, pet waste management, pool water disposal, septic maintenance, yard care/landscaping; sanitation/recycling information; paint recycling programs; and pharmaceutical disposal information. Newsletters also include stormwater related projects the Village is undertaking such as drainage improvement and planting projects.

    - The Village provides information on the Rain Garden App developed by CLEAR on the Village's stormwater webpage. The app educates homeowners on basic information about rain gardens and rain garden installation.

[13] Village of Bayville MS4 Webpage. Available from: https://bayvilleny.gov/ms4. Accessed November 2025.
[14] Village of Bayville Newsletters. Available from: https://bayvilleny.gov/news. Accessed November 2025.

- The Bayville Environmental Conservation Commission (BECC) provides residents with information regarding stormwater and other environmental topics through meetings and the BECC website/Facebook page.[15]

- The BECC provides educational information at events such as oyster gardening information sessions, electronic take back and disposal Earth Day event, paint recycling programs, and other cleanup events.

- The Village maintains its membership with the OBCSHPC. OBCSHPC distributes educational materials to the public and publicizes education and outreach activities through the committee's website, Facebook, and email.

2.1.2.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- In accordance with Part VIII.C.2.a of the MS4 General Permit, the Village made information available on how pathogen impairment is being addressed by the adoption and implementation of Chapters 63A and 63B of the Village's local law (See Section 1.7 of this SWMP Plan). These local laws are equivalent to the model local law outlined in Parts IV.E.1 and IV.E.2 of the MS4 General Permit. Chapters 63A and 63B of the Village's local law are discussed in further detail in Section 1.7 of this SWMP Plan.

- The Village provides educational messages with information specific to pathogens throughout the reporting period. As discussed above in Section 2.1.2.1, the Village distributes educational information via various mechanisms including through the Village's MS4 webpage, via newsletters, at kiosks, at the Village Hall, at the Community Center, through BECC meetings and BECC's Facebook page, and through the OBCSHPC. Considering these various mechanisms used to distribute educational messages, the Village includes information specific to pathogens at a minimum of two (2) times a year. As discussed in Section 1.2.2, potential sources of pathogens can be traced to fecal wastes. As a result, topics specific to pathogens within the educational messages include BMPs for septic system maintenance and pet waste management.

Nitrogen

- In accordance with Part VIII.D.2.a of the MS4 General Permit, the Village made information available on how nitrogen impairment is being addressed by the adoption and implementation of Chapters 63A and 63B of the Village's local law (See Section 1.7 of this SWMP Plan). These local laws are equivalent to the model local law outlined in Parts IV.E.1 and IV.E.2 of the MS4 General Permit. Chapters 63A and 63B of the Village's local law are discussed in further detail in Section 1.7 of this SWMP Plan.

- The Village provides educational messages with information specific to nitrogen throughout the reporting period. As discussed above in Section 2.1.2.1, the Village distributes educational information via various mechanisms including through the Village's MS4 webpage, via newsletters, at kiosks, at the Village Hall, at the Community Center, through BECC meetings and BECC's Facebook page, and through the OBCSHPC. Considering these various mechanisms used to distribute educational messages, the Village includes information specific to nitrogen at a minimum of two (2) times a year. As discussed in Section 1.2.2, potential sources of nitrogen can be traced to sewage effluent and from stormwater runoff containing fertilizer. As a result, topics

[15] Bayville Environmental Conservation Commission Facebook Page. Available from https://www.facebook.com/BayvilleEnvironmentalConservationCommission/. Accessed November 2025.

specific to nitrogen within the educational messages include BMPs for septic system maintenance and yard care/landscaping.

2.1.3 Future Compliance Requirements and Timeframes

The following future compliance requirements are organized by their respective timeframes in accordance with the MS4 General Permit. These compliance requirements will be identified, developed and/or implemented, as applicable, into the Village's SWMP Plan by their required timeframe.

2.1.3.1 Part VI Requirements for Traditional MS4s

3 years

- Identify and document focus area(s);
- Identify and document target audience(s) and associated pollutant generating activities for each focus area;
- Identify and document the education and outreach topics and how the education and outreach topics will reduce the potential for pollutants to be generated by the target audience(s) for the focus area(s).
- Annually review and update the focus areas, target audiences, and/or education and outreach topics.

5 years

- After the focus areas are identified, once within the 5-year permit term, deliver one (1) educational message to each target audience(s) for each focus area based on the education and outreach topic(s).
- After the focus areas are identified, once within the 5-year permit term, reassess method(s) used to distribute educational messages.

2.1.3.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no future compliance requirements for this MCM.

Nitrogen

- N/A – no future compliance requirements for this MCM.

2.2 MCM 2: Public Participation/Involvement

2.2.1 Description of Minimum Control Measure

MCM 2 focuses on providing the opportunity to involve the public in development, review and implementation of the SWMP Plan. The MCM compliance to date includes a number of practices designed to seek public input on the SWMP Plan and MS4 Annual Report. It also describes additional activities hosted by the Village and OBSCHPC that encourage public participation beyond the permit requirements. See a full description of permit requirements for this MCM in Appendix E (MS4 General Permit).

2.2.2 MCM Compliance to Date

2.2.2.1 Part VI Requirements for Traditional MS4s

- The Village provides the opportunity for public involvement/participation in the development and implementation of the SWMP Plan via the Village's MS4 Webpage and Village Hall year-round. Specifically, the Village's MS4 Annual Reports and SWMP Plan are posted on the Village's MS4 webpage with instructions on how to submit comments on these documents. Comments on the MS4 Annual Reports and SWMP Plan are directed to the Village's Stormwater Program Coordinator (see Section 1.3.1 for the current Stormwater Program Coordinator's contact information for reference). Hard copies of the MS4 Annual Reports and SWMP Plan are also made available at the Village Hall where the public can submit comments to the Stormwater Program Coordinator in person. There have not been any comments submitted on the SWMP Plan or MS4 Annual Reports as of November 2025. Should the Village receive comments in the future, a summary of these comments would be provided in this section of the SWMP Plan, and the SWMP Plan would be updated based on the comments received as appropriate.

- The Village mainly utilizes the MS4 webpage to inform the public of the opportunity for their involvement/participation in the development and implementation of the SWMP Plan and how they can become involved.

- The Stormwater Program Coordinator is the local point of contact to receive and respond to public concerns regarding stormwater management and compliance with permit requirements. See Section 1.3.1 for the current Stormwater Program Coordinator's contact information.

- The Village also provides additional public participation opportunities related to improving stormwater quality. These opportunities are as follows:

    - The Village maintains its membership with the OBCSHPC, allowing the Village and the public to participate in various OBCSHPC programs (i.e., Community Shellfish Gardening program).

    - The BECC announces current and future stormwater related initiatives residents can participate in/utilize such as oyster gardening, community cleanup events, the electronic take back and disposal Earth Day event, the pharmaceutical take-back kiosk, and paint recycling programs.

    - The Village provides information on the Rain Garden App developed by CLEAR on the MS4 webpage. The app educates homeowners on basic information about rain gardens and how to install rain gardens on their property.

2.2.2.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no additional compliance requirements for this MCM.

Nitrogen

- N/A – no additional compliance requirements for this MCM.

2.2.3 Future MCM Compliance Requirements and Timeframes

2.2.3.1 Part VI Requirements for Traditional MS4s

- N/A – no future compliance requirements for this MCM.

2.2.3.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no future compliance requirements for this MCM.

Nitrogen

- N/A – no future compliance requirements for this MCM.

2.3 MCM 3: Illicit Discharge Detection and Elimination

2.3.1 Description of Minimum Control Measure

MCM 3 consists of developing and implementing a program that detects, tracks down and eliminates illicit discharges to the MS4. The program must include a legal authority mechanism that will be used to effectively prohibit illicit discharges; enforce procedures and actions to ensure that the regulatory mechanism is implemented; implement a dry weather screening program; establish procedures for tracking down and locating the source of an illicit discharge; maintain an inventory of priority areas; and establish procedures for removing the source of the illicit discharge. See a full description of permit requirements for this MCM in Appendix E (MS4 General Permit).

2.3.2 MCM Compliance to Date

2.3.2.1 Part VI Requirements for Traditional MS4s

- The Village adopted an ordinance that prohibits illicit discharges to the Village's stormwater system and has continued to enforce the ordinance since its adoption in October 2007. See Article I, Illicit Discharges, in Chapter 63A, Storm Sewers, of the Village's code.[16] The Village chose to adopt their local law based on NYSDEC's Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, April 2006 (NYSDEC Model IDDE Local Law 2006). The legislative intent of the ordinance, as described in Chapter 63A, is the following:

  A. To meet the requirements of the MS4 General Permit, as amended and revised;

  B. To regulate the contribution of pollutants to MS4s, since such systems are not designed to accept, process, or discharge nonstormwater wastes;

  C. To prohibit unauthorized and illicit connections, activities, and discharges to the Village's MS4;

  D. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this article; and

  E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment, and other pollutants into MS4s.

  The ordinance also details the Village's ERP, which describes the action(s) to be taken by the Village for violations that the Village has enacted for illicit discharges. See Section 1.7.1 and Appendix D for further details on the ERP.

- As discussed in Section 1.3.2 of this SWMP Plan, the Village identified the Village Administrator & Clerk-Treasurer and Building Inspector as the contacts for the public to report illicit discharges in accordance with Part VI.C.1.a.i. of the MS4 General Permit. Refer to Section 1.3.2 for the contact information for these two (2) staff members.

- The Village engages Cornell Cooperative Extension (CCE) to implement an inspection and sampling program. The last inspection and sampling program was conducted between July and December of 2023, when 100% of the Village's outfalls were inspected during dry weather events. Each outfall was inspected at three (3) separate occasions, of which outfalls with standing

[16] Village of Bayville ECode, Chapter 63A Storm Sewers. Available from: https://ecode360.com/8987277. Accessed November 2025.

water that also had additional indicators of potential illicit discharges were sampled. Across all observations and field sampling events throughout this study period, it was concluded that illicit discharges were not occurring in the Village's MS4. See Appendix F for the full monitoring locations inspection and sampling program report prepared by CCE.

- As discussed in Section 1.7.1.1, there has been one (1) instance of non-compliance related to illicit discharges as of November 2025. On November 5, 2025, a discharge of greywater onto the street occurred in front of a residential property on East Slope Road in Bayville, NY, originating from a recreational vehicle. The violation was addressed immediately with a verbal warning, and compliance was corrected forthwith. This event has been documented in the SWMP Plan using the ERP MS4 Enforcement Tracking Sheet (see Appendix D).

- Village staff involved in illicit discharge detection and elimination (IDDE), dry weather outfall inspections, or any staff members with responsibilities which may involve their observing a potential illicit discharge when working in the field, utilizes IDDE training available through the OBCSHPC. The Village documents and updates annually the names, titles, and contact information for the individuals who have received training. The staff that has received IDDE training as of November 2025 is presented in Table 3 below.

Table 3: Village Staff that have Received IDDE Training

Name	Title	Contact Information
Doug Groth	Building Inspector	buildingdept@bayvilleny.gov
Giuseppe Sicuranza	Superintendent of Public Works	gsicuranza@bayvilleny.gov
Christopher Montell	Assistant Highway Supervisor	cmontell@bayvilleny.gov
Sal Astuto	Supervisor of Water Plant Operations	sastuto@bayvilleny.gov
Lee Kessler	Water Plant Operator	lkessler@bayvilleny.gov
Dave Petulla	Water Services	dpetulla@bayvilleny.gov

- According to the MS4 General Permit Part VI.C. within two (2) years of the permit term, MS4s must develop an illicit discharge detection, track down, and elimination program. In conformance with the MS4 General Permit, the Village has developed an IDDE program which is included in Appendix G.

2.3.2.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no additional compliance requirements for this MCM.

Nitrogen

- N/A – no additional compliance requirements for this MCM.

2.3.3 Future MCM Compliance Requirements and Timeframes

The following future compliance requirements are organized by their respective timeframes in accordance with the MS4 General Permit. These compliance requirements will be identified, developed and/or implemented, as applicable, into the Village's SWMP Plan by their required timeframe.

2.3.3.1 Part VI Requirements for Traditional MS4s

3 years

- Develop an inventory of monitoring locations

- Prioritize outfalls included in the monitoring locations inventory from high to low.

2.3.3.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

5 years

- Following the completion of Part VIII.C.1 in the MS4 General Permit (discussed below in Section 2.7.3.2), include on the MS4 outfall inventory the number of each item identified in Part VIII.C.1.b. of the MS4 General Permit for each associated MS4 outfall.

Nitrogen

5 years

- Following the completion of Part VIII.D.1 in the MS4 General Permit (discussed below in Section 2.7.3.2), include on the MS4 outfall inventory the number of each item identified in Part VIII.C.1.b. of the MS4 General Permit for each associated MS4 outfall.

2.4 MCM 4: Construction Site Stormwater Runoff Control

2.4.1 Description of Minimum Control Measure

MCM 4 consists of developing and implementing a program that ensures that construction sites resulting in land disturbance of greater than or equal to one acre are effectively controlled, as well as promotes the proper planning and installation of post-construction stormwater management practices. The program must include a legal authority mechanism that will be used to enforce procedures and actions to ensure compliance; require construction site operators to implement appropriate erosion and sediment controls, require construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site, enforce procedures for site plan review which incorporate the consideration of potential water quality impacts; and enforce procedures for site inspection and enforcement of control measures. See a full description of permit requirements for this MCM in Appendix E (MS4 General Permit).

2.4.2 MCM Compliance to Date

2.4.2.1 Part VI Requirements for Traditional MS4s

- The Village adopted a Stormwater Control ordinance and has continued to enforce the ordinance since its adoption in October 2007. See Articles I – II, Stormwater Management and Erosion Sediment Control and Administration and Enforcement, in Chapter 63B, Stormwater Control, of the Village's code.[18] The Village chose to implement their local law based on NYSDEC's Sample Local Law for Stormwater Management and Erosion & Sediment Control, March 2006 (NYS DEC Sample SM and E&SC Local Law 2006). The purpose of the ordinance, as described in Chapter 63B, is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 63B-1 hereof. The ordinance seeks to meet those purposes by achieving the following objectives:

  A. To meet the requirements of MCM 4 and 5 of the MS4 General Permit, as amended or revised;

  B. To require land development activities to conform to the substantive requirements of the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, or as amended or revised;

  C. To minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

  D. To minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

  E. To minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

  F. To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

  The ordinance outlines the components that comprise of the Village's program applicable to MCM 4. These program components are in accordance with the SPDES General Permit for

[18] Village of Bayville ECode, Chapter 63A Storm Sewers. Available from: https://ecode360.com/8987446#8987446. Accessed November 2025.

Construction Activities, New York Standards and Specifications for Erosion and Sediment Control November 2016, and New York State Stormwater Management Design Manual, January 2015, as applicable. A summary of the components of the program outlined in the ordinance include:

- SWPPP review and approval
- Erosion and sediment control (E&S) requirements
- Stormwater design requirements
- Construction inspection requirements
- Performance guarantee
- Enforcement and penalties

Regarding enforcement and penalties, the ordinance also details the Village's ERP, which describes the action(s) to be taken by the Village for violations that the Village has enacted for construction. See Section 1.7.2 and Appendix D for further details on the ERP.

- As discussed in Section 1.3.2 of this SWMP Plan, the Village Administrator & Clerk-Treasurer and Building Inspector were identified as the contacts for the public to report complaints related to construction stormwater activity in accordance with Part VI.D.2.a of the MS4 General Permit. Refer to Section 1.3.2 for the contact information for these two (2) staff members.
  - As of November 2025, there have not been any reports of construction site complaints within the Village.
- Construction Oversight Program: A summary of the Village's Construction Oversight Program is described in Table 1 within Appendix H. Compliance with the Construction Oversight Program requirement may be via adopted ordinance or an existing program. Where an adopted ordinance is the compliance mechanism, a link to the ordinance section has been provided in Appendix H. Where an existing program is the compliance mechanism, a description of the program is provided.
- There is currently one (1) active construction sites requiring a SWPPP within the Village as of November 2025. The site is located at 37 Bayville Avenue. This inventory will be updated annually if construction projects are approved or completed pursuant to VI.D.4.a-b of the MS4 General Permit.
- The one (1) active construction site located at 37 Bayville Avenue has been prioritized as high in accordance with VI.D.5.a of the MS4 General Permit. As construction projects are approved, they will be prioritized pursuant to VI.D.5.a of the MS4 General Permit and documented in this SWMP Plan.
- The Village's Building Inspector is the only individual at the Village responsible for reviewing SWPPPs for acceptance and conducting construction site inspections. Further, the Village engages H2M to assist with SWPPP review and approval as needed. Both the building inspector, and professional engineers from H2M who review SWPPPs submitted to the Village, have received the four (4) hour NYSDEC endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other Department endorsed entity. See Table 4 for the Village staff that have received the required training. Should there be additional Village staff responsible for SWPPP acceptance and/or construction site inspections in the

Village, these individuals would be required to receive NYSDEC's endorsed E&S training prior to conducting SWPPP reviews and/or inspecting construction sites and would be added to the inventory in Table 4.

Table 4: Village Staff that have Received E&S Training		
Name	Title	Contact Information
Doug Groth	Building Inspector	buildingdept@bayvilleny.gov

2.4.2.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no additional compliance requirements for this MCM.

Nitrogen

- As discussed above in Section 2.4.2.1, the Village currently has one (1) active construction site requiring a SWPPP that has been prioritized as high pursuant to VI.D.5.a of the MS4 General Permit. As a high priority site within a nitrogen-impaired watershed, the Village inspects this site in accordance with enhanced requirements: once during active construction following the pre-construction meeting, and every 90 days thereafter. All inspection records are maintained as part of this SWMP Plan and are available upon request by the Village's Building Inspector.

- As new construction projects are approved, they will be prioritized pursuant to VI.D.5.a of the MS4 General Permit and documented in this SWMP Plan. If any of these sites are determined to be high priority, the Village will inspect them in accordance with the same enhanced nitrogen-related timeframes (once after the pre-construction meeting and every 90 days during active construction).

2.4.3 Future MCM Compliance Requirements and Timeframes

2.4.3.1 Part VI Requirements for Traditional MS4s

- N/A – no future compliance requirements for this MCM.

2.4.3.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no future compliance requirements for this MCM.

Nitrogen

- N/A – no future compliance requirements for this MCM.

2.5 MCM 5: Post-Construction Stormwater Management

2.5.1 Description of Minimum Control Measure

MCM 5 consists of developing and implementing a program that ensures proper operation and maintenance (O&M) of post-construction stormwater management practices (SMPs) for new development and redevelopment projects. While MCM 4 addresses stormwater runoff during construction activities, MCM 5 is designed to promote the long-term performance of post-construction SMPs in removing pollutants from stormwater runoff. See a full description of permit requirements for this MCM in Appendix E (MS4 General Permit).

2.5.2 MCM Compliance to Date

2.5.2.1 Part VI Requirements for Traditional MS4s

- Similar to MCM 4, the compliance program for MCM 5 is through enforcement of the Village's Stormwater Control that was adopted in October 2007. See Articles I – II, Stormwater Management and Erosion Sediment Control and Administration and Enforcement, in Chapter 63B, Stormwater Control, of the Village code.[19] As discussed in Section 2.4.2.1 of this SWMP Plan, the Village chose to adopt their local law based on NYSDEC's Sample Local Law for Stormwater Management and Erosion & Sediment Control, March 2006 (NYS DEC Sample SM and E&SC Local Law 2006). The purpose and objectives of the ordinance are described in Section 2.4.2.1 of this SWMP Plan. The ordinance outlines the components that comprise of the Village's program applicable to MCM 5. These program components are in accordance with the SPDES General Permit for Construction Activities, New York Standards and Specifications for Erosion and Sediment Control November 2016, and New York State Stormwater Management Design Manual, January 2015, as applicable. The components of the program outlined in the ordinance that are applicable to MCM 5 include:

    - SWPPP review and approval
    - Stormwater design requirements
    - Post-construction inspection requirements
    - Performance guarantee
    - Enforcement and penalties

    Regarding enforcement and penalties, the ordinance also details the Village's ERP, which describes the action(s) to be taken by the Village for violations that the Village has enacted for post-construction. See Section 1.7.2 and Appendix D for further details on the ERP.

- Inventory of post-construction SMPs: There are (3) rain gardens located on Village property. The Village also installed green infrastructure practices in the form of permeable pavers at the Village Community Center. These SMPs are inspected and maintained twice per year

- Post-Construction Inspection and Maintenance Program: A summary of the Village's Post-Construction Inspection and Maintenance Program is described in Table 2 within Appendix H. Compliance with the Post-Construction Inspection and Maintenance Program requirement may be via adopted ordinance or an existing program. Where an adopted ordinance is the compliance

[19] Village of Bayville ECode, Chapter 63A Storm Sewers. Available from: https://ecode360.com/8987446#8987446. Accessed November 2025.

mechanism, a link to the ordinance section has been provided in Appendix H. Where an existing program is the compliance mechanism, a description of the program is provided.

- The Village's Building Inspector and Assistant Highway Supervisor are responsible for inspecting and maintaining post-construction SMPs. The Village would engage H2M to assist with inspecting post-construction SMPs as needed. The Building Inspector, Assistant Highway Supervisor and professional engineers from H2M, have received the NYSDEC endorsed training. The Building Inspector and Assistant Highway Supervisor are trained on the Village's post-construction SMPs maintenance procedures. See Table 5 for the Village staff that have received the required training. Should there be additional Village staff responsible for inspecting and maintaining post-construction SMPs in the Village, these individuals would be required to receive NYSDEC's endorsed training and training on the Village's post-construction SMPs maintenance procedures prior to conducting any post-construction SMP inspection/maintenance and would be added to the inventory in Table 5.

Table 5: Village Staff that have Received Post-Construction SMPs Inspection and Maintenance Training

Name	Title	Contact Information
Doug Groth	Building Inspector	buildingdept@bayvilleny.gov
Christopher Montell	Assistant Highway Supervisor	cmontell@bayvilleny.gov

2.5.2.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no additional compliance requirements for this MCM.

Nitrogen

- N/A – no additional compliance requirements for this MCM.

2.5.3 Future MCM Compliance Requirements and Timeframes

The following future compliance requirements are organized by their respective timeframes in accordance with the MS4 General Permit. These compliance requirements will be identified, developed and/or implemented, as applicable, into the Village's SWMP Plan by their required timeframe.

2.5.3.1 Part VI Requirements for Traditional MS4s

5 years

- The following information must be included in the post-construction SMPs inventory:
    - Street address or tax parcel;
    - Type
    - Receiving waterbody name and class
    - Receiving waterbody WI/PWL Segment ID
    - Date of installation (if available) or discovery;
    - Ownership;

- Responsible party for maintenance;
- Contact information for party responsible for maintenance;
- Location of documentation depicting O&M requirements and legal agreements for post-construction SMP;
- Frequency for inspection of post-construction SMP, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP
- Reason for installation (e.g., new development, redevelopment, retrofit, flood control), if known;
- Date of last inspection;
- Inspection results; and
- Any corrective actions identified and completed.

2.5.3.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no future compliance requirements for this MCM.

Nitrogen

- N/A – no future compliance requirements for this MCM.

2.6 MCM 6: Pollution Prevention and Good Housekeeping

2.6.1 Description of Minimum Control Measure

MCM 6 consists of developing and implementing a pollution prevention and good housekeeping program for municipal facilities and municipal operations to minimize pollutant discharges. Facilities include but are not limited to municipally owned or operated streets/rights-of-way, parks, stormwater infrastructure, buildings, salt storage facilities and other public works facilities. See Section 1.5 of this SWMP Plan for an inventory of municipal facilities. Operations and maintenance activities include but are not limited to street/right-of-way maintenance, winter road maintenance and salt storage, solid waste management, parks and open space maintenance, municipal building maintenance, stormwater infrastructure maintenance, and vehicle and fleet maintenance. The program includes BMPs, policies and procedures; prioritization of efforts based on geographic areas of concern and facilities/operations in most need of improvement; employee training on pollution prevention/good housekeeping techniques; and requiring municipal contractors to also implement pollution prevention and good housekeeping practices. See a full description of permit requirements for this MCM in Appendix E (MS4 General Permit).

2.6.2 MCM Compliance to Date

2.6.2.1 Part VI Requirements for Traditional MS4s

- At a minimum frequency of once every five (5) years, the Village completes a self-assessment of all municipal facilities/operations and BMPs discussed below. Documentation of these self-assessments is prepared utilizing the Village's self-assessment checklist.

- The Villages existing BMPs are discussed below and organized by municipal operation.

  Street / Right-of-Way Maintenance

  - The Village's Street sweeper cleans Village streets and parking lots at a minimum of twice per year and at least once between the months of April and October. Debris from the street sweepings (eg. salt, sand, leaves) is collected and discarded by Winters Brothers Waste Management Company and is disposed of at proper disposal sites.

  Bridge Maintenance

  - The bridges located within the Village are not located on Village owned roads. Thus, this municipal operation is not applicable to the Village.

  Winter Road Maintenance and Salt Storage

  - Village staff perform winter roadway maintenance and salt storage. The Village's salt storage shed is permitted by the NYSDEC and the salt is contained until it is needed for de-icing activities.

  Solid Waste Management

  - The Village enforces several ordinances related to solid waste management including the following: ordinances that require residents to properly contain solid waste prior to it being picked up by the Village; a recycling ordinance which establishes a program for the mandatory separation of recyclables from solid waste within the Village; and an ordinance that prohibits throwing or depositing litter or any other material within the Village or in bodies of water. See Section 1.7.3 of this SWMP Plan for further detail. These ordinances reduce the amount of solid waste generated, resulting in less solid waste to be collected by the Village.

- The Village is responsible for collecting trash twice a week and recyclables once a week from residents. These materials are collected and delivered by the Village to Winters Bros at 100 Morris Ave, Glen Cove, NY 11542. Refuse is then sent to transfer stations, recycling plants and landfills by Winters Bros as applicable.

New Municipal Construction and Land Disturbance

- The Village installed green infrastructure practices on Village property including rain gardens and permeable pavers. These practices are inspected and maintained approximately twice a year.

Marine Operations

- The Creek Marina is owned by the Village and operated by the Village's Public Works Department and Boating Committee. Members of the Village's Boating Committee are appointed by the Mayor and Board of Trustees. Committee members inspect the marina frequently and if issues arise, they are handled and addressed by the Boating Committee and the Stormwater Program Coordinator.

- The Bridge Marine is located within the Village and is privately owned and operated. However, the Village enforces an ordinance that prohibits the discharging of toilets and the dumping of oil, refuse, garbage, waste or sewage into the waters of the Village. See Section 1.7.3 of this SWMP Plan for further detail.

Parks and Open Space

- The Village provides pet waste bags for public use at six (6) locations on Village property, including all the parks, and along Bayville Avenue.

- The Village prohibits the use of fertilizers and pesticides on public property.

- Accumulated trash and debris at Village parks is removed when necessary, by the Department of Public Works.

- The Village enforces ordinances that prohibit the feeding of waterfowl and pigeons, in addition to requiring the immediate and proper disposal of pet waste (See Section 1.7.3 of this SWMP Plan).

Municipal Building

- Each Village department is responsible for maintenance activities required inside and outside of the building(s) they operate from and identifying which activities have an impact on stormwater. The departments maintain safety data sheets and proper hazardous waste materials management is performed.

Stormwater System Maintenance

- Village's catch basins, stormwater inlet structures, manholes and open ditches are routinely cleaned approximately once a year. The Village currently utilizes Earth Repair, LLC to complete portions of the stormwater system infrastructure cleaning and repair and maintains a Third-Party Certification with this contractor.

Vehicle and Fleet Maintenance

- The Village currently utilizes Fleet Wash to clean Village owned vehicles and maintains a Third-Party Certification with this contractor. Vehicles and equipment are washed using methods to prevent discharge of pollutants to the municipal storm sewer system or local waterbodies.
- Minor maintenance and repair of the Village's fleet is done by outside contractors on Village property and truck maintenance is done by outside contractors offsite.
- Vehicles are maintained according to manufacturer's specifications and vehicle operators conduct frequent inspections of vehicles to identify and eliminate fluid leaks, and schedule repairs as needed.
- The Village conducts maintenance indoors whenever possible. For maintenance performed outside, operators guard against spillage of materials that could discharge to storm receivers.
- If possible, operators seal floor drains that discharge directly to the environment.
- Spilled materials are cleaned up immediately, using "dry" methods such as SpeedyDry.

Hazardous and Waste Materials Management

- All hazardous materials are stored in closed, labeled containers. If stored outside, drums are placed on pallets, away from storm receivers. Inside storage areas are located away from floor drains.
- Secondary containment devices are used where appropriate and inspected.
- Materials are recycled if possible, or properly disposed of.
- Material storage areas are inspected.
- Any leaking/defective containers, caps, and covers are repaired or replaced as necessary.

Spill Response and Prevention

- The Village's conducts annual inspections to confirm no chemical spills/leaks are occurring at their existing water supply facilities. The Village utilizes chemical bulk storage spill prevention reports to document these inspections.
- The Village implements spill response procedures to ensure stormwater quality protection measures are considered during spill response events.
- Employees receive training on spill response.
- The Village maintains spill prevention equipment.
- The following is inspected: container leaks, areas near storm receiver inlets and outlets, and floor drains.
- Drains are protected with oil absorbent materials.

- Spilled salt is removed from the salt loading area.

- According to the MS4 General Permit Part VI.F. within two (2) years of the permit term, MS4 must develop a municipal facilities inventory. The Village has developed a municipal facilities inventory which is included in Appendix I.

2.6.2.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- As discussed above in Section 2.6.2.1 under Street / Right-of-Way Maintenance the Village's street sweeper cleans Village streets and parking lots at a minimum twice a year and at least once between the months of April and October. That includes all streets located in sewersheds discharging to pathogen impaired segments. The Village ensures these streets are swept annually between the months of April and October.

- As discussed in Section 2.3.2.1, the Village inspected all of their outfalls in 2023. No outfalls required repairs. Should the Village identify outfalls in need of repair or maintenance during the next round of inspections, within six (6) months of the outfall inspection, the Village would initiate actions to repair all outfall protection and/or bank stability problems identified during the inspection. Repairs would be completed in accordance with the New York Standards and Specifications for Erosion and Sediment Control November 2016 and documented in this SWMP Plan.

- Municipal facilities with nuisance bird populations that have the potential to contribute pathogens have been identified as the ball fields on West Harbor Beach.

- Signage has been made available at municipal facilities (West Harbor Beach) with nuisance bird populations that have the potential to contribute pathogens, instructing the public not to feed wildlife.

- Accumulated trash and debris are removed from municipally owned facilities when necessary by the Village's Sanitation Department to eliminate potential food sources for wildlife.

- The Village evaluated the effectiveness of existing deterrents, population controls, and other measures in place that reduce bird related pathogen contributions. The Village found that existing measures were effective as of November 2025.

- Dog waste receptacles have been made available in areas where pets/domestic animals may frequent.

Nitrogen

- As discussed above in Section 2.6.2.1 under Street / Right-of-Way Maintenance the Village's street sweeper cleans Village streets and parking lots at a minimum of twice a year and at least once between the months of April and October. That includes all streets located in sewersheds discharging to nitrogen impaired segments. The Village ensures these streets are swept annually between the months of April and October.

- As discussed in Section 2.3.2.1, the Village inspected all of their outfalls in 2023. No outfalls required repairs. Should the Village identify outfalls in need of repair or maintenance during the next round of inspections, within six (6) months of the outfall inspection, the Village would initiate actions to repair all outfall protection and/or bank stability problems identified during the inspection. Repairs would be completed in accordance with the New York Standards and

Specifications for Erosion and Sediment Control November 2016 and documented in this SWMP Plan.

2.6.3 Future MCM Compliance Requirements and Timeframes

The following future compliance requirements are organized by their respective timeframes in accordance with the MS4 General Permit. These compliance requirements will be identified, developed and/or implemented, as applicable, into the Village's SWMP Plan by their required timeframe.

2.6.3.1 Part VI Requirements for Traditional MS4s[20]

3 years

- Municipal facility program
    - Municipal facility procedures
    - Training provisions for the MS4 Operator's municipal facility procedures
    - Names, titles, and contact information for the individuals who have received municipal facility procedures training
    - The municipal facility procedures were reviewed and updated
- The municipal facility prioritization was updated in the inventory
- Municipal operations program
- Municipal operations procedures
    - Training provisions for the MS4 Operator's municipal operations procedures
    - Names, titles, and contact information for the individuals who have received municipal operations procedures training
    - The municipal operations procedures were reviewed and updated

5 years

- Completed comprehensive site assessments (e.g., the completed Municipal Facility/Operation Assessment Forms) for high priority municipal facilities
- Completed comprehensive site assessments (e.g., the completed Municipal Facility/Operation Assessment Forms) for low priority municipal facilities.

2.6.3.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no future compliance requirements for this MCM.

[20] The Village has components of the future requirements already implemented as discussed throughout the SWMP Plan. The Village will review the existing programs in place and update as needed by the required timeframes

Nitrogen

- N/A – no future compliance requirements for this MCM.

2.7 Comprehensive MS4 Mapping

The Village has developed comprehensive system mapping in accordance with the MS4 General Permit. The comprehensive system mapping is updated as needed.

2.7.1 Description of Mapping

Although mapping is not considered an MCM, the mapping requirements outlined in the MS4 General Permit supports various MCMs by maintaining an inventory of the Village's natural (eg. topography) and manmade (eg. drainage infrastructure) resources that comprise of the Village's MS4. The Village is required to comply with the mapping requirements outlined in Part IV.D of the MS4 General Permit. The below sections discuss the existing mapping the Village has prepared to date, in addition to the future mapping requirements that must be completed within the 5-year permit term.

2.7.2 Existing Mapping to Date

2.7.2.1 Part IV.D Requirements for all MS4s

In compliance with Part IV.D.1 of the MS4 General Permit, the Village completed the mapping of the following information by July 2024:

- MS4 outfalls
- Interconnections
- Preliminary storm-sewershed boundaries
- MS4 infrastructure, including:
    - Conveyance system
        - Type (closed pipe or open drainage);
        - Conveyance description for closed pipes (material, shape, dimensions);
        - Conveyance description for open drainage (channel/ditch lining material, shape, dimensions); and
        - Direction of flow;
- Culvert crossings (location and dimensions)
- Stormwater structures
    - Type (drop inlet, catch basin, or manhole); and
    - Number of connections to catch basins, and manholes;
- Basemap information:
    - Automatically and additionally designated areas (based on criterion 3 of Additional Designation Criteria in Appendix B);
    - Names and location of all surface waters of the State, including:

        - Waterbody classification
        - Waterbody Inventory/Priority Waterbodies List (WI/PWL);
            - Impairment status; and
            - POC, if applicable;
        - TMDL watershed areas;
    - Land use
    - Roads
    - Topography

Refer to Appendix A, Figures 1 through 4, for maps that contain the above information.

2.7.2.2 Part VIII Enhanced Requirements for Impaired Waters

Pathogens

- N/A – no additional compliance requirements for this MCM.

Nitrogen

- N/A – no additional compliance requirements for this MCM.

2.7.3 Future Mapping Requirements and Timeframes

The following future compliance requirements are organized by their respective timeframes in accordance with the MS4 General Permit. These compliance requirements will be identified, developed and/or implemented, as applicable, into the Village's SWMP Plan by their required timeframe.

2.7.3.1 Part IV.D Requirements for all MS4s

3 years

- Monitoring locations, with associated prioritization
- Focus areas
- Publicly owned/operated post-construction stormwater management practices (SMPs)
- Municipal facilities, with associated prioritization

5 years

- Privately owned/operated post-construction SMPs which discharge to the MS4[22]

[22] If the location of the privately-owned post-construction SMPs cannot be determined without accessing the private property, the MS4 must map the location of the property that the post-construction SMP is located on using street address or tax parcel.

2.7.3.2 Part VIII Enhanced Requirements for Impaired Waters[23]

Pathogens

3 years

- MS4 infrastructure mapping requirements (Part IV.D.2.b.i. of the MS4 General Permit) and sewersheds for each MS4 outfall.
- The following information for each MS4 outfall:
    - Areas with a history of sanitary sewer overflows;
    - Waterfowl congregation areas on municipal property or right of way;
    - Areas where pets/domestic animals may frequent (i.e., public trails, dog
    - parks, and zoos); and
    - Waste disposal areas (e.g., active landfills, transfer stations).

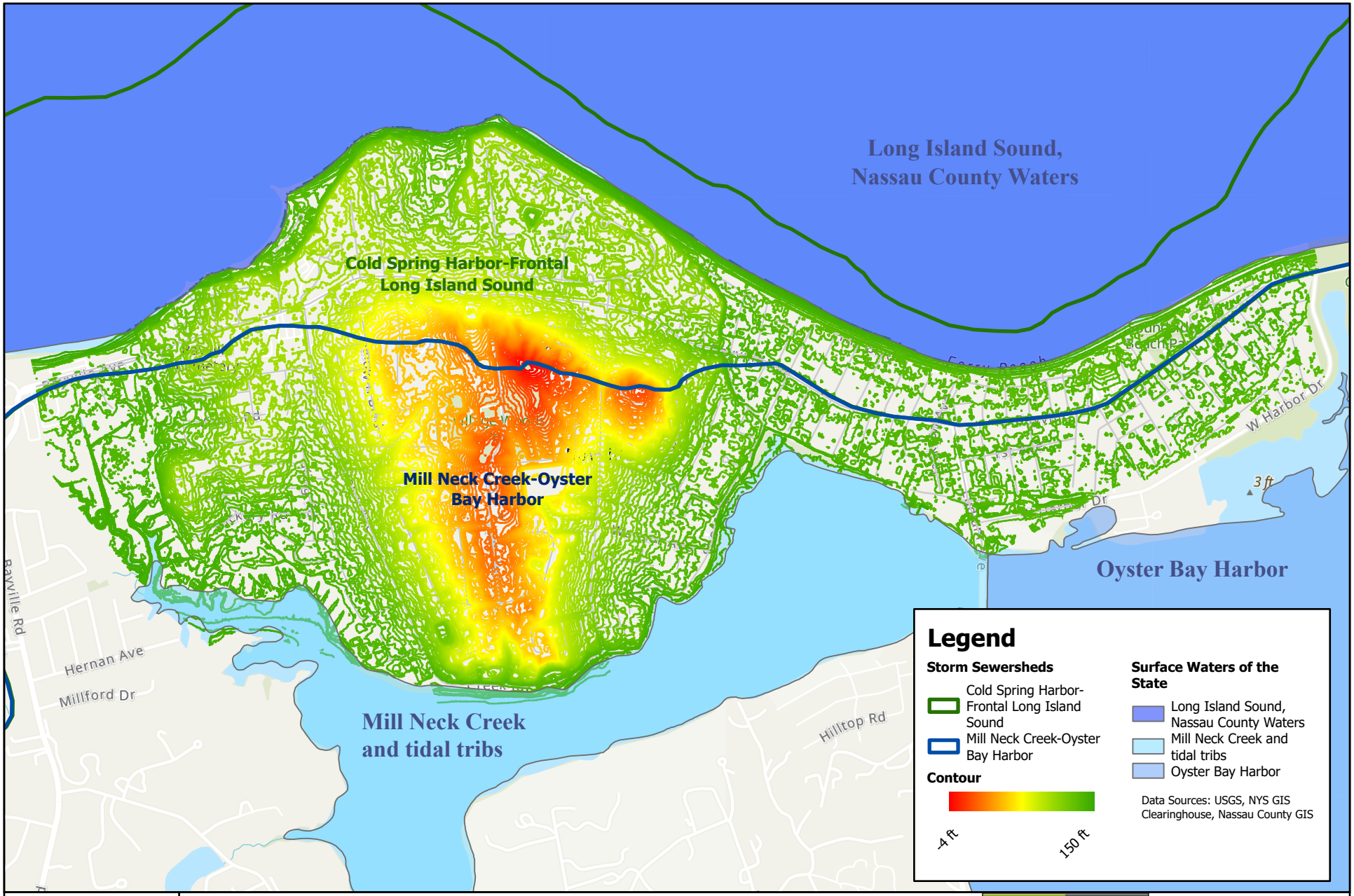
Nitrogen

3 years

- MS4 infrastructure mapping requirements (Part IV.D.2.b.i. of the MS4 General Permit) and sewersheds for each MS4 outfall.
- The following information for each MS4 outfall:
    - Retail and wholesale plant nurseries (including big box stores);
    - Commercial lawn care facilities; and
    - Golf courses.

[23] The mapping requirements in Section 2.7.3.2 must be mapped in Geographic Information Systems (GIS).

Appendix A – Figures



N

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FIGURE 1

Topography, Waterbodies, and Preliminary Sewersheds

July 2024

H2M architects + engineers

Incorporated Village of Bayville, NY

FIGURE 2

Zoning Map

Zoning Classifications
CODE

- Residence B
- Residence C
- Residence D
- Residence E
- Residence F
- Business
- Park District

Created in accordance with comprehensive plan enacted by Inc. Village of Bayville, Local Law 11-1985

Updated to reflect amendments recorded in Village Code sections 43-6 and 80-5.

GIS Basemap copyright:
Nassau County GIS 2020
Printed: October 2022

H2M architects + engineers

538 Broad Hollow Road
Melville, NY 11747
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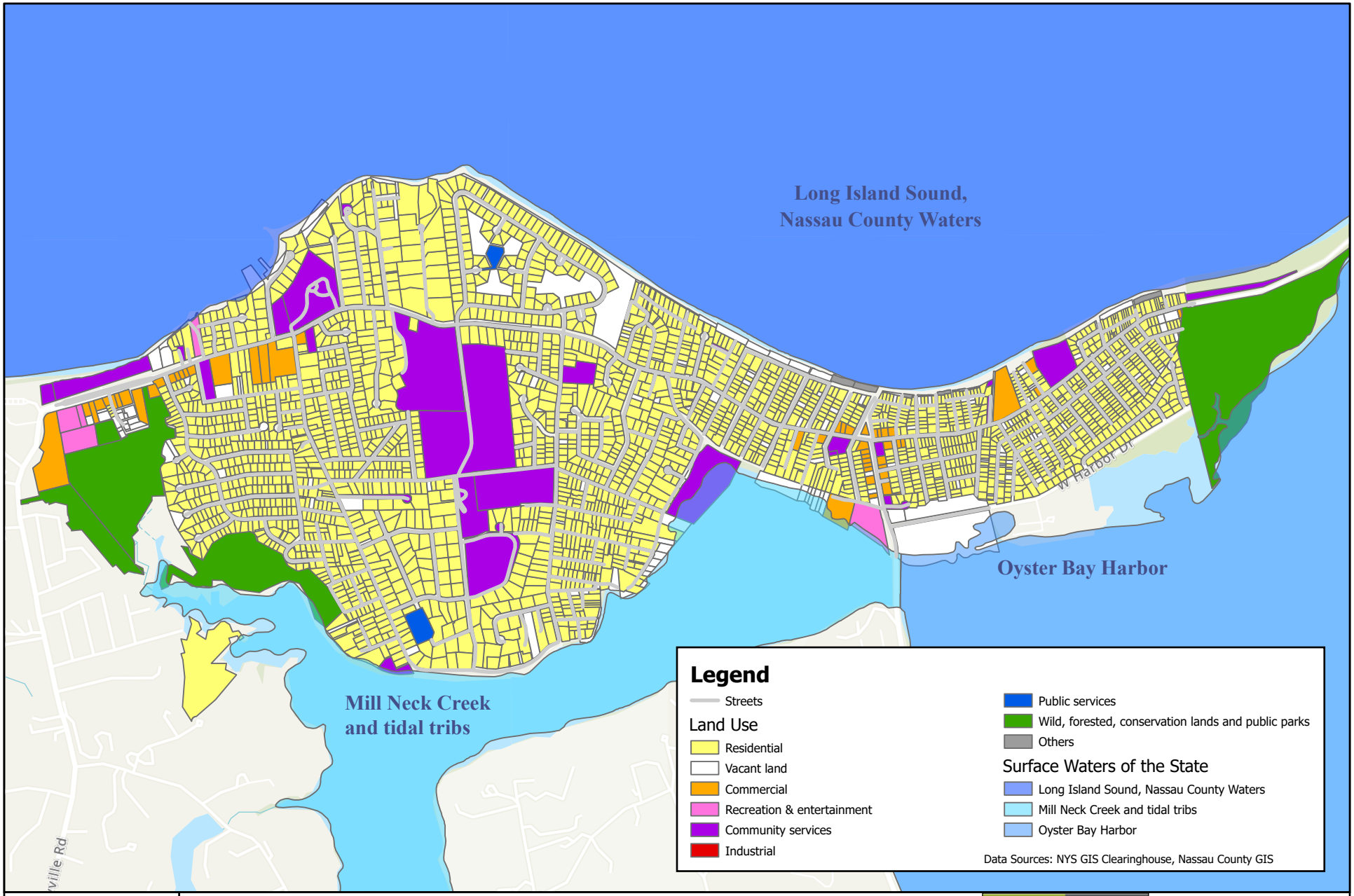
F:(631)694-4122

Melville, NY 11747
New York, NY 10018
Riverhead, NY 11701
Troy, NY 12180
Pembroke Pines, FL 33027
Suffern, NY 10901
Westchester, NY 10577
Parsippany, NJ 07054
Wall Township, NJ 07753
Windsor, CT 06095



N

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FIGURE 3
Land Use
July 2024

H2M architects + engineers

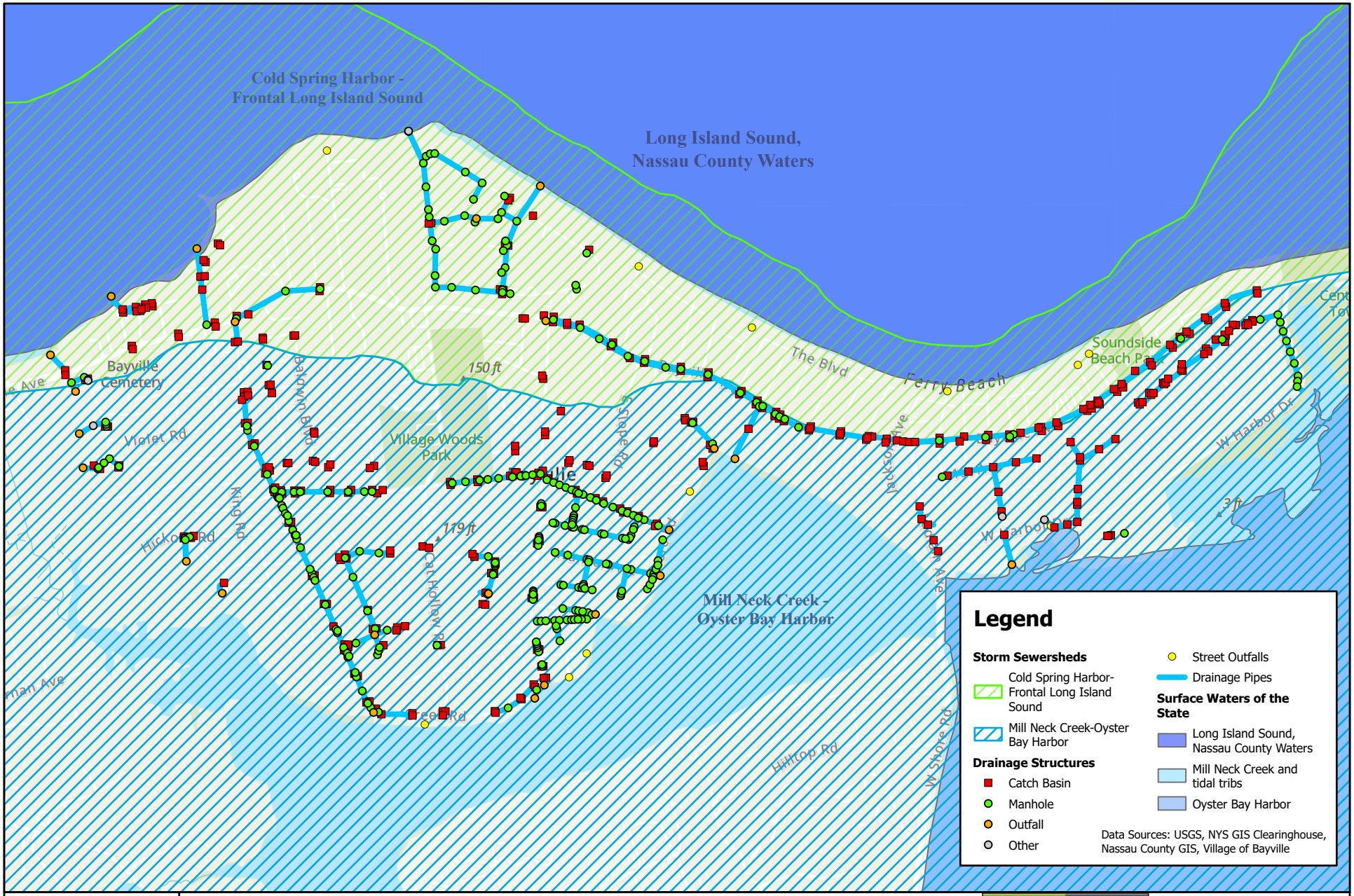

FIGURE 4
Preliminary Sewersheds and MS4 Infrastructure
July 2024

H2M architects + engineers

Appendix B – Notice of Intent (NOI)

MS4 Notice of Intent

version 1.0

(Submission #: HQ0-D8ET-RHGWN, version 1)

Details

Alternate Identifier NYR20A304

Submission ID HQ0-D8ET-RHGWN

Form Input

MS4 Operator Information

MS4 Operator

The MS4 Operator is the person, persons, or legal entity that obtains coverage and is responsible for the MS4.

Is this NOI for an MS4 Operator continuing coverage?
Yes

Permit ID #:
NYR20A304

MS4 Operator Type
Traditional land use control

Traditional Land Use Control

Traditional land use control MS4 Operator requirements are found in Part VI of the MS4 General Permit.

Municipality Name or Legal Entity Name
Village of Bayville

Legal Municipal/Entity Mailing address

34 School Street
Bayville, NY 11709
Nassau

Ranking Official

Official Title	First and Last Name	Phone	Email
Mayor	Steve Minicozzi	516-628-1439	SMINICOZZI@BAYVILLENY.GOV

NOI Preparer

NOI Preparer Title	First and Last Name	Phone	Email
Other: Consulant	Angelica Apolinaris	631-756-8000	aapolinaris@h2m.com

NAICS Codes

Federal, State or Local Government - 924110
Military Bases - 928110
Highway, road or other thoroughfare system - 237310
Large Hospitals - 622110
Public Colleges and Universities - 611310
Correctional Institutions - 922140

NAICS Code Lookup

NAICS Code
924110

Is the MS4 Operator working with other MS4 Operators to implement the Stormwater Management Program?
No

Does the MS4 Operator have any facilities that need to obtain MSGP coverage under MSGP permit?
No

MS4 Location Information

MS4 Facility Name
Village of Bayville MS4

On the map below, place the pin at the center of the MS4 Operator. This can be either the geographic center or the population center.

Central point of the MS4 Operator
40.9078392,-73.566327

Waterbody Information (1 of 3)

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.
Stormwater Interactive Map

Waterbody name and segment receiving MS4 Operator discharges
Mill Neck Creek and tidal tribs - 1702-0151

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
Yes

An MS4 discharging to a waterbody listed in Appendix C must meet the requirements of Part VIII. for the pollutant(s) of concern listed in Appendix C.

For which pollutant(s) of concern is the waterbody impaired?
Pathogens

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
No

Waterbody Information (2 of 3)

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.
Stormwater Interactive Map

Waterbody name and segment receiving MS4 Operator discharges
Oyster Bay Harbor - 1702-0016

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
Yes

An MS4 discharging to a waterbody listed in Appendix C must meet the requirements of Part VIII. for the pollutant(s) of concern listed in Appendix C.

For which pollutant(s) of concern is the waterbody impaired?
Pathogens

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
No

Waterbody Information (3 of 3)

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.
Stormwater Interactive Map

Waterbody name and segment receiving MS4 Operator discharges
Long Island Sound, Nassau County Waters - 1702-0028

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
Yes

An MS4 discharging to a waterbody listed in Appendix C must meet the requirements of Part VIII. for the pollutant(s) of concern listed in Appendix C.

For which pollutant(s) of concern is the waterbody impaired?
Pathogens
Nitrogen

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
No

CERTIFICATION

The MS4 Operator has read and understands the SPDES MS4 General Permit, GP-0-24-001, as it pertains to permit requirements as well as the timeframes for compliance set forth in the permit.
Yes

I am the ranking elected official or Principal Executive Officer for the MS4 Operator and will be signing the form electronically.
No

As a representative of the MS4 Operator, you cannot sign the Notice of Intent. Please download certification form from the link below. Have the Ranking Elected Official or Principal Executive Officer sign the certification form. Upload form to your computer and attach to this NOI.

This certification form must be signed and uploaded every time the NOI is submitted.
Certification Form

Attach completed certification form.
Bayville NOI Signed.pdf - 01/29/2024 11:03 AM
Comment
NONE PROVIDED

Appendix C – Third Party Certifications/Agreements with Entities Assisting in Permit Implementation

Oyster Bay Cold Spring Harbor Protection Committee (OBCSHPC)

OYSTER BAY COLD SPRING HARBOR
PROTECTION COMMITTEE

Oyster Bay/Cold Spring Harbor Protection Committee
Third Party Certification Statement

Pursuant to
Permit # GP-0-08-002 pg.12 Part IV.G MS4 Annual Report

In furtherance of the purposes set forth in establishing the Oyster Bay/Cold Spring Harbor Protection Committee ("Committee"), the Committee shall undertake, to the extent practicable, the following activities on behalf of its member municipalities within their collective jurisdictions in order to assist in the fulfillment of the NYS Phase II regulations (New York State Pollutant Discharge Elimination Systems ("SPDES") General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-08-002) provided that funds either from grants or member dues are available.

Scope of Work:

Activities and Deliverables ***may include but are not limited*** to the following:

Minimum Control Measure #1 (Public Education and Outreach):

Prepare and conduct a public education and outreach program including the preparation of brochures, portable displays, targeted mailings, press releases, articles for publication, an informational website, promotional give-ways, signage, and presentations to the community, business and/or stakeholder organizations.

Minimum Control Measure #2 (Public Involvement and Education):

Conduct public meetings for members of the public and stakeholders at critical junctures on major projects, develop and maintain e-mailing and postal mailing lists to keep appraised and involved in projects undertaken by the Committee, assist in oyster gardening, beach clean-ups and wetland plantings to the extent possible, conduct attitude and awareness surveys, maintain and foster interrelationships with community organizations, business organizations, recreation organizations, educational institutions, environmental organizations and various levels of governments.

Minimum Control Measure #3 (Illicit Discharge Detection and Elimination):

Support water quality monitoring to detect unexpected changes in water quality, record and report observations of identified or suspected illicit discharges to appropriate agencies, assist in and help coordinate responses to identified or suspected illicit discharges, and assist in the maintenance and updating of the county's storm drain GIS mapping system.

Minimum Control Measure #4 (Construction Site Stormwater Runoff Control):

Assist member municipalities in identifying available construction site stormwater runoff control measures, requirements and procedures, and report any observed instances of stormwater runoff from construction sites to the member municipality and/or appropriate agency or agencies.

Minimum Control Measure #5 (Post Construction Stormwater Management):

Assist member municipalities in identifying available post construction stormwater management control measures, requirements and procedures, and report any observed instances of post construction stormwater runoff to the member municipality and/or appropriate agency or agencies.

Minimum Control Measure #6 (Pollution Prevention/Good Housekeeping):

Assist member municipalities in identifying available pollution prevention/good housekeeping practices including but not limited to information on pet waste management, Canada Goose control, “Get Pumped! Long Island” onsite wastewater treatment homeowner education campaign, household hazardous waste programs, recycling programs, and making the Town of Oyster Bay’s “Don’t Feed the Quackers Crackers or Bread” video available.

Contracted Entity Certification Statement:

The Oyster Bay/Cold Spring Harbor Protection Committee understands that its member municipalities must comply with the requirements of the New York State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-08-002) and any successor permit, and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. The Committee agrees to provide, to the extent practicable, the above described services on behalf of its member municipalities in order to assist them in the fulfillment of New York State Phase II requirements provided that annual member dues and applied for grant funds (where applicable) are received.

	April 25, 2023
Signature	Date
Rob Crafa	**Coordinator**
Name	Title

Cornell Cooperative Extension (CCE)

MEMORANDUM OF UNDERSTANDING
Between
CORNELL COOPERATIVE EXTENSION OF SUFFOLK COUNTY
And
THE INCORPORATED VILLAGE OF BAYVILLE

Memorandum of Understanding (the "Agreement") dated 2/28/2023 by and between the Cornell Cooperative Extension of Suffolk County ("CCE"), a not-for-profit corporation organized pursuant to the laws of the State of New York located at 423 Griffing Ave., Suite 100, Riverhead, New York, 11901 and The Incorporated Village of Bayville ("Village") located at 34 School Street Bayville, NY 11709.

Article A. Scope of Service

The Cooperative Extension of Suffolk County shall:

1. Conduct the education services in accordance to a protocol agreed upon by both The Incorporated Village of Bayville ("Village") and CCE, said protocol being attached to this Agreement as "Exhibit A" and all terms thereof being hereby incorporated into this Agreement by reference.

2. The educational services will be conducted throughout the Incorporated Village of Bayville.

Article B. Village Responsibilities

The Incorporated Village of Bayville agrees to:

1. Pay Cornell Cooperative Extension of Suffolk County $9,791.00 to complete agreed upon educational services as outlined in Exhibit A. The Village will be invoiced approximately every 3 months and payment is due within 30 days of receipt of invoice.

Article C. Term of Agreement

This Agreement shall commence as of March 1st, 2023, and terminate February 28, 2024, or such later date as may be necessary for Cornell Cooperative Extension to complete its legal responsibilities.

Article D. Indemnification

INDEMNIFICATION

To the fullest extent permitted by law CCE shall defend, indemnify and hold harmless the Village their officers, trustees, directors and employees from and against any and all claims, demands, suits or causes of action that result from injury to any person, including death, or damage to or loss of tangible property arising from the negligent acts or omissions of CCE, its employees or agents in connection with this Agreement.

Article E. Miscellaneous Provisions

1. To facilitate successful administration of this Agreement, each party will designate a principal representative.

2. The parties maintain ongoing communications to coordinate the implementation of tasks outlined in Exhibit A.

3. This Agreement shall not be assigned without the prior written approval of the Village.

4. Modifications to this Agreement shall be in writing signed by the parties.

5. Notices required hereunder shall be in writing and shall be given personally, sent via facsimile or by certified mail, return receipt requested. Notices shall be deemed given a) when received, if delivered personally; b) upon certification or receipt of transmittal, if sent by facsimile; or c) upon deposit with the U.S. Post Office, if mailed.

   To Cooperative Extension:
   Executive Director or Designee
   Cornell Cooperative Extension of Suffolk County
   423 Griffing Avenue, Suite 100
   Riverhead, New York 11901

   To Village:
   Mayor or Designee
   The Incorporated Village of Bayville
   34 School Street
   Bayville, NY 11709

6. The parties recognize that the greatest benefit in the performance of this Agreement shall be derived by promoting the mutual interests of the parties; thus, each party does hereby enter into this Agreement in the spirit of cooperation and in a manner as will best promote mutual interests and render the highest level of service to the public.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates appearing alongside their respective signatures.

Cornell Cooperative Extension of Suffolk County

By: Vanessa Lockel
Vanessa Pino Lockel, Executive Director

Date: 3/8/2023

The Incorporated Village of Bayville

By: _____
Mayor or Designee

Date: 2/28/23

EXHIBIT A

Cornell Cooperative Extension
Suffolk County

Stormwater Management Outreach: Illicit Discharge Detection & Elimination

Village of Bayville Stormwater Management Program 2023 (1 Year Plan)

Submitted by:
Carolyn Sukowski
Cornell Cooperative Extension
423 Griffing Avenue, Suite 100
Riverhead, NY 11901

Prepared for the Village of Bayville
February 15th, 2023

INTRODUCTION

The Clean Water Act (CWA) was promulgated in 1972, setting forth several regulations to improve the nation's water quality. While the effort to regulate point source or "end of pipe" discharges to US waterbodies has been successful since the CWA's passage, addressing water pollution from nonpoint or discrete sources has proved to be challenging.

Nonpoint source pollution from urban and suburban sources, or stormwater pollution, has been implicated as a large source of pollution to the nation's waterbodies. In 2002, the Stormwater Phase II Final Rule was announced by the DEC following a 1999 mandate by the EPA. This program requires operators of small municipal separate storm sewer systems (MS4s) and operators of construction sites that disturb one acre or greater of land to implement programs and best management practices to control polluted stormwater runoff. In New York, this program required small MS4s to submit a Notice of Intent (NOI) in 2003 outlining a plan to fulfill the requirements of Phase II. The current permit (GP-0-15-003) was issued in April 2015 and remains in effect today. Expanded permit requirements and MS4 responsibilities have recently been proposed in the draft GP-0-17-002, followed by draft GP-0-22-002.

There are six mandated elements to the Phase II program that when implemented together are expected to result in significant reductions in stormwater pollutants to receiving waterbodies. The Village of Bayville is required to take measures and implement programs that fulfill each minimum control measure (MCM). The Illicit Discharge Detection and Elimination (IDDE) MCM is one of the most difficult mandates to complete but is essential to the success of each community's Phase II program. The SPDES permit obligates each MS4 to produce a map of all stormwater outfalls to waters of the US. In addition, MS4's must be actively searching for illicit discharges in an effort detect and eliminate illegal connections to the stormwater conveyance system. As part of this effort, MS4s are required to conduct a Reconnaissance Inventory and Dry Weather Flow (DWF) monitoring at all known outfalls.

During dry periods (minimum of 48 hours with no rain), stormwater outfalls should not normally have any flow associated with them. If an outfall does exhibit flow, it is possible that there is an illicit discharge associated with it. However, due to the potential for groundwater intrusion and other exceptions, it is possible to have flows during dry periods that are not illicit. To differentiate between illicit discharges and acceptable flows during dry weather, Water Quality Sampling (WQS) can be conducted. A number of parameters such as ammonia, potassium, surfactants, and fecal coliform can be measured to assess the source of a flow. In 2004 the Center for Watershed Protection released a manual entitled "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments". The manual, which is supported by the NYSDEC, recommends conducting DWF monitoring and WQS programs as an effective means to detect illicit discharges.

Cornell Cooperative Extension of Suffolk County (CCE) is in a unique position to immediately assist the Village of Bayville in continuing their IDDE program by assisting with the monitoring and sampling of stormwater outfalls. This will help the Village minimize the impact of stormwater runoff and help satisfy an important requirement of their SPDES permit. CCE's Marine Program has an established record of experience in the stormwater field, with particular

expertise in IDDE program development and implementation. Some examples of completed and ongoing stormwater projects include:

Village of Huntington Bay IDDE – CCE developed and implemented an IDDE program for the Village of Huntington Bay in 2015-2016 and again in 2019. This effort included developing a GIS inventory by scouting all known outfalls and conducting dry weather flow monitoring.

Village of Patchogue SWMPP – CCE has worked with the Village since 2014 in further developing their Stormwater Management Program Plan and implementing education and outreach, public involvement opportunities, and staff training.

Town of Islip IDDE – CCE developed and implemented the IDDE program for the Town of Islip in 2010-2011 and 2017-2018. The effort included scouting all known outfalls, dry weather flow monitoring of all outfalls, water quality sampling, fecal coliform enumeration, and Microbial Source Tracking.

Town of Brookhaven IDDE - CCE has assisted the Town of Brookhaven in initiating their IDDE program in 2008. Various datasets were combined to produce a comprehensive GIS database of outfalls. All outfalls were field verified, and an ongoing DWF monitoring and sampling program has continued.

Town of Brookhaven Subwatershed Assessment – Worked with the Town to assess 4 priority watersheds as it pertains to pathogen pollution from stormwater conveyance systems. In 2019, wet weather monitoring was conducted and samples were processed for fecal coliform enumeration and Microbial Source Tracking in order to aid the Town in prioritizing retrofit locations and in developing BMPs. Pathogen loading was analyzed and CCE delineated sewersheds for systems in the priority areas.

Oyster Bay-Cold Spring Harbor Protection Committee – Worked with various municipalities to conduct IDDE and microbial source tracking in Cold Spring Harbor systems in 2019.

Suffolk County Stormwater Management Program – CCE has managed and implemented all six minimum control measures for the County's Phase II Program since 2004. The implementation of the IDDE component has included an outfall survey of County roads and properties, dry weather flow monitoring, water quality sampling, fecal coliform enumeration, and Microbial Source Tracking.

SCOPE OF WORK

Proposed Timeline

The project will be initiated as soon as possible following the receipt of a fully executed contract with the Village of Bayville. The NYSDEC SPDES General Permit for MS4s requires that an outfall reconnaissance inventory is completed at least once every five years, with reasonable progress each year. CCE highly recommends implementing a program that is continual and addresses monitoring goals annually however, CCE is proposing this 1-year program at the request of Bayville to conduct outfall reconnaissance, dry weather flow monitoring, and

sampling in 2023 for all Bayville outfalls. To maintain compliance with the permit in the current year, all of the outfalls in the existing Village inventory will be verified and monitored at least once prior to the reporting year deadline of March 9th, 2024 and an annual report will be provided.

Component I: Education & Outreach

The primary goal of CCE's water quality monitoring efforts are to help educate municipalities with respect to whether or not a waterbody is impacted by pollutants, to determine what the source of pollutants are, and what can be done to minimize the impact by municipalities and/or residents. Moreover, the information obtained from this project will provide the guidance necessary to aid the Village in prioritizing locations for stormwater retrofits. Results will be discussed in annual reports to better inform the Village's Stormwater Management Program on any potential illicit discharges, potential pollutant sources, and a summary of any follow up investigations conducted and recommendations for future years. CCE will provide guidance to the Village on how to conduct an effective water quality monitoring program. All CCE field methodologies for dry weather flow monitoring will be provided thus giving the Village the ability to conduct future monitoring efforts.

Component II: Outfall Reconnaissance Inventory

The purpose of the outfall reconnaissance inventory is to verify the existence of previously inventoried outfalls and to identify any previously unconfirmed outfalls by conducting shoreline surveys and to determine the best method for monitoring each structure. There are about 35 surface water outfalls in the existing Village of Bayville surface water outfall inventory. Outfalls inventoried will include those which discharge to surface waters of the State as well as structures or pipes which convey stormwater into an MS4 under the jurisdiction of another municipality.

Whenever possible, outfalls will be directly monitored and/or sampled. However, in a significant number of cases the outfalls will likely be submerged all or most of the time or inaccessible for other reasons. In these cases, CCE will attempt to find the nearest connecting stormwater structure which is not submerged. For example, traditional outfalls are often associated with one or multiple catch basins. CCE will attempt to find the closest catch basin (e.g., the catch basin which directly leads to the outfall). In these cases, DWF and WQS will be conducted from the nearest catch basin, whereas it is assumed that if the closest catch basin is dry (no DWF), then the outfall is likely free from illicit discharges. Both DWF monitoring ("dry weather flow monitoring, see Component III) and WQS (Water Quality Sampling, see Component IV) can be conducted at catch basins (when required) without the need to open or enter the structures. CCE staff are provided high-visibility safety apparel as well as high visibility reflectors and lights on vehicles to ensure safety when accessing the right-of way along roadways. Staff are trained to implement appropriate traffic safety procedures (e.g. traffic cones or a shadow vehicle may be used in the work space in advance of work operations to protect workers from vehicle intrusions) prior to and during the survey of the structure. Staff may choose to work in pairs in high traffic areas. CCE staff are trained to wear high-visibility safety apparel and to avoid any structures which may pose a safety risk and to instead locate the next safest structure in line (i.e. can be monitored from sidewalk). In high traffic areas that pose a significant safety risk, staff are trained to avoid accessing the roadway and structure and to monitor from the vehicle for any signs of illicit discharge on the road surface. Staff record where each system is surveyed and

CCE will report to the Village any structures which we are unable to access due to safety concerns. Typically, there is a connecting structure that can be monitored safely.

In cases where outfalls/structures are inaccessible and CCE must access private property (e.g. private marinas), then CCE will consult with the Village to determine how they would like us to proceed. Data regarding outfalls on private property will be identified pre-inspection and advanced planning using GIS analysis should facilitate more streamlined inspections. Use of a CCE field vessel may also be needed in order to efficiently monitor outfalls located in bulkheads or along shorelines.

Component III: Dry Weather Flow (DWF) Monitoring

A common indicator of an illicit discharge is the presence of dry weather flow. If there has been 48 hours without a runoff producing rain event yet there is flow coming from an outfall, it is possible that there is an illicit discharge. Of course, illicit discharges are not always constantly flowing, they are often periodic discharges. To increase the likelihood that an illicit discharge will be discovered, each outfall will be visited for DWF monitoring purposes on three separate occasions. Each site visit will be made after a 48-hour or greater period with no runoff producing rain events to determine the presence or absence of dry weather flow. To determine if rainfall has occurred, CCE will use a weather station operated by the National Oceanic and Atmospheric Administration (NOAA). Rainfall measurements are recorded each hour and are available online at NOAA's National Weather Service portal.

During each monitoring event, the following information will be collected:

- -outfall ID number (corresponding to Bayville GIS geodatabase)
- -inspector name
- -date
- -monitoring location (at outfall when possible, or at nearest structure if necessary)
- -presence of DWF
- -flow amount (drip, trickle, moderate, heavy)
- -turbidity (none, cloudy, opaque)
- -color (none, gray, brown, yellow, green, or other)
- -odor (none, sewage, oil/gas, laundry, sulfide, or other)
- -floatables (none, sewage, oil sheen, soap suds, or other)
- -deposits (none, black, brown, yellow, white, or other)
- -vegetation growth (normal, excessive, inhibited)
- -DWF comments (provide other pertinent information)
- -monitoring comments (details of sampling location, if other than outfall)
- -photos of any dry weather flow identified

The three (3) monitoring events for an individual outfall will be spread out over a minimum of 2 months' time to increase the likelihood of finding an illicit discharge. DWF monitoring will be conducted at all outfalls identified in Component II.

Data will be collected digitally using a data management platform in the field.

Component IV: Water Quality Sampling (WQS)

Once DWF monitoring has been completed, CCE will determine which outfalls should be included in the Water Quality Sampling (WQS) efforts. The determination of whether to include an outfall in the WQS will be dependent on a number of factors:

-presence and number of DWF occurrences
-relative flow rate of DWF
-proximity to potential illicit discharge sources (residences, commercial operations)
-qualitative data results from DWF monitoring
-likelihood of a flow being attributable to back-flow from ebbing tides
-likelihood of flow being attributable to groundwater intrusion
-field technician observations (e.g., observing emptying of a chlorinated pool)

Based on experience generated by conducting similar work for other municipalities, it is expected that approximately 5-10% of the outfalls will have dry weather flow in which the possibility of an illicit discharge exists. Therefore, CCE is anticipating that we will collect and run water quality samples for 2-4 outfall pipes this year. Each outfall selected for WQS will be attempted to be sampled at least three times. If the initial samples are inconclusive or there is an illicit discharge suspected, then additional samples will be obtained as necessary. Samples will be analyzed by CCE.

The resulting data can be used to assess if a DWF is likely to be legal with respect to the SPDES permit (e.g., groundwater intrusion, irrigation water, etc.) or a potential illicit discharge. If any outfalls are suspected of having an illicit discharge, CCE will explain what parameters (or combination of parameters) triggered the suspicion. In general, CCE uses the flow chart developed by the Center of Watershed Protection to help determine if the flow is one of the following:

-possible washwater contamination
-possible sanitary wastewater contamination
-possible natural water source

The flow chart uses surfactants, ammonia, and potassium to make the determinations. CCE will also look at other parameters in determining if there is a potential illicit discharge. For example, elevated salinity could indicate tidal back-flow as opposed to an illicit flow. Elevated chlorine could indicate swimming pool water or a leaking water main. High fecal coliform counts could indicate an illicit septic system connection. After considering all the collected information (including field technician observations), CCE stormwater specialists will make a recommendation to the Village regarding whether or not an illicit discharge is suspected for each outfall. CCE's standard dry weather flow sampling procedure includes preserving filtered samples for potential future microbial source tracking in the event the Village would like to enter into an additional agreement to conduct further source tracking. Filtered samples will be stored for one year after preserving.

Following the above methodology will maximize the likelihood of finding illicit discharges, which once remediated, can improve water quality in the Village's surrounding waters. It should be noted however, that the stated methodology will not guarantee that an illicit discharge will be

found. It's possible that an illicit discharge will not be detected with 3 DWF monitoring events. It's also possible that illicit discharges can be sufficiently diluted by intruding groundwater thus masking the illicit discharge. However, we feel that the above methodology provides the opportunity to find illicit discharges, in a manageable and economical fashion.

Expected Deliverables

All data collected and produced by CCE will be the property of the Village of Bayville. Information will not be shared with outside parties without the written consent from an authorized Village employee. CCE will provide the following at the end of the project:

1. All data including GIS files of the inventory of structures, the results of the dry weather flow monitoring and water quality sampling will be provided. The data will contain the same unique identifier for each outfall to be consistent with the Village of Bayville's existing GIS geodatabase.
2. All paperwork and results in conjunction with the Reconnaissance Inventory, DWF monitoring and WQS.
3. An Annual Report summarizing the methodology and results of the reconnaissance inventory, DWF monitoring, and WQS. As part of Component I, results will be discussed to better inform the Village's Stormwater Management Program on any potential illicit discharges, potential pollutant sources, and a summary of any follow up investigations conducted and recommendations for future years.

Proposed Budget

The total cost of the proposed project is $9,791.00, with the project commencing in spring 2023 and concluding in spring 2024, and is detailed in the following table.

		2023
Personnel		
	Staff Time	$6,000.00
	Workers Compensation	$60.00
	Unemployment Insurance	$84.00
Equipment		
	GIS ($50/hour X 30 hours)	$1,500.00
	Laboratory ($75/sample x12 samples)	$900.00
	Subtotal:	$8,544.00
Administrative Assistance (14.6%)		$1,247.00
	Total:	**$9,791.00**

H2M architects + engineers (H2M)

H2M architects + engineers
538 Broad Hollow Road, 4th Floor East
Melville, NY 11747 | tel 631.756.8000

December 5, 2024

Mayor Steve Minicozzi
Inc. Village of Bayville
34 School Street
Bayville, New York 11709

via U.S. Mail & Email: sminicozzi@bayvilleny.gov

Re: Professional Services for the Incorporated Village of Bayville
Municipal Separate Storm Sewer System (MS4) Services
H2M Proposal No.: LP241289

Dear Mayor Minicozzi:

H2M architects + engineers (H2M) is pleased to present our proposal to provide MS4 support to the Village of Bayville (the Village). The New York State Department of Environmental Conservation (NYSDEC) issued an updated MS4 General Permit (GP-0-24-001), which includes new regulations and deadlines throughout the 5-year permit term. As an existing MS4 community, the Village must comply with these new regulations and deadlines.

H2M is proposing services to meet the deadlines set forth in the second year of the permit term, including updating the Village's existing SWMP Plan annually, preparing and submitting the Interim Progress Certifications to the NYSDEC by April 1st 2025 and October 1st 2025; and preparing and submitting the MS4 Annual Report to the NYSDEC by April 1st 2025.

In addition, this proposal includes descriptions of additional MS4 support services H2M can provide to the Village, including general technical assistance, Minimum Control Measure (MCM) electronic recordkeeping, and the mapping updates that are due during the third year of the permit term.

SCOPE OF SERVICES

For this proposal, our scope of work will include the following tasks:

Task 1: Stormwater Management Program (SWMP) Plan Updates

Pursuant to Part IV.B.3 of the MS4 General Permit, the MS4's SWMP Plan must be updated after each reporting year to ensure permit requirements are implemented. As a result, H2M proposes to update the Village's July 2024 SWMP Plan to incorporate all deliverables and procedures produced and/or implemented into the Village's MS4 program during the 2025 reporting period to meet the requirements set forth in the second year of the permit term. The SWMP Plan will also be updated in order to reflect the most up to date information (eg. number of active construction sites, number of outfalls inspected for dry weather flows, etc.).

The draft SWMP Update will be made available for the Village's review. Once the Village has completed its review, H2M will address comments made and incorporate them, where appropriate, into the final SWMP Update. We will provide the Village with an electronic version of the SWMP Update for their records.

H2M anticipates that meetings will be conducted via conference calls or virtual platform (e.g., WebEx, MS Teams, Zoom etc.) with Village staff to discuss the updated SWMP. We have estimated that up to two (2) meetings will be held and will cover topics related to the following: discussing areas where additional information is needed; identifying gaps in the Village's MS4 program; and determining proposed future goals

and implementation schedules. Meetings beyond those specified above will be charged hourly on a time and expense basis in accordance with our 2025 rate schedule.

Task 2: Interim Progress Certifications

Preparation and submission of the Interim Progress Certification is a new requirement under GP-0-24-001 and must be submitted to the NYSDEC no later than April 1, 2025 and October 1, 2025. The purpose of the Interim Progress Certifications is to provide a status of deliverables and MS4 program elements due between July 1, 2024 through January 2, 2024 (to be reported in the Interim Progress Certification due April 1, 2025), and January 3, 2025 through June 30, 2025 (to be reported in the Interim Progress Certification due October 1, 2025). H2M will prepare the Interim Progress Certifications, and the draft responses will be shared with the Village prior to submission. Once the Village has reviewed and is in agreement with the responses, H2M will submit the certification electronically to the NYSDEC no later than April 1, 2025 and October 1, 2025 via NYSDEC's online form portal.

Task 3: MS4 Annual Report

The MS4 Annual Report is required by NYSDEC and must be submitted to NYSDEC no later than April 1, 2025. The content of the report will be based on information the Village provides to H2M for the period between January 3, 2024 through January 2, 2025. Once the report is complete, it will be forwarded to the Village, so they can make it available to the public for review on the Village's website. Upon completion of the comment period, H2M will incorporate public comments into the Annual Report. H2M will then provide the revised report to the Village for signature. H2M will submit the Annual Report electronically to the NYSDEC no later than April 1, 2025 via NYSDEC's online form portal.

ADDITIONAL/OPTIONAL MS4 SUPPORT TASKS

Task 4: Technical Assistance

H2M will continue to work with the Village to support MS4 program management tasks and identify and address deficiencies in their MS4 program. Technical assistance will be provided on an hourly basis with a not to exceed budget identified in the below fee schedule.

Task 5: Electronic Record Filing

Part V of the MS4 General Permit requires MS4s to collect and keep records of information that verify reporting requirements set forth by the permit. This includes, but is not limited to maintaining records of training, self-assessments, and infrastructure inspections/maintenance. Should the NYSDEC request back up records from the Village, they must be submitted to the NYSDEC within a reasonable time period specified by the NYSDEC. To help aid in recordkeeping, H2M will work with the Village department(s) responsible for the MS4 program to collect and manage MS4 related records in an organized and readily reproducible fashion for the MCM metrics and information reported in the SWMP Plan, Interim Progress Certification, and Annual Report. These files will be transferred to the Village at the completion of each MS4 Annual Report submission process. In the event NYSDEC were to request validation of permit compliance during an audit, these records will be readily available for their review.

Task 6: 3-Year Mapping Updates

Should the Village wish to preemptively comply with 2026 mapping requirements, H2M's geographic information system (GIS) team will update the Village's existing mapping data to accommodate the newly-revised, 3-year mapping requirements outlined in Part IV.D.2 of the MS4 General Permit, including:

- Monitoring locations, with associated prioritization;
- Focus areas;
- Publicly owned/operated post-construction stormwater management practices (SMPs); and
- Municipal facilities, with associated prioritization

Additionally, pollutants of concern (POCs) applicable to the Village's MS4 include pathogens and nitrogen. As a result, mapping requirements applicable to pathogens and nitrogen outlined in Part VIII of the MS4 General Permit must also be implemented by the third year of the permit term. H2M will implement these 3-year mapping requirements as outlined below:

3-year Mapping Requirements for Pathogens

- Sewersheds for each MS4 outfall; and
- The following information for each MS4 outfall:
  - Areas with a history of sanitary sewer overflows;
  - Waterfowl congregation areas on municipal property or right of way;
  - Areas where pets/domestic animals may frequent (i.e., public trails, dog
  - parks, and zoos); and
  - Waste disposal areas (e.g., active landfills, transfer stations).

3-year Mapping Requirements for Nitrogen

- Sewersheds for each MS4 outfall; and
- The following information for each MS4 outfall:
  - Retail and wholesale plant nurseries (including big box stores);
  - Commercial lawn care facilities; and
  - Golf courses.

H2M will advise the Village on the parameters of each of the above components to assist with the identification of each. We will then map the above items in GIS format.

Task 6: Notes and Assumptions

H2M's GIS mapping services are proposed with the assumption that the Village will perform any necessary research to identify and produce a list of the above requirements. H2M will process and convert the information in the lists provided by the Village to develop GIS data representing each component.

FEE SCHEDULE

H2M proposes to perform the aforementioned scope of work with the following breakdown:

REQUIRED TASKS

Task 1: Stormwater Management Program (SWMP) Updates	$4,000.00 (lump sum)
Task 2: Interim Progress Certifications	$1,000.00 (lump sum)
Task 3: MS4 Annual Report	$4,200.00 (lump sum)

~~$9,500.00~~ 13,200

ADDITIONAL/OPTIONAL MS4 SUPPORT TASKS**

Task 4: Technical Assistance	$3,000.00 (hourly not to exceed)
Task 5: Electronic Record Filing	$1,000.00 (lump sum)
~~Task 6: 3-Year Mapping Updates~~	~~$5,500.00 (lump sum)~~

~~18,700.00~~

****PLEASE CIRCLE THE OPTIONAL TASK(S) THE VILLAGE WISHES TO APPROVE UNDER THIS PROPOSAL ABOVE, IF ANY.**

In the event our actual effort related to the performance of requested services for the hourly task exceeds the initial budget established herein, we will contact you to discuss the need to increase our budget and obtain your written authorization prior to proceeding with any additional work. Hourly rates are specified in the attached rate schedule. For our mutual convenience, adjustments to our scope of services and budgets determined to be warranted may be authorized through email correspondence.

Outside expenses such as express mailings, photocopies, purchase of documents from agencies, etc. will be billed as reimbursable expenses at our direct cost. Mileage will be billed at the current rate authorized by the Internal Revenue Service. Invoices will be submitted on a monthly basis for the work completed to date.

We appreciate the opportunity to submit this proposal and look forward to working on this project with the Village. All work will be completed in accordance with our existing agreement with the Village, dated September 7, 2012. If you are in agreement with this proposal, please sign at the proper location at the bottom of this document and return a copy to our office.

Should you wish to discuss this matter further please contact the Angelica Apolinaris at (631) 756-8000 x1720.

Very truly yours,

H2M architects + engineers

Angelica Apolinaris

Angelica Apolinaris
Project Environmental Planner

Sharon Norton Remmer

Sharon Norton Remmer
Vice President
Director of Planning

cc: Maria Alfano-Hardy, Administrator
LMR – H2M
CMK – H2M

PROPOSAL AGREED & ACCEPTED BY:

Signature: _____

Print Name: Steve Minicozzi

Title: Mayor

Client: Inc. Village of Bayville

Address: 34 School Street

Bayville, New York 11709

Date: 12/17/2024

J:\LPS\2024\LP241289 - BAYV - MS4 2025 Services\24-1205-MS4Proposal-Bayville

Resolution 2024-190
12/17/2024

Earth Repair, LLC

INCORPORATED VILLAGE OF BAYVILLE

THIRD PARTY CERTIFICATION

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

Earth Repair, LLC
Vendor/Contractor Name

Po Box 964
Manorville, NY 11949
Address

Scott Polizzano
Print Name

Project Manager
Title

6315912010
Telephone Number

Cell Number

earthrep359@gmail.com
Email Address

Perform cleaning of existing drainage structures
Description of Services provided to the Village of Bayville

W. Harbor Beach Parking lot
Location of work performed for the Village of Bayville

SWORN BEFORE ME THIS DATE,
The 6 day of Feb, 2025.

Angela M Pesa
Notary Public

ANGELA M. PESA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PE6206599
Qualified in Suffolk County
My Commission Expires May 26, 2025

Applicants Signature

2/6/2025
Date

Awash Corp.

INCORPORATED VILLAGE OF BAYVILLE

THIRD PARTY CERTIFICATION

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

Awash Corp
Vendor/Contractor Name

429 Jericho Tpke
New Hyde Park NY 11040
Address

Raychan Secbarron
Print Name

President
Title

—
Telephone Number

5165891179
Cell Number

A@AwashINC.com
Email Address

Mobile Truck/Fleet Washing Service/Exterior cleaning
Description of Services provided to the Village of Bayville

34 School Street Bayville NY 11709
Location of work performed for the Village of Bayville

SWORN BEFORE ME THIS DATE,
The 24th day of May, 2023.

LISA A AQUINO
Notary Public - State of New York
NO. 01AQ6371405
Qualified in Nassau County
My Commission Expires Apr 13, 2026

Notary Public

Applicants Signature

Date

Winters Brothers Waste Management Company

INCORPORATED VILLAGE OF BAYVILLE

THIRD PARTY CERTIFICATION

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

120 Nancy Street
West Babylon, NY 11704
Address

Winters Bros. Recycling of Long Island, LLC
Vendor/Contractor Name

Will Flower
Print Name

Vice President
Title

516-937-0900
Telephone Number

516-725-1105
Cell Number

Will@wintersbros.com
Email Address

Solid waste management services including transfer service of municipal solid waste and recyclables.
Description of Services provided to the Village of Bayville

100 Morris Avenue in Glen Cove, NY
Location of work performed for the Village of Bayville

SWORN BEFORE ME THIS DATE,
The 21 day of April 2017.

Valentina Petry
Notary Public

W. Flower 4-21-17
Applicants Signature Date

VALENTINA PETRY
Notary Public - State of New York
Reg. No. 01PE6343895
Qualified in Suffolk County
My Commission Expires 06/20/2020

Appendix D – Enforcement Response Plan (ERP)

Village of Bayville

Stormwater Management Enforcement Response Plan (ERP)

New York State Pollutant Discharge Elimination System (SPDES)
General Permit for Stormwater Discharges from
Municipal Separate Storm Sewers (MS4s)
General Permit No. GP-0-24-001

July 2024

Prepared By: H2M architects + engineers
538 Broad Hollow Road
Melville, NY 11747

Table of Contents:

1.0 Introduction

The Incorporated Village of Bayville (Village) has prepared this Enforcement Response Plan (ERP) in conformance with the requirements of the New York State Department of Environmental Conservation's (NYSDEC) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permit GP-0-24-001 (General Permit).[1]

In accordance with the requirements of Part IV.F of the General Permit, all MS4s must develop and implement an Enforcement Response Plan (ERP) to address illicit discharge, construction, and post construction violations.

The Village's Stormwater Management Officer (SMO) is the Village Administrator & Clerk-Treasurer. The SMO, the Building Inspector, and other Village staff as assigned are responsible for enforcing the provisions of the SWMP.

The Village staff will follow this Enforcement Response Plan (ERP) to identify, document, and respond to potential and/or actual MS4 violations. Staff must follow the enforcement procedures and actions described in this ERP. In addition, the ERP describes the duties of the enforcement staff and the tools available to those staff to help ensure compliance with applicable regulations. The goal of the ERP is to provide Village staff with guidelines to achieve consistent enforcement in order to achieve compliance with the regulations of the MS4.

The Village has authority to enforce stormwater requirements under sections of the Municipal Code listed in **Table 1**.

Table 1. Relevant Village Code Sections for Enforcement of Stormwater Violations

Title	Chapter
Storm Sewers	63A
Enforcement; penalties for offenses	63A-15
Public nuisance and injunctive relief	63A-18
Remedies not exclusive	63A-20
Stormwater Control	63B
Enforcement; penalties for offenses	63B-14
Peace and Good Order	46
Property maintenance; nuisances prohibited.	46-4
Penalties for offenses	46-7

2.0 Definitions

Definitions are provided in the Code 63A-2 and 63B-6.

3.0 Identifying/Investigating Non-compliance

The Village may become aware of instances of non-compliance in multiple ways, including routine inspections associated with an issued permit, staff observance during regular job function, or public reporting. If an incidence of non-compliance is observed or suspected, proper personnel must be notified, and the event shall be investigated. This section discusses the protocol for the investigation of incidences

[1] General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permit GP-0-24-001 was issued by NYSDEC on December 13, 2023 and became effective January 3, 2024.

of non-compliance related to the three minimum control measures (MCM) associated MS4 regulations requiring enforcement: MCM 3: Illicit Discharge Detection and Elimination (IDDE); MCM 4: Construction Site Stormwater Runoff Control; and MCM 5: Post-Construction Stormwater management.

3.1 MCM 3 – Illicit Discharge Detection and Elimination (IDDE)

The General Permit Part VI.C requires that the MS4 Operator develop a plan to detect, track down, and eliminate illicit discharges to the MS4. Details of the IDDE program are provided in Section 2.3 of the Village's SWMP.

The Village may receive a complaint concerning illicit discharge at one of its offices or Village staff may observe an illicit discharge while performing their job duties. When a possible illicit discharge is reported the SMO is responsible for tracking, eliminating, and reporting it.

3.2 MCM 4 - Construction Site Stormwater Runoff Control

The General Permit Part VI.D requires that construction sites with land disturbance greater than or equal to one acre are effectively controlled and that proper post-construction stormwater management practices are installed. Details of the Village's construction site stormwater runoff monitoring program are proved in Section 2.4 of the Village's SWMP.

The SMO, the Building Inspector, and other Village staff may require such inspections as deemed necessary to ensure compliance with Code §63B Stormwater Control, including inspections related to erosion control practices and the SWPPP. Violations may be observed during scheduled inspections. In addition, violations of these practices may be observed by Village staff while conducting normal duties or reported by the public.

3.3 MCM 5 – Post-Construction Stormwater Management

The General Permit Part VI.E requires that the MS4 operator ensure the proper operation and maintenance of post-construction Stormwater Management Practices (SMP) for new or redeveloped sites. Details of the Village's post-construction stormwater management are proved in Section 2.5 of the Village's SWMP.

The SMO, the Building Inspector, and other Village staff are responsible for inspecting SMPS after construction and are subject to routine and random inspections to detect violations (Code §63B-12). In addition to observation violations during inspection, it is possible that a violation of SMPs could be observed and reported by other Village staff or the public.

4.0 Enforcement Responses

The goal of the enforcement response is compliance with the MS4 regulations, and the Village has a number of mechanisms available to escalate the response to a given violation as needed to achieve compliance.

The Village has the legal authority to utilize any combination of the following enforcement measures, and to escalate enforcement responses when necessary:

1) **Verbal Warnings.** Verbal warnings may be issued by the SMO or Building Inspector. These are "consultative" in nature and specify the non-compliance and required corrective action.
2) **Written Warnings.** The Building Inspector, Village Engineer, or any person, organization or firm appointed or retained by the Village Board to perform the functions or responsibilities of said Building Inspector may issue a summons (Code §80-84) for violations of the zoning code. The SMO ma

y issue a Notice of Violation for violations of Chapter 63A Storm Sewers (Code §63A-15 (A)) and Chapter 63B Stormwater Control (Code §63B-14 (A)).

3) **Fines** (Code §63A-15 (C) and Code §63B-14 (D)). In conjunction with written violations, fines may be levied for unresolved violations. Fines escalate based on prior offenses.
4) **Stop work orders.** The Village of Bayville may issue a stop-work order (Code §63B-14 (B)) when development activity is in violation of Chapter 63B Stormwater Control. In such a case, the specific work must cease until the violation is resolved and remediated. Failure to address a stop-work order may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in 63B.
5) **Withholding the Certificate of Occupancy** (Code §63B-14 (E)). If any building or land development activity is installed or conducted in violation of Chapter 63B the SMO may prohibit the occupancy of said building or land.
6) **Restoration of Lands** (Code §63B-14 (F)). The Village may require the restoration of lands and in the event the restoration is not undertaken, the Village may complete the restoration work at the violator's expense.
7) **Abatement and Restoration at Violators Expense** (Code §63A-15 (B)). In the case that a violation of Chapter 63A presents a threat to the public health, safety, or welfare, the Village maintains the authority to summarily abate and restore the condition. The expense will be charged to the violator, and if unpaid within 30 days, the expense will become a lien upon the violating premises and collected in the same manner as Village real property taxes.

4.1 Responsibilities of Enforcement Personnel

The Building Inspector, SMO, and assigned Village staff have the following responsibilities:

- Reviewing, investigating, and tracking instances of non-compliance;
- Identifying suspected violations;
- Determining appropriate enforcement responses and ensuring timely action;
- Implementing the enforcement responses as needed.

4.2 Overview of Enforcement Responses

Enforcement personnel consider a number of factors when determining the proper enforcement response: Severity of the violation, including duration, type of pollutant and quantity of pollutants

- Effect of the violation on receiving water or public health and safety
- Effect of the violation on Village infrastructure
- The violator's history of violations and enforcement actions

All enforcement responses will specify the nature of the violation and the required corrective action as well as a deadline. When there is continued non-compliance or the violator fails to timely take corrective action, enforcement personnel will escalate the enforcement response as needed to achieve compliance.

4.2.1 IDDE

When an illicit discharge is reported, the SMO or other designated staff may issue a written notice compelling violators to:

- Eliminate illicit connections or discharges
- Cease and desist the violating practices
- Abate or remediate the condition and restore any affected property
- Perform monitoring, analysis, and reporting
- Implement source control or treatment BMPs.

Should the violator fail to abate, remediate, and restore the property by the deadline, the Village may conduct the necessary remediation and restoration at the property owner's expense and may place a lien on the violating premises.

In addition, violators are subject to escalating fines or imprisonment. Fines escalate from $2,000 for the first offense, $5,000 for the second offense, and $10,000 for the third offense, with each week of continued violation constituting a new offense. The SMO or other designated staff may report violations to the NYSDEC or other applicable authority.

4.2.2 Construction Site Stormwater Runoff Control

Prior to construction, the Village may require a performance bond or other financial mechanism approved by the Village Attorney to ensure that construction will be completed in compliance with the approved SWPPP (Code §63B-13).

When a violation of the approved SWPPP and/or sediment and erosion control practices is observed, the SMO shall notify the violator in writing and require corrective action. No work may be performed at the site until all violations are corrected and the completed work has received approval from the SMO or other designated staff.

In addition to work stoppage, violators are subject to escalating fines or imprisonment. Fines escalate from $500 for the first offense, $1,000 for the second offense, and $2,000 for the third offense, with each week of continued violation constituting a new offense.

The violator may be required to restore land to its undisturbed condition. Where restoration work is not completed by the deadline, the Village may undertake the restoration and the cost may be recovered from the property owner by lien upon the real property where the violation exists. The SMO or other designated staff may report violations to the NYSDEC or other applicable authority.

4.2.3 Post-Construction Stormwater Management

The Village may require a cash escrow, maintenance bond, or other financial mechanism approved by the Village Attorney as a surety to guarantee the proper operation of all stormwater management and erosion control facilities during and after construction (Code §63B-13).

Where the SMO or other designated staff observes a violation of post-construction stormwater management practices, a notice of violation with a description of remedial measures and a statement of penalties will be issued. Violators are subject to escalating fines or imprisonment. Fines escalate from $500 for the first offense, $1,000 for the second offense, and $2,000 for the third offense, with each week of continued violation constituting a new offense. In addition, the SMO or other designated staff may direct the withholding of a certificate of occupancy if the land activity is installed in violation of Chapter 63B.

The violator may be required to restore land to its undisturbed condition. Where restoration work is not completed by the deadline, the Village may undertake the restoration and the cost may be recovered from the property owner by lien upon the property until paid. The SMO or other designated staff may report violations to the NYSDEC or other applicable authority.

Post-construction drainage must be kept in such a condition that it should not be a nuisance or dangerous to public health (Code §46-4). If drainage is not kept in such a condition and a complaint is made to the Building Inspector, the Building Inspector will serve the owner or occupant a notice requiring correction of the condition within 24 hours. If the owner or occupant fails to comply, the condition may be abated by the Building Inspector, police officer or other officer of the Village as may be directed to do so by the Mayor at the expense of the person receiving such notice. The cost will be collected by suit in the name of the Village if not paid to the Village Treasurer within five days after the demand. Such expense shall be in addition to the penalties for violation of Chapter 46.

4.3 Enforcement Tracking

The MS4 Operator must track instances of non-compliance in the SWMP Plan. Village staff tracks enforcement cases using an enforcement tracking sheet which is kept in a digital file. The enforcement tracking sheet records the following:

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 (e.g., construction project);

c. Description of the violation;

d. Schedule for returning to compliance;

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 (e.g., notices of non-compliance, notices of violations);

g. Any referrals to different departments or agencies; and

h. Date violation was resolved.

Abbreviations

ERP	Enforcement Response Plan
IDDE	Illicit Discharge Detection and Elimination
MCM	Minimum Control Measure
MS4	municipal separate storm sewer systems
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
SMO	Stormwater Management Officer
SMP	Stormwater Management Practices
SWMP	Stormwater Management Program

MS4 Enforcement Tracking Sheet

Incident Information

Name of the owner/operator of the facility or site of the violation:

In the street in front of residential property owned by ROBERT BRESSINGHAM

Stormwater source (e.g., construction project):

Recreational Vehicle

Address of Violation:

In street in front of 10 EAST SLOPE ROAD, BAYVILLE, N.Y. 11709

Description of the violation:

Discharge of greywater onto street.

Schedule for returning to compliance (Number of Days):

CORRECTED FORTHWITH

Description of enforcement response used, including escalated responses if needed:

☒ Verbal Warning – Date: 11/5/2025

☐ Written Warning – Date:

☐ Fine – Date:

☐ Stop Work Order – Date:

☐ Withold CO – Date

☐ Restoration – Date:

☐ Other – Date:
Describe:

Any referrals to different departments or agencies: YES / NO

If yes, list agency and date of referral:

Date violation was resolved: 11/5/2025 FORTHWITH

Attach accompanying documentation of enforcement response (e.g., appearance tickets, notices of violations, stop work orders)

Appendix E – MS4 General Permit

NEW YORK STATE | Department of Environmental Conservation

FINAL

PERMIT

for

NEW YORK STATE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT

for

STORMWATER DISCHARGES

from

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Permit No. GP-0-24-001

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

Issuance Date: December 13, 2023

Effective Date: January 3, 2024

Expiration Date: January 2, 2029

Scott Sheeley

Chief Permit Administrator

Scott E. Sheeley — DECEMBER 13, 2023

Authorized Signature — Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233

NOTE

All italicized words within this *State Pollutant Discharge Elimination System (SPDES)* general permit are defined in Appendix A.

Part I. Permit Coverage and Limitations

A. Permit Authorization

This *SPDES* general permit authorizes the *discharge* of *stormwater* from small *MS4*s.

1. An *MS4 Operator* is eligible for coverage under this *SPDES* general permit if the *MS4* is *automatically* or *additionally designated (Appendix B)*.

   Only portions of the *MS4* which are located within the *automatically* or *additionally designated areas* are subject to, and authorized to *discharge* by, the requirements of this *SPDES* general permit (Part IV.C.).

2. This *SPDES* general permit contains terms and conditions specific for each of the following types of *MS4 Operators* that are authorized to *discharge* under this *SPDES* general permit, in accordance with Part I.A.1:

   a. *Traditional Land Use Control MS4 Operators;*

   b. *Traditional Non-land Use Control MS4 Operators;* and

   c. Non-traditional MS4 Operators.

   The minimum control measures (MCMs) for *traditional land use MS4 Operators* are listed in Part VI. The MCMs for *traditional non-land use control MS4 Operators* and *non-traditional MS4 Operators* are listed in Part VII. Part III.B, Part VIII, and Part IX. list additional requirements for all *MS4 Operators' MS4*s *discharging* to impaired waters.

3. 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* general permit provided they do not violate Environmental Conservation Law (ECL) Section 17-0501. If the *Department* or *MS4 Operator* determines that one or more of the *discharges* are in violation of ECL Section 17-0501, the identified *discharges* are illicit and the *MS4 Operator* must eliminate such *discharges* by following the *illicit discharge* MCM requirements found in Part VI.C. or Part VII.C, depending on the *MS4 Operator* type.

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

B. Exemption and Limitations on Coverage

1. The following *discharges* from *MS4 Operators* are exempt from the requirements of this *SPDES* general permit:
   a. *Stormwater discharges* associated with an *industrial activity* provided the *discharges* are covered by the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001 (MSGP); and
   b. Individual *SPDES* permitted *stormwater discharges* provided the *discharges* are in compliance with their individual *SPDES* permit limitations.
2. The following *discharges* from *MS4 Operators* are not authorized by this *SPDES* general permit:
   a. *Stormwater discharges* that may adversely affect an endangered or threatened species, or its designated critical habitat, unless the *MS4 Operator* has obtained a permit issued pursuant to 6 NYCRR Part 182 or the *Department* has issued a letter of non-jurisdiction.
   b. *Stormwater discharges* which adversely affect properties listed or eligible for listing in the National Register of Historic Places unless the covered entity is in compliance with requirements of the National Historic Preservation Act and has coordinated with the appropriate State Historic Preservation Office any activities necessary to avoid or minimize impacts.
   c. *Stormwater discharges*, the permitting of which is prohibited under 40 CFR 122.4 and 6 NYCRR 750-1.3.
   d. The *discharge* of vehicle and equipment washwater from *municipal facilities*, including tank cleaning operations.
3. All documentation necessary to demonstrate *discharge* eligibility (Part I.B.1. and Part I.B.2.) must be documented in the *Stormwater Management Program Plan (SWMP Plan)* (Part IV.B.).

Part II. Obtaining Permit Coverage

A. *MS4 Operators*, meeting the eligibility requirements in Part I.A.1. of this *SPDES* general permit, must submit the notice of intent (NOI) electronically (eNOI) unless the *MS4 Operator* has obtained a waiver from the electronic submittal requirement (Part II.B.) in order to be authorized to *discharge* under this *SPDES* general permit. Access and directions for use, for electronic submission of the NOI, are located on the *Department*'s website. *MS4 Operators* must submit the eNOI as indicated in Table 1 and in accordance with Part X.J.

Table 1. eNOI Submittal for Permit Coverage			
Type of permit coverage	**Deadline to submit complete eNOI**	**Effective Date of Coverage (EDC)**	**Form to file with the *Department***
Newly designated *MS4 Operator*	180 days[1] from written notification from the *Department*	The submission of the complete eNOI	eNOI
MS4 Operators continuing coverage from GP-0-15-003	Forty-five (45) days from the effective date of the permit (EDP)	EDP	eNOI

MS4 Operators continuing coverage from GP-0-15-003 are eligible for continued coverage under this SPDES general permit (GP-0-24-001) on an interim basis for up to sixty (60) calendar days from the EDP. During this interim period, an MS4 Operator must comply with the requirements of GP-0-15-003.

By submitting the complete e*NOI*, the *MS4 Operator* certifies that the *MS4 Operator* has read and agrees to comply with the terms and conditions of this *SPDES* general permit including the provisions to update the *SWMP Plan* (Part IV.B.) in accordance with the timeframes set forth in this *SPDES* general permit.

MS4 Operators must document the complete NOI in the *SWMP Plan* (Part IV.B.). As information in the completed NOI changes, within thirty (30) days, the *MS4 Operators* must update the information on the NOI and resubmit the completed NOI to the Department. The *MS4 Operator* must document information from the Department acknowledging previous coverage or designation in the *SWMP Plan* (Part IV.B.).

Where there is a permit condition to *develop,* newly designated *MS4 Operators* must create that permit requirement. Where there is a permit condition to *develop, MS4 Operators* continuing coverage must continue to implement their current *SWMP* and update the *SWMP* to comply with the permit requirement.

For newly designated *MS4 Operators*, timeframes for compliance begin on the effective date of coverage (EDC).

B. Electronic Submission Waiver

1. *MS4 Operators* must submit all NOIs electronically unless the *MS4 Operator* has received a waiver from the Department based on one of the following conditions:

   a. If the *MS4 Operator* is physically located in a geographical area (i.e., zip code or census tract) that is identified as under-served for broadband internet

[1] In this *SPDES* general permit, days refer to calendar days.

access in the most recent report from the Federal Communications Commission; or

b. If the *MS4 Operator* has limitations regarding available computer access or computer capability.

2. If an *MS4 Operator* wishes to obtain a waiver from submitting an NOI electronically, the *MS4 Operator* must submit a request using the Application for Electronic Submittal Waiver to the *Department* at the following address:

   NYS DEC Bureau of Water Compliance

   MS4 NOTICE OF INTENT WAIVER

   625 Broadway, 4th Floor

   Albany, New York 12233-3505

3. A waiver may only be considered granted once the *MS4 Operator* receives written confirmation from the *Department*.

4. *MS4 Operators* must document the eNOI waiver in the *SWMP Plan* (Part IV.B.), if applicable.

C. *MS4 Operators* who submit a complete NOI are authorized to *discharge stormwater* under the terms and conditions of this *SPDES* general permit.

1. NOI Content

   The NOI shall include:

   a. Legal name and address of the *MS4 Operator*;

   b. Receiving waterbodies; and

   c. *Municipal Separate Storm Sewer System (MS4)* NPDES Permit-Related Information of 40 CFR Part 127 Appendix A.

Part III. Special Conditions

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

1. The *MS4 Operator* must implement the required controls contained in Part III. through Part IX. of this *SPDES* general permit. The *Department* expects that compliance with the terms and conditions of this *SPDES* general permit will assure *MS4 discharges* meet applicable *water quality standards*.

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

3. The *MS4 Operator* must take all necessary actions to ensure *discharges* comply with the terms and conditions of this *SPDES* general permit. If at any time an *MS4 Operator* becomes aware (e.g., through self-monitoring or by notification from the *Department*) that a *discharge* causes or contributes to the violation of an applicable *water quality standard*, the *MS4 Operator* must implement corrective

actions and the *MS4 Operator* must document these actions in the *SWMP Plan* (Part IV.B.).

4. Compliance with this *SPDES* general permit does not preclude, limit, or eliminate any enforcement activity as provided by Federal and/or State law. Additionally, if violations of applicable *water quality standards* occur, then coverage under this *SPDES* general permit may be terminated by the *Department* in accordance with 6 NYCRR 750-1.21(e), and the *Department* may require an application for an alternative *SPDES* general permit or an individual *SPDES* permit may be issued.

B. Water Quality Improvement Strategies for Impaired Waters

1. List of Impaired Waters (Appendix C)

Part VIII. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

For *MS4 Operators* whose *MS4 outfall*s and *additionally designated area MS4 outfalls* (*ADA MS4 outfalls*) *discharge* to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables (Appendix C), the *MS4 Operator* must *develop* and implement the *pollutant* specific *best management practices (BMPs*), listed in Part VIII, targeted towards the *pollutant of concern (POC)* causing the impairment.

For *MS4 Operators discharging* to waters within a *total maximum daily load (TMDL)* watershed that does not specify a *pollutant* load reduction necessary for *MS4*s and listed in Appendix C, the *MS4 Operator* must implement the enhanced *BMP* requirements of Part VIII. for the applicable *pollutant* of concern of the *TMDL*.

The enhanced *BMP* requirements in Part VIII. are written to address the *POCs* listed in Table 2.

Table 2. *Pollutant* Specific BMPs for Impaired Waters listed in Appendix C

POC	**Part VIII. Reference**
Phosphorus	A
Silt/Sediment	B
Pathogens	C
Nitrogen	D
Floatables	E

2. Watershed Improvement Strategy Requirements for *TMDL* Implementation (Part IX.)

Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

a. *MS4 Operators discharging* to waters within the watersheds listed in Table 3 must implement additional *BMPs* and applicable *retrofit* plans as specified in Part IX. to achieve the *pollutant* load reductions specified in the referenced *TMDL* or respective implementation plan.

Table 3. Approved *TMDL* Watersheds with *MS4* Contribution

TMDL	POC	Part IX. Reference
Phase II Phosphorus TMDLs for Reservoirs in the NYC Watershed, June 2000	Phosphorus	A
Total Maximum Daily Load (TMDL) for Phosphorus in Lake Carmel, October 2016		
Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake, March 2015		
Impaired Waters Restoration Plan for Greenwood Lake – Total Maximum Daily Load for Total Phosphorus, September 2005	Phosphorus	B
Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012		
Total Maximum Daily Load (TMDL) for Phosphorus in Lake Oscawana, September 2008		
None	Pathogen	C
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	Nitrogen	D

b. Each *MS4 Operator* is responsible for a waste load reduction as specified in the applicable *TMDL* or *TMDL* implementation plan referenced in Part IX. *MS4 Operators* may form a *Regional Stormwater Entity (RSE)* to implement *stormwater retrofits* collectively where compliance with the *pollutant* reduction requirements would be achieved on a regional basis. The individual load reduction for each participating *MS4 Operator* is aggregated to create a *RSE* load reduction. The *RSE* then designs and installs *retrofits* where they are most feasible within the boundaries of the *RSE*. Each participating *MS4*

Operator of an *RSE* complies if the aggregated *RSE pollutant* load reduction is met.

3. Impaired waters with an approved *TMDL* and listed in Appendix C

Part VIII. and Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

An *MS4 discharging* to a waterbody listed in Appendix C must meet the requirements of Part VIII. for the *POC*(s) listed in Appendix C.

An *MS4 discharging* to a waterbody listed in Table 3 must meet the requirements of Part IX. for the specific *POC* identified in the *TMDL*.

Part IV. *Stormwater Management Program (SWMP)* Requirements

MS4 Operators must *develop*, implement, and enforce a *SWMP*. The *SWMP* must be retained in written format, hardcopy or electronic. The written *SWMP* is referred to as the *SWMP Plan* (Part IV.B.). The *MS4 Operator* must use the *SWMP Plan* (Part IV.B.) to document *developed*, planned, and implemented elements of the *SWMP*.

A. Administrative

1. Alternative Implementation Options

a. *MS4 Operators* 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 other *MS4 Operators*, an *RSE*, a Coalition of *MS4 Operators*, other public entities (e.g., non-*MS4 Operators*), or a private third-party contractor. If the *MS4 Operator* is relying upon another entity for compliance with any portion of this *SPDES* general permit, there must be an agreement in place that:

i. Is legally binding;

ii. Is documented in writing;

iii. Is signed and dated by all parties including a certification statement that explains that the *MS4 Operator* is responsible for compliance with this *SPDES* general permit;

iv. Identifies the activities that the entity will be responsible for including the particular MCM, the location and type of work;

v. Includes the name, address, and telephone number of the contact person representing the entity;

vi. Is kept up-to-date and part of the *SWMP Plan*; and

vii. Is retained by each party for the duration of the permit term.

b. In the *SWMP Plan*, the *MS4 Operator* must *develop* and maintain an inventory of entities assisting in permit implementation that includes the following information:

   i. Name of entity performing permit implementation; and

   ii. Permit requirement being implemented performed by entity.

c. Irrespective of any agreements, each party remains legally responsible for obtaining its own permit coverage, for filing the *NOI,* and satisfying all requirements of this *SPDES* general permit for its own *discharges*.

d. Within thirty (30) days signing, alternative implementation agreements (Part IV.A.1.) must be documented in the *SWMP Plan* (Part IV.B.).

e. Annually review and update any alternative implementation agreements in the *SWMP Plan*, as necessary.

2. Staffing plan/Organizational chart

Individual *SWMP* components may be *developed*, implemented, or enforced by different titles associated with the *MS4 Operator*, or other entities as described in Part IV.A.1. Within six (6) months of the EDC, the *MS4 Operator* must *develop* a written staffing plan/organizational chart which includes job titles and other entities as identified in Part IV.A.1, 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 responsibilities. All staffing plan/organization charts must be documented in the *SWMP Plan* (Part IV.B.).

B. *SWMP Plan*

The *SWMP Plan* must contain, at a minimum, all permit requirements implemented to meet the terms and conditions of this *SPDES* general permit, and documentation required by this *SPDES* general permit. The *SWMP Plan* may incorporate by reference any documents that meet the requirements of this *SPDES* general permit. If an *MS4 Operator* relies upon other documents to describe how the *MS4 Operator* will comply with the requirements of this SPDES general permit, the *MS4 Operator* must attach to the *SWMP Plan* a copy of these documents.

The *SWMP Plan* must identify if any requirements from Part VI. through Part IX. do not require updates and include the rationale behind the determination. The *SWMP Plan* must identify if any requirements from Part VI. through Part IX. are not applicable and include the rationale behind the determination.

1. *Stormwater* Program Coordinator

On the NOI, the *MS4 Operator* must designate a *Stormwater* Program Coordinator who must be knowledgeable in the principles and practices of *stormwater* management, the requirements of this *SPDES* general 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* general permit; and *develops* and submits the Annual Report (Part V.B.2.). The name, title, and contact information of the *Stormwater* Program Coordinator must be documented in the *SWMP Plan*.

2. Availability of *SWMP Plan*

a. Within six (6) months of the EDC, the *MS4 Operator* must make the current *SWMP Plan*, and documentation associated with the implementation of the *SWMP Plan*, available during normal business hours to the *MS4 Operator*'s management and staff responsible for implementation as well as the *Department* and United States Environmental Protection Agency (USEPA) staff.[2] The completion of this permit requirement must be documented in the *SWMP Plan*.

b. Within six (6) months of the EDC, the *MS4 Operator* must make a copy of the current *SWMP Plan* available for public inspection during normal business hours at a location that is accessible to the public or on a public website. The location of the *SWMP Plan* must be kept current. The completion of this permit requirement must be documented in the *SWMP Plan*.

3. Timeframes for *SWMP* Plan Development or Updates

MS4 Operators must *develop* and implement their *SWMP Plan* in accordance with the timeframes set forth in this *SPDES* general permit. Annually, after the end of the Reporting Year and by April 1, the *SWMP Plan* must be updated to ensure the permit requirements are implemented. More frequent updates to the *SWMP Plan* are noted throughout this *SPDES* general permit in specific permit requirements.

C. Minimum Control Measures (MCMs)

The MCMs for *traditional land use MS4 Operators* are listed in Part VI. while those for *traditional non-land use control MS4 Operators* and *non-traditional MS4 Operators* are listed in Part VII. Parts III.B, Part VIII, and Part IX. list additional requirements for all *MS4 Operators discharging* to impaired waters.

MS4 Operators subject to Part VI.

For *MS4 Operators* subject to Part VI. requirements, all MCMs must be implemented within the *automatically designated area* or an *additionally designated area* subject to Criterion 1 or 2 of the Additional Designation Criteria (Appendix B).

For *MS4 Operators* subject to Part VI. requirements, MCM 4 and MCM 5 must also be implemented within an *additionally designated area* subject to Criterion 3 of the Additional Designation Criteria (Appendix B).

MS4 Operators subject to Part VII.

For *MS4 Operators* subject to Part VII. requirements, all MCMs must be implemented within the *automatically designated area* or an *additionally designated area* subject to Criterion 1 or 2 of the Additional Designation Criteria (Appendix B).

[2] Part X.F. contains the duty for the *MS4 Operator* to provide information.

MS4 Operators subject to Part VIII.

Part VIII. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

For all *MS4 Operators* subject to Part VIII. requirements, all MCMs must be implemented within the *automatically designated area*.

For *MS4 Operators* subject to Part VI. requirements and subject to Part VIII. requirements, MCM 4 and MCM 5 must also be implemented within an *additionally designated area* subject to Criterion 3 of the Additional Designation Criteria (Appendix B).

MS4 Operators subject to Part IX.

Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

For all *MS4 Operators* subject to Part IX. requirements, all MCMs must be implemented within the *automatically designated area* or an *additionally designated area* subject to Criterion 1 of the Additional Designation Criteria (Appendix B).

D. Mapping

The *MS4 Operator* must *develop* and maintain comprehensive system mapping to include the mapping components within the MS4 Operator's *automatically designated area* or an *additionally designated area* subject to Criterion 1 or 2 of the Additional Designation Criteria (Appendix B), unless otherwise specified. The comprehensive system mapping must be documented in the *SWMP Plan*. The comprehensive system mapping must be in a readily accessible format, with scale and detail appropriate to provide a clear understanding of the *MS4*, to serve as a planning tool to allow for prioritization of efforts and facilitate management decisions by the *MS4 Operator*. Annually, after Phase I (Part IV.D.2.a.) completion, the *MS4 Operator* must update the comprehensive system mapping including updates to prioritization information of monitoring locations (Part VI.C.1.d. or Part VII.C.1.d, depending on the *MS4 Operator* type), construction sites (Part VI.D.5. or Part VII.D.5, depending on the *MS4 Operator* type), and *municipal facilities* (Part VI.F.2.c.i. or Part VII.F.2.c.i, depending on the *MS4 Operator* type).

1. Within six (6) months of the EDC, the comprehensive system mapping must include the following information:
    a. *MS4 outfall*s (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit);
    b. *Interconnections* (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit);
    c. Preliminary *storm-sewershed* boundaries (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit);

d. *MS4* infrastructure (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit that were subject to Part IX.A. or Part IX.D.), including:
   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;
e. Basemap information:
   i. *Automatically*[3] and *additionally designated areas* (based on criterion 3 of Additional Designation Criteria in Appendix B);[4]
   ii. Names and location of all *surface waters of the State*, including:
      a) Waterbody classification;[5]
      b) Waterbody Inventory/Priority Waterbodies List (WI/PWL);[6]
         i) Impairment status; and
         ii) *POC,* if applicable;
      c) *TMDL* watershed areas;[7]
   iii. Land use, including:
      a) Industrial;
      b) Residential;
      c) Commercial;
      d) Open space; and
      e) Institutional;
   iv. Roads; and
   v. Topography.[8]

2. The comprehensive system mapping must be updated with the data collected for each phase of mapping within the timeframe for each phase as outlined below:
   a. Phase I: Within three (3) years of the EDC, the comprehensive system mapping must include the following information:

[3]Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.
[4]Utilizing the Stormwater Interactive Map on the Department's website.
[5]Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.
[6]Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.
[7]Utilizing the Stormwater Interactive Map on the Department's website.
[8] Utilizing USGS Quadrangle Map or finer.

i. Monitoring locations, with associated prioritization (Part VI.C.1.d. or Part VII.C.1.d, depending on the *MS4 Operator* type);
ii. Preliminary *storm-sewershed* boundaries (for newly designated *MS4 Operators*);
iii. Focus areas (Part VI.A.1.a. or Part VII.A.1.a, depending on the *MS4 Operator* type);
iv. *Publicly owned/operated* post-construction *stormwater management practices* (*SMPs)* (Part VI.E.3. or Part VII.E.3, depending on the *MS4 Operator* type). The *publicly owned/operated* post-construction *SMPs* subject to this requirement are in the *automatically designated area* or an *additionally designated area* subject to Criterion 1, 2, or 3 of the Additional Designation Criteria (Appendix B); and
v. *Municipal facilities,* with associated prioritization (Part VI.F.2.c. or Part VII.F.2.c, depending on the *MS4 Operator* type).

b. Phase II: Within five (5) years of the EDC, the comprehensive system mapping must include the following information:

i. *MS4* infrastructure, including:
a) Conveyance system
i) Type (closed pipe or open drainage); and
ii) Direction of flow;[9]

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;

ii. *Privately owned/operated* post-construction *SMPs* which *discharge* to the *MS4* (Part VI.E.2.). The *privately owned/operated* post-construction *SMPs* subject to this requirement are in the *automatically designated area* or an *additionally designated area* subject to Criterion 1, 2, or 3 of the Additional Designation Criteria (Appendix B).
a) If the location of the privately-owned post-construction SMPs cannot be determined without accessing the private property, the *MS4 Operator* must map the location of the property that the post-construction SMP is located on using street address or tax parcel.

E. Legal Authority

For *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit, adequate legal authority must be maintained in accordance with Part IV.E.1. or Part IV.E.2.

For a newly designated *MS4 Operator*, within three (3) years, the *MS4 Operator* must, to the extent allowable by State and local law, *develop* and implement

[9] Direction of flow can be a written description or indicated as an arrow on the feature.

adequate legal authority to control *pollutant discharges* to implement this *SPDES* general permit. An *MS4 Operator* must either be in conformance with Part IV.E.1. or Part VI.E.2:

1. Adopt the following model local laws and include a copy of the resolution in their *SWMP Plan*:
   a. The New York State Department of Environmental Conservation Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, April 2006 (NYS DEC Model IDDE Local Law 2006); and
   b. The New York State Department of Environmental Conservation Sample Local Law for Stormwater Management and Erosion & Sediment Control, March 2006 (NYS DEC Sample SM and E&SC Local Law 2006).
2. Enact a legal mechanism or ensure that written policies/procedures are in place with content equivalent to the model local law, with documentation in the *SWMP Plan* from the attorney representing the *MS4 Operator* of the equivalence. Equivalent legal mechanisms or written policies/procedures must include the following:
   a. For *illicit discharges*:
      i. A prohibition of:
         a) *Illicit discharges*, spills or other release of *pollutants*;
         b) Unauthorized connections into the *MS4*;
      ii. A mechanism to:
         a) Receive and collect information related to the introduction of *pollutants* into the *MS4*;
         b) Require installation, implementation, and maintenance of post-construction *SMPs*;
         c) Require compliance and take enforcement action; and,
         d) Access property for inspection.
   b. To be adequate the legal mechanism must also ensure:
      i. Applicable *construction activities* are effectively controlled and include post-construction runoff controls for new development and redevelopment projects; and
      ii. Post-construction *SMPs* are properly operated and maintained by requiring the following:
         a) A stormwater pollution prevention plan (SWPPP) with erosion and sediment controls that meets or exceed the New York State, Standards and Specifications for Erosion & Sediment Control, November 2016 (NYS E&SC 2016) and requires post-construction *SMPs* for applicable *construction activity* described in Part VI.D.1 in conformance with the

SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001 (CGP);

b) Post-construction *SMPs* as required by CGP meet the *sizing criteria* specified in the New York State Stormwater Management Design Manual, January 2015 (NYS SWMDM 2015), and performance criteria, or equivalent, including Operation & Maintenance Plans for long term maintenance;

c) Construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, all of which may cause adverse impacts to water quality; and

d) Receive and collect information related to compliance with the approved SWPPP including verification of maintenance of post-construction *SMPs* (if conducted by private entities).

F. Enforcement Measures & Tracking

1. Enforcement Response Plan

Within six (6) months, the *MS4 Operator* must *develop* and implement an enforcement response plan (ERP) which clearly describes the action(s) to be taken for violations that the *MS4 Operator* has enacted for illicit *discharge* (Part VI.C. or Part VII.C, depending on the MS4 Operator type), construction (Part VI.D. or Part VII.D, depending on the MS4 Operator type), and post-construction (Part VI.E. or Part VII.E, depending on the MS4 Operator type). The ERP must be documented in the *SWMP Plan*. The ERP must set forth a protocol to address repeat and continuing violations through progressively stricter responses (i.e., escalation of enforcement) as needed to achieve compliance with the terms and conditions of this *SPDES* general permit.

a. The ERP must describe how the *MS4 Operator* will use the following types of enforcement responses or combination of responses:

   i. Verbal warnings;

   ii. Written notices;

   iii. Citations (and associated fines);

   iv. Stop work orders;

   v. Withholding of plan approvals or other authorizations affecting the ability to *discharge* to the *MS4*; and

   vi. Additional measures, supported in local legal authorities, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials to correct violations.

b. Enforcement responses are based on the type, magnitude, and duration of the violation, effect of the violation on the receiving water, compliance history of the operator, and good faith of the operator in compliance efforts.

c. Efforts to obtain a voluntary correction of deficiencies through informal enforcement, such as verbal warnings or written notices, must not exceed sixty (60) days in duration (from the time of the *MS4 Operator's* initial determination until a return to compliance).

2. Enforcement Tracking

The *MS4 Operator* must track instances of non-compliance in the *SWMP Plan*. The enforcement case documentation must include, at a minimum, the following:

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 (e.g., construction project);

c. Description of the violation;

d. Schedule for returning to compliance;

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 (e.g., notices of noncompliance, notices of violations);

g. Any referrals to different departments or agencies; and

h. Date violation was resolved.

Part V. Recordkeeping, Reporting, and *SWMP* Evaluation

A. Recordkeeping

The *MS4 Operator* must keep records required by this *SPDES* general permit for five (5) years after they are generated. Records must be submitted to the *Department* within a reasonable specified time period of a written *Department* request for such information. Documents can be maintained in electronic format if the manner reasonably assures the integrity of the records, in accordance with NYCRR 750-2.5(e)(1). Records, including the NOI and the SWMP Plan, must be made available to the public at reasonable times during regular business hours.

B. Reporting

1. Report Submittal

a. Reports must be submitted electronically to the *Department* using the forms located on the Department's website (http://www.dec.ny.gov/).

b. Electronic Submission Waiver

ii. *MS4 Operators* must submit all reports electronically unless the *MS4 Operator* has received a waiver from the *Department* based on one of the following conditions:

a) If the *MS4 Operator* is physically located in a geographical area (i.e., zip code or census tract) that is identified as under-served for broadband internet access in the most recent report from the Federal Communications Commission; or

b) If the *MS4 Operator* has limitations regarding available computer access or computer capability.

iii. If an *MS4 Operator* wishes to obtain a waiver from submitting a report electronically, the *MS4 Operator* must submit a request using the Application for Electronic Submittal Waiver to the *Department* at the following address:

NYS DEC Bureau of Water Compliance

MS4 NOTICE OF INTENT WAIVER

625 Broadway, 4th Floor

Albany, New York 12233-3505

iv. A waiver may only be considered granted once the *MS4 Operator* receives written confirmation from the *Department*.

v. *MS4 Operators* must document the electronic submission waiver in the *SWMP Plan*, if applicable.

2. Annual Reports

a. Annually, *MS4 Operators* must submit an Annual Report to the *Department* using the form provided by the *Department*. The completion of this permit requirement must be documented in the *SWMP Plan*.

b. The reporting period for the Annual Report is January 3 of the current year to January 2 of the following year (Reporting Year).

c. For *MS4 Operators* continuing coverage, the Annual Report must be submitted to the *Department* by April 1 of the year following the end of the Reporting Year.

d. For newly designated *MS4 Operators*, if authorization to discharge is granted:

i. Before September 30, the first Annual Report must be submitted by April 1 of the year following the end of the Reporting Year; or

ii. After September 30, the first Annual Report must be submitted by April 1 following their first complete Reporting Year.

3. Interim Progress Certifications

a. Twice a year, *MS4 Operators* must submit to the *Department* an Interim Progress Certification that verifies the activities included in this *SPDES* general permit have been completed by the date specified using the form provided by the *Department*. The completion of this permit requirement must be documented in the *SWMP Plan*.

b. *MS4 Operators* located within the watersheds listed in Table 3 must include additional information to identify the activities that have been performed during the reporting period to demonstrate progress made by the *MS4 Operator* towards completion of the reduction requirements, prescribed in Part IX.

c. An Interim Progress Certification for the period of January 3 through June 30 of the same year must be submitted to the *Department* by October 1 of the same year. An Interim Progress Certification for the period of July 1 through January 2 of the following year must be submitted to the *Department* by April 1 of the following year along with the Annual Report. Submission of the Annual Report is not a substitute for submission of the Interim Progress Certification.

4. Shared Annual Reporting

MS4 Operators working together to implement their *SWMPs* may complete and submit a shared Annual Report to satisfy the reporting requirements specified in Part V.B.2.

a. The shared Annual Report must outline and explain group activities, but also include the tasks performed by each individual *MS4 Operator*.

b. On or before the reporting deadline, April 1, each *MS4 Operator* within the group, must sign the certification section of the Annual Report to take responsibility for the information in the Annual Report, which includes specific endorsement or acceptance of both the shared Annual Report information and Annual Report information on behalf of the individual *MS4 Operator.*

5. Certification

All reports specified within this Part must be signed and certified in accordance with Part X.J.

6. Annual Report and Interim Progress Certification Content

The Annual Report and Interim Progress Certifications shall summarize the activities performed throughout the Reporting Year, including:

a. The status of compliance with permit requirements;

b. Information documented in the *SWMP Plan*, as specified throughout this *SPDES* general permit; and

c. A certification statement in accordance with 40 CFR 122.22(d).

C. *SWMP* Evaluation

Once every five (5) years, the *MS4 Operator* must evaluate the *SWMP* for compliance with the terms and conditions of this *SPDES* general permit, including the effectiveness or deficiencies of components of the individual *SWMP Plan*, and

the status of achieving the requirements outlined in this *SPDES* general permit. The *SWMP* evaluation must be documented in the *SWMP Plan*.

Part VI. Minimum Control Measures (MCMs) for *Traditional Land Use Control MS4 Operators*

In addition to the requirements contained in Part I. through Part V, *traditional land use control MS4 Operators* must comply with the MCMs contained in this Part.

A. MCM1 – Public Education and Outreach Program

The *MS4 Operator* must *develop* and implement an education and outreach program to increase public awareness of *pollutant* generating activities and behaviors. This MCM is designed to inform the public about the impacts of *stormwater* on water quality, the general sources of *stormwater pollutants*, and the steps the general public can take to reduce *pollutants* in *stormwater* runoff.

1. Development

a. Focus Areas

Within three (3) years of the EDC, the *MS4 Operator* must identify and document the focus areas in the *SWMP Plan*. The focus areas to be considered are as follows:

i. Areas *discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a));

ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.c. for *MS4 Operators* continuing coverage and Part IV.D.2.a.ii. for newly designated *MS4 Operators*);

iii. *TMDL* watersheds (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));

iv. Areas with *construction activities*;

v. Areas with on-site wastewater systems (subject to Part VIII. or Part IX. requirements);

vi. Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.e.iii.);

vii. *Stormwater hotspots*; and

viii. Areas with *illicit discharges*.

b. Target Audiences and Associated *Pollutant* Generating Activities

Within three (3) years of the EDC, the *MS4 Operator* must identify and document the applicable target audience(s) and associated *pollutant* generating activities that the outreach and education will address for each focus area identified by the *MS4 Operator* in Part VI.A.1.a. in the *SWMP Plan*. The target audiences are as follows:

i. Residents;

ii. Commercial:[10] Business owners and staff;

iii. Institutions:[11] Managers, staff, and students;

iv. Construction: Developers, contractors, and design professionals;

v. Industrial:[12] Owners and staff; and

vi. *MS4 Operator*'s *municipal* staff.

c. Education and Outreach Topics

Within three (3) years of the EDC, the *MS4 Operator* must identify and document in the *SWMP Plan* the education and outreach topics and how the education and outreach topics will reduce the potential for *pollutants* to be generated by the target audience(s) (Part VI.A.1.b.) for the focus area(s) (Part VI.A.1.a.).

d. *Illicit Discharge* Education

Within six (6) months of the EDC, the *MS4 Operator* must make information related to the prevention of *illicit discharges*, available to *municipal* employees, businesses, and the public and document the completion of this requirement in the *SWMP Plan*. The information related to the prevention of illicit discharges must include the following:

i. What types of *discharges* are allowable (Part I.A.3.);

ii. What is an *illicit discharge* and why is it prohibited (Part VI.C.);

iii. The environmental hazards associated with *illicit discharges* and improper disposal of waste;

iv. Proper handling and disposal practices for the most common behaviors within the community (e.g., septic care, car washing, household hazardous waste, swimming pool draining, or other activities resulting in *illicit discharges* to the *MS4*); and

v. How to report *illicit discharges* they may observe (Part VI.C.1.a.).

2. Implementation and Frequency

a. Distribution Method of Educational Messages

Once every five (5) years, the *MS4 Operator* must identify and document in the *SWMP Plan* which of the following method(s) are used for the distribution of educational messages:

i. Printed materials (e.g., mail inserts, brochures, and newsletters);

ii. Electronic materials (e.g., websites, email listservs);

[10] Business, retail stores, and restaurants.
[11] Hospitals, churches, colleges, and schools.
[12] Factories, recyclers, auto-salvage, and mines.

iii. Mass media (e.g., newspapers, public service announcements on radio or cable);

iv. Workshops or focus groups;

v. Displays in public areas (e.g., town halls, library, parks); or

vi. Social Media (e.g., Facebook, Twitter, blogs).

b. Frequency

Following the completion of Part VI.A.1.a, Part VI.A.1.b, and Part VI.A.1.c, within five (5) years of the EDC, and once every five (5) years, thereafter, the *MS4 Operator* must:

i. Deliver an educational message to each target audience(s) (Part VI.A.1.b.) for each focus area(s) (Part VI.A.1.a.) based on the defined education and outreach topic(s) (Part VI.A.1.c.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

c. Updates to the Public Education and Outreach Program

Following the completion of Part VI.A.1.a, Part VI.A.1.b, and Part VI.A.1.c, annually, by April 1, the *MS4 Operator* must:

i. Review and update the focus areas, target audiences, and/or education and outreach topics; and

ii. Document the completion of this requirement in the *SWMP Plan*.

B. MCM 2 - Public Involvement/Participation

The *MS4 Operator* must provide opportunities to involve the public in the development, review, and implementation of the *SWMP*. This MCM is designed to give the public the opportunity to include their opinions in the implementation of this *SPDES* general permit.

1. Public Involvement/Participation

a. Annually, the *MS4 Operator* must provide an opportunity for public involvement/participation in the development and implementation of the *SWMP*. The *MS4 Operator* must document the public involvement/participation opportunities in the *SWMP Plan*. The opportunities for public involvement/participation are as follows:

i. Citizen advisory group on *stormwater* management;

ii. Public hearings or meetings;

iii. Citizen volunteers to educate other individuals about the *SWMP*;

iv. Coordination with other pre-existing public involvement/participation opportunities;

v. Reporting concerns about activities or behaviors observed; or

vi. Stewardship activities.

b. Annually, the *MS4 Operator* must inform the public of the opportunity (Part VI.B.1.a.) for their involvement/participation in the development and implementation of the *SWMP* and how they can become involved. The *MS4 Operator* must document the method for distribution of this information in the *SWMP Plan*. The methods for distribution are as follows:

i. Public notice;

ii. Printed materials (e.g., mail inserts, brochures and newsletters);

iii. Electronic materials (e.g., websites, email listservs);

iv. Mass media (e.g., newspapers, public service announcements on radio or cable);

v. Workshops or focus groups;

vi. Displays in public areas (e.g., town halls, library, parks); or

vii. Social Media (e.g., Facebook, Twitter, blogs).

c. Within six (6) months of the EDC, the *MS4 Operator* must identify a local point of contact to receive and respond to public concerns regarding *stormwater* management and compliance with permit requirements. The name or title of this individual, with contact information, must be published on public outreach and public participation materials and documented in the *SWMP Plan*.

2. Public Notice and Input Requirements

a. Public Notice and Input Requirements for *SWMP Plan*

Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the publicly available *SWMP Plan* (Part IV.B.2.b.). The public must have the ability to ask questions and submit comments on the *SWMP Plan*. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by Part VI.B.1.

b. Public Notice and Input Requirements for Draft Annual Report

i. Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the draft Annual Report. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by either:

a) Presentation of the draft Annual Report at a regular meeting of an existing board (e.g., administrative, planning, zoning) or a separate meeting specifically for *stormwater*, as designated by the *MS4* or if requested by the public. The public must have the ability to ask

questions about and make comments on the draft annual report during that presentation; or

b) Posting of the draft Annual Report on a public website. The website must provide information on the timeframes and procedures to submit comments and/or request a meeting. However, if a public meeting is requested by two or more persons, the *MS4 Operator* must hold such a meeting.

c. Consideration of Public Input

i. Annually, the *MS4 Operator* must include a summary of comments received on the *SWMP Plan* and draft Annual Report in the *SWMP Plan*.

ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update the *SWMP Plan*, where appropriate, based on the public input received.

C. MCM 3 - *Illicit Discharge* Detection and Elimination

The *MS4 Operator* must *develop*, implement, and enforce a program which systematically detects, tracks down, and eliminates *illicit discharges* to the *MS4*. This MCM is designed to manage the *MS4* so it is not conveying *pollutants* associated with flows other than those directly attributable to *stormwater* runoff.

1. *Illicit Discharge* Detection

a. Public Reporting of *Illicit Discharges*

i. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report *illicit discharges*.

ii. Within thirty (30) days of an *illicit discharge*, the *MS4 Operator* must document each report of an *illicit discharge* in the *SWMP Plan* with the following information:

a) Date of the report;

b) Location of the *illicit discharge;*

c) Nature of the *illicit discharge;*

d) Follow up actions taken or needed (including response times); and

e) Inspection outcomes and any enforcement taken.

b. Monitoring Locations

The monitoring locations used to detect *illicit discharges* are identified as follows:

i. *MS4 outfalls;*[13]

[13] *MS4 outfall*s can be found at a *municipal facility*.

ii. *Interconnections*;[14] and
iii. *Municipal facility intraconnections*.[15]

c. Monitoring Locations Inventory

i. Within three (3) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of the monitoring locations in the *SWMP Plan*. The following information must be included in the inventory:[16]

a) Inventory information for *MS4 outfall*s

i) ID;
ii) Prioritization (high or low) (Part VI.C.1.d.);
iii) Type of monitoring location (Part VI.C.1.b.);
iv) Name of *MS4 Operator's municipal facility*, if located at a *municipal facility*;[17]
v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
vi) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
vii) Land use in drainage area;
viii) Type of conveyance (open drainage or closed pipe);
ix) Material;
x) Shape;
xi) Dimensions;
xii) Submerged in water; and
xiii) Submerged in sediment.

b) Inventory information for *interconnections*

i) ID;
ii) Prioritization (high or low) (Part VI.C.1.d.);
iii) Type of monitoring location (Part VI.C.1.b.);
iv) Name of *MS4 Operator* receiving *discharge* or private storm system;
v) Name of *MS4 Operator*'s *municipal facility*, if located at a *municipal facility*; and
vi) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

c) Inventory information for *municipal facility intraconnections*

i) ID;
ii) Prioritization (high or low) (Part VI.C.1.d.);

[14] *Interconnections* can be found at a *municipal facility*.
[15] *Municipal facility intraconnections* can be found only at a *municipal facility*.
[16] The information included in the inventory is collected during inspections on the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) unless otherwise specified by the permit conditions.
[17] This information is collected as part of the *municipal facility* inventory.

iii) Type of monitoring location (Part VI.C.1.b.);
iv) Name of *MS4 Operator*'s *municipal facility*; and
v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

ii. Annually, the *MS4 Operator* must update the inventory if monitoring locations are created or discovered.

d. Monitoring Locations Prioritization

i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize monitoring locations which are included in the monitoring locations inventory (Part VI.C.1.c.) as follows:
a) High priority monitoring locations include monitoring locations:
i) At a high priority *municipal facility*, as defined in Part VI.F.2.c;
ii) *Discharging* to impaired waters (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.e.ii.b));
iii) *Discharging* within a TMDL watershed (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));
iv) *Discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a)); and/or
v) Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.
b) All other monitoring locations are considered low priority.

ii. Within thirty (30) days of when a monitoring location is constructed or the *MS4 Operator* discovers it, the *MS4 Operator* must prioritize those monitoring locations; and

iii. Annually, after the initial prioritization (Part VI.C.1.d.i.), the *MS4 Operator* must update the monitoring location prioritization in the inventory (Part VI.C.1.c.) based on information gathered as part of the monitoring location inspection and sampling program (Part VI.C.1.e.). The completion of this permit requirement must be documented in the *SWMP Plan*.

e. Monitoring Locations Inspection and Sampling Program

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement a monitoring locations inspection and sampling program. The monitoring locations inspection and sampling program must be documented in the *SWMP Plan* specifying:

i. The monitoring locations inspection and sampling procedures including:

a) During *dry weather,*[18] one (1) inspection of each monitoring location identified in the inventory (Part VI.C.1.c.) every five (5) years following the most recent inspection;

b) Documentation of all monitoring location inspections, including any sampling results, using the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) or an equivalent form containing the same information and include the completed monitoring location inspections and sampling results in the *SWMP Plan* (e.g., the completed Monitoring Locations Inspection and Sampling Field Sheets);

c) Provisions to sample all monitoring locations which had inspections which resulted in a *suspect* or *obvious illicit discharge* characterization. The sampling requirement is based on the number and severity of *physical indicators present in the flow* to better inform track down procedures (Part VI.C.2.). If the source of the *illicit discharge* is clear and discernable (e.g., sewage), sampling is not necessary;

d) 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[19] and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;

e) Provisions to initiate, or cause to initiate,[20] track down procedures (Part VI.C.2.a.), in accordance with the timeframes specified in Part VI.C.2.a.iii, for monitoring locations with an overall characterization[21] as *suspect illicit discharge* or *obvious illicit discharge* or that exceed any sampling action level used;

f) Provisions to re-inspect the monitoring location within thirty (30) days of initial inspection if there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges,* 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.

    i) If those same physical indicators persist, the *MS4 Operator* must initiate *illicit discharge* track down procedures (Part VI.C.2.a.).

[18] MS4 Operators 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.
[19] Refer to Chapter 12 of the CWP 2004 for parameters, sampling action levels, and procedures.
[20] If track down is conducted by individuals or entities other than those conducting the monitoring locations inspections.
[21] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

ii. The training provisions for the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.).

a) If new staff are added, training on the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling procedures;

b) For existing staff, training on the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling and once every five (5) years, thereafter; and

c) If the monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) are updated (Part VI.C.1.e.iv.), training on the updates must be given to all staff prior to conducting monitoring locations inspections and sampling.

iii. The names, titles, and contact information for the individuals who have received monitoring locations inspection and sampling procedures training and update annually; and

iv. Annually, by April 1, the *MS4 Operator* must:

a) Review and update the monitoring location inspection and sampling procedures (Part VI.C.1.e.i.) based on monitoring location inspection results (e.g., trends, patterns, areas with *illicit discharges*, and common problems); and

b) Document the completion of this requirement in the *SWMP Plan*.

2. *Illicit Discharge* Track Down Program

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* track down program to identify the source of *illicit discharges* and the responsible party. The *illicit discharge* track down program must be documented in the *SWMP Plan* specifying:

a. The *illicit discharge* track down procedures including:

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

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

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

a) Within twenty-four (24) hours of discovery, the *MS4 Operator* must initiate track down procedures for flowing *MS4* monitoring locations with *obvious illicit discharges;*[22]

[22] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

b) Within two (2) hours of discovery, the *MS4 Operator* must 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 report orally or electronically to the Regional Water Engineer and local health department; and

c) Within five (5) days of discovery, the *MS4 Operator* must initiate track down procedures for *suspect illicit discharges*.

b. The training provisions for the *MS4 Operator*'s *illicit discharge* track down procedures (Part VI.C.2.a.).

i. If new staff are added, training on the *MS4 Operator*'s *illicit discharge* track down procedures (Part VI.C.2.a.) must be given prior to conducting *illicit discharge* track downs;

ii. For existing staff, training on the *MS4 Operator*'s *illicit discharge* track down procedures (Part VI.C.2.a.) must be given prior to *conducting illicit discharge* track downs and once every five (5) years, thereafter; and

iii. If the *illicit discharge* track down procedures (Part VI.C.2.a.) are updated (Part VI.C.2.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* track downs.

c. The names, titles, and contact information for the individuals who have received *illicit discharge* track down procedures training and update annually; and

d. Annually, by April 1, the *MS4 Operator* must:

i. Review and update the *illicit discharge* track down procedures (Part VI.C.2.a.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

3. *Illicit Discharge* Elimination Program

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* elimination program. The *illicit discharge* elimination program must be documented in the *SWMP Plan* specifying:

a. The *illicit discharge* elimination procedures including:

i. Provisions for escalating enforcement and tracking, both consistent with the ERP required in Part IV.F. of this *SPDES* general permit;

ii. Provisions to confirm the corrective actions have been taken;

iii. Steps taken for *illicit discharge* elimination procedures; and

iv. The following timeframes for *illicit discharge* elimination:

a) Within twenty-four (24) hours of identification of an *illicit discharge* that has a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*;

b) 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 *MS4 Operator* must eliminate the *illicit discharge;* and

c) Where elimination of an *illicit discharge* within the specified timeframes (Part VI.C.3.a.iv.) is not possible, the *MS4 Operator* must notify the Regional Water Engineer.

b. The training provisions for the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VI.C.3.a.).

i. If new staff are added, training on the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VI.C.3.a.) must be given prior to conducting *illicit discharge* eliminations;

ii. For existing staff, training on the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VI.C.3.a.) must be given prior to conducting *illicit discharge* eliminations and once every five (5) years, thereafter; and

iii. If the *illicit discharge* elimination procedures (Part VI.C.3.a.) are updated (Part VI.C.3.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* eliminations.

c. The names, titles, and contact information for the individuals who have received *illicit discharge* elimination procedures training and update annually; and

d. Annually, by April 1, the *MS4 Operator* must:

i. Review and update the *illicit discharge* elimination procedures (Part VI.C.3.a.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

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

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure construction sites are effectively controlled. This MCM is designed to prevent *pollutants* from construction related activities,[23] as well as promote the proper planning and installation of post-construction *SMPs*.

1. Applicable Construction Activities/Projects/Sites

a. The construction site *stormwater* runoff control program must address *stormwater* runoff to the *MS4* from sites with *construction activities* that:

i. Result in a total land disturbance of greater than or equal to one acre; or

[23] Projects that comply with the terms and conditions of the CGP or an individual *SPDES* permit for *stormwater* for which they obtained coverage and local erosion and sediment control requirements are effectively controlled.

ii. Disturb less than one acre if part of a larger common plan of development or sale.

b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP:

i. The *MS4 Operator* must ensure compliance with the CGP; and

ii. The additional requirements for construction oversight described in Part VI.D.6 through Part VI.D.9 are not required.

2. Public Reporting of Construction Site Complaints

a. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report complaints related to construction *stormwater* activity.

b. The *MS4 Operator* must document reports of construction site complaints in the *SWMP Plan* with the following information:

i. Date of the report;

ii. Location of the construction site;

iii. Nature of complaint;

iv. Follow up actions taken or needed; and

v. Inspection outcomes and any enforcement taken.

3. Construction Oversight Program

Within one (1) year of the EDC, the *MS4 Operator* must *develop* and implement a construction oversight program. The construction oversight program must be documented in the *SWMP Plan* specifying:

a. The construction oversight procedures including:

i. When the construction site *stormwater* control program applies (Part VI.D.1.);

ii. What types of *construction activity* require a SWPPP;

iii. The procedures for submission of SWPPPs;

iv. SWPPP review requirements (Part VI.D.6.)

v. Pre-construction oversight requirements (Part VI.D.7.)

vi. Construction site inspection requirements (Part VI.D.8.);

vii. Construction site close-out requirements (Part VI.D.9.);

viii. Enforcement process/expectations for compliance; and

ix. Other procedures associated with the control of *stormwater* runoff from applicable *construction activities*.

b. The training provisions for the *MS4 Operator*'s construction oversight procedures (Part VI.D.3.a.).
    i. If new staff are added, training on the *MS4 Operator*'s construction oversight procedures (Part VI.D.3.a.) must be given prior to conducting any construction oversight activities;
    ii. For existing staff, training on the *MS4 Operator*'s construction oversight procedures (Part VI.D.3.a.) must be given prior to conducting any construction oversight activities and once every five (5) years, thereafter; and
    iii. If the construction oversight procedures (Part VI.D.3.a.) are updated (Part VI.D.3.a.), training on the updates must be given to all staff prior to conducting construction oversight.
c. The names, titles, and contact information for the individuals who have received construction oversight training and update annually;
d. Procedures to ensure those involved in the *construction activity* itself (e.g., contractor, subcontractor, *qualified inspector*, SWPPP reviewers) have received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity; and
e. Annually, by April 1, the *MS4 Operator* must:
    i. Review and update the construction oversight procedures (Part VI.D.3.a.); and
    ii. Document the completion of this requirement in the *SWMP Plan*.

4. Construction Site Inventory & Inspection Tracking

a. Within six (6) months of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all applicable construction sites (Part VI.D.1.a.) in the *SWMP Plan*. The following information must be included in the inventory:
    i. Location of the construction site;
    ii. Owner/operator contact information, if other than the *MS4 Operator*;
    iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
    iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
    v. Prioritization (high or low) (Part VI.D.5.);
    vi. Construction project *SPDES* identification number;
    vii. SWPPP approval date;
    viii. Inspection history, including dates and ratings (satisfactory, marginal, or unsatisfactory, when available); and

ix. Current status of the construction site/project (i.e., active, temporarily shut down, complete[24]).

b. Annually, the *MS4 Operator* must update the inventory if construction projects are approved or completed.

5. Construction Site Prioritization

a. Within one (1) year of the EDC, the *MS4 Operator* must prioritize all construction sites which are included in the construction site inventory (Part VI.D.4.) as follows:

i. High priority construction sites include construction sites:

a) With a direct conveyance (e.g., channel, ditch, storm sewer) to a *surface water of the State* that is:

i) Listed in Appendix C with silt/sediment, phosphorus, or nitrogen as the POC;

ii) Classified as AA-S, AA, or A (mapped in accordance with Part IV.D.1.e.ii.a)); or

iii) Classified with a trout (T) or trout spawning (TS) designation (mapped in accordance with Part IV.D.1.e.ii.a));

b) With greater than five (5) acres of disturbed earth at any one time;

c) With earth disturbance within one hundred (100) feet of any lake or pond (mapped in accordance with Part IV.D.1.e.ii.b)); and/or

d) Within fifty (50) feet of any rivers or streams (mapped in accordance with Part IV.D.1.e.ii.b));

ii. All other construction sites are considered low priority.

b. Within thirty (30) days of when a construction site becomes active, the *MS4 Operator* must prioritize those construction sites; and

c. Annually, after the initial prioritization (Part VI.D.5.a.), the *MS4 Operator* must update the construction site prioritization in the inventory (Part VI.D.4.a.) based on information gathered as part of the construction oversight program (Part VI.D.3.). The completion of this permit requirement must be documented in the *SWMP Plan*.

i. If the prioritization of the construction site changes priority based on information gathered as part of the construction oversight program, the *MS4 Operator* must comply with the requirements that apply to that prioritization.

[24] Construction projects listed on the inventory must be inspected and tracked as described in Part VI.D.8. until a final site inspection has been completed as specified in Part VI.D.9. and the construction site status changes to complete.

6. SWPPP Review

The *MS4 Operator* must:

a. Ensure individual(s), responsible for reviewing SWPPPs for acceptance, receive:

   i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be completed within three (3) years of the EDC and every three (3) years thereafter.

   ii. Document the completion of this requirement in the *SWMP Plan*.

b. Ensure SWPPP reviewers receive this training (Part VI.D.6.a.) prior to conducting SWPPP reviews for acceptance.

   i. Individuals without these trainings cannot review SWPPPs for acceptance.

   ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.

c. Ensure individuals responsible for reviewing SWPPPs review all SWPPPs for applicable *construction activities* (Part VI.D.1.) and for conformance with the requirements of the CGP, including:

   i. Erosion and sediment controls must be reviewed for conformance with the NYS E&SC 2016, or equivalent;

   ii. Individuals responsible for review of post-construction *SMPs* must be *qualified professionals* or under the supervision of a *qualified professional*; and

   iii. Post-construction *SMPs* must be reviewed for conformance with the NYS SWMDM 2015 or equivalent, including:

      a) All post-construction *SMPs* must meet the *sizing criteria* contained in the CGP and NYS SWMDM 2015.

      b) Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.

      c) The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction *SMP*. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VI.D.6.a.

e. In the *SWMP Plan*, document the SWPPP review including the information found in Part III.B. of the CGP;

f. Prioritize new *construction activities* (Part VI.D.5.a.); and

g. Notify construction site owner/operators that their SWPPP has been accepted using the *MS4* SWPPP Acceptance Form[25] created by the *Department* and required by the CGP, signed in accordance with Part X.J.

7. Pre-Construction Meeting

Prior to commencement of *construction activities*, the *MS4 Operator* must ensure a pre-construction meeting is conducted. The date and content of the pre-construction inspection/meeting must be documented in the *SWMP Plan*. The owner/operator listed on the CGP NOI (if different from the *MS4 Operator*), the *MS4 Operator*, contractor(s) responsible for implementing the SWPPP for the *construction activity,* and the *qualified inspector* (if required for the *construction activity* by Part IV.C. the CGP) must attend the meeting in order to:

a. Confirm the approved project has received, or will receive[26], coverage under the CGP or an individual *SPDES* permit;

b. Verify 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 *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP and Part VI.D.3.d; and

c. Review the construction oversight program (Part VI.D.3.) and expectations for compliance.

8. Construction Site Inspections

The *MS4 Operator* must:

a. Ensure individuals(s), responsible for construction site inspections, receive:

   i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be complete, within three (3) years of the EDC and every three (3) years thereafter.

   ii. Document the completion of this requirement in the *SWMP Plan*.

b. Ensure all *MS4* Construction Site Inspectors receive this training prior to conducting construction site inspections.

   i. Individuals without these trainings cannot inspect construction sites.

   ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.

[25] The *MS4* SWPPP Acceptance Form can be found on the Department's website.

[26] Preconstruction meetings may occur prior to the issuance of the MS4 SWPP Acceptance Form, however, the MS4 Operator must confirm coverage under the CGP will be applied for by the construction site owner/operator prior to commencement of construction of *construction activities*.

c. Annually inspect all sites with *construction activity* identified in the inventory (Part VI.D.4.) during active construction after the pre-construction meeting (Part VI.D.7.), 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 CGP and the *MS4 Operator's* ERP (Part IV.F.1.).

d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VI.D.8.a.

e. Document all inspections using the Construction Site Inspection Report Form (Appendix D) or an equivalent form containing the same information. The *MS4 Operator* must include the completed Construction Site Inspection Reports in the *SWMP Plan*.

9. Construction Site Close-out

a. The *MS4 Operator* must ensure a final construction site inspection is conducted and documentation of the final construction site inspection must be maintained in the *SWMP Plan*. The final construction site inspection must be documented using the Construction Site Inspection Report Form (Appendix D), or an equivalent form containing the same information, or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.

b. The Notice of Termination (NOT)[27] must be signed by the *MS4 Operator* as required by the CGP for projects determined to be complete. The NOT must be signed in accordance with Part X.J.

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

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure proper operation and maintenance of post construction *SMPs* for new or redeveloped sites. This MCM is designed to promote the long-term performance of post-construction *SMPs* in removing *pollutants* from *stormwater* runoff.

1. Applicable Post-Construction *SMPs*

The post-construction *SMP* program must address *stormwater* runoff to the *MS4* from *publicly owned/operated* and *privately owned/operated* post-construction *SMPs* that meet the following:

a. Post-construction *SMPs* that have been installed as part of any CGP covered construction site or individual *SPDES* permit (since March 10, 2003); and

[27] The NOT can be found on the Department's website.

b. All new post-construction *SMPs* constructed as part of the construction site *stormwater* runoff control program (Part VI.D.).

2. Post-Construction *SMP* Inventory & Inspection Tracking[28]

a. The *MS4 Operators* continuing coverage must:

i. Maintain the inventory from previous iterations of this *SPDES* general permit for post-construction *SMPs* installed after March 10, 2003; and

ii. *Develop* the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs:*

a) As they are approved or discovered; or

b) After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VI.D.9.b.).

b. The newly designated *MS4 Operators* must *develop* and maintain the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs:*

i. As they are approved or discovered; or

ii. After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VI.D.9.b.).

c. Annually, the MS4 Operator must update the inventory of post-construction SMPs to include the post-construction *SMPs* in Part VI.E.2.a. and Part VI.E.2.b.

d. Within five (5) years of the EDC, the following information must be included in the inventory either by using the *MS4 Operator* maintenance records or by verification of maintenance records provided by the owner of the post-construction *SMP*:

i. Street address or tax parcel;

ii. Type;[29]

iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

v. Date of installation (if available) or discovery;

vi. Ownership;

vii. Responsible party for maintenance;

[28] Post-construction *SMPs* can be found at a *municipal facility*.
[29] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

viii. Contact information for party responsible for maintenance;

ix. Location of documentation depicting O&M requirements and legal agreements for post-construction *SMP*;

x. Frequency for inspection of post-construction *SMP*, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP (Part VI.D.6.);

xi. Reason for installation (e.g., new development, redevelopment, *retrofit*, flood control), if known;

xii. Date of last inspection;

xiii. Inspection results; and

xiv. Any corrective actions identified and completed.

e. *MS4 Operators* must document the inventory of post-construction *SMPs* in the *SWMP Plan*.

3. SWPPP Review

For post-construction *SMP* SWPPP review requirements, see Part VI.D.6.

4. Post-Construction *SMP* Inspection & Maintenance Program

Within one (1) year of the EDC, the *MS4 Operator* must *develop* and implement a post-construction *SMP* inspection and maintenance program. The post-construction *SMP* inspection and maintenance program must be documented in the *SWMP Plan* specifying:

a. The post-construction *SMP* inspection and maintenance procedures including:

i. Provisions to ensure that each post-construction *SMP* identified in the post-construction *SMP* inventory (Part VI.E.2.) is inspected at the frequency specified in the NYS DEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP (Part VI.D.6.), if available;

a) The *MS4 Operator* can only accept Level 1 inspections (NYS DEC Maintenance Guidance 2017) by private owners inspecting post-construction *SMPs*.

ii. Documentation of post-construction *SMP* inspections using the Post-Construction SMP Inspection Checklist[30] or an equivalent form containing the same information. The *MS4 Operator* must include the completed

[30] The *Department* developed checklist forms specific to each post-construction *SMP* designed to assist *MS4 Operators* in conducting inspections and maintenance activities of standard practices. The Post-Construction SMP Inspection Checklist, March 31, 2017, can be found on the Department's website.

post-construction *SMP* inspections (i.e., the completed Post-Construction SMP Inspection Checklist) in the *SWMP Plan*;

iii. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction *SMP* inspection; and

iv. Provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete.

b. The training provisions for the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.).

i. If new staff are added, training on the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance;

ii. For existing staff, training on the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance and once every five (5) years, thereafter; and

iii. If the post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) are updated (Part VI.E.4.d.), training on the updates must be given to all staff prior to conducting post-construction *SMP* inspection and maintenance.

c. The names, titles, and contact information for the individuals who have received post-construction *SMP* inspection and maintenance procedures training and update annually; and

d. Annually, by April 1, the *MS4 Operator* must:

i. Review and update the post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

F. MCM 6 – Pollution Prevention and Good Housekeeping

The *MS4 Operator* must *develop* and implement a pollution prevention and good housekeeping program for *municipal facilities* and *municipal operations* to minimize *pollutant discharges*. This MCM is designed to ensure the *MS4 Operator*'s own activities do not contribute *pollutants* to *surface waters of the State*.

1. *Best Management Practices (BMPs)* for *Municipal Facilities & Operations*

Within three (3) years of the EDC, the *MS4 Operator* must incorporate *best management practices* (*BMPs*) into the *municipal facility* program *and municipal operations* program to minimize the *discharge* of *pollutants* associated with *municipal facilities* and *municipal operations, respectively*. The *BMPs* to be considered are as follows and must be documented in the *SWMP Plan*:

a. Minimize Exposure

i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, unless not technologically possible or not economically practicable and achievable in light of best industry practices, including areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following *BMP*s:

a) Locate materials and activities inside or protect them with storm resistant coverings;

b) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;

c) Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems;

d) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the *discharge* of *pollutants*;

e) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;

f) Use spill/overflow protection equipment;

g) Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also captures any overspray;

h) Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks; and/or

i) Minimize exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners).

ii. *No Exposure* Certification for High Priority *Municipal Facilities*

a) *Municipal facilities* may qualify for *No Exposure* Certification (Appendix D) when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.

b) High priority *municipal* facilities (Part VI.F.2.c.i.a)) with uncovered parking areas for vehicles awaiting maintenance may be considered a low priority *municipal facility* (Part VI.F.2.c.i.c)) if only routine maintenance is performed inside and all other n*o exposure* criteria are met.

c) *Municipal* facilities accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the *No Exposure* Certification.

d) *Municipal* facilities must maintain the *No Exposure* Certification and document in the *SWMP Plan*. The *No Exposure* Certification ceases to apply when activities or materials become exposed.

b. Follow a Preventive Maintenance Program

i. Implement 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:

a) Performing inspections and preventive maintenance of *stormwater* drainage, source controls, treatment systems, and plant equipment and systems;

b) Maintaining non-structural *BMPs* (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas); and

c) Ensure vehicle washwater is not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where washwater is collected to be recycled or *discharged* to the sanitary sewer (Part I.B.2.d.).

ii. Routine maintenance must be performed to ensure *BMPs* are operating properly.

iii. 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.

c. Spill Prevention and Response Procedures

i. Minimize the 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. At a minimum, the *MS4 Operator* must:
   a) Store materials in appropriate containers;
   b) Label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
   c) Implement 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;
   d) *Develop* procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
   e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;
   f) *Develop* procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the *stormwater* pollution prevention team (Part VI.F.2.d.i.a)). Any spills must be reported in accordance with 6 NYCRR 750-2.7; and
   g) Following any spill or release, the *MS4 Operator* must evaluate the adequacy of the *BMPs* identified in the *municipal facility* specific SWPPP. If the *BMPs* are inadequate, the SWPPP must be updated to identify new *BMPs* that will prevent reoccurrence and improve the emergency response to such releases.

ii. Measures 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.

iii. This *SPDES* general permit does not relieve the *MS4 Operator* of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances. Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

d. Erosion and Sediment Controls[31]

i. Stabilize exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation.

ii. The *MS4 Operator* must consider:

a) Structural and/or non-structural controls found in the NYS E&SC 2016;

b) Areas that, due to topography, land disturbance (e.g., construction), or other factors, have potential for significant soil erosion;

c) Whether structural, vegetative, and/or stabilization *BMPs* are needed to limit erosion;

d) 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

e) Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (50) feet of a *surface water of the State*.

e. Manage Vegetated Areas and Open Space on *Municipal* Property

i. Maintain vegetated areas on *MS4 Operator* owned/operated property and right of ways:

a) Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction;

b) Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting);

c) Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted; and

d) Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the *MS4*.

f. Salt[32] Storage Piles or Pile Containing Salt

Enclose or cover storage piles of salt, or piles containing salt, used for deicing or maintenance of paved surfaces, except during loading, unloading, and handling. Implement appropriate measures (e.g., good housekeeping, routine sweeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

[31] The use of the term "controls" in Part VI.F.1.d. aligns with the use of the term "controls" in the CGP.
[32] For purposes of this *SPDES* general permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

g. Waste, Garbage, and Floatable Debris

i. Keep 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 (e.g., secondary containment, treatment); and

ii. Keep exposed areas free of waste, garbage, and debris or intercept them before they are *discharged*:

a) Manage trash containers at parks and open space (scheduled cleanings; sufficient number);

b) Pick up trash and debris on *MS4 Operator* owned/operated property and rights of way; and

c) Clean out *catch basins* within the appropriate timeframes (Part VI.F.3.c.iii.).

h. Alternative Implementation Options

When alternative implementation options (Part IV.A.1.) are utilized, require the parties performing *municipal operations* as contracted services, including but not limited to street sweeping, snow removal, and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed.

2. *Municipal Facilities*[33]

a. *Municipal Facility* Program

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal facility* program. The *municipal facility* program must be documented in the *SWMP Plan* specifying:

i. The *municipal facility* procedures including:

a) The *BMPs* (Part VI.F.1.) incorporated into the *municipal facility* program;

b) The high priority *municipal facility* requirements (Part VI.F.2.d.) as applied to the specific *municipal facility*; and

c) The low priority *municipal facility* requirements (Part VI.F.2.e.) as applied to the specific *municipal facility*.

ii. The training provisions for the *MS4 Operator*'s *municipal facility* procedures (Part VI.F.2.a.i.).

a) If new staff are added, training on the *MS4 Operator*'s *municipal facility* procedures (Part VI.F.2.a.i.) must be given prior to conducting *municipal facility* procedures;

b) For existing staff, training on the *MS4 Operator*'s *municipal facility* procedures (Part VI.F.2.a.i.) must be given prior to conducting

[33] *Municipal facilities* that have coverage under a separate *SPDES* permit (either individual or MSGP) must comply with the terms and conditions of that permit and the requirements set forth in this Part are not applicable.

municipal facility procedures and once every five (5) years, thereafter; and

c) If the *municipal facility* procedures (Part VI.F.2.a.i.) are updated (Part VI.F.2.a.iv.), training on the updates must be given to all staff prior to conducting *municipal facility* procedures.

iii. The names, titles, and contact information for the individuals who have received *municipal facility* training and update annually; and

iv. Annually, by April 1, the *MS4 Operator* must:

a) Review and update the *municipal facility* procedures (Part VI.F.2.a.i.); and

b) Document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Facility* Inventory

i. Within two (2) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all *municipal* facilities in the *SWMP* Plan. The following information must be included in the inventory:

a) Name of *municipal facility*;

b) Street address;

c) Type of *municipal facility*;

d) Prioritization (high or low) (Part VI.F.2.c.);

e) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)) ;

f) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

g) Contact information;

h) Responsible department;

i) Location of SWPPP (if high priority; when completed);

j) Type of activities present on site;

k) Size of facility (acres);

l) Date of last assessment;

m) *BMPs* identified; and

n) Projected date of next comprehensive site assessment (Part VI.F.2.d.ii.c) or Part VI.F.2.e.ii.c), depending on the *municipal facility* prioritization (Part VI.F.2.c.)).

ii. Annually, the *MS4 Operator* must update the inventory if new *municipal* facilities are added.

c. *Municipal Facility* Prioritization

i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize all known *municipal* facilities as follows:

a) High priority *municipal facilities* include *municipal* 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 *municipal facilities* include any *municipal* facilities that do not meet the criteria for a high priority (Part VI.F.2.c.i.a)) *municipal facility*.

c) High priority *municipal facilities* (Part IV.F.2.c.i.a)) which qualify for a *No Exposure* Certification (Part VI.F.1.a.ii.) are low priority *municipal* facilities.

ii. Within thirty (30) days of when a *municipal facility* is added to the inventory, the *MS4 Operator* must prioritize those *municipal* facilities; and

iii. Annually, after the initial prioritization (Part VI.F.2.c.i.), the *MS4 Operator* must update the *municipal facility* prioritization in the inventory (Part VI.F.2.b.i.) based on information gathered as part of the *municipal facility* program (Part VI.F.2.a.), including cases where a *No Exposure* Certification (Part VI.F.1.a.ii.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

d. High Priority *Municipal Facility* Requirements

i. Municipal Facility Specific SWPPP

Within five (5) years of the EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VI.F.2.c.i.a)) and retain a copy of the *municipal facility* specific SWPPP on site of the respective *municipal facility*. The SWPPP must contain:

a) *Stormwater* Pollution Prevention Team

The *municipal facility* specific SWPPP must identify the individuals (by name and/or title) and their role/responsibilities in *developing*, implementing, maintaining, and revising the *municipal facility* specific SWPPP. The activities and responsibilities of the team must address all aspects of the *municipal facility* specific SWPPP.

b) General Site Description

A written description of the nature of the activities occurring at the *municipal facility* with a potential to *discharge pollutants*, type of

pollutants expected, and location of key features as detailed in the site map (Part VI.F.2.d.i.e)).

c) Summary of potential *pollutant* sources

The *municipal facility* specific SWPPP must identify each area at the *municipal facility* where materials or activities are exposed to *stormwater* or from which authorized non-*stormwater discharges* (Part I.A.3.) originate, including any potential *pollutant* sources for which the *municipal 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 (e.g., material storage, equipment fueling and cleaning);

(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 *municipal facility* that generates *stormwater discharges,* a prediction of the direction of flow, and the likelihood of the activity to contaminate the *stormwater discharge*. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced or *discharge*d, the likelihood of contact with *stormwater*; and history of leaks or spills of toxic or hazardous *pollutants*.

d) Spills and Releases

For areas that are exposed to precipitation or that otherwise drain to a *stormwater* conveyance to be covered under this *SPDES* general permit, the *municipal facility* specific SWPPP must include a list of spills or releases[34] 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) Site Map

[34] 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.

The *municipal facility* specific SWPPP must 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 (mapped in accordance with Part IV.D.2.a.i.) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;

iv) Location of all post-construction *SMPs* (mapped in accordance with Part IV.D.2.a.iv.) and *MS4* infrastructure (mapped in accordance with Part IV.D.2.b.i.);

v) Locations of *discharges* authorized under other *SPDES* permits;

vi) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;

vii) Locations of haul and access roads;

viii) Rail cars and tracks;

ix) Arrows showing direction of *stormwater* flow;

x) Location of all receiving waters in the immediate vicinity of the *municipal facility*, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them (mapped in accordance with Part IV.D.1.e.ii.);

xi) Locations where *stormwater* flows have significant potential to cause erosion;

xii) Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the *municipal facility*; and

xiii) Locations of the following areas where such areas are exposed to precipitation or *stormwater*:

(a) Fueling stations;
(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* (Part I.A.3.);
(k) Locations where spills[35] or leaks have occurred; and
(l) Locations of all existing structural *BMP*s.

f) *Stormwater Best Management Practices (BMPs)*

The *municipal facility* specific SWPPP must document the location and type of *BMPs* implemented at the *municipal facility* (Part VI.F.1.). The *municipal facility* specific SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments
The *municipal facility* specific SWPPP must include a schedule for completing and recording results of routine and comprehensive site assessments (Part VI.F.2.d.ii.c)).

ii. Municipal Facility Assessments

a) Wet Weather Visual Monitoring

i) Once every five (5) years, the *MS4 Operator* must conduct wet weather visual monitoring of the monitoring locations (Part VI.C.1.b.) and other sites of *stormwater* leaving the site that are *discharging stormwater* from fueling areas, storage areas, vehicle and equipment maintenance/fueling areas, material handling areas and similar potential *pollutant* generating areas (Part VI.F.2.d.i.e)xiii)).

(a) All samples must be collected from *discharges* resulting from a *qualifying storm event*. The storm event must be documented using the Storm Event Data Form (Appendix D) and kept with the *municipal facility* specific SWPPP. The sample must be taken during the first thirty (30) minutes (or as soon as practical, but not to exceed one hour) of the *discharge* at the monitoring location.

(b) No analytical tests are required to be performed on the samples for the purpose of meeting the visual monitoring requirements.

(c) The visual examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and any other obvious indicators of *stormwater* pollution.

(d) The visual examination of the sample must be conducted in a well-lit area.

[35] 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.

(e) Where practicable, the same individual should carry out the collection and examination of *discharges* for the entire permit term for consistency.

(f) The *MS4 Operator* must document the visual examination using the Visual Monitoring Form (Appendix D) and keep it with the *municipal facility* specific SWPPP to record:

(i) Monitoring location ID;

(ii) Examination date and time;

(iii) Personnel conducting the examination;

(iv) Nature of the *discharge* (runoff or snowmelt);

(v) Visual quality of the *stormwater discharge* including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of *stormwater* pollution; and

(vi) Probable sources of any observed *stormwater* contamination.

(vii) Corrective and follow up actions – If the visual examination indicates the presence of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of *stormwater* pollution, the *MS4 Operator* must, at minimum, complete and document the following actions:

(1) Evaluate the facility for potential sources;

(2) Remedy the problems identified;

(3) Revise the *municipal facility* specific SWPPP; and

(4) Perform an additional visual inspection during the first *qualifying storm event* following implementation of the corrective action. If the first *qualifying storm event* does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.

b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VI.C.1.e.).

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* as identified in the inventory (Part VI.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing

the same information, and document in the *municipal facility* specific SWPPP and *SWMP Plan* that:

(a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;

(b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

(i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

e. Low Priority *Municipal Facility* Requirements

i. The *MS4 Operator* must identify procedures outlining *BMPs* for the types of activities that occur at the low priority *municipal* facilities as described in Part VI.F.1. A *municipal facility* specific SWPPP is not required.

ii. *Municipal Facility* Assessments

a) Low priority *municipal* facilities are not required to conduct wet weather visual monitoring.

b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VI.C.1.e.).

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* as identified in the inventory (Part VI.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *SWMP Plan* that:

(a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;

(b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which

has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

(i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

3. *Municipal Operations* & Maintenance

a. *Municipal Operations* Program

Municipal operations are: street and bridge maintenance; winter road maintenance; *MS4* maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; or hydrologic habitat modification.

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal operations* program. The *municipal operations* program must be documented in the *SWMP Plan* specifying:

i. The *municipal operations* procedures including:

a) The *BMPs* (Part VI.F.1.) incorporated into the *municipal operations* program;

b) The *municipal operations* corrective actions requirements (Part VI.F.3.b.);

c) *Catch basin* inspection and maintenance requirements (Part VI.F.3.c.);

d) Roads, bridges, parking lots, and right of way maintenance requirements (Part VI.F.3.d.); and

e) All other *municipal operations* maintenance requirements.

ii. The training provisions for the *MS4 Operator*'s *municipal operations* procedures (Part VI.F.3.a.i.).

a) If new staff are added, training on the *MS4 Operator*'s *municipal operations* procedures (Part VI.F.3.a.i.) must be given prior to conducting *municipal operations* procedures;

b) For existing staff, training on the *MS4 Operator*'s *municipal operations* procedures (Part VI.F.3.a.i.) must be given prior to conducting *municipal operations* procedures and once every five (5) years, thereafter; and

c) If the *municipal operations* procedures (Part VI.F.3.a.i.) are updated (Part VI.F.3.a.iv.), training on the updates must be given to all staff prior to conducting *municipal operations* procedures.

iii. The names, titles, and contact information for the individuals who have received *municipal operations* training and update annually; and

iv. Annually, by April 1, the *MS4 Operator* must:

a) Review and update the *municipal operations* procedures (Part VI.F.3.a.i.); and

c) Document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Operations* Corrective Actions

i. For *municipal operations*, *MS4 Operators* must either:

a) Ensure compliance with the terms and conditions of this *SPDES* general permit; or

b) Implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of this *SPDES* general 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, a schedule must be prepared that specifies interim milestones that will ensure compliance in the shortest reasonable time.

c. *Catch Basin* Inspection and Maintenance

Within three (3) years of the EDC, the MS4 Operator must:

i. Identify when *catch basin* inspection is needed with consideration for:

a) Areas with *construction activities* (mapped in accordance with Part IV.D.2.a.iii.);

b) Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.d.iii.);

c) Recurring or history of issues; or

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

ii. Inventory *catch basin* inspection information including:

a) Date of inspection;

b) 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*);

c) Depth of structure;

d) Depth of *sump*; and

e) Date of clean out, if applicable (Part VI.F.3.c.iii.).

iii. Based on inspection results, clean out *catch basins* within the following timeframes:

a) 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 must be cleaned out;

b) 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 must be cleaned out; and

c) MS4 Operators are not required to clean out *catch basins* if the *catch basins* are operating properly and:

i. There is no trash, sediment, and/or debris in the *catch basin*; or

ii. The *sump* depth of the *catch basin* is less than or equal to two (2) feet.

iv. Properly manage (handling and disposal) materials removed from *catch basins* during clean out so that:

a) Water removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*;

b) Material removed from *catch basins* is disposed of in accordance with any applicable environmental laws and regulations; and

c) Material removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*.

v. Determine if there are signs/evidence of *illicit discharges* and procedures for referral/follow-up if *illicit discharges* are encountered.

d. Roads, Bridges, Parking Lots, & Right of Way Maintenance

i. Sweeping

Within six (6) months of the EDC, the *MS4 Operator* must *develop* and implement procedures for sweeping and/or cleaning *municipal* streets, bridges, parking lots, and right of ways owned/operated by the *MS4 Operator*. The procedures and completion of permit requirements must be documented in the *SWMP Plan* specifying:

a) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding). This requirement 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.

b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept. This requirement 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 USDOT 2013.

ii. Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VI.F.1.), the *MS4 Operator* must implement the following provisions:

a) Pave, mark, and seal in dry conditions;

b) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce the potential discharge of pollutants to the *MS4* or *surface waters of the State*;

c) Restrict the use of herbicides/pesticide application to roadside vegetation; and

d) Contain *pollutants* associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris).

iii. Winter Road Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VI.F.1.), the *MS4 Operator* must 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.[36]

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

Part VII. Minimum Control Measures (MCMs) for *Traditional Non-Land Use Control & Non-Traditional MS4 Operators*

In addition to the requirements contained in Part I. through Part V*, traditional non-land use* and *non-traditional MS4 Operators* must comply with the MCMs contained in this Part. These *MS4 Operators* should consider their public to be:

- Employees (i.e., staff, faculty);
- User population/visitors;
- Students;
- Tenants; and
- Contractors & developers working for *MS4 Operator*.

A. MCM1 – Public Education and Outreach Program

The *MS4 Operator* must *develop* and implement an education and outreach program to increase public awareness of *pollutant* generating activities and behaviors. This MCM is designed to inform the public about the impacts of *stormwater* on water quality, the general sources of *stormwater pollutants*, and the steps the general public can take to reduce *pollutants* in *stormwater* runoff.

1. Development

a. Focus Areas

Within three (3) years of the EDC, the *MS4 Operator* must identify and document the focus areas in the *SWMP Plan*. The focus areas to be considered are as follows:

i. Areas *discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a));

ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.c. for *MS4 Operators* continuing coverage and Part IV.D.2.a.ii. for newly designated *MS4 Operators*);

iii. *TMDL* watersheds (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));

iv. Areas with *construction activities*;

v. Areas with on-site wastewater systems (subject to Part VIII. or Part IX. requirements);

vi. Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.e.iii.);

vii. *Stormwater hotspots*; and

viii. Areas with *illicit discharges*.

b. Target Audiences and Associated *Pollutant* Generating Activities

Within three (3) years of the EDC, the *MS4 Operator* must identify and document the applicable target audience(s) and associated *pollutant* generating activities that the outreach and education will address for each focus area identified by the *MS4 Operator* in Part VII.A.1.a. in the *SWMP Plan*. The target audiences are as follows:

i. Residents;

ii. Commercial:[37] Business owners and staff;

iii. Institutions:[38] Managers, staff, and students;

iv. Construction: Developers, contractors, and design professionals;

v. Industrial:[39] Owners and staff; and

vi. *MS4 Operator*'s *municipal* staff.

c. Education and Outreach Topics

Within three (3) years of the EDC, the *MS4 Operator* must identify and document in the *SWMP Plan* the education and outreach topics and how the education and outreach topics will reduce the potential for *pollutants* to be generated by the target audience(s) (Part VII.A.1.b.) for the focus area(s) (Part VII.A.1.a.).

e. *Illicit Discharge* Education

Within six (6) months of the EDC, the *MS4 Operator* must make information related to the prevention of *illicit discharges*, available to *municipal* employees, businesses, and the public and document the completion of this requirement in the *SWMP Plan*. The information related to the prevention of illicit discharges must include the following:

i. What types of *discharges* are allowable (Part I.A.3.);

ii. What is an *illicit discharge* and why is it prohibited (Part VII.C.);

iii. The environmental hazards associated with *illicit discharges* and improper disposal of waste;

iv. Proper handling and disposal practices for the most common behaviors within the community (e.g., septic care, car washing, household hazardous waste, swimming pool draining, or other activities resulting in *illicit discharges* to the *MS4*); and

v. How to report *illicit discharges* they may observe (Part VII.C.1.a.).

[37] Business, retail stores, and restaurants.
[38] Hospitals, churches, colleges, and schools.
[39] Factories, recyclers, auto-salvage, and mines.

2. Implementation and Frequency

a. Distribution Method of Educational Messages

Once every five (5) years, the *MS4 Operator* must identify and document in the *SWMP Plan* which of the following method(s) are used for the distribution of educational messages:

i. Printed materials (e.g., mail inserts, brochures, and newsletters);

ii. Electronic materials (e.g., websites, email listservs);

iii. Mass media (e.g., newspapers, public service announcements on radio or cable);

iv. Workshops or focus groups;

v. Displays in public areas (e.g., town halls, library, parks); or

vi. Social Media (e.g., Facebook, Twitter, blogs).

b. Frequency

Following the completion of Part VII.A.1.a, Part VII.A.1.b, and Part VII.A.1.c, within five (5) years of the EDC, and once every five (5) years, thereafter, the *MS4 Operator* must:

i. Deliver an educational message to each target audience(s) (Part VII.A.1.b.) for each focus area(s) (Part VII.A.1.a.) based on the defined education and outreach topic(s) (Part VII.A.1.c.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

c. Updates to the Public Education and Outreach Program

Following the completion of Part VII.A.1.a, Part VII.A.1.b, and Part VII.A.1.c, annually, by April 1, the *MS4 Operator* must:

i. Review and update the focus areas, target audiences, and/or education and outreach topics; and

ii. Document the completion of this requirement in the *SWMP Plan*.

B. MCM 2 - Public Involvement/Participation

The *MS4 Operator* must provide opportunities to involve the public in the development, review, and implementation of the *SWMP*. This MCM is designed to give the public the opportunity to include their opinions in the implementation of this *SPDES* general permit.

1. Public Involvement/Participation

a. Annually, the *MS4 Operator* must provide an opportunity for public involvement/participation in the development and implementation of the *SWMP*. The *MS4 Operator* must document the public involvement/participation opportunities in the *SWMP* Plan. The opportunities for public involvement/participation are as follows:

i. Citizen advisory group on *stormwater* management;

ii. Public hearings or meetings;

iii. Citizen volunteers to educate other individuals about the *SWMP*;

iv. Coordination with other pre-existing public involvement/participation opportunities;

v. Reporting concerns about activities or behaviors observed; or

vi. Stewardship activities.

b. Annually, the *MS4 Operator* must inform the public of the opportunity (Part VII.B.1.a.) for their involvement/participation in the development and implementation of the *SWMP* and how they can become involved. The *MS4 Operator* must document the method for distribution of this information in the *SWMP Plan*. The methods for distribution are as follows:

i. Public notice;

ii. Printed materials (e.g., mail inserts, brochures and newsletters);

iii. Electronic materials (e.g., websites, email listservs);

iv. Mass media (e.g., newspapers, public service announcements on radio or cable);

v. Workshops or focus groups;

vi. Displays in public areas (e.g., town halls, library, parks); or

vii. Social Media (e.g., Facebook, Twitter, blogs).

c. Within six (6) months of the EDC, the *MS4 Operator* must identify a local point of contact to receive and respond to public concerns regarding *stormwater* management and compliance with permit requirements. The name or title of this individual, with contact information, must be published on public outreach and public participation materials and documented in the *SWMP Plan*.

2. Public Notice and Input Requirements

a. Public Notice and Input Requirements for *SWMP Plan*

Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the publicly available *SWMP Plan* (Part IV.B.2.b.). The public must have the ability to ask questions and submit comments on the *SWMP Plan*. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by Part VII.B.1.

b. Public Notice and Input Requirements for Draft Annual Report

i. Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the draft Annual Report. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by either:

a) Presentation of the draft Annual Report at a regular meeting of an existing board (e.g., administrative, planning, zoning) or a separate meeting specifically for *stormwater*, as designated by the *MS4* or if requested by the public. The public must have the ability to ask questions about and make comments on the draft annual report during that presentation; or

b) Posting of the draft Annual Report on a public website. The website must provide information on the timeframes and procedures to submit comments and/or request a meeting. However, if a public meeting is requested by two or more persons, the *MS4 Operator* must hold such a meeting.

c. Consideration of Public Input

i. Annually, the *MS4 Operator* must include a summary of comments received on the *SWMP Plan* and draft Annual Report in the *SWMP Plan*.

ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update the *SWMP Plan*, where appropriate, based on the public input received.

C. MCM 3 - *Illicit Discharge* Detection and Elimination

The *MS4 Operator* must *develop*, implement, and enforce a program which systematically detects, tracks down, and eliminates *illicit discharges* to the *MS4*. This MCM is designed to manage the *MS4* so it is not conveying *pollutants* associated with flows other than those directly attributable to *stormwater* runoff.

1. *Illicit Discharge* Detection

a. Public Reporting of *Illicit Discharges*

i. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report *illicit discharges*.

ii. Within thirty (30) days of an *illicit discharge*, the *MS4 Operator* must document each report of an *illicit discharge* in the *SWMP Plan* with the following information:

a) Date of the report;

b) Location of the *illicit discharge;*

c) Nature of the *illicit discharge;*

d) Follow up actions taken or needed (including response times); and

e) Inspection outcomes and any enforcement taken.

b. Monitoring Locations

The monitoring locations used to detect *illicit discharges* are identified as follows:

i. *MS4 outfalls;*[40]
ii. *Interconnections*;[41] and
iii. *Municipal facility intraconnections*.[42]

c. Monitoring Locations Inventory

i. Within three (3) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of the monitoring locations in the *SWMP Plan*. The following information must be included in the inventory:[43]

a) Inventory information for *MS4 outfall*s

i) ID;
ii) Prioritization (high or low) (Part VII.C.1.d.);
iii) Type of monitoring location (Part VII.C.1.b.);
iv) Name of *MS4 Operator's municipal facility*, if located at a *municipal facility*;[44]
v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
vi) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
vii) Land use in drainage area;
viii) Type of conveyance (open drainage or closed pipe);
ix) Material;
x) Shape;
xi) Dimensions;
xii) Submerged in water; and
xiii) Submerged in sediment.

b) Inventory information for *interconnections*

i) ID;
ii) Prioritization (high or low) (Part VII.C.1.d.);
iii) Type of monitoring location (Part VII.C.1.b.);
iv) Name of *MS4 Operator* receiving *discharge* or private storm system;

[40] *MS4 outfall*s can be found at a *municipal facility*.
[41] *Interconnections* can be found a *municipal facility*.
[42] *Municipal facility intraconnections* can be found only at a *municipal facility*.
[43] The information included in the inventory is collected during inspections on the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) unless otherwise specified by the permit conditions.
[44] This information is collected as part of the *municipal facility* inventory.

v) Name of *MS4 Operator*'s *municipal facility*, if located at a *municipal facility*; and
vi) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

c) Inventory information for *municipal facility intraconnections*

i) ID;
ii) Prioritization (high or low) (Part VII.C.1.d.);
iii) Type of monitoring location (Part VII.C.1.b.);
iv) Name of *MS4 Operator*'s *municipal facility*; and
v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

ii. Annually, the *MS4 Operator* must update the inventory if monitoring locations are created or discovered.

d. Monitoring Locations Prioritization

i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize monitoring locations which are included in the monitoring locations inventory (Part VII.C.1.c.) as follows:

a) High priority monitoring locations include monitoring locations:

vi) At a high priority *municipal facility*, as defined in Part VII.F.2.c;

vii) *Discharging* to impaired waters (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.e.ii.b));

viii) *Discharging* within a TMDL watershed (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));

ix) *Discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a)); and/or

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

b) All other monitoring locations are considered low priority.

ii. Within thirty (30) days of when a monitoring location is constructed or the *MS4 Operator* discovers it, the *MS4 Operator* must prioritize those monitoring locations; and

iii. Annually, after the initial prioritization (Part VII.C.1.d.i.), the *MS4 Operator* must update the monitoring location prioritization in the inventory (Part VII.C.1.c.) based on information gathered as part of the monitoring location inspection and sampling program (Part VII.C.1.e.). The completion of this permit requirement must be documented in the *SWMP Plan*.

e. Monitoring Locations Inspection and Sampling Program

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement a monitoring locations inspection and sampling program. The monitoring locations inspection and sampling program must be documented in the *SWMP Plan* specifying:

i. The monitoring locations inspection and sampling procedures including:

a) During *dry weather,*[45] one (1) inspection of each monitoring location identified in the inventory (Part VII.C.1.c.) every five (5) years following the most recent inspection;

b) Documentation of all monitoring location inspections, including any sampling results, using the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) or an equivalent form containing the same information and include the completed monitoring location inspections and sampling results in the *SWMP Plan* (e.g., the completed Monitoring Locations Inspection and Sampling Field Sheets);

c) Provisions to sample all monitoring locations which had inspections which resulted in a *suspect* or *obvious illicit discharge* characterization. The sampling requirement is based on the number and severity of *physical indicators present in the flow* to better inform track down procedures (Part VII.C.2.). If the source of the *illicit discharge* is clear and discernable (e.g., sewage), sampling is not necessary;

d) 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[46] and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;

e) Provisions to initiate, or cause to initiate,[47] track down procedures (Part VII.C.2.a.), in accordance with the timeframes specified in Part VII.C.2.a.iii, for monitoring locations with an overall characterization[48] as *suspect illicit discharge* or *obvious illicit discharge* or that exceed any sampling action level used;

f) Provisions to re-inspect the monitoring location within thirty (30) days of initial inspection if there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges,* utilizing techniques described in Chapter 12.6 of the Center for Watershed

[45] MS4 Operators 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.
[46] Refer to Chapter 12 of the CWP 2004 for parameters, sampling action levels, and procedures.
[47] If track down is conducted by individuals or entities other than those conducting the monitoring locations inspections.
[48] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

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

i) If those same physical indicators persist, the *MS4 Operator* must initiate *illicit discharge* track down procedures (Part VII.C.2.a.).

ii. The training provisions for the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.).

a) If new staff are added, training on the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling procedures;

b) For existing staff, training on the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling and once every five (5) years, thereafter; and

c) If the monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) are updated (Part VII.C.1.e.iv.), training on the updates must be given to all staff prior to conducting monitoring locations inspections and sampling.

iii. The names, titles, and contact information for the individuals who have received monitoring locations inspection and sampling procedures training and update annually; and

iv. Annually, by April 1, the *MS4 Operator* must:

a) Review and update the monitoring location inspection and sampling procedures (Part VII.C.1.e.i.) based on monitoring location inspection results (e.g., trends, patterns, areas with *illicit discharges*, and common problems); and

b) Document the completion of this requirement in the *SWMP Plan*.

2. *Illicit Discharge* Track Down Program

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* track down program to identify the source of *illicit discharges* and the responsible party. The *illicit discharge* track down program must be documented in the *SWMP Plan* specifying:

a. The *illicit discharge* track down procedures including:

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

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

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

a) Within twenty-four (24) hours of discovery, the *MS4 Operator* must initiate track down procedures for flowing *MS4* monitoring locations with *obvious illicit discharges;*[49]

b) Within two (2) hours of discovery, the *MS4 Operator* must 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 report orally or electronically to the Regional Water Engineer and local health department; and

c) Within five (5) days of discovery, the *MS4 Operator* must initiate track down procedures for *suspect illicit discharges*.

b. The training provisions for the *MS4 Operator*'s *illicit discharge* track down procedures (Part VII.C.2.a.).

i. If new staff are added, training on the *MS4 Operator*'s *illicit discharge* track down procedures (Part VII.C.2.a.) must be given prior to conducting *illicit discharge* track downs;

ii. For existing staff, training on the *MS4 Operator*'s *illicit discharge* track down procedures (Part VII.C.2.a.) must be given prior to *conducting illicit discharge* track downs and once every five (5) years, thereafter; and

iii. If the *illicit discharge* track down procedures (Part VII.C.2.a.) are updated (Part VII.C.2.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* track downs.

c. The names, titles, and contact information for the individuals who have received *illicit discharge* track down procedures training and update annually; and

d. Annually, by April 1, the *MS4 Operator* must:

i. Review and update the *illicit discharge* track down procedures (Part VII.C.2.a.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

3. *Illicit Discharge* Elimination Program

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* elimination program. The *illicit discharge* elimination program must be documented in the *SWMP Plan* specifying:

a. The *illicit discharge* elimination procedures including:

i. Provisions for escalating enforcement and tracking, both consistent with the ERP required in Part IV.F. of this *SPDES* general permit;

ii. Provisions to confirm the corrective actions have been taken;

[49] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

iii. Steps taken for *illicit discharge* elimination procedures; and

iv. The following timeframes for *illicit discharge* elimination:

a) Within twenty-four (24) hours of identification of an *illicit discharge* that has a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*;

b) 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 *MS4 Operator* must eliminate the *illicit discharge;* and

c) Where elimination of an *illicit discharge* within the specified timeframes (Part VII.C.3.a.iv.) is not possible, the *MS4 Operator* must notify the Regional Water Engineer.

b. The training provisions for the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VII.C.3.a.).

i. If new staff are added, training on the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VII.C.3.a.) must be given prior to conducting *illicit discharge* eliminations;

ii. For existing staff, training on the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VII.C.3.a.) must be given prior to conducting *illicit discharge* eliminations and once every five (5) years, thereafter; and

iii. If the *illicit discharge* elimination procedures (Part VII.C.3.a.) are updated (Part VII.C.3.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* eliminations.

c. The names, titles, and contact information for the individuals who have received *illicit discharge* elimination procedures training and update annually; and

d. Annually, by April 1, the *MS4 Operator* must:

i. Review and update the *illicit discharge* elimination procedures (Part VII.C.3.a.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

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

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure construction sites are effectively controlled. This MCM is designed to prevent *pollutants* from construction related activities,[50] as well as promote the proper planning and installation of post-construction *SMPs*.

[50] Projects that comply with the terms and conditions of the CGP or an individual *SPDES* permit for *stormwater* for which they obtained coverage and local erosion and sediment control requirements are effectively controlled.

1. Applicable Construction Activities/Projects/Sites

a. 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 *MS4 Operator* that:

i. Result in a total land disturbance of greater than or equal to one acre; or,

ii. Disturb less than one acre if part of a larger common plan of development or sale.

b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP:

i. The *MS4 Operator* must ensure compliance with the CGP; and

ii. The additional requirements for construction oversight described in Part VII.D.6 through Part VII.D.9 are not required.

2. Public Reporting of Construction Site Complaints

a. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report complaints related to construction *stormwater* activity.

b. The *MS4 Operator* must document reports of construction site complaints in the *SWMP Plan* with the following information:

i. Date of the report;

ii. Location of the construction site;

iii. Nature of complaint;

iv. Follow up actions taken or needed; and

v. Inspection outcomes and any enforcement taken.

3. Construction Oversight Program

Within one (1) year of the EDC, the *MS4 Operator* must *develop* and implement a construction oversight program. The construction oversight program must be documented in the *SWMP Plan* specifying:

a. The construction oversight procedures including:

i. When the construction site *stormwater* control program applies (Part VII.D.1.);

ii. What types of *construction activity* require a SWPPP;

iii. The procedures for submission of SWPPPs;

iv. SWPPP review requirements (Part VII.D.6.)

v. Pre-construction oversight requirements (Part VII.D.7.)

vi. Construction site inspection requirements (Part VII.D.8.);

vii. Construction site close-out requirements (Part VII.D.9.);

viii. Enforcement process/expectations for compliance; and

ix. Other procedures associated with the control of *stormwater* runoff from applicable *construction activities*.

b. The training provisions for the *MS4 Operator*'s construction oversight procedures (Part VII.D.3.a.).

i. If new staff are added, training on the *MS4 Operator*'s construction oversight procedures (Part VII.D.3.a.) must be given prior to conducting any construction oversight activities;

ii. For existing staff, training on the *MS4 Operator*'s construction oversight procedures (Part VII.D.3.a.) must be given prior to conducting any construction oversight activities and once every five (5) years, thereafter; and

iii. If the construction oversight procedures (Part VII.D.3.a.) are updated (Part VII.D.3.a.), training on the updates must be given to all staff prior to conducting construction oversight.

c. The names, titles, and contact information for the individuals who have received construction oversight training and update annually;

d. Procedures to ensure those involved in the *construction activity* itself (e.g., contractor, subcontractor, *qualified inspector*, SWPPP reviewers) have received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity; and

e. Annually, by April 1, the *MS4 Operator* must:

i. Review and update the construction oversight procedures (Part VII.D.3.a.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

4. Construction Site Inventory & Inspection Tracking

a. Within six (6) months of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all applicable construction sites (Part VII.D.1.a.) in the *SWMP Plan*. The following information must be included in the inventory:

i. Location of the construction site;

ii. Owner/operator contact information, if other than the *MS4 Operator*;

iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

v. Prioritization (high or low) (Part VII.D.5.);

vi. Construction project *SPDES* identification number;

vii. SWPPP approval date;

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

ix. Current status of the construction site/project (i.e., active, temporarily shut down, complete[51]).

b. Annually, the *MS4 Operator* must update the inventory if construction projects are approved or completed.

5. Construction Site Prioritization

a. Within one (1) year of the EDC, the *MS4 Operator* must prioritize all construction sites which are included in the construction site inventory (Part VII.D.4.) as follows:

i. High priority construction sites include construction sites:

a) With a direct conveyance (e.g., channel, ditch, storm sewer) to a *surface water of the State* that is:

i) Listed in Appendix C with silt/sediment, phosphorus, or nitrogen as the POC;

ii) Classified as AA-S, AA, or A (mapped in accordance with Part IV.D.1.e.ii.a)); or

iii) Classified with a trout (T) or trout spawning (TS) designation (mapped in accordance with Part IV.D.1.e.ii.a));

b) With greater than five (5) acres of disturbed earth at any one time;

c) With earth disturbance within one hundred (100) feet of any lake or pond (mapped in accordance with Part IV.D.1.e.ii.b)); and/or

d) Within fifty (50) feet of any rivers or streams (mapped in accordance with Part IV.D.1.e.ii.b));

ii. All other construction sites are considered low priority.

b. Within thirty (30) days of when a construction site becomes active, the *MS4 Operator* must prioritize those construction sites; and

c. Annually, after the initial prioritization (Part VII.D.5.a.), the *MS4 Operator* must update the construction site prioritization in the inventory (Part VII.D.4.a.) based on information gathered as part of the construction oversight program (Part VII.D.3.). The completion of this permit requirement must be documented in the *SWMP Plan*.

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[51] Construction projects listed on the inventory must be inspected and tracked as described in Part VII.D.8. until a final site inspection has been completed as specified in Part VII.D.9. and the construction site status changes to complete.

i. If the prioritization of the construction site changes priority based on information gathered as part of the construction oversight program, the *MS4 Operator* must comply with the requirements that apply to that prioritization.

6. SWPPP Review

The *MS4 Operator* must:

a. Ensure individual(s), responsible for reviewing SWPPPs for acceptance, receive:

i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be completed within three (3) years of the EDC and every three (3) years thereafter.

ii. Document the completion of this requirement in the *SWMP Plan*.

b. Ensure SWPPP reviewers receive this training (Part VII.D.6.a.) prior to conducting SWPPP reviews for acceptance.

i. Individuals without these trainings cannot review SWPPPs for acceptance.

ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.

c. Ensure individuals responsible for reviewing SWPPPs review all SWPPPs for applicable *construction activities* (Part VII.D.1.) and for conformance with the requirements of the CGP, including:

i. Erosion and sediment controls must be reviewed for conformance with the NYS E&SC 2016, or equivalent;

ii. Individuals responsible for review of post-construction *SMPs* must be *qualified professionals* or under the supervision of a *qualified professional*; and

iii. Post-construction *SMPs* must be reviewed for conformance with the NYS SWMDM 2015 or equivalent, including:

a) All post-construction *SMPs* must meet the *sizing criteria* contained in the CGP and NYS SWMDM 2015.

b) Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.

c) The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction *SMP*. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VII.D.6.a.

e. In the *SWMP Plan*, document the SWPPP review including the information found in Part III.B. of the CGP;

f. Prioritize new *construction activities* (Part VII.D.5.a.); and

g. Notify construction site owner/operators that their SWPPP has been accepted using the *MS4* SWPPP Acceptance Form[52] created by the *Department* and required by the CGP, signed in accordance with Part X.J.

7. Pre-Construction Meeting

Prior to commencement of *construction activities*, the *MS4 Operator* must ensure a pre-construction meeting is conducted. The date and content of the pre-construction inspection/meeting must be documented in the *SWMP Plan*. The owner/operator listed on the CGP NOI (if different from the *MS4 Operator*), the *MS4 Operator*, contractor(s) responsible for implementing the SWPPP for the *construction activity,* and the *qualified inspector* (if required for the *construction activity* by Part IV.C. the CGP) must attend the meeting in order to:

a. Confirm the approved project has received, or will receive[53], coverage under the CGP or an individual *SPDES* permit;

b. Verify 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 *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP and Part VII.D.3.d; and

c. Review the construction oversight program (Part VII.D.3.) and expectations for compliance.

8. Construction Site Inspections

The *MS4 Operator* must:

a. Ensure individuals(s), responsible for construction site inspections, receive:

   i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be complete, within three (3) years of the EDC and every three (3) years thereafter.

   ii. Document the completion of this requirement in the *SWMP Plan*.

[52] The *MS4* SWPPP Acceptance Form can be found on the Department's website.

[53] Preconstruction meetings may occur prior to the issuance of the MS4 SWPP Acceptance Form, however, the MS4 Operator must confirm coverage under the CGP will be applied for by the construction site owner/operator prior to commencement of construction of *construction activities*.

b. Ensure all *MS4* Construction Site Inspectors receive this training prior to conducting construction site inspections.

   i. Individuals without these trainings cannot inspect construction sites.

   ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.

c. Annually inspect all sites with *construction activity* identified in the inventory (Part VII.D.4.) during active construction after the pre-construction meeting (Part VII.D.7.), 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 CGP and the MS4 Operator's ERP (Part IV.F.1.).

d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VII.D.8.a.

e. Document all inspections using the Construction Site Inspection Report Form (Appendix D) or an equivalent form containing the same information. The *MS4 Operator* must include the completed Construction Site Inspection Reports in the *SWMP Plan*.

9. Construction Site Close-out

a. The *MS4 Operator* must ensure a final construction site inspection is conducted and documentation of the final construction site inspection must be maintained in the *SWMP Plan*. The final construction site inspection must be documented using the Construction Site Inspection Report Form (Appendix D), or an equivalent form containing the same information, or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.

b. The Notice of Termination (NOT)[54] must be signed by the *MS4 Operator* as required by the CGP for projects determined to be complete. The NOT must be signed in accordance with Part X.J.

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

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure proper operation and maintenance of post-construction *SMPs* for new or redeveloped sites. This MCM is designed to promote the long-term performance of post-construction *SMPs* in removing *pollutants* from *stormwater* runoff.

[54] The NOT can be found on the Department's website.

1. Applicable Post-Construction *SMPs*

The post-construction *SMP program* must address *stormwater* runoff to the *MS4* from *publicly owned/operated* post-construction *SMPs* that meet the following:

a. Post-construction *SMPs* that have been installed as part of any CGP covered construction site or individual *SPDES* permit (since March 10, 2003); and

b. All new post-construction *SMPs* constructed as part of the construction site *stormwater* runoff control program (Part VII.D.).

2. Post-Construction *SMP* Inventory & Inspection Tracking[55]

a. The *MS4 Operators* continuing coverage must:

   i. Maintain the inventory from previous iterations of this *SPDES* general permit for post-construction *SMPs* installed after March 10, 2003; and

   ii. *Develop* the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs:*

      a) As they are approved or discovered; or

      b) After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VII.D.9.b.).

b. The newly designated *MS4 Operators* must *develop* and maintain the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs:*

   i. As they are approved or discovered; or

   ii. After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VII.D.9.b.).

c. Annually, the MS4 Operator must update the inventory of post-construction SMPs to include the post-construction *SMPs* in Part VII.E.2.a. and Part VII.E.2.b.

d. Within five (5) years of the EDC, the following information must be included in the inventory either by using the *MS4 Operator* maintenance records or by verification of maintenance records provided by the owner of the post-construction *SMP*:

   i. Street address or tax parcel;

   ii. Type;[56]

   iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

[55] Post-construction *SMPs* can be found at a *municipal facility*.
[56] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

v. Date of installation (if available) or discovery;

vi. Ownership;

vii. Responsible party for maintenance;

viii. Contact information for party responsible for maintenance;

ix. Location of documentation depicting O&M requirements and legal agreements for post-construction *SMP*;

x. Frequency for inspection of post-construction *SMP*, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP (Part VII.D.6.);

xi. Reason for installation (e.g., new development, redevelopment, *retrofit*, flood control), if known;

xii. Date of last inspection;

xiii. Inspection results; and

xiv. Any corrective actions identified and completed.

e. *MS4 Operators* must document the inventory of post-construction *SMPs* in the *SWMP Plan*.

3. SWPPP Review

For post-construction *SMP* SWPPP review requirements, see Part VII.D.6.

4. Post-Construction *SMP* Inspection & Maintenance Program

Within one (1) year of the EDC, the *MS4 Operator* must *develop* and implement a post-construction *SMP* inspection and maintenance program. The post-construction *SMP* inspection and maintenance program must be documented in the *SWMP Plan* specifying:

a. The post-construction *SMP* inspection and maintenance procedures including:

i. Provisions to ensure that each post-construction *SMP* identified in the post-construction *SMP* inventory (Part VII.E.2.) is inspected at the frequency specified in the NYS DEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP (Part VII.D.6.), if available;

ii. Documentation of post-construction *SMP* inspections using the Post-Construction SMP Inspection Checklist[57] or an equivalent form containing the same information. The *MS4 Operator* must include the completed post-construction *SMP* inspections (i.e., the completed Post-Construction SMP Inspection Checklist) in the *SWMP Plan*;

iii. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction *SMP* inspection; and

iv. Provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete.

b. The training provisions for the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.).

i. If new staff are added, training on the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance;

ii. For existing staff, training on the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance and once every five (5) years, thereafter; and

iii. If the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) are updated (Part VII.E.4.d.), training on the updates must be given to all staff prior to conducting post-construction *SMP* inspection and maintenance.

c. The names, titles, and contact information for the individuals who have received post-construction *SMP* inspection and maintenance procedures training and update annually; and

d. Annually, by April 1, the *MS4 Operator* must:

i. Review and update the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.); and

ii. Document the completion of this requirement in the *SWMP Plan*.

F. MCM 6 – Pollution Prevention and Good Housekeeping

The *MS4 Operator* must *develop* and implement a pollution prevention and good housekeeping program for *municipal facilities* and *municipal operations* to minimize

[57] The *Department* developed checklist forms specific to each post-construction *SMP* designed to assist *MS4 Operators* in conducting inspections and maintenance activities of standard practices. The Post-Construction SMP Inspection Checklist, March 31, 2017, can be found on the Department's website.

pollutant discharges. This MCM is designed to ensure the *MS4 Operator*'s own activities do not contribute *pollutants* to *surface waters of the State*.

1. *Best Management Practices (BMPs)* for *Municipal Facilities & Operations*

Within three (3) years of the EDC, the *MS4 Operator* must incorporate *best management practices* (*BMPs*) into the *municipal facility* program *and municipal operations* program to minimize the *discharge* of *pollutants* associated with *municipal facilities* and *municipal operations, respectively*. The *BMPs* to be considered are as follows and must be documented in the *SWMP Plan*:

a. Minimize Exposure

i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, unless not technologically possible or not economically practicable and achievable in light of best industry practices, including areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following *BMP*s:

a) Locate materials and activities inside or protect them with storm resistant coverings;

b) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;

c) Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems;

d) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the *discharge* of *pollutants*;

e) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;

f) Use spill/overflow protection equipment;

g) Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also captures any overspray;

h) Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks; and/or

i) Minimize exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners).

ii. *No Exposure* Certification for High Priority *Municipal Facilities*

a) *Municipal facilities* may qualify for *No Exposure* Certification (Appendix D) when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.

b) High priority *municipal facilities* (Part VII.F.2.c.i.a)) with uncovered parking areas for vehicles awaiting maintenance may be considered a low priority *municipal facility* (Part VII.F.2.c.i.c)) if only routine maintenance is performed inside and all other n*o exposure* criteria are met.

c) *Municipal facilities* accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the *No Exposure* Certification.

d) *Municipal facilities* must maintain the *No Exposure* Certification and document in the *SWMP Plan*. The *No Exposure* Certification ceases to apply when activities or materials become exposed.

b. Follow a Preventive Maintenance Program

i. Implement 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:

a) Performing inspections and preventive maintenance of *stormwater* drainage, source controls, treatment systems, and plant equipment and systems;

b) Maintaining non-structural *BMPs* (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas); and

c) Ensure vehicle washwater is not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where washwater is collected to be recycled or *discharged* to the sanitary sewer (Part I.B.2.d.).

ii. Routine maintenance must be performed to ensure *BMPs* are operating properly.

iii. 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.

c. Spill Prevention and Response Procedures

i. Minimize the 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. At a minimum, the *MS4 Operator* must:
   a) Store materials in appropriate containers;
   b) Label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides") that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
   c) Implement 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;
   d) *Develop* procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
   e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;
   f) *Develop* procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the *stormwater* pollution prevention team (Part VII.F.2.d.i.a)). Any spills must be reported in accordance with 6 NYCRR 750-2.7; and
   g) Following any spill or release, the *MS4 Operator* must evaluate the adequacy of the *BMPs* identified in the *municipal facility* specific SWPPP. If the *BMPs* are inadequate, the SWPPP must be updated to identify new *BMPs* that will prevent reoccurrence and improve the emergency response to such releases.

ii. Measures 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.

iii. This *SPDES* general permit does not relieve the *MS4 Operator* of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances. Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

d. Erosion and Sediment Controls[58]

i. Stabilize exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation.

[58] The use of the term "controls" in Part VII.F.1.d. aligns with the use of the term "controls" in the CGP.

ii. The *MS4 Operator* must consider:

a) Structural and/or non-structural controls found in the NYS E&SC 2016;

b) Areas that, due to topography, land disturbance (e.g., construction), or other factors, have potential for significant soil erosion;

c) Whether structural, vegetative, and/or stabilization *BMPs* are needed to limit erosion;

d) 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

e) Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (50) feet of a *surface water of the State*.

e. Manage Vegetated Areas and Open Space on *Municipal* Property

i. Maintain vegetated areas on *MS4 Operator* owned/operated property and right of ways:

a) Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction;

b) Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting);

c) Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted; and

d) Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the *MS4*.

f. Salt[59] Storage Piles or Pile Containing Salt

Enclose or cover storage piles of salt, or piles containing salt, used for deicing or maintenance of paved surfaces, except during loading, unloading, and handling. Implement appropriate measures (e.g., good housekeeping, routine sweeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

g. Waste, Garbage, and Floatable Debris

i. Keep 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 (e.g., secondary containment, treatment); and

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

ii. Keep exposed areas free of waste, garbage, and debris or intercept them before they are *discharged*:

a) Manage trash containers at parks and open space (scheduled cleanings; sufficient number);

b) Pick up trash and debris on *MS4 Operator* owned/operated property and rights of way; and

c) Clean out *catch basins* within the appropriate timeframes (Part VII.F.3.c.iii.).

h. Alternative Implementation Options

When alternative implementation options (Part IV.A.1.) are utilized, require the parties performing *municipal operations* as contracted services, including but not limited to street sweeping, snow removal, and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed.

2. *Municipal Facilities*[60]

a. *Municipal Facility* Program

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal facility* program. The *municipal facility* program must be documented in the *SWMP Plan* specifying:

i. The *municipal facility* procedures including:

a) The *BMPs* (Part VII.F.1.) incorporated into the *municipal facility* program;

b) The high priority *municipal facility* requirements (Part VII.F.2.d.) as applied to the specific *municipal facility*; and

c) The low priority *municipal facility* requirements (Part VII.F.2.e.) as applied to the specific *municipal facility*.

ii. The training provisions for the *MS4 Operator*'s *municipal facility* procedures (Part VII.F.2.a.i.).

a) If new staff are added, training on the *MS4 Operator*'s *municipal facility* procedures (Part VII.F.2.a.i.) must be given prior to conducting *municipal facility* procedures;

b) For existing staff, training on the *MS4 Operator*'s *municipal facility* procedures (Part VII.F.2.a.i.) must be given prior to conducting *municipal facility* procedures and once every five (5) years, thereafter; and

[60] *Municipal facilities* that have coverage under a separate *SPDES* permit (either individual or MSGP) must comply with the terms and conditions of that permit and the requirements set forth in this Part are not applicable.

c) If the *municipal facility* procedures (Part VII.F.2.a.i.) are updated (Part VII.F.2.a.iv.), training on the updates must be given to all staff prior to conducting *municipal facility* procedures.

iii. The names, titles, and contact information for the individuals who have received *municipal facility* training and update annually; and

iv. Annually, by April 1, the *MS4 Operator* must:

a) Review and update the *municipal facility* procedures (Part VII.F.2.a.i.); and

b) Document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Facility* Inventory

i. Within two (2) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all *municipal* facilities in the *SWMP* Plan. The following information must be included in the inventory:

a) Name of *municipal facility*;

b) Street address;

c) Type of *municipal facility*;

d) Prioritization (high or low) (Part VII.F.2.c.);

e) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

f) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

g) Contact information;

h) Responsible department;

i) Location of SWPPP (if high priority; when completed);

j) Type of activities present on site;

k) Size of facility (acres);

l) Date of last assessment;

m) *BMPs* identified; and

n) Projected date of next comprehensive site assessment (Part VII.F.2.d.ii.c) or Part VII.F.2.e.ii.c), depending on the *municipal facility* prioritization (Part VII.F.2.c.)).

ii. Annually, the *MS4 Operator* must update the inventory if new *municipal* facilities are added.

c. *Municipal Facility* Prioritization

i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize all known *municipal* facilities as follows:

a) High priority *municipal* facilities include *municipal* 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 *municipal* facilities include any *municipal* facilities that do not meet the criteria for a high priority (Part VII.F.2.c.i.a)) *municipal facility*.

c) High priority *municipal* facilities (Part IV.F.2.c.i.a)) which qualify for a *No Exposure* Certification (Part VII.F.1.a.ii.) are low priority *municipal* facilities.

ii. Within thirty (30) days of when a *municipal facility* is added to the inventory, the *MS4 Operator* must prioritize those *municipal* facilities; and

iii. Annually, after the initial prioritization (Part VII.F.2.c.i.), the *MS4 Operator* must update the *municipal facility* prioritization in the inventory (Part VII.F.2.b.i.) based on information gathered as part of the *municipal facility* program (Part VII.F.2.a.), including cases where a *No Exposure* Certification (Part VII.F.1.a.ii.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

d. High Priority *Municipal Facility* Requirements

i. Municipal Facility Specific SWPPP

Within five (5) years of the EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VII.F.2.c.i.a)) and retain a copy of the *municipal facility* specific SWPPP on site of the respective *municipal facility*. The SWPPP must contain:

a) *Stormwater* Pollution Prevention Team

The *municipal facility* specific SWPPP must identify the individuals (by name and/or title) and their role/responsibilities in *developing*, implementing, maintaining, and revising the *municipal facility* specific SWPPP. The activities and responsibilities of the team must address all aspects of the *municipal facility* specific SWPPP.

b) General Site Description

A written description of the nature of the activities occurring at the *municipal facility* with a potential to *discharge pollutants*, type of *pollutants* expected, and location of key features as detailed in the site map (Part VII.F.2.d.i.e)).

c) Summary of potential *pollutant* sources

The *municipal facility* specific SWPPP must identify each area at the *municipal facility* where materials or activities are exposed to *stormwater* or from which authorized non-*stormwater discharges* (Part I.A.3.) originate, including any potential *pollutant* sources for which the *municipal 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 (e.g., material storage, equipment fueling and cleaning);

(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 *municipal facility* that generates *stormwater discharges,* a prediction of the direction of flow, and the likelihood of the activity to contaminate the *stormwater discharge*. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced or *discharge*d, the likelihood of contact with *stormwater*; and history of leaks or spills of toxic or hazardous *pollutants*.

d) Spills and Releases

For areas that are exposed to precipitation or that otherwise drain to a *stormwater* conveyance to be covered under this *SPDES* general permit, the *municipal facility* specific SWPPP must include a list of spills or releases[61] 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) Site Map

The *municipal facility* specific SWPPP must include a site map identifying the following, as applicable:

i) Property boundaries and size in acres;

[61] 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.

ii) Location and extent of significant structures (including materials shelters), and impervious surfaces;

iii) Monitoring locations (mapped in accordance with Part IV.D.2.a.i.) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;

iv) Location of all post-construction *SMPs* (mapped in accordance with Part IV.D.2.a.iv.) and *MS4* infrastructure (mapped in accordance with Part IV.D.2.b.i.);

v) Locations of *discharges* authorized under other *SPDES* permits;

vi) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;

vii) Locations of haul and access roads;

viii) Rail cars and tracks;

ix) Arrows showing direction of *stormwater* flow;

x) Location of all receiving waters in the immediate vicinity of the *municipal facility*, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them (mapped in accordance with Part IV.D.1.e.ii.);

xi) Locations where *stormwater* flows have significant potential to cause erosion;

xii) Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the *municipal facility*; and

xiii) Locations of the following areas where such areas are exposed to precipitation or *stormwater*:

(a) Fueling stations;
(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* (Part I.A.3.);

(k) Locations where spills[62] or leaks have occurred; and
(l) Locations of all existing structural *BMP*s.

f) *Stormwater Best Management Practices (BMPs)*

The *municipal facility* specific SWPPP must document the location and type of *BMPs* implemented at the *municipal facility* (Part VII.F.1). The *municipal facility* specific SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments
The *municipal facility* specific SWPPP must include a schedule for completing and recording results of routine and comprehensive site assessments (Part VII.F.2.d.ii.c)).

ii. Municipal Facility Assessments

a) Wet Weather Visual Monitoring

i) Once every five (5) years, the *MS4 Operator* must conduct wet weather visual monitoring of the monitoring locations (Part VII.C.1.b.) and other sites of *stormwater* leaving the site that are *discharging stormwater* from fueling areas, storage areas, vehicle and equipment maintenance/fueling areas, material handling areas and similar potential *pollutant* generating areas (Part VII.F.2.d.i.e)xiii)).

(a) All samples must be collected from *discharges* resulting from a *qualifying storm event*. The storm event must be documented using the Storm Event Data Form (Appendix D) and kept with the *municipal facility* specific SWPPP. The sample must be taken during the first thirty (30) minutes (or as soon as practical, but not to exceed one hour) of the *discharge* at the monitoring location.

(b) No analytical tests are required to be performed on the samples for the purpose of meeting the visual monitoring requirements.

(c) The visual examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and any other obvious indicators of *stormwater* pollution.

(d) The visual examination of the sample must be conducted in a well-lit area.

(e) Where practicable, the same individual should carry out the collection and examination of *discharges* for the entire permit term for consistency.

[62] 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.

(f) The *MS4 Operator* must document the visual examination using the Visual Monitoring Form (Appendix D) and keep it with the *municipal facility* specific SWPPP to record:

(i) Monitoring location ID;

(ii) Examination date and time;

(iii) Personnel conducting the examination;

(iv) Nature of the *discharge* (runoff or snowmelt);

(v) Visual quality of the *stormwater discharge* including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of *stormwater* pollution; and

(vi) Probable sources of any observed *stormwater* contamination.

(vii) Corrective and follow up actions – If the visual examination indicates the presence of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of *stormwater* pollution, the *MS4 Operator* must, at minimum, complete and document the following actions:

(1) Evaluate the facility for potential sources;

(2) Remedy the problems identified;

(3) Revise the *municipal facility* specific SWPPP; and

(4) Perform an additional visual inspection during the first *qualifying storm event* following implementation of the corrective action. If the first *qualifying storm event* does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.

b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VII.C.1.e.).

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* as identified in the inventory (Part VII.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *municipal facility* specific SWPPP and *SWMP Plan* that:

(a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;

(b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

(i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

e. Low Priority *Municipal Facility* Requirements

i. The *MS4 Operator* must identify procedures outlining *BMPs* for the types of activities that occur at the low priority *municipal* facilities as described in Part VII.F.1. A *municipal facility* specific SWPPP is not required.

ii. *Municipal Facility* Assessments

a) Low priority *municipal* facilities are not required to conduct wet weather visual monitoring.

b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VII.C.1.e.).

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* as identified in the inventory (Part VII.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *SWMP Plan* that:

(a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;

(b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

(i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

3. *Municipal Operations* & Maintenance

a. *Municipal Operations* Program

Municipal operations are: street and bridge maintenance; winter road maintenance; *MS4* maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; or hydrologic habitat modification.

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal operations* program. The *municipal operations* program must be documented in the *SWMP Plan* specifying:

i. The *municipal operations* procedures including:
   a) The *BMPs* (Part VII.F.1.) incorporated into the *municipal operations* program;
   b) The *municipal operations* corrective actions requirements (Part VII.F.3.b.);
   c) *Catch basin* inspection and maintenance requirements (Part VII.F.3.c.);
   d) Roads, bridges, parking lots, and right of way maintenance requirements (Part VII.F.3.d.); and
   e) All other *municipal operations* maintenance requirements.

ii. The training provisions for the *MS4 Operator*'s *municipal operations* procedures (Part VII.F.3.a.i.).
   a) If new staff are added, training on the *MS4 Operator*'s *municipal operations* procedures (Part VII.F.3.a.i.) must be given prior to conducting *municipal operations* procedures;
   b) For existing staff, training on the *MS4 Operator*'s *municipal operations* procedures (Part VII.F.3.a.i.) must be given prior to conducting

municipal operations procedures and once every five (5) years, thereafter; and

c) If the *municipal operations* procedures (Part VII.F.3.a.i.) are updated (Part VII.F.3.a.iv.), training on the updates must be given to all staff prior to conducting *municipal operations* procedures.

iii. The names, titles, and contact information for the individuals who have received *municipal operations* training and update annually; and

iv. Annually, by April 1, the *MS4 Operator* must:

a) Review and update the *municipal operations* procedures (Part VII.F.3.a.i.); and

b) Document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Operations* Corrective Actions

i. For *municipal operations*, *MS4 Operators* must either:

a) Ensure compliance with the terms and conditions of this *SPDES* general permit; or

b) Implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of this *SPDES* general 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, a schedule must be prepared that specifies interim milestones that will ensure compliance in the shortest reasonable time.

c. *Catch Basin* Inspection and Maintenance

Within three (3) years of the EDC, the MS4 Operator must:

i. Identify when *catch basin* inspection is needed with consideration for:

a) Areas with *construction activities* (mapped in accordance with Part IV.D.2.a.iii.);

b) Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.d.iii.);

c) Recurring or history of issues; or

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

ii. Inventory *catch basin* inspection information including:

a) Date of inspection;

b) 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*);

c) Depth of structure;

d) Depth of *sump*; and

e) Date of clean out, if applicable (Part VII.F.3.c.iii.).

iii. Based on inspection results, clean out *catch basins* within the following timeframes:

a) 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 must be cleaned out;

b) 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 must be cleaned out; and

c) MS4 Operators are not required to clean out *catch basins* if the *catch basins* are operating properly and:

i. There is no trash, sediment, and/or debris in the *catch basin*; or

ii. The *sump* depth of the *catch basin* is less than or equal to two (2) feet.

iv. Properly manage (handling and disposal) materials removed from *catch basins* during clean out so that:

a) Water removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*;

b) Material removed from *catch basins* is disposed of in accordance with any applicable environmental laws and regulations; and

c) Material removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*.

v. Determine if there are signs/evidence of *illicit discharges* and procedures for referral/follow-up if *illicit discharges* are encountered.

d. Roads, Bridges, Parking Lots, & Right of Way Maintenance

i. Sweeping

Within six (6) months of the EDC, the *MS4 Operator* must *develop* and implement procedures for sweeping and/or cleaning *municipal* streets, bridges, parking lots, and right of ways owned/operated by the *MS4 Operator*. The procedures and completion of permit requirements must be documented in the *SWMP Plan* specifying:

a) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding). This requirement 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.

b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept. This requirement 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 USDOT 2013.

ii. Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VII.F.1.), the *MS4 Operator* must implement the following provisions:

a) Pave, mark, and seal in dry conditions;

b) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce the potential discharge of pollutants to the *MS4* or *surface waters of the State*;

c) Restrict the use of herbicides/pesticide application to roadside vegetation; and

d) Contain *pollutants* associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris).

iii. Winter Road Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VII.F.1.), the *MS4 Operator* must 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.[63]

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

Part VIII. Enhanced Requirements for Impaired Waters

Part VIII. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type. Part VIII. requirements apply in the *sewersheds* which *discharge* to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables (Appendix C). *MS4 outfalls* are in the *automatically designated area*. *ADA MS4 outfalls* are in the *additionally designated area* subject to Criterion 3 of the Additional Designation Criteria (Appendix B).

MS4 Operator's subject to Part VIII. that implement pollutant specific *BMPs* after the EDC but prior to *MS4* infrastructure and *sewershed* mapping can use those *BMPs* to satisfy the permit requirements in this section.

The Part VIII. requirements, applicable to the *POC*, must be incorporated in the *MS4 Operator*'s *SWMP* and *SWMP Plan*.

A. *Pollutant* Specific BMPs for Phosphorus

Part VIII.A. must be implemented for all phosphorus impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:
   i. *MS4 outfall;* and
   ii. *ADA MS4 outfall.*
b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:
   i. Retail and wholesale plant nurseries (including big box stores);
   ii. Commercial lawn care facilities; and
   iii. Golf courses.
c. Within three (3) years of the EDC, *ADA MS4 outfalls.*

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.A.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part VIII.A.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.A.1.b. for each associated *MS4 outfall*.

5. Construction Site *Stormwater* Runoff Control

For Following the completion of Part VIII.A.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.A.1:

a. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to phosphorus impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement 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.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[64] cost-effective runoff reduction techniques[65] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, 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).

B. *Pollutant* Specific BMPs for Silt/Sediment

Part VIII.B. must be implemented for all silt/sediment impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

i. *MS4 outfall;* and

ii. *ADA MS4 outfall.*

b. Within three (3) years of the EDC, facilities with *SPDES* permit coverage under the MSGP with *stormwater discharges* applicable under Sector C, E, L, or J with facility contact.

c. Within three (3) years of the EDC, *ADA MS4 outfalls.*

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

[65] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.B.1, each year of active construction, the *MS4 Operator* must educate individuals involved in *construction activity* (e.g., contractor, subcontractor, qualified inspector, SWPPP reviewers) within the *sewershed* boundary on the use of post-construction *SMPs* that are intended to collect and separate silt and sediment debris from *stormwater* before *discharging* to waters of the State (e.g., sediment forebays) as detailed in the NYS SWMDM 2015. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part VIII.B.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.B.1.b. for each associated *MS4 outfall*.

5. Construction Site *Stormwater* Runoff Control

Following the completion of Part VIII.B.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.B.1:

a. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to silt/sediment impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement 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.

b. For areas within the *sewershed* that are compacted, poorly drained, contain areas of exposed soil, or nutrient deficient, the *MS4 Operator* must:

   i. Refer to Section 4 of the NYS E&SC 2016 for Soil Stabilization practices, and follow BMP procedures; and

   ii. *Develop* and implement procedures for watering and maintenance of implemented BMPs appropriate to establish root and vegetative cover, utilizing products which provide critical support to vegetation and soil stabilization.

   MS4 Operators must document the completion of this requirement in the *SWMP Plan*.

c. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[66] cost-effective runoff reduction techniques[67] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, 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).

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

[67] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

C. *Pollutant* Specific BMPs for Pathogens

Part VIII.C. must be implemented for all pathogen impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

   i. *MS4 outfall;* and

   ii. *ADA MS4 outfall.*

b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:

   i. Areas with a history of sanitary sewer overflows;

   ii. Waterfowl congregation areas on *municipal* property or right of way;

   iii. Areas where pets/domestic animals may frequent (i.e., public trails, dog parks, and zoos); and

   iv. Waste disposal areas (e.g., active landfills, transfer stations).

c. Within three (3) years of the EDC, *ADA MS4 outfalls.*

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.C.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to pathogens to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part VIII.C.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.C.1.b. for each associated *MS4 outfall*.

5. Construction Site *Stormwater* Runoff Control

No additional requirements.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.C.1:

a. *Infrastructure Maintenance*

i. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to pathogen impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:

a) Uncurbed roads with no *catch basins*;

b) High-speed limited access highways; or

c) 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.

ii. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. *Wildlife Control*

i. Within six (6) months of the EDC, the *MS4 Operator* must identify *municipal facilities* with nuisance bird populations that have the potential to contribute pathogens (e.g., Canada Geese) and document those *municipal facilities* in the *SWMP Plan*.

ii. Within six (6) months of the EDC, signage must be available at these municipal facilities, instructing the public not to feed wildlife. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

iii. Within six (6) months of the EDC, the *MS4 Operator* must remove accumulated trash and debris from *municipal* facilities when necessary to

eliminate potential food sources for wildlife. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

iv. Within one (1) year of the EDC, *MS4 Operators* must evaluate the effectiveness of deterrents, population controls, and other measures that may reduce bird related pathogen contributions and document the results of the evaluation in the *SWMP Plan*.

c. Animal Waste Control

Within one (1) year of the EDC, the *MS4 Operator* must make dog waste receptacles available in areas where pets/domestic animals may frequent (e.g., public trails, dog parks). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[68] cost-effective runoff reduction techniques[69] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, 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).

D. *Pollutant* Specific BMPs for Nitrogen

Part VIII.D. must be implemented for all nitrogen impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

i. *MS4 outfall;* and

ii. *ADA MS4 outfall.*

b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:

i. Retail and wholesale plant nurseries (including big box stores);

ii. Commercial lawn care facilities; and

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

[69] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

iii. Golf courses.

c. Within three (3) years of the EDC, *ADA MS4 outfalls.*

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.D.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to nitrogen to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part VIII.D.1 , within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.D.1.b for each associated *MS4 outfall*.

5. Construction Site *Stormwater* Runoff Control

Following the completion of Part VIII.D.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.D.1:

a. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to nitrogen impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement 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.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[70] cost-effective runoff reduction techniques[71] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, 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).

E. *Pollutant* Specific BMPs for Floatables

Part VIII.E. must be implemented for all floatable impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

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

[71] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

i. *MS4 outfall;* and

ii. *ADA MS4 outfall.*

b. Within three (3) years of the EDC, *ADA MS4 outfalls.*

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.E.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to floatables to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

No additional requirements.

5. Construction Site *Stormwater* Runoff Control

No additional requirements.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following completion of Part VIII.E.1:

a. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to floatables impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement 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.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[72] cost-effective runoff reduction techniques[73] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, 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).

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

[73] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

Part IX. Watershed Improvement Strategy Requirements for TMDL Implementation

Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type. Part IX. requirements apply in the watersheds where the *Department* developed implementation plans for which USEPA has approved a TMDL (Table 3). Finalized TMDL implementation plans referenced in this Part are incorporated into and enforceable under this *SPDES* general permit.

MS4 Operator's subject to Part IX. that implement TMDL specific *BMPs* after the EDC but prior to *MS4* infrastructure and *sewershed* mapping can use those *BMPs* to satisfy the permit requirements in this section.

The Part IX. requirements must be incorporated in the *MS4 Operator*'s *SWMP* and *SWMP Plan*.

A. NYC East of Hudson Phosphorus Impaired Watershed *MS4*s

Table 4. Phosphorus Impaired Watershed(s)			
Areas where requirements apply	**New York City East of Hudson (EOH)**		
EPA Approved TMDL	*Phase II Phosphorus TMDLs for Reservoirs in the NYC Watershed, June 2000*	*Total Maximum Daily Load (TMDL) for Phosphorus in Lake Carmel, October 2016*	*Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake,*[2] *March 2015*
Implementation Plan	Croton Watershed Phase II TMDL Implementation Plan (January 2009)		
POC	Phosphorus		
Area where requirements Apply	NYC EOH Watershed		
Achievement of *Pollutant* Load Reduction	Continued *retrofit* implementation to achieve the pollutant load reduction specified in that Phase II Implementation Plan		

MS4 Operators located within the watersheds listed in Table 4 must *develop* and implement the following phosphorus-specific *BMPs* in addition to the Croton Watershed Phase II TMDL Implementation Plan (January 2009) and the applicable requirements in Part VI. or Part VII, depending on the *MS4 Operator* type.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, areas with potential to contribute phosphorus to the TMDL waterbody, which include:
   i. Retail and wholesale plant nurseries (including big box stores);
   ii. Commercial lawn care facilities;
   iii. Golf courses;
   iv. Commercial or industrial yard waste storage areas (e.g., yard waste composting and disposal areas); and
   v. *MS4* infrastructure with a history of issues (e.g., clogged infrastructure, infiltration and inflow (I/I)).

b. Within three (3) years of the EDC, the following information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):
   i. Type;[74] and
   ii. Ownership.

2. Public Education and Outreach on *Stormwater* Impacts

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part IX.A.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus to the applicable target audiences within the TMDL watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

[74] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

4. *Illicit Discharge* Detection and Elimination

a. Inventory of Potential Phosphorus Sources

Following the completion of Part IX.A.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part IX.A.1.a. for each associated *MS4 outfall*.

b. On-site wastewater systems

The *MS4 Operator* must *develop*, implement, and enforce a program that ensures on-site wastewater systems (i.e., septic tanks, cesspools, absorption fields or distribution systems) are properly operated and do not contribute *pollutants* to the *MS4*. To ensure this, the *MS4 Operator* must:

i. Once every five (5) years, ensure that residential septic tanks/cesspools are pumped out and system components (i.e., septic tanks, cesspools and installed absorption field) are inspected;

ii. Ensure the following information is collected and document the completion of this requirement in the *SWMP Plan*:

a) Individual performing inspection;

b) Inspection date;

c) Address;

d) Location of system on property; and

e) Evidence of failed systems.

iii. Refer failures to the appropriate agency to ensure corrective actions are taken; and

iv. Eliminate *illicit discharges* from on-site wastewater systems to the *MS4* in accordance with the time frames specified in Part VI.C.3. or Part VII.C.3, depending on the *MS4 Operator* type.

5. Construction Site *Stormwater* Runoff Control

a. The *MS4 Operator* 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 Part VI.D. or Part VII.D, depending on the *MS4 Operator* type. Construction projects meeting this threshold are low priority construction sites.

b. The legal authority used to satisfy Part IV.E.2.b. must include the following language:

“Land activity is defined as *construction activity* including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5000 sf and activities disturbing less

than 5000 sf of total land area that are part of a *larger common plan of development or sale* and will occur under one plan."

c. High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

   i. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

   ii. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management

a. The *MS4 Operator* must require the use of the Enhanced Phosphorus Removal design standards contained in Chapter 10 of the NYS SWMDM 2015 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. The legal authority used to satisfy Part IV.E. must also meet the following provisions:

   Land development activities requiring water quantity and quality controls (post-construction *stormwater* runoff controls) must include: "Single-family home construction located in the NYC East of Hudson watershed" and "Single-family residential subdivisions located in the NYC East of Hudson watershed."

c. Requirements for SWPPPs that include post-construction *stormwater* controls must include: "Post-construction *SMPs* in the SWPPP must be designed in conformance with Chapter 10 of the NYS SWMDM 2015 for Enhanced Phosphorus Removal Design Standards."

d. Performance Standards must include the following enhanced stabilization requirements: "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."

e. Inspections of land development activities during construction must include requirements for a *qualified inspector* to conduct two (2) site inspections every seven (7) calendar days for single-family homes, and single-family residential, subdivisions within the NYC East of Hudson watersheds.

f. *Retrofit* program

i. All *MS4 Operators* identified within the Croton Watershed Phase II TMDL Implementation Plan, January 2009, must continue to implement the *retrofit* program according to the following schedule:

a) Within one (1) year of the EDC, the *MS4 Operator* must submit to the *Department* a *retrofit* plan that identifies the following:

i) Project name;

ii) Location;

iii) Proposed *retrofit* type;

iv) Anticipated date for construction;

v) Estimated phosphorus reduction (using the criteria in the Croton Watershed Phase II TMDL Implementation Plan, January 2009); and

vi) Estimated total phosphorus reduction for all projects demonstrating they will meet the reduction specified in the Croton Watershed Phase II TMDL Implementation Plan, January 2009.

b) Within five (5) years of the EDC, all *retrofit* projects must be constructed to achieve the five (5) year phosphorus reduction assigned to the *MS4 Operator*, as required by the Croton Watershed Phase II TMDL Implementation Plan, January 2009.

ii. Annually, by December 31, *MS4 Operators* (or *RSE* representing *MS4 Operators* as described in Part III.B.2.b.) must submit to the *Department* any changes made to the *retrofit* plan including the information in Part IX.A.6.e.i.

iii. *MS4 Operators* must document the retrofit program in the *SWMP Plan* specifying:

a) Progress on *retrofit* projects already commenced; and

b) Identification of *retrofit* projects for the upcoming construction season; and

c) Certification that completed retrofit projects have been constructed in accordance with the *retrofit* plans.

7. Pollution Prevention/Good Housekeeping

a. Twice a year, once from March to August and once from September to February, all *catch basins* located in the TMDL watershed(s) must be inspected (Part VI.F.3.c. or Part VII.F.3.c, depending on the MS4 Operator type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part IX.A.1, annually, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:

   i. Uncurbed roads with no *catch basins*;

   ii. High-speed limited access highways;

   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.

c. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan.* Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in Watersheds to Impaired Waters

Incorporate, where feasible,[75] cost-effective runoff reduction techniques[76] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, 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).

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

[76] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

B. Other Phosphorus Impaired Watershed *MS4*s

Table 5. Other Phosphorus Impaired Watersheds			
Area where Requirements Apply	**Greenwood Lake**	**Onondaga Lake**	**Oscawana Lake**
EPA Approved TMDL	*Impaired Waters Restoration Plan for Greenwood Lake – Total Maximum Daily Load for Total Phosphorus, Sept 2005*	*Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012*	*Total Maximum Daily Load (TMDL) for Phosphorus in Lake Oscawana, September 2008*
Implementation Plan	Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019	None	None
POC	Phosphorus		
Achievement of *Pollutant* Load Reduction	In accordance with Implementation Plan	In accordance with approved TMDL	In accordance with approved TMDL

MS4 Operators located in the watersheds listed in Table 5 must *develop* and implement the following phosphorus-specific *BMPs* in addition to the applicable Implementation Plan and applicable requirements in Part VI. or Part VII, depending on the *MS4* Operator type:

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, include areas with potential to contribute phosphorus to the TMDL waterbody, which include:

   i. Retail and wholesale plant nurseries (including big box stores);

   ii. Commercial lawn care facilities;

   iii. Golf courses; and

   iv. Commercial or industrial yard waste storage areas (e.g., yard waste composting and disposal areas).

b. Within three (3) years of the EDC, include the following information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):

i. Type[77]; and

ii. Ownership.

2. Public Education and Outreach on Stormwater Impacts

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part IX.B.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus to the applicable target audiences within the TMDL watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

c. Twice a permit term, separated by a minimum of one (1) year, the *MS4 Operator* must educate residential on-site wastewater system users on the on-site wastewater inspection program described in Part IX.B.4.c and proper maintenance practices. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

a. Inventory of Potential Phosphorus Sources

Following the completion of Part IX.B.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.B.1.a. for each associated MS4 outfall.

b. On-site wastewater systems

The *MS4 Operator* (with the exclusion of *MS4 Operators* located in the Onondaga Lake watershed) must *develop*, implement, and enforce a program that ensures residential on-site wastewater systems (i.e., septic tanks,

[77] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

cesspools, absorption fields or distribution systems) are properly operated and do not contribute *pollutants* to the *MS4*. The *MS4 Operator* must:

i. Once every five (5) years, ensure that residential septic tanks/cesspools are pumped out and system components (i.e., septic tanks, cesspools and installed absorption field) are inspected;

ii. Ensure the following information is collected and document the completion of this requirement in the *SWMP Plan*:

a) Individual performing inspection;

b) Inspection date;

c) Address;

d) Location of system on property;

e) Inspection rating (pass/fail);

f) Evidence of failed systems;

iii. Refer failures to the appropriate agency to ensure corrective actions are taken; and

iv. Eliminate *illicit discharges* from on-site wastewater systems to the *MS4* in accordance with the time frames specified in Part VI.C.3. or Part VII.C.3, depending on the *MS4 Operator* type.

5. Construction Site *Stormwater* Runoff Control

High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP Plan*.

6. Post Construction *Stormwater* Management

a. The *MS4 Operator* must require the use of the Enhanced Phosphorus Removal design standards contained in Chapter 10 of the NYS SWMDM 2015 for all new development and redevelopment projects within the listed watersheds.

b. The legal authority used to satisfy Part IV.E.2.b. must also include the following language requiring the use of the Enhanced Phosphorus Removal

Design Standards in accordance with the NYS SWMDM 2015 for the applicable watershed:

"Land development activities requiring water quantity and quality controls (post-construction *stormwater* runoff controls) must include: "Single-family home construction located in the <insert watershed name> watershed" and "Single-family residential subdivisions located in the <insert watershed name> watershed."

c. Requirements for SWPPPs that include post-construction *stormwater* controls must include: "Post-construction *SMPs* in the SWPPP must be designed in conformance with the Enhanced Phosphorus Removal Design Standards in the NYS SWMDM 2015."

d. Performance Standards must include the following enhanced stabilization requirements: "Where soil disturbance activity has temporarily or permanently ceased, the construction site is located in the *<insert watershed name>* watershed, 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 Erosion Control Manual."

e. Inspections of land development activities during construction must include requirements for a *qualified inspector* to conduct two (2) site inspections every seven (7) calendar days for single-family homes and subdivisions within the *<insert watershed name>* watersheds.

f. *Retrofit* program

   i. All *MS4 Operators* identified within the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019, must continue to implement the *retrofit* program according to the following schedule:

      a) Within one (1) year of the EDC, the *MS4 Operator* must submit to the *Department* a *retrofit* plan that identifies the following:

         i) Project name;

         ii) Location;

         iii) Proposed *retrofit* type;

         iv) Anticipated date for construction;

         v) Estimated phosphorus reduction (using the criteria in the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019); and

         vi) Estimated total phosphorus reduction for all projects demonstrating they will meet the reduction specified in the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019.

      b) Within five (5) years of the EDC, all *retrofit* projects must be constructed to achieve the five (5) year phosphorus reduction assigned

to the *MS4 Operator*, as required by the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019.

ii. Annually, by December 31, *MS4 Operators* (or *RSE* representing *MS4 Operators* as described in Part III.B.2.b.) must submit to the *Department* any changes made to the *retrofit* plan including the information in Part IX.A.6.e.i.

iii. *MS4 Operators* must document the retrofit program in the *SWMP Plan* specifying:

a) Progress on *retrofit* projects already commenced; and

b) Identification of *retrofit* projects for the upcoming construction season; and

c) Certification that completed retrofit projects have been constructed in accordance with the *retrofit* plans.

7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.B.1:

a. Annually, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement 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.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

c. Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in Watersheds to Impaired Waters

Incorporate, where feasible,[78] cost-effective runoff reduction techniques[79] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, 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).

C. Pathogen Impaired Watersheds *MS4*s

No Pathogen TMDL requirements.

D. Nitrogen Impaired Watershed *MS4*s

Table 6. Nitrogen Impaired Watershed(s)	
Area where Requirements Apply	**Peconic**
EPA Approved TMDL	*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)*
Implementation Plan	*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)*
POC	Nitrogen
Pollutant Load Reduction	In accordance with approved TMDL
Waterbodies	Terrys Creek & Tributaries
	Meetinghouse Creek
	Western Flanders Bay & Lower Sawmill Creek
	Lower Peconic River and tidal tributaries

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

[79] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

MS4 Operators located in the watersheds listed in Table 6 must *develop* and implement the following nitrogen-specific *BMPs* in addition to the applicable Implementation Plan and applicable requirements in Part VI. or Part VII, depending on the *MS4 Operator* type:

1. Mapping

Within three (3) years of the EDC, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Areas with potential to contribute nitrogen to the *TMDL* waterbody, which include:

   i. Retail and wholesale plant nurseries (including big box stores);

   ii. Commercial lawn care facilities;

   iii. Golf courses; and

   iv. Commercial or Industrial yard waste storage areas (e.g., yard waste composting and disposal areas).

b. Information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):

   i. Type;[80] and

   ii. Ownership of *SMP*.

2. Public Education and Outreach on *Stormwater* Impacts

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part IX.D.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to nitrogen to the applicable target audiences within the TMDL watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

[80] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part IX.D.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.D.1.a. for each associated MS4 outfall.

5. Construction Site *Stormwater* Runoff Control

High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management

The *MS4 Operator* must ensure on-site retention of the 1-year storm or greater from new development or redevelopment projects using runoff reduction techniques[81] selected from the NYS SWMDM 2015.

7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.D.1:

a. Annually, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement 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.

[81] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

c. Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in Watersheds to Impaired Waters

Incorporate, where feasible,[82] cost-effective runoff reduction techniques[68] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, 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).

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

Part X. Standard Permit Conditions

For the purposes of this *SPDES* general permit, examples of contractors and subcontractors include:

A. Duty to Comply

The owner/operator, and all contractors or subcontractors, must comply with all terms and conditions of this *SPDES* general permit. Any non-compliance with the terms and conditions of this *SPDES* general permit constitutes a violation of the New York State Environmental Conservation Law, and its implementing regulations, and is grounds for enforcement action. Filing of a request for transfer or termination of coverage under this *SPDES* general permit, or a notification of planned changes or anticipated non-compliance, does not limit, diminish or stay compliance with any terms and conditions of this *SPDES* general permit.

B. Need to Halt or Reduce Activity is Not a Defense

The necessity to halt or reduce the activity regulated by this *SPDES* general permit, in order to maintain compliance with the conditions of this *SPDES* general permit, shall not be a defense in an enforcement action.

C. Penalties

There are substantial criminal, civil, and administrative penalties associated with violating the terms and conditions of this *SPDES* general permit. Fines of up to $37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. False Statements

Any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this *SPDES* general permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished in accordance with New York State Environmental Conservation Law §71-1933 and or New York State Penal Law Articles 175 and 210.

E. Reopener Clause

Upon issuance of this *SPDES* general permit, a determination has been made on the basis of a submitted Notice of Intent, plans, or other available information, that compliance with the specified general permit terms and conditions will reasonably protect classified water use and assure compliance with applicable *water quality standards*. Satisfaction of the conditions of this *SPDES* general permit notwithstanding, if operation pursuant to this *SPDES* general permit causes or contributes to a condition in contravention of State *water quality standards* or guidance values, or if the *Department* determines that a modification is necessary to prevent impairment of the best use of the waters or to assure maintenance of *water*

quality standards or compliance with other provisions of New York State Environmental Conservation Law Article 17 or the Clean Water Act, or any regulations adopted pursuant thereto, the *Department* may require such modification and the Commissioner may require abatement action to be taken by the owner/operator and may also prohibit such operation until the modification has been implemented.

F. Duty to Mitigate

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

G. Requiring Another General Permit or Individual *SPDES* Permit

The *Department* may require any discharger authorized to *discharge* in accordance with this *SPDES* general permit to apply for and obtain an individual *SPDES* permit or apply for authorization to *discharge* in accordance with another general permit.

(1) Cases where an individual *SPDES* permit or authorization to *discharge* in accordance with another general permit may be required include, but is not limited to the following:

(i) the discharger is not in compliance with the conditions of this *SPDES* general permit or does not meet the criteria for coverage under this *SPDES* general permit;

(ii) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of *pollutants* applicable to the point source;

(iii) new effluent limitation guidelines or new source performance standards are promulgated that are applicable to point sources authorized to *discharge* in accordance with this *SPDES* general permit;

(iv) existing effluent limitation guidelines or new source performance standards that are applicable to point sources authorized to *discharge* in accordance with this *SPDES* general permit are modified;

(v) a water quality management plan containing requirements applicable to such point sources is approved by the *Department*;

(vi) circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this *SPDES* general permit, or either a temporary or permanent reduction or elimination of the authorized *discharge* is necessary;

(vii) the *discharge* is in violation of section 17-0501 of the New York State Environmental Conservation Law;

(viii) the *discharge*(s) is a significant contributor of *pollutants*. In making this determination, the *Department* may consider the following factors:

(a) the location of the *discharge*(s) with respect to waters of New York State;
(b) the size of the *discharge*(s);
(c) the quantity and nature of the *pollutants discharged* to waters of New York State; and
(d) other relevant factors including compliance with other provisions of New York State Environmental Conservation Law Article 17, or the Clean Water Act.

(1) When the *Department* requires any discharger authorized by this *SPDES* general permit to apply for an individual *SPDES* permit as provided for in this subdivision, it shall notify the discharger in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner/operator to file the application for an individual *SPDES* permit, and a deadline, not sooner than 180 days from the owner/operator's receipt of the notification letter, whereby the authorization to discharge under this *SPDES* general permit shall be terminated. The *Department* may grant additional time upon demonstration, to the satisfaction of the Regional Water Engineer, that additional time to apply for an alternative authorization is necessary or where the *Department* has not provided a permit determination in accordance with 6 NYCRR Part 621.

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

H. Duty to Provide Information

The owner/operator shall furnish to the *Department*, within five (5) business days, unless otherwise set forth by the *Department*, any information that the *Department* may request to determine whether cause exists to determine compliance with this *SPDES* general permit or to determine whether cause exists for requiring an individual *SPDES* permit in accordance with 6 NYCRR 750-1.21l (see G. Requiring Another General Permit or Individual Permit). The owner/operator shall make available to the *Department*, for inspection and copying, or furnish to the *Department* within 25 business days of receipt of a *Department* request for such information, any information retained in accordance with this *SPDES* general permit. Where the owner/operator becomes aware that it failed to submit any relevant facts on the Notice of Intent, or submitted incorrect information in a Notice of Intent or in any report to the *Department*, the owner/operator shall promptly submit such facts or corrected information to the *Department*.

I. Extension

In the event a new *SPDES* general permit is not issued prior to the expiration of this *SPDES* general permit, and this *SPDES* general permit is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, then the owner/operator

with coverage under this *SPDES* general permit may continue to operate and *discharge* in accordance with the terms and conditions of this *SPDES* general permit until a new *SPDES* general permit is issued.

J. Signatories and Certification

The Notice of Intent, Notice of Termination and reports required by this *SPDES* general permit shall be signed as provided in 40 CFR §122.22

(a) All Notices of Intent and Notices of Termination shall be signed as follows:

(1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Notice of Intent or Notice of Termination requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: The *Department* does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR §122.22(a)(1)(i). The *Department* will presume that these responsible corporate officers have the requisite authority to sign the Notice of Intent or Notice of Termination unless the corporation has notified the *Department* to the contrary. Corporate procedures governing authority to sign a Notice of Intent or Notice of Termination may provide for assignment or delegation to applicable corporate positions under 40 CFR §122.22(a)(1)(ii) rather than to specific individuals.

(2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

(3) For a *municipality*, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(b) All reports required by this *SPDES* general permit, and other information requested by the *Department* shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
(1) The authorization is made in writing by a person described in (a);
(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position.), and
(3) The written authorization is submitted to the *Department*.

(c) Changes to authorization. If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or activity, a new authorization satisfying the requirements of (b) must be submitted to the *Department* prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) Certification. Any person signing a document under (a) or (b) shall make the following certification:

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

(e) Electronic reporting. If documents described in (a) or (b) are submitted electronically by or on behalf of the activity with coverage under this *SPDES* general permit, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR Part 3 (including, in all cases, subpart D to Part 3) (Cross-Media Electronic Reporting) and 40 CFR Part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

K. Inspection & Entry

The owner/operator shall allow the *Department*, the USEPA Regional Administrator, the applicable county health department, or any authorized representatives of those entities, upon the presentation of credentials and other documents as may be required by law, to:

(a) enter upon the owner/operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this *SPDES* general permit;
(b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this *SPDES* general permit, including records required to be maintained for purposes of operation and maintenance;
(c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this *SPDES* general permit;
(d) sample or monitor at reasonable times, for the purposes of assuring *SPDES* general permit compliance or as otherwise authorized by the Clean Water Act or New York State Environmental Conservation Law, any substances or parameters at any location; and
(e) enter upon the property of any contributor to the regulated facility or activity under authority of the owner/operator.

L. Confidentiality of Information

The following shall not be held confidential: this *SPDES* general permit, the fact sheet for this *SPDES* general permit, the name and address of any owner/operator, effluent data, the Notice of Intent, and information regarding the need to obtain an individual permit or an alternative general permit. This includes information submitted on forms themselves and any attachments used to supply information required by the forms (except information submitted on usage of substances). Upon the request of the owner/operator, the *Department* shall make determinations of confidentiality in accordance with 6 NYCRR Part 616, except as set forth in the previous sentence. Any information accorded confidential status shall be disclosed to the Regional Administrator upon his or her written request. Prior to disclosing such information to the Regional Administrator, the *Department* will notify the Regional Administrator of the confidential status of such information.

M. Other Permits May Be Required

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

N. Property Rights

Coverage under this *SPDES* general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining the assent of any other jurisdiction as required by law for the *discharge* authorized.

O. Compliance with Interstate Standards

If the activity covered by this *SPDES* general permit originates within the jurisdiction of an interstate water pollution control agency, then the activity must also comply

with any applicable effluent standards or *water quality standards* promulgated by that interstate agency and as set forth in this *SPDES* general permit for such activities.

P. Oil & Hazardous Substance Liability

Coverage under this *SPDES* general permit does not affect the imposition of responsibilities upon, or the institution of any legal action against, the owner or operator under section 311 of the Clean Water Act, which shall be in conformance with regulations promulgated pursuant to section 311 governing the applicability of section 311 of the Clean Water Act to *discharges* from facilities with NPDES permits, nor shall such issuance preclude the institution of any legal action or relieve the owner or operator from any responsibilities, liabilities, or penalties to which the owner or operator is or may be subject pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq. (CERCLA).

Q. Severability

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

Appendix A. Acronyms and Definitions

Acronym List

BMP – Best Management Practice

CFR – Code of Federal Regulations

CGP – SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001

CWA – Clean Water Act

ECL – Environmental Conservation Law

EDC – Effective Date of Coverage

EDP– Effective Date of the Permit

eNOI – Electronic Notice of Intent

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

ERP – Enforcement Response Plan

IDDE – Illicit Discharge Detection and Elimination

MCM – Minimum Control Measure

MS4 – Municipal Separate Storm Sewer System

MS4 GP – SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001

MSGP – SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001

NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System

NYCRR – New York Codes, Rules and Regulations

NYS DEC – New York State Department of Environmental Conservation

O&M – Operations and Maintenance

ORI – Outfall Reconnaissance Inventory

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

USEPA – United States Environmental Protection Agency

Definitions

All definitions in this section are solely for the purposes of this permit. If a word is not defined below, use it how it is commonly defined.

Additionally Designated Areas – those areas that meet the additional designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (*MS4*s), January 2010, revised January 2023 and found in Appendix B.

Additionally Designated Area MS4 Outfall (ADA MS4 outfall) – any point of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow*,* to impaired waters listed in Appendix C from an *MS4 Operator's MS4*. Areas of *sheet flow* which drain to impaired waters listed in Appendix C are not considered *ADA MS4 outfalls.*

Automatically Designated Areas – those areas served by *MS4*s that meet the automatic designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (*MS4*s), January 2010, revised January 2023 and found in Appendix B.

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.

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

Develop (Developed) – for *MS4 Operators* continuing coverage, *develop* means to continue to implement their current SWMP and update the SWMP to comply with the permit requirement; for newly designated *MS4 Operators*, *develop* means to create that permit requirement.

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).

Groundwater – waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Illicit Discharge – any *discharge* into an *MS4* that is not entirely composed of *stormwater*, except those identified in Part 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 *MS4 Operator* or *Department* has determined to be a substantial contributor of pollutants to the *MS4*. *Illicit discharges* can occur throughout the *MS4*, including at post-construction *SMPs*.

Industrial Activity – the eleven (11) categories of industrial activities included in the definition of "*stormwater discharges* associated with industrial activity," as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Interconnection – any point of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow*,* where the *MS4 Operator*'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 Operator – the person, persons, or legal entity that obtains coverage and is responsible for the *MS4*.

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 an *MS4 Operator's MS4*. Areas of *sheet flow* which drain to *surface waters of the State* are not considered *MS4 outfalls.*

Municipal (Municipally) – a county, town, city, village, district corporation, special improvement district, sewer authority or agency thereof. Examples of other public entities that are included in this program include State University Campuses, federal and State prisons, State and federal hospitals, Dormitory Authorities, public housing authorities, school and other special districts.

Municipal Facility – an *MS4 Operator* owned and/or operated facility with the potential to *discharge* pollutants to the *MS4* and/or *surface water of the State* of the State.

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

Municipal Operations (Operations) – activities conducted by the MS4 Operator with the potential to discharge pollutants to the *MS4* and/or *surface water of the State*.

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.

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

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

Non-traditional MS4 Operators– state, federal, county and other publicly owned properties such as state university campuses, prisons, office complexes, hospitals, military installations public housing authorities, school and other special districts.

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 6: Overall Outfall Characterization.

Physical Indicator Present in the Flow – a sensory indicator present in the *discharge* from *monitoring location* including odor, color, turbidity and floatables; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 4: Physical Indicators for Flowing Monitoring Locations Only.

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.

Privately Owned/Operated – not owned/operated by the *MS4 Operator* or another *MS4 Operator*.

Publicly Owned/Operated – owned/operated by the *MS4 Operator.*

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 *Department* endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct

supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other *Department* endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect 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 *Department* 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 *Department's* technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), must be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Qualifying Storm Event – a storm event with at least 0.1 inch of precipitation, providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived if the preceding measurable storm did not result in a *stormwater discharge* (e.g., a storm events in excess of 0.1 inches may not result in a *stormwater discharge* at some facilities), or if the *MS4 Operator* is able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

Regional Stormwater Entity (RSE) – an organization made up of multiple cooperating regulated and/or nonregulated entities located in the same geographical region of the State who share resources to improve overall *stormwater* management in their area.

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

Sheet Flow – *stormwater* runoff flowing in a thin layer over the ground surface.

Sizing Criteria – the criteria included in the CGP that are used to size post-construction *stormwater* management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), Overbank Flood (Qp), and Extreme Flood (Qf).

State Pollutant Discharge Elimination System (SPDES) – 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 Hotspots - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical *stormwater* runoff, based on monitoring studies. For further detail, see Section 4.11 of the NYS SWMDM 2015.

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 *MS4 Operator* 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 *MEP*, using management practices, control techniques and systems, design and engineering methods, and other appropriate provisions. *MS4 Operators* are 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 *MEP*, 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 *MS4 Operator* 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 *MS4 Operator'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 6: 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).

Traditional Land Use Control *MS4 Operators* – a city, town, or village with land use control authority.

Traditional Non-land Use Control *MS4 Operators* – any county agency without land use control.

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).

Water Quality Standard – such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

Appendix B. Designation Criteria for Identifying Regulated *Municipal Separate Storm Sewer Systems* (*MS4*s), January 2010, revised January 2023

The universe of small *municipal* separate storm sewer systems (*MS4*s) is quite large. However, only a sub-set of small *MS4*s, referred to as "regulated" small *MS4*s, are covered by the Federal *stormwater* regulations. A small *MS4* can be designated as a regulated *MS4* through *automatic designation* by the USEPA or by meeting designation criteria developed by the NPDES permitting authority, the New York State Department of Environmental Conservation (*Department*) in New York State.

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 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: *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).

Appendix C. List of Impaired Waters

NOTES FOR THE TABLE BELOW:

1. *MS4 Operators* must implement Part VIII.A. Pollutant Specific BMPs for Phosphorus for waterbodies with the pollutant listed as "phosphorus."
2. *MS4 Operators* must implement Part VIII.B. Pollutant Specific BMPs for Silt/Sediment for waterbodies with the pollutant listed as "silt/sediment."
3. *MS4 Operators* must implement Part VIII.C. Pollutant Specific BMPs for Pathogens for waterbodies with the pollutant listed as "pathogens" or "fecal coliform."
4. *MS4 Operators* must implement Part VIII.D. Pollutant Specific BMPs for Nitrogen for waterbodies with the pollutant listed as "nitrogen" or "ammonia."
5. *MS4 Operators* must implement Part VIII.E. Pollutant Specific BMPs for Floatables for waterbodies with the pollutant listed as "garbage & refuse," "oil/grease," or "oil & floating substances."

County	Waterbody Inventory/Priority Waterbody List Name (WI/PWL Number)	Pollutant
Albany	Ann Lee (Shakers) Pond, Stump Pond (1201-0096)	Phosphorus
Bronx	Bronx River, Lower (1702-0006) 18	Fecal Coliform
Bronx	Bronx River, Lower (1702-0006) 18	Garbage & Refuse
Bronx	Bronx River, Middle, and tribs (1702-0106) 18	Fecal Coliform
Bronx	Bronx River, Middle, and tribs (1702-0106) 18	Garbage & Refuse
Bronx	Hutchinson River, Lower, and tribs (1702 0003) 18	Garbage & Refuse
Bronx	Long Island Sound, Western Portion (1702-0027)	Nitrogen
Bronx	Van Cortlandt Lake (1702-0008)	Phosphorus
Bronx	Westchester Creek (1702-0012) 18	Garbage & Refuse
Broome	Minor Tribs to Lower Susquehanna (0603-0044)	Phosphorus
Chautauqua	Chadakoin River and tribs (0202-0018)	Phosphorus
Chautauqua	Lake Erie (Main Lake, South) (0105-0033)	Fecal Coliform
Chautauqua	Lake Erie, Dunkirk Harbor (0105-0009)	Fecal Coliform
Dutchess	Fallkill Creek (1301-0087)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Silt/Sediment
Erie	Delaware Park Pond (0101-0026)	Phosphorus
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Phosphorus
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Silt/Sediment

Erie	Green Lake (0101-0038)	Phosphorus
Erie	Lake Erie (Main Lake, North) (0104-0037)	Fecal Coliform
Erie	Lake Erie (Northeast Shoreline) (0104-0036)	Fecal Coliform
Erie	Rush Creek and tribs (0104-0018)	Fecal Coliform
Erie	Rush Creek and tribs (0104-0018)	Phosphorus
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Fecal Coliform
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Oils & Floating Sub.
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Phosphorus
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Fecal Coliform
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Oils & Floating Sub.
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Phosphorus
Erie	Scajaquada Creek, Upper, and tribs (0101-0034)	Fecal Coliform
Erie	Scajaquada Creek, Upper, and tribs (0101-0034)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Silt/Sediment
Genesee	Tonawanda Cr, Middle, Main Stem (0102-0002)	Phosphorus
Genesee	Tonawanda Cr, Middle, Main Stem (0102-0006)	Fecal Coliform
Herkimer	Mohawk River, Main Stem (1201-0093)	Fecal Coliform
Herkimer	Mohawk River, Main Stem (1201-0093)	Oils & Floating Sub.
Kings	Coney Island Creek (1701-0008) 18	Fecal Coliform
Kings	Coney Island Creek (1701-0008) 18	Garbage & Refuse
Kings	Gowanus Canal (1701 0011) 18	Garbage & Refuse
Kings	Hendrix Creek (1701-0006) 18	Fecal Coliform
Kings	Hendrix Creek (1701-0006) 18	Garbage & Refuse
Kings	Hendrix Creek (1701-0006) 18	Nitrogen
Kings	Mill Basin and tidal tribs (1701 0178) 18	Garbage & Refuse
Kings	Paerdegat Basin (1701-0363) 18	Garbage & Refuse
Kings	Prospect Park Lake (1701-0196)	Phosphorus
Monroe	Buck Pond (0301-0017)	Phosphorus
Monroe	Cranberry Pond (0301-0016)	Phosphorus

Monroe	Long Pond (0301-0015)	Phosphorus
Monroe	Minor Tribs to Irondequoit Bay (0302-0038)	Fecal Coliform
Monroe	Minor Tribs to Irondequoit Bay (0302-0038)	Phosphorus
Monroe	Rochester E–bayment - East (0302-0002)	Fecal Coliform
Monroe	Rochester E–bayment - West (0301-0068)	Fecal Coliform
Monroe	Thomas Creek/White Brook and tribs (0302-0023)	Phosphorus
Nassau	Beaver Lake (1702-0152)	Phosphorus
Nassau	Camaans Pond (1701-0052)	Phosphorus
Nassau	Cold Spring Harbor, and tidal tribs (1702-0018)	Pathogens
Nassau	Dosoris Pond (1702-0024)	Fecal Coliform
Nassau	East Bay (1701-0202)	Fecal Coliform
Nassau	East Meadow Brook, Upper, and tribs (1701-0211)	Silt/Sediment
Nassau	East Rockaway Inlet (1701-0217)	Fecal Coliform
Nassau	Glen Cove Creek, Lower, and tribs (1702-0146)	Fecal Coliform
Nassau	Glen Cove Creek, Lower, and tribs (1702-0146)	Silt/Sediment
Nassau	Grant Park Pond (1701-0054)	Phosphorus
Nassau	Hempstead Bay (1701-0032)	Fecal Coliform
Nassau	Hempstead Harbor, north, and tidal tribs (1702-0022)	Pathogens
Nassau	Hempstead Harbor, south, & tidal tribs (1702-0263)	Fecal Coliform
Nassau	Hempstead Lake (1701-0015)	Phosphorus
Nassau	Long Island Sound, Nassau County Waters (1702-0028)	Fecal Coliform
Nassau	Long Island Sound, Nassau County Waters (1702-0028)	Nitrogen
Nassau	Manhasset Bay, and tidal tribs (1702-0021)	Fecal Coliform
Nassau	Manhasset Bay, and tidal tribs (1702-0141)	Fecal Coliform
Nassau	Massapequa Creek, Upper, and tribs (1701-0174)	Fecal Coliform
Nassau	Massapequa Creek, Upper, and tribs (1701-0174)	Phosphorus
Nassau	Middle Bay (1701-0208)	Fecal Coliform
Nassau	Milburn/Parsonage Creeks, Upp, and tribs (1701-0212)	Phosphorus
Nassau	Mill Neck Creek and tidal tribs (1702-0151)	Pathogens
Nassau	Oyster Bay Harbor (1702-0016)	Pathogens
Nassau	Reynolds Channel, east (1701-0215)	Fecal Coliform

Nassau	Seafords/Seamans Creeks, Upper, and tribs (1701-0201)	Fecal Coliform
Nassau	Shell Creek and Barnums Channel (1701-0213386)	Fecal Coliform
Nassau	South Oyster Bay (1701-0041)	Fecal Coliform
Nassau	Tidal Tribs to Hempstead Bay (1701-0218)	Fecal Coliform
Nassau	Tidal Tribs to Hempstead Bay (1701-0218)	Nitrogen
Nassau	Tidal Tribs to South Oyster Bay (1701-0200)	Fecal Coliform
Nassau	Tribs (fresh) to East Bay (1701-0204)	Fecal Coliform
Nassau	Tribs (fresh) to East Bay (1701-0204)	Phosphorus
Nassau	Tribs (fresh) to East Bay (1701-0204)	Silt/Sediment
Nassau	Tribs to Smith Pond/Halls Pond (1701-0221)	Phosphorus
Nassau	Woodmere Channel (1701-0219)	Fecal Coliform
Nassau	Woodmere Channel (1701-0219)	Nitrogen
New York	East River, Lower (1702-0011) 18	Garbage & Refuse
New York	Harlem River (1702-0004) 18	Garbage & Refuse
New York	Harlem Meer (1702-0103)	Phosphorus
New York	The Lake in Central Park (1702-0105)	Phosphorus
Niagara	Bergholtz Creek and tribs (0101-0004)	Fecal Coliform
Niagara	Bergholtz Creek and tribs (0101-0004)	Phosphorus
Niagara	Hyde Park Lake (0101-0030)	Phosphorus
Oneida	Ballou, Nail Creeks (1201-0203)	Phosphorus
Oneida	Mohawk River, Main Stem (1201-0010)	Fecal Coliform
Oneida	Mohawk River, Main Stem (1201-0094)	Fecal Coliform
Oneida	Utica Harbor (1201-0228)	Fecal Coliform
Onondaga	Bloody Brook and tribs (0702 0006) 10	Fecal Coliform
Onondaga	Ley Creek and tribs (0702 0001) 10	Fecal Coliform
Onondaga	Ley Creek and tribs (0702-0001) 10	Ammonia (NH3)
Onondaga	Ley Creek and tribs (0702-0001) 10	Phosphorus
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Nitrogen (NH3, NO2)
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Phosphorus
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Fecal Coliform
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Ammonia (NH3)
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Fecal Coliform

Onondaga	Onondaga Creek, Lower (0702-0023) 10	Phosphorus
Onondaga	Onondaga Creek, Middle, and tribs (0702-0004) 10	Fecal Coliform
Onondaga	Onondaga Lake, Southern End (0702-0021) [10]	Fecal Coliform
Ontario	Great Brook and minor tribs (0704-0034)	Phosphorus 2
Ontario	Great Brook and minor tribs (0704-0034)	Silt/Sediment
Orange	Greenwood Lake (1501-0001)	Phosphorus
Orange	Monhagen Brook and tribs (1306-0074)	Phosphorus
Orange	Orange Lake (1301-0008) [16]	Phosphorus
Oswego	Lake Neatahwanta (0701-0018)	Phosphorus
Putnam	Bog Brook Reservoir (1302-0041)	Phosphorus
Putnam	Boyd Corners Reservoir (1302-0045)	Phosphorus
Putnam	Croton Falls Reservoir (1302-0026)	Phosphorus
Putnam	Diverting Reservoir (1302-0046)	Phosphorus
Putnam	East Branch Reservoir (1302-0040)	Phosphorus
Putnam	Middle Branch Reservoir (1302-0009)	Phosphorus
Putnam	Oscawana Lake (1301-0035)	Phosphorus
Putnam	Palmer Lake (1302-0103)	Phosphorus
Putnam	West Branch Reservoir (1302-0022)	Phosphorus
Queens	Alley Creek/Little Neck Bay Trib (1702-0009) 18	Fecal Coliform
Queens	Atlantic Ocean Coastline (1701-0014)	Fecal Coliform
Queens	Bergen Basin (1701-0009) 18	Fecal Coliform
Queens	Bergen Basin (1701-0009) 18	Garbage & Refuse
Queens	Bergen Basin (1701-0009) 18	Nitrogen
Queens	East River, Upper (1702-0010) 18	Garbage & Refuse
Queens	East River, Upper (1702-0032) 18	Garbage & Refuse
Queens	Flushing Creek/Bay (1702 0005) 18	Garbage & Refuse
Queens	Flushing Creek/Bay (1702-0005)	Nitrogen
Queens	Flushing Creek/Bay (1702-0005) 18	Fecal Coliform
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Fecal Coliform
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Garbage & Refuse
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Nitrogen

Queens	Kissena Lake (1702-0258)	Phosphorus
Queens	Little Neck Bay (1702-0029)	Fecal Coliform
Queens	Meadow Lake (1702-0030)	Phosphorus
Queens	Newtown Creek and tidal tribs (1702 0002) 18	Garbage & Refuse
Queens	Newtown Creek and tidal tribs (1702-0002) 18	Fecal Coliform
Queens	Shellbank Basin (1701-0001) 18	Nitrogen
Queens	Spring Creek and tribs (1701-0361) 18	Garbage & Refuse
Queens	Thurston Basin (1701-0152) 18	Fecal Coliform
Queens	Thurston Basin (1701-0152) 18	Garbage & Refuse
Queens	Willow Lake (1702-0031)	Phosphorus
Rensselaer	Nassau Lake (1310-0001)	Phosphorus
Richmond	Arthur Kill, Class I, and minor tribs (1701 0010) 18	Garbage & Refuse
Richmond	Arthur Kill, Class SD, and minor tribs (1701-0182) 18	Garbage & Refuse
Richmond	Grassmere Lake/Bradys Pond (1701-0357)	Phosphorus
Richmond	Kill Van Kull (1701 0184) 18	Garbage & Refuse
Richmond	Newark Bay (1701 0183) 18	Garbage & Refuse
Richmond	Raritan Bay, Class SA (1701-0002)	Fecal Coliform
Rockland	Congers Lake, Swartout Lake (1501-0019)	Phosphorus
Rockland	Rockland Lake (1501-0021)	Phosphorus
Rockland	Sparkill Creek, Lower (1301-0088)	Fecal Coliform
Saratoga	Ballston Lake (1101-0036)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Silt/Sediment
Saratoga	Lake Lonely (1101-0034)	Phosphorus
Saratoga	Tribs to Lake Lonely (1101-0001)	Fecal Coliform
Saratoga	Tribs to Lake Lonely (1101-0001)	Phosphorus
Schenectady	Collins Lake (1201-0077)	Phosphorus
Schenectady	Duane Lake (1311-0006)	Phosphorus
Schenectady	Mariaville Lake (1201-0113)	Phosphorus
Suffolk	Acabonack Harbor (1701-0047)	Pathogens
Suffolk	Agawam Lake (1701-0117)	Phosphorus
Suffolk	Beaverdam Creek and tribs (1701-0104)	Ammonia
Suffolk	Bellport Bay (1701-0320)	Pathogens

Suffolk	Big/Little Fresh Ponds (1701-0125)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Silt/Sediment
Suffolk	Centerport Harbor (1702-0229)	Pathogens
Suffolk	Conscience Bay and tidal tribs (1702-0091)	Pathogens
Suffolk	Flanders Bay, East/Center, and tribs (1701-0030)	Pathogens
Suffolk	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Nitrogen
Suffolk	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Pathogens
Suffolk	Flax Pond (1702-0240)	Fecal Coliform
Suffolk	Forge River, Lower and Cove (1701-0316)	Fecal Coliform
Suffolk	Fresh Pond (1701-0241)	Phosphorus
Suffolk	Goldsmith Inlet (1702-0026)	Pathogens
Suffolk	Goose Creek (1701-0236)	Pathogens
Suffolk	Great Cove (1701-0376)	Fecal Coliform
Suffolk	Great South Bay, East (1701-0039)	Nitrogen
Suffolk	Great South Bay, Middle (1701-0040)	Nitrogen
Suffolk	Great South Bay, West (1701-0173)	Nitrogen
Suffolk	Hashamomuck Pond (1701-0162)	Pathogens
Suffolk	Heady and Taylor Creeks and tribs (1701-0294)	Pathogens
Suffolk	Huntington Harbor (1702-0228)	Pathogens
Suffolk	Lake Montauk (1701-0031)	Pathogens
Suffolk	Lake Ronkonkoma (1701-0020)	Fecal Coliform
Suffolk	Lake Ronkonkoma (1701-0020)	Phosphorus
Suffolk	Little Sebonac Creek (1701-0253)	Pathogens
Suffolk	Long Island Sound, Suffolk Co, Central (1702-0265)	Fecal Coliform
Suffolk	Mattituck Inlet/Cr, Low, and tidal tribs (1702-0020)	Pathogens
Suffolk	Meetinghouse/Terrys Creeks and tribs (1701-0256)	Pathogens
Suffolk	Mill and Seven Ponds (1701-0113)	Phosphorus
Suffolk	Millers Pond (1702-0013)	Phosphorus
Suffolk	Moriches Bay, East (1701-0305)	Nitrogen
Suffolk	Moriches Bay, West (1701-0038)	Nitrogen
Suffolk	Mt Sinai Harbor and tidal tribs (1702-0019)	Pathogens

Suffolk	Mud Creek, Upper, and tribs (1701-0101)	Fecal Coliform
Suffolk	Narrow Bay (1701-0318)	Pathogens
Suffolk	Nicoll Bay (1701-0375)	Fecal Coliform
Suffolk	North Sea Harbor and tribs (1701-0037)	Pathogens
Suffolk	Northport Harbor (1702-0230)	Pathogens
Suffolk	Northwest Creek and tidal tribs (1701-0046)	Pathogens
Suffolk	Noyack Creek and tidal tribs (1701-0237)	Pathogens
Suffolk	Ogden Pond (1701-0302)	Pathogens
Suffolk	Patchogue Bay (1701-0326)	Pathogens
Suffolk	Peconic River, Lower, and tidal tribs (1701-0259)	Nitrogen
Suffolk	Peconic River, Lower, and tidal tribs (1701-0259)	Pathogens
Suffolk	Penniman Creek and tidal tribs (1701-0300)	Pathogens
Suffolk	Penny Pond, Wells and Smith Creeks (1701-0298)	Pathogens
Suffolk	Phillips Creek, Lower, and tidal tribs (1701-0299)	Fecal Coliform
Suffolk	Port Jefferson Harbor, North, and tribs (1702-0015)	Pathogens
Suffolk	Quantuck Bay (1701-0042)	Pathogens
Suffolk	Quantuck Bay (1701-0042)	Nitrogen
Suffolk	Quantuck Canal/Moneybogue Bay (1701-0371)	Pathogens
Suffolk	Quogue Canal (1701-0301)	Fecal Coliform
Suffolk	Reeves Bay and tidal tribs (1701-0272)	Pathogens
Suffolk	Richmond Creek and tidal tribs (1701-0245)	Pathogens
Suffolk	Sag Harbor and Sag Harbor Cove (1701-0035)	Pathogens
Suffolk	Sebonac Cr/Bullhead Bay and tidal tribs (1701-0051)	Pathogens
Suffolk	Setauket Harbor (1702-0242)	Pathogens
Suffolk	Shinnecock Bay and Inlet (1701 0033)	Nitrogen
Suffolk	Stirling Creek and Basin (1701-0049)	Pathogens
Suffolk	Stony Brook Harbor and West Meadow Creek (1702-0047)	Pathogens
Suffolk	Tidal Tribs to Gr Peconic Bay, Northshr (1701-0247)	Pathogens
Suffolk	Tidal Tribs to West Moriches Bay (1701-0312)	Fecal Coliform
Suffolk	Tidal Tribs to West Moriches Bay (1701-0312)	Nitrogen
Suffolk	Town/Jockey Creeks and tidal tribs (1701-0235)	Pathogens
Suffolk	Tuthill, Harts, Seatuck Coves (1701-0309)	Pathogens
Suffolk	Weesuck Creek and tidal tribs (1701-0111)	Pathogens

Suffolk	West Creek and tidal tribs (1701-0246)	Fecal Coliform
Suffolk	Wooley Pond (1701-0048)	Pathogens
Tompkins	Cayuga Lake, Southern End (0705-0040)	Phosphorus
Tompkins	Cayuga Lake, Southern End (0705-0040)	Silt/Sediment
Warren	Hague Brook and tribs (1006-0006)	Silt/Sediment
Warren	Huddle/Finkle Brooks and tribs (1006-0003)	Silt/Sediment
Warren	Indian Brook and tribs (1006-0002)	Silt/Sediment
Warren	Lake George (1006-0016) and tribs	Silt/Sediment
Warren	Tribs to Lake George, East Shore (1006-0020)	Silt/Sediment
Warren	Tribs to Lake George, Lk.George Village (1006-0008)	Silt/Sediment
Wayne	Lake Ontario Shoreline, Central (0302-0044)	Fecal Coliform
Westchester	Amawalk Reservoir (1302-0044)	Phosphorus
Westchester	Bronx River, Upper, and tribs (1702-0107)	Fecal Coliform
Westchester	Cross River Reservoir (1302-0005)	Phosphorus
Westchester	Hutchinson River, Middle, and tribs (1702-0074)	Fecal Coliform
Westchester	Hutchinson River, Middle, and tribs (1702-0074)	Oil/Grease
Westchester	Lake Katonah (1302-0136)	Phosphorus
Westchester	Lake Lincolndale (1302-0089)	Phosphorus
Westchester	Lake Meahagh (1301-0053)	Phosphorus
Westchester	Lake Mohegan (1301-0149)	Phosphorus
Westchester	Lake Shenorock (1302-0083)	Phosphorus
Westchester	Larchmont Harbor (1702-0116)	Fecal Coliform
Westchester	Long Island Sound, Westchester Co Waters (1702-0001)	Fecal Coliform
Westchester	Long Island Sound, Westchester Co Waters (1702-0001)	Nitrogen
Westchester	Mamaroneck Harbor (1702-0125)	Fecal Coliform
Westchester	Mamaroneck River, Lower (1702-0071)	Silt/Sediment
Westchester	Mamaroneck River, Upp, & minor tribs (1702-0123)	Silt/Sediment
Westchester	Milton Harbor/Lower Blind Brook (1702-0063)	Fecal Coliform
Westchester	Muscoot/Upper New Croton Reservoir (1302-0042)	Phosphorus
Westchester	New Croton Reservoir (1302-0010)	Phosphorus
Westchester	New Rochelle Harbor (1702-0259)	Fecal Coliform
Westchester	Port Chester Harbor/Lower Byram River (1702-0260)	Fecal Coliform

Westchester	Reservoir No.1/Lake Isle (1702-0075)	Phosphorus
Westchester	Saw Mill River (1301-0007)	Fecal Coliform
Westchester	Saw Mill River (1301-0007)	Phosphorus
Westchester	Saw Mill River, Middle, and tribs (1301-0100)	Fecal Coliform
Westchester	Saw Mill River, Middle, and tribs (1301-0100)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Silt/Sediment
Westchester	Silver Lake (1702-0040)	Phosphorus
Westchester	Teatown Lake (1302-0150)	Phosphorus
Westchester	Titicus Reservoir (1302-0035)	Phosphorus
Westchester	Truesdale Lake (1302-0054)	Phosphorus
Westchester	Wallace Pond (1301-0140)	Phosphorus

Appendix D. Forms

Included in this section are the following documents, in order:

- Monitoring Locations Inspection and Sampling Field Sheet
- Construction Site Inspection Report Form
- No Exposure Certification
- Municipal Facility Assessment Form
- Storm Event Data Form
- Visual Monitoring 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:	GPS Unit:	GPS LMK #:
Camera:		Photo #s:	

Land Use in Drainage Area (Check all that apply):

☐ Industrial	☐ Open Space
☐ Ultra-Urban Residential	☐ Institutional
☐ Suburban Residential	Other: _____
☐ Commercial	Known Industries: _____

Notes (e.g., origin, if known):

Section 2: Monitoring Location Description

LOCATION	MATERIAL	SHAPE	DIMENSIONS (IN.)	SUBMERGED
☐ **Closed Pipe**	☐ RCP ☐ CMP ☐ PVC ☐ HDPE ☐ Steel ☐ Other: _____	☐ Circular ☐ Single ☐ Elliptical ☐ Double ☐ Box ☐ Triple ☐ Other: _____ ☐ 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	***If No, Skip to Section 5***		
Flow Description (If present)	☐ Trickle ☐ Moderate ☐ Substantial			

Section 3: Quantitative Characterization

FIELD DATA FOR FLOWING MONITORING LOCATIONS				
PARAMETER		**RESULT**	**UNIT**	**EQUIPMENT**
☐ Flow #1	Volume		Liter	Bottle
	Time to fill		Sec	
☐ Flow #2	Flow depth		In	Tape measure
	Flow width	____' ____"	Ft, In	Tape measure
	Measured length	____' ____"	Ft, In	Tape measure
	Time of travel		S	Stopwatch
Temperature			°F	Thermometer
pH			pH Units	Test strip/Probe
Ammonia			mg/L	Test strip

Monitoring Locations Inspection and Sampling Field Sheet

Section 4: Physical Indicators for Flowing Monitoring Locations Only

Are Any Physical Indicators Present in the flow? ☐ Yes ☐ No (*If No, Skip to Section 5)*

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/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: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations

Are physical indicators that are not related to flow present? ☐ Yes ☐ No (*If No, Skip to Section 6)*

INDICATOR	CHECK if Present	DESCRIPTION	COMMENTS
Monitoring Location Damage	☐	☐ Spalling, Cracking or Chipping ☐ Peeling Paint ☐ Corrosion	
Deposits/Stains	☐	☐ Oily ☐ Flow Line ☐ Paint ☐ Other:	
Abnormal Vegetation	☐	☐ Excessive ☐ Inhibited	
Poor pool quality	☐	☐ Odors ☐ Colors ☐ Floatables ☐ Oil Sheen ☐ Suds ☐ Excessive Algae ☐ Other:	
Pipe benthic growth	☐	☐ Brown ☐ Orange ☐ Green ☐ Other:	

Section 6: Overall Monitoring Location Characterization

☐ Unlikely ☐ Potential (presence of two or more indicators) ☐ Suspect (one or more indicators with a severity of 3) ☐ Obvious

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	If Yes, type: ☐ OBM	☐ Caulk dam

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

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

NEW YORK STATE Department of Environmental Conservation

New York State Department of Environmental Conservation

Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001

Project Name:		Date:	
Project Location:		Weather:	
Permit # (if any): **NYR**	Contacted: ☐Yes ☐No	Entry Time:	Exit Time:
Name of SPDES Permittee:		Inspection Type:	☐NOT ☐ Complaint
Phone Number(s):			☐ Compliance ☐ Referral
On-site Representative(s) and Company(s):		MS4 Operator Name:	
		MS4 Permit ID: NYR20A	

SPDES Authority

	Yes	No	N/A		Citation
1.	☐	☐	☐	Does the project have permit coverage?	GP-0-20-001: I.A & II. B
2.	☐	☐	☐	Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing?	GP-0-20-001: II.D.2
3.	☐	☐	☐	Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing?	GP-0-20-001: II.D.2
4.	☐	☐	☐	Is an up-to-date copy of the signed SWPPP retained at the construction site?	GP-0-20-001: II.D.2. & III.A.4
5.	☐	☐	☐	Is a copy of the SPDES General Permit retained at the construction site?	GP-0-20-001: II.D.2
6.	☐	☐	☐	Does the NOI accurately report the number of acres to be disturbed?	GP-0-20-001: II.B.4

SWPPP Content

	Yes	No	N/A		Citation
7.	☐	☐	☐	Does the SWPPP describe and identify the erosion and sediment control measures to be employed?	GP-0-20-001: III.B.1.e
8.	☐	☐	☐	Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures?	GP-0-20-001: III.B.1.i
9.	☐	☐	☐	Does the SWPPP describe and identify the stormwater management practices to be employed?	GP-0-20-001: III.B.2
10.	☐	☐	☐	Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?	GP-0-20-001: III.A.6
11.	☐	☐	☐	Does the SWPPP identify at least one trained individual from each contractor(s) and subcontractor(s) companies?	GP-0-20-001: III.A.6
12.	☐	☐	☐	Does the SWPPP include all the necessary Contractor Certification Statements and signatures?	GP-0-20-001: III.A.6
13.	☐	☐	☐	Is the SWPPP signed by the permittee?	GP-0-20-001: VII.H.2
14.	☐	☐	☐	Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)?	GP-0-20-001: III.A.3
15.	☐	☐	☐	Do the SMPs conform to the Enhanced Phosphorus Removal Standards (projects in TMDL watersheds)?	GP-0-20-001: III.B.3

Recordkeeping

	Yes	No	N/A		Citation
16.	☐	☐	☐	Are self-inspections performed as required by the permit (weekly, or twice weekly for >5 acres disturbed)?	GP-0-20-001:IV.C.2.a. & b
17.	☐	☐	☐	Are the self-inspections performed and signed by a qualified inspector and retained on site?	GP-0-20-001:II.C.2.,IV.C.6 & VII.H.3
18.	☐	☐	☐	Do the qualified inspector's reports include the minimum reporting requirements?	GP-0-20-001: IV.C.4
19.	☐	☐	☐	Do inspection reports identify corrective measures that have not been implemented or are recurring?	GP-0-20-001: IV.C.5

Visual Observations

	Yes	No	N/A		Citation
20.	☐	☐	☐	Are all erosion and sediment control measures installed properly?	GP-0-20-001: VII.L
21.	☐	☐	☐	Are all erosion and sediment control measures being maintained properly?	GP-0-20-001: IV.A.1
22.	☐	☐	☐	Was written authorization issued for any disturbance greater than 5 acres?	GP-0-20-001: II.D.3
23.	☐	☐	☐	Have stabilization measures been implemented in inactive areas per Permit (>5acres) or ESC Standard?	GP-0-20-001: II.D.3.b & III.B.1.f
24.	☐	☐	☐	Are post-construction stormwater management practices constructed/installed correctly?	GP-0-20-001: III.B.2
25.	☐	☐	☐	Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal?	GP-0-20-001: V.A.2
26.	☐	☐	☐	Was there a discharge from the site on the day of inspection?	
27.	☐	☐	☐	Is there evidence that a discharge caused or contributed to a violation of water quality standards?	ECL 17-0501, 6 NYCRR 703.2 & GP-0-20-001: I.D

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 Lead Inspector:	Signature of Lead Inspector:
Names/Agencies of Other Inspectors:	

NEW YORK STATE | Department of Environmental Conservation

NO EXPOSURE CERTIFICATION

For High Priority Municipal Facilities

in SPDES MS4 General Permit, GP-0-24-001

The completed No Exposure Certification must be documented in the SWMP Plan.
Please do not submit this form to the Department unless requested.

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	Using, storing or 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		
4	Material handling equipment (except adequately maintained vehicles)		
5	Materials or products during loading/unloading or transporting activities		
6	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)		
7	Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers		
8	Materials or products handled/stored on roads or railways owned or maintained by the discharger		
9	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 upon request to the NPDES permitting authority or 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:

NEW YORK STATE Department of Environmental Conservation	**Municipal Facility Assessment Form For SPDES MS4 General Permit, GP-0-24-001**

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 required by the SPDES MS4 General Permit (GP-0-24-001).

MS4 Permit ID:	MS4 Operator Name:	
Facility Name:	Facility Type:	Date:
Weather Conditions:		
Is stormwater runoff present during this assessment? ☐ Yes ☐ No		
Comments:		

General		**Yes**	**No**
1	Is this a high priority municipal facility?	☐	☐
2	If this is a high priority municipal facility, does the facility qualify for a No Exposure Certification?	☐	☐
3	If this is a high priority municipal 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 municipal facility intraconnections?	☐	☐
Comments:			
Good Housekeeping		**Yes**	**No**
7	Are paved surfaces free of trash, sediment, and/or debris?	☐	☐
8	Date the paved area was last swept or vacuumed.	☐	☐
9	Do outdoor waste receptacles have covers?	☐	☐
10	Are the waste receptacles emptied on a regular basis?	☐	☐
11	Are there signs of leaks, contaminants or overfilling at the waste receptacle area?	☐	☐
12	Are the following facility areas free of accumulated trash, sediment, debris, contaminants, and spills:	☐	☐
	- Salt storage areas	☐	☐
	- Container storage areas	☐	☐
	- Maintenance areas	☐	☐

	- Staging areas	☐	☐
	- Material stockpile areas	☐	☐
Comments:			

Vehicle and Equipment Areas		☐ N/A	Yes	No
13	Are vehicle/equipment parked indoors or under a roof?		☐	☐
14	Are vehicles/equipment washed in only designated areas?		☐	☐
15	Are vehicles washed regularly to remove contamination and prevent them from polluting stormwater?		☐	☐
16	Is all wash water treated in an oil water separator prior to discharge?		☐	☐
17	Is all wash water managed so it does not enter the MS4?		☐	☐
Comments				

Vehicle/Equipment Maintenance		☐ N/A	Yes	No
18	Is equipment stored under shelter or elevated and covered?		☐	☐
19	Are fluids drained over a drip pan or pad?		☐	☐
20	Are funnels or pumps used when transferring fluids?		☐	☐
21	Are waste rags and used absorbent pads disposed of properly?		☐	☐
22	Are any vehicles and/or equipment leaking fluids?		☐	☐
23	Are drip pans immediately placed under leaks?		☐	☐
24	Are materials, equipment, and activities located so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas)?		☐	☐
25	Are vehicles inspected daily for leaks?			
Comments:				

Fueling areas		☐ N/A	Yes	No
26	Is fueling performed under a canopy or roof?		☐	☐
27	Are spill cleanup materials available at the fueling area?		☐	☐
28	Are breakaway valves used on fueling hoses?		☐	☐
29	Is the fueling handle lock disconnected so the operator must attend the fueling?		☐	☐
30	Is stormwater runoff from fueling area treated in an oil/water separator?		☐	☐
31	Is the fueling automatic stop inspected regularly to ensure it is working properly?		☐	☐
32	Are all fuel deliveries monitored?		☐	☐
Comments:				

Salt Storage Piles or Pile Containing Salt		☐ N/A	Yes	No
33	Is salt stored in a salt storage building or under a roof?		☐	☐
34	Are controls in place to minimize spills while adding or removing material from the pile?		☐	☐
35	Are salt spills cleaned up promptly?		☐	☐
36	Is overflow and tracked salt removed promptly from loading areas?		☐	☐
37	Is stormwater draining away from the salt pile directed to a vegetated filter area		☐	☐
Comments:				
Fluids Management		☐ N/A	Yes	No
38	Are all drums and containers of fluids stored with proper cover and containment?		☐	☐
39	Are fluids stored in appropriate containers and/or storage cabinets?		☐	☐
40	Are all fluids kept in original containers or labeled in a manner that describes the contents adequately?		☐	☐
41	Are Material Safety Data Sheets (MSDS/SDS) readily available?		☐	☐
42	Are all containers that are stored free of leaks or deposits?		☐	☐
43	Are containers of product inspected regularly?		☐	☐
44	Is used oil and antifreeze stored indoors and/or on spill containment pallets?		☐	☐
45	Is used oil and antifreeze properly disposed of or recycled?		☐	☐
Comments:				
Lead Acid Batteries		☐ N/A	Yes	No
46	Are lead-acid batteries stored indoors on spill containment pallets or in bins?		☐	☐
47	Are intact batteries stored on an acid-resistant rack or tub?		☐	☐
48	Are cracked or leaking batteries stored in labeled, closed, leak-proof containers?		☐	☐
49	Is the date each battery was placed in storage recorded?		☐	☐
50	Are batteries stacked more than 5 high?		☐	☐
51	Are batteries inspected regularly for leaks?		☐	☐
Comments:				
Spill Prevention and Response Procedures		☐ N/A	Yes	No
52	Are vehicles inspected daily for leaks?		☐	☐

53	Is spill control equipment and absorbents readily available?	☐	☐
54	Are emergency phone numbers posted in conspicuous areas?	☐	☐
55	Are spills contained and cleaned up immediately?	☐	☐
Comments:			

General Material Storage Areas	☐ N/A	Yes	No
56	Are leaking or damaged materials stored inside a building or another type of storm resistance shelter?	☐	☐
57	Are all material stockpiles within containment structures (e.g., concrete barriers, earthen berms) or stored in a manner that does not allow discharge of impacted stormwater?	☐	☐
58	Are used fuel tanks and other scrap metal and parts drained of fluids and stored under cover?	☐	☐
59	Are outdoor containers covered?	☐	☐
60	Are piles of spoils, asphalt, debris, etc. stored under a roof or cover?	☐	☐
61	Are spills of material or debris cleaned up promptly?	☐	☐
62	Are used tire storage piles placed away from storm drains or conveyances?	☐	☐
63	Are tires recycled frequently to keep the number of stored tires manageable?	☐	☐
Comments:			

Stormwater Management		Yes	No
64	Are employees trained on the municipal facility procedures?	☐	☐
66	Are BMPs and treatment structures working as designed?	☐	☐
67	Are BMPs and treatment structures free from debris buildup or overgrown vegetation that may impair function?	☐	☐
68	Catch basins should be cleaned in accordance with the timeframes listed in Part VI.F.3.c.iii. / Part VII.F.3.c.iii, depending on the MS4 Operator type. Based on this, do any catch basins need to be cleaned?	☐	☐
69	Are berms, curbing or other methods used to divert and direct discharges adequate and in good condition?	☐	☐
70	Are rooftop drains directed to areas away from pavement?	☐	☐
Comments:			

Erosion and Sediment Controls		Yes	No
71	Are soil stabilization measures (e.g., seed and mulch, rolled erosion control products) considered in areas that have the potential for significant soil erosion?	☐	☐
72	Are natural buffers maintained around surface waters?	☐	☐
73	Are flow velocity dissipation devices in place at monitoring locations and channel outlets (rock riprap, stone check dams, concrete baffles)?	☐	☐
74	Do controls conform to the NYS Standards and Specifications for Erosion and Sediment Control (2016), or equivalent?	☐	☐

Comments:
Corrective Actions and Comment
Describe Inspection findings and if necessary, the corrective actions taken

Inspector Signature		Date:	

NEW YORK STATE | Department of Environmental Conservation

Storm Event Data Form for SPDES MS4 General Permit, GP-0-24-001

Do not submit this form to the Department; keep this form with the municipal facility's SWPPP and in the MS4 Operator's SWMP Plan.

Permit Number:

N	Y	R	2	0	A			

Facility Name:

Contact First Name:

Contact Last Name:

Contact Phone:

Contact Email:

Storm Event Date:

Storm Duration (in hours):

Rainfall Measurement from Storm Event (in inches):

Date of Last Measurable Storm Event:

Duration Between Storm Event Sampled and End of Previous Measurable Storm (in hours):

Certification

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

Facility Operator First Name (please print or type)

Facility Operator Last Name (please print or type)

/ /

Date

Signature

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Visual Monitoring Form MS4 GP-0-24-001

All high priority municipal facilities covered under the MS4 GP-0-24-001 must perform Visual Monitoring twice a permit term, separated by a minimum of one (1) year. Please see the permit Part VI.F/VII.F for additional requirements. This form is part of the facilities records and should be retained onsite with the facility's Stormwater Pollution Prevention Plan. ***Please do not submit this form to the Department.***

MS4 Operator Permit ID

Facility Name

Outfall Number

Examiner's Name

Examiner's Title

Reporting Year

Rainfall Amount

Qualifying Storm? ◯Yes ◯No

Runoff Source? ◯Rainfall ◯Snowmelt

Date/Time Collected __ / __ / __ __ : __ __ AM / PM

Date/Time Examined __ / __ / __ __ : __ __ AM / PM

1. Does the stormwater appear to be colored? ..... ◯Yes ◯No

If yes, describe

2. Is the stormwater clear or transparent? ..... ◯Yes ◯No

If yes, which of the following best describes the clarity of the stormwater: ..... ◯Clear ◯Milky ◯Opaque

3. Can you see a rainbow sheen effect on the water surface?..... ◯Yes ◯No

If yes, which best describes the sheen?..... ◯Rainbow Sheen ◯Floating Oil Globules

4. Does the sample have an odor? ..... ◯Yes ◯No

If yes, describe

5. Is there something floating on the surface of the sample? ..... ◯Yes ◯No

If yes, describe

6. Is there something suspended in the water column of the sample? ..... ◯Yes ◯No

If yes, describe

7. Is there something settled on the bottom of the sample?..... ..... ◯Yes ◯No

If yes, describe

8. Is there foam or material forming on the top of the sample surface?..... ◯Yes ◯No

If yes, describe

Detail any concerns, corrective actions taken and any other indicators of pollution present in the sample:

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 Department of Environmental Conservation, Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017)

New York State Department of Environmental Conservation, Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, April 2006 (NYS DEC Model IDDE Local Law 2006)

New York State Department of Environmental Conservation, Sample Local Law for Stormwater Management and Erosion & Sediment Control, March 2006 (NYS DEC Sample SM and E&SC Local Law 2006)

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

New York State, Stormwater Management Design Manual, January 2015 (NYS SWMDM 2015)

SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001 (MSGP)

SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001 (CGP)

SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001 (MS4 GP)

United States Department of Transportation Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013 (USDOT 2013)

Appendix F – Outfall Inspection Report (Prepared by CCE)

Cornell Cooperative Extension
Suffolk County

Stormwater Management Outreach: Illicit Discharge Detection & Elimination

Village of Bayville
Stormwater Management Program

2023 Report

Submitted by:

Cornell Cooperative Extension of Suffolk County
423 Griffing Avenue, Suite 100
Riverhead, NY 11901

Prepared for the Village of Bayville
January 23, 2024

Purpose of Study

The Clean Water Act (CWA) was promulgated in 1972, setting forth several regulations to improve the nation's water quality. While the effort to regulate point source or "end of pipe" discharges to US waterbodies has been successful since the CWA's passage, addressing water pollution from nonpoint or discrete sources has proved to be challenging. Nonpoint source pollution from urban and suburban sources, or stormwater pollution, has been implicated as a large source of pollution to the nation's waterbodies including numerous waterbodies in Long Island.

In 2002, the Stormwater Phase II Final Rule was announced by the NYSDEC following a 1999 mandate by the Environmental Protection Agency (EPA). This program requires operators of small municipal separate storm sewer systems (MS4s) and operators of construction sites that disturb one acre or greater of land to implement programs and best management practices to control polluted stormwater runoff. The New York State Pollution Discharge Elimination System (SPDES) Program is authorized to implement the MS4 permit. There are six mandated elements to the Phase II program that when implemented together are expected to result in significant reductions in stormwater pollutants to receiving waterbodies.

The Illicit Discharge Detection and Elimination (IDDE) minimum control measure is one of the most difficult mandates to complete but is essential to the success of each community's Phase II program. The SPDES permit obligates each MS4 to produce a map of all stormwater outfalls to waters of the US. In addition, MS4's must be actively searching for illicit discharges in an effort detect and eliminate illegal connections to the stormwater conveyance system. Connections of this nature may be a significant source of pollution to stormwater runoff.

The purpose of this study was to monitor The Village of Bayville's outfalls for dry weather flow, and to sample any detected flows to ensure there are no illicit discharges present.

Component I: Education & Outreach

The primary goal of Cornell Cooperative Extension of Suffolk County's (CCE) water quality monitoring efforts is to help educate municipalities with respect to whether a waterbody is impacted by pollutants, to determine what the source of pollutants are, and what can be done to minimize the impact by municipalities and/or residents. Moreover, the information obtained from this project will provide the guidance necessary to aid the Village in prioritizing locations for stormwater retrofits. Results are discussed in this report to better inform the Village's Stormwater Management Program on any potential illicit discharges, potential pollutant sources, and a summary of any follow up investigations conducted and recommendations for future years. CCE will provide guidance to the Village on how to conduct an effective water quality monitoring program. All CCE field methodologies for dry weather flow monitoring will be provided thus giving the Village the ability to conduct future monitoring efforts. Methodologies will incorporate the Village 's existing database used to create and edit GIS data records for each outfall inspection.

Component II: Outfall Reconnaissance Inventory

The purpose of the initial outfall reconnaissance inventory was to verify the existence of previously inventoried outfalls and to identify any previously unconfirmed outfalls by conducting shoreline surveys and to determine the best method for monitoring each structure. There are 57 surface water outfalls in the existing Village of Bayville surface water outfall inventory as of 2024. Outfalls inventoried include those which discharge to surface waters of the State as well as structures or pipes which convey stormwater into an MS4 under the jurisdiction of another municipality. Appendix A contains a record map of the outfalls considered for inclusion in the study.

Each outfall was visited to determine its suitability for inclusion in the study. During the initial scoping of each outfall, the best method for monitoring was determined based on accessibility of the structure. Whenever possible, outfalls were directly monitored and/or sampled. However, in a significant number of cases the outfalls were submerged all or most of the time or inaccessible for other reasons. In these cases, the nearest connecting stormwater structure adjacent to the outfall which was not submerged was identified. For example, traditional outfalls are often connected to one or multiple catch basins. If a traditional outfall was found to be submerged or inaccessible, the catch basin leading directly to the outfall was identified as the monitoring point. In these cases, dry weather flow monitoring (DWF) and water quality sampling (WQS) was conducted at the nearest connecting catch basin, since it is accepted that if the closest catch basin is dry (no DWF), then the outfall is likely free from illicit discharges. Both DWF monitoring ("Dry Weather Flow monitoring, see Component III) and WQS (Water Quality Sampling, see Component IV) were conducted at catch basins (when required) without the need to open or enter the structures. With respect to road ends, the junction between the road surface and the area which receives overflowing water (e.g. beach, wetland) was the location for DWF monitoring and WQS.

Component III: Dry Weather Flow (DWF) Monitoring

A common indicator of an illicit discharge is the presence of dry weather flow. If there has been 48 hours without a runoff producing rain event yet there is flow coming from an outfall, it is possible that there is an illicit discharge. Of course, illicit discharges are not always constantly flowing, they are often periodic discharges. To increase the likelihood that an illicit discharge was discovered, each outfall was visited for DWF monitoring purposes on three separate occasions. Each site visit was made after a 48-hour or greater period with no runoff producing rain events to determine the presence or absence of dry weather flow. To determine if rainfall had occurred, CCE used a weather station operated by the National Oceanic and Atmospheric Administration (NOAA). Rainfall measurements are recorded each hour and are available online at NOAA's National Weather Service portal.

During each monitoring event, the following information was collected:

- -outfall ID number (corresponding to Village GIS geodatabase)
- -inspector name
- -date
- -monitoring location (at outfall when possible, or at nearest structure if necessary)

-presence of DWF
-flow amount (drip, trickle, moderate, heavy)
-turbidity (none, cloudy, opaque)
-color (none, gray, brown, yellow, green, or other)
-odor (none, sewage, oil/gas, laundry, sulfide, or other)
-floatables (none, sewage, oil sheen, soap suds, or other)
-deposits (none, black, brown, yellow, white, or other)
-vegetation growth (normal, excessive, inhibited)
-DWF comments (provide other pertinent information)
-monitoring comments (details of sampling location, if other than outfall)
-photos of any dry weather flow identified

The presence of DWF would indicate that it is possible that there is an illicit discharge. However, in most circumstances the DWF can be attributed to other factors. Often, shallow groundwater intrudes into the conveyance system and causes there to be a DWF. In other cases, irrigation water, sump pump water, de-chlorinated pool water, tidal flow or other sources can enter a conveyance system and cause there to be a DWF. However, none of the above circumstances are illicit, so even if there is DWF it does not necessarily mean there is an illicit discharge. To assess if any of the observed DWF represents an illicit discharge, further examination was conducted by means of water quality sampling.

Appendix B contains the findings of the DWF monitoring.

Component IV: Water Quality Sampling (WQS)
Water Quality Sampling (WQS) data can be used to assess if a DWF is likely to be a legal discharge (e.g., groundwater intrusion, irrigation water, etc.) or a potential illicit discharge with respect to the SPDES permit. In general, the flow chart developed by the Center of Watershed Protection (Illicit Discharge Detection and Elimination: A guidance Manual – Page 131) was used to help determine if the flow sampled is one of the following:

-possible washwater contamination
-possible sanitary wastewater contamination
-possible natural water source

The flow chart uses surfactants, ammonia and potassium to make the determinations. CCE additionally analyzed samples for temperature, salinity, chlorine, and fecal coliform bacteria to indicate any additional forms of potential illicit discharges not addressed in the flow chart. For example, high chlorine could indicate a swimming pool discharge or high fecal coliform bacteria counts could indicate an illicit septic system connection. The above parameters in addition to field observations were used to assess whether an illicit discharge is suspected of each outfall. Details on field sampling procedures for dry weather can be found in the Standard Operating Procedures in Appendix C.

Microbes from stormwater samples can be traced back to specific sources using microbial source tracking (MST) techniques to determine if the discharge originated from humans or a particular animal group. Throughout the WQS efforts, all DWF samples collected were preserved for

potential future MST to determine whether microbes present in the sample originated from human (e.g. failed septic system) or non-human sources (e.g. Canada goose, canine). An explanation of the MST analytical method and sampling procedures for Source Molecular can be found in Appendix D.

Following the above methodology will maximize the likelihood of finding illicit discharges, which once remediated, can improve water quality in the Village's surrounding waters. It should be noted however, that the stated methodology will not guarantee that an illicit discharge will be found. It is possible that an illicit discharge will not be detected with 3 DWF monitoring events. It is also possible that illicit discharges can be sufficiently diluted by intruding groundwater thus masking the illicit discharge. However, we feel that the above methodology provides the opportunity to find illicit discharges with a manageable and economical approach.

Typically, during illicit discharge detection studies, each outfall which is found to have at least 1 instance of dry weather flow is included in WQS efforts. Since during this project there were no dry weather flows suspected to be illicit discharges, any outfall that had standing water in a connecting catch basin that also had additional indicators of potential illicit discharges was noted for sampling. Any outfall with high salinity flow which indicated tidal flow was not included in sampling.

Attempts to collect samples were made for 4 such outfalls which were observed to have standing water that also had additional indicators of a potential illicit discharge identified during monitoring. A map of the selected outfalls can be found in Appendix E. Three (3) attempts were made to collect a sample for those locations selected for sampling. The samples were analyzed by CCE staff, and the results can be found in Appendix F. To assess if there is the potential for an illicit discharge, the flow chart developed by the Center of Watershed Protection was used to determine the likely source of each sample.

The following summarizes the results of WQS efforts for these 4 outfalls:

Outfall 7: Standing water was observed during all sample events. Three (3) samples were obtained and analyzed (9/21/2023, 10/12/2023, 11/2/2023). For the initial visit, the flow chart determined that the source is tap, irrigation, and/or natural water. In two events (10/12/2023 & 11/2/2023), the flow chart determined that the source is a possible washwater contamination, however, this slightly elevated surfactants level could be attributed to interference caused by slightly elevated salinity in the sample affecting the surfactants test. The elevated salinity is likely attributed to tidal backflow. In addition, chlorine and fecal coliform concentrations were not determined to be actionable across all visits. There is no reason to suspect an illicit discharge.

Outfall 22: Standing water was observed during all sample events. Three (3) samples were obtained and analyzed (9/21/2023, 10/12/2023, 11/2/2023). In all cases the flow chart determined that the source is a possible washwater contamination, however, this slightly elevated surfactants level could be attributed to interference caused by slightly elevated salinity in the sample affecting the surfactants test. The elevated salinity is likely attributed to tidal backflow. In addition, chlorine and fecal coliform concentrations were not determined to be actionable across all visits. There is no reason to suspect an illicit discharge.

Outfall 25: Standing water was observed during all sample events. Three (3) samples were obtained and analyzed (9/21/2023, 10/12/2023, 11/2/2023). In all cases the flow chart determined that the source is a possible washwater contamination, however, this slightly elevated surfactants level could be attributed to interference caused by slightly elevated salinity in the sample affecting the surfactants test. The elevated salinity is likely attributed to tidal backflow. In addition, chlorine and fecal coliform concentrations were not determined to be actionable across all visits. There is no reason to suspect an illicit discharge.

Outfall 56: Standing water was observed during all sample events. Three (3) samples were obtained and analyzed (9/21/2023, 10/12/2023, 11/2/2023). For the initial visit, the flow chart determined that the source is tap, irrigation, and/or natural water. In two events (10/12/2023 & 11/2/2023), the flow chart determined that the source is a possible washwater contamination, however, this slightly elevated surfactants level could be attributed to interference caused by slightly elevated salinity in the sample affecting the surfactants test. The elevated salinity is likely attributed to tidal backflow. In addition, chlorine and fecal coliform concentrations were not determined to be actionable across all visits. There is no reason to suspect an illicit discharge.

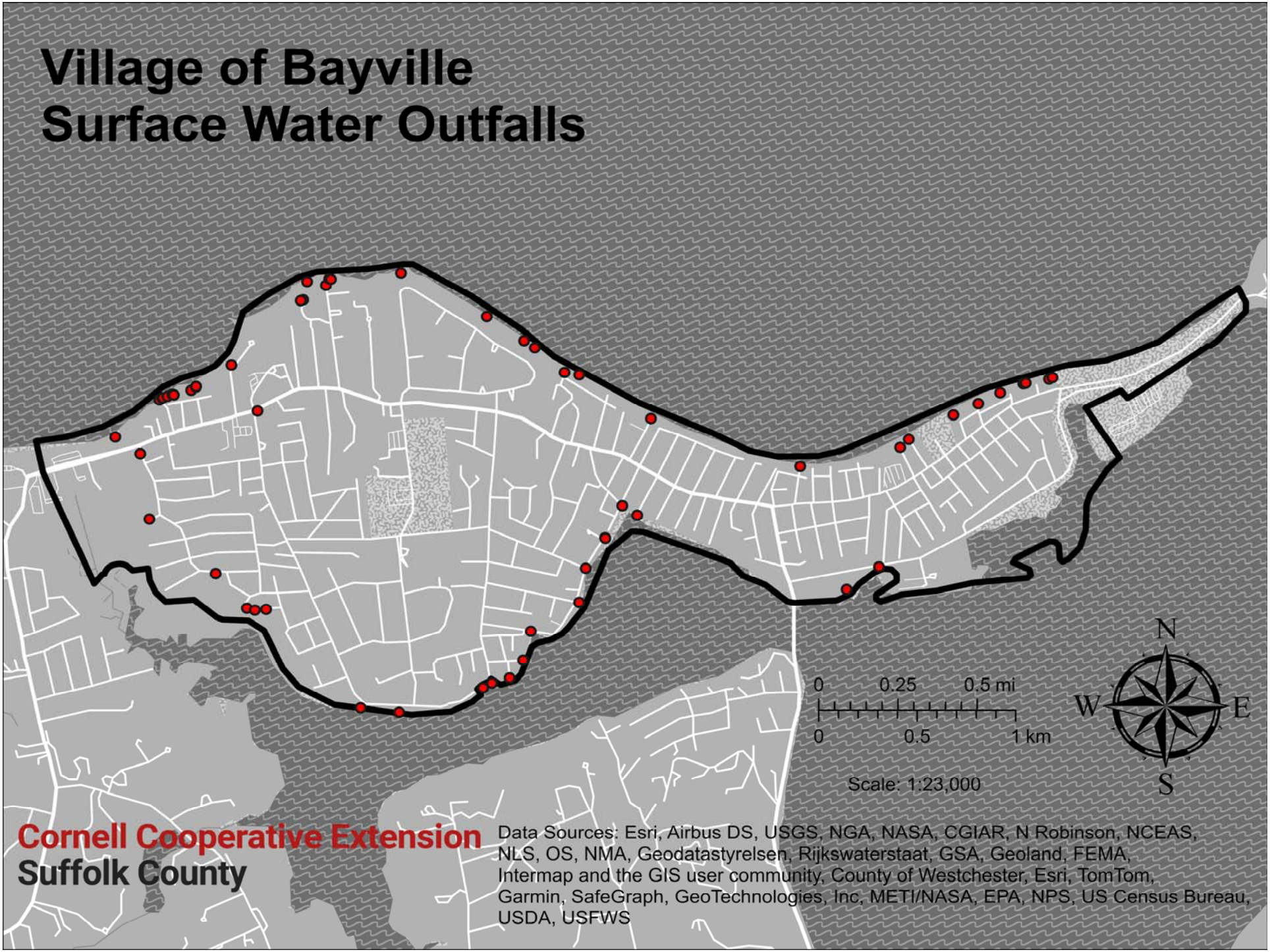
Summary

Initial field investigations determined that 57 outfalls existed within the Village of Bayville's jurisdiction and should be included in the study. All outfalls were monitored for dry weather flow 3 times each, of which outfalls with standing water that also had additional indicators of potential illicit discharges were sampled. Samples collected during periods of dry weather were analyzed for various water quality parameters. Results from this analysis indicated that there were not any illicit discharges into these systems detected. Across all observations and field sampling events throughout this study period, it has been concluded that illicit discharges are not occurring in the Village of Bayville's storm sewer systems.

APPENDICES

APPENDIX A
Village of Bayville Surface Water Outfalls

Village of Bayville
Surface Water Outfalls



Cornell Cooperative Extension
Suffolk County

Data Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, County of Westchester, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, EPA, NPS, US Census Bureau, USDA, USFWS

APPENDIX B
IDDE Dry Weather Monitoring Data

Date	Outfall ID	Revisit	No rain in last (hrs)	Monitoring Location	Dry Weather Flow?	Flow Description	Odor	Color	Turbidity	Floatables	Deposits	Abnormal Vegetation	Benthic Growth	Temp (°C)	Salinity (ppt)
7/7/2023	1	1	48	Outfall	Yes	Trickle	None	Clear	Clear	None	Flow Line	None	None	23.1	2.3
10/10/2023	1	2	48	Outfall	Yes	Trickle	None	Clear	Clear	None	None	None	None	16.4	1.7
12/6/2023	1	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
7/7/2023	2	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	2	2	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	2	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	Excessive	None	N/A	N/A
7/7/2023	3	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	3	2	48	Outfall	No	N/A	N/A	N/A	N/A	None	None	None	None	N/A	N/A
12/6/2023	3	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
7/7/2023	4	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	4	2	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	4	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
7/7/2023	5	1	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	22.6	3.2
10/10/2023	5	2	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	13.4	19.1
12/6/2023	5	3	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	7.4	15.5
7/7/2023	6	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	6	2	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	23	17.2
12/6/2023	6	3	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	9.3	0.3
7/7/2023	7	1	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	20.8	2.2
9/21/2023	7	2	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	20.7	0.3
12/6/2023	7	3	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	8.8	1.5
7/7/2023	8	1	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	8	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	18.1	0.1
12/6/2023	8	3	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
7/7/2023	9	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A

Date	Outfall ID	Revisit	No rain in last (hrs)	Monitoring Location	Dry Weather Flow?	Flow Description	Odor	Color	Turbidity	Floatables	Deposits	Abnormal Vegetation	Benthic Growth	Temp (°C)	Salinity (ppt)
10/10/2023	9	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	18.1	0.1
12/6/2023	9	3	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
7/7/2023	10	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	10	2	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	17.9	0.3
12/6/2023	10	3	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	8.8	1.3
7/7/2023	11	1	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	19.4	1.6
10/10/2023	11	2	48	Outfall	Yes	Moderate	None	Clear	Clear	None	None	None	None	17.9	13.7
12/6/2023	11	3	48	Outfall	Yes	Trickle	None	Clear	Clear	None	None	None	None	8.2	7.6
7/7/2023	12	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	12	2	72	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	18.4	17.7
12/6/2023	12	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
7/7/2023	13	1	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	18.6	1.1
10/5/2023	13	2	72	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	18	0.2
12/6/2023	13	3	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	14	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	14	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	14	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	15	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	15	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	15	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	16	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	16	2	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	16	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	17	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	17	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	17	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A

Date	Outfall ID	Revisit	No rain in last (hrs)	Monitoring Location	Dry Weather Flow?	Flow Description	Odor	Color	Turbidity	Floatables	Deposits	Abnormal Vegetation	Benthic Growth	Temp (°C)	Salinity (ppt)
8/9/2023	18	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	18	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	18	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	19	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	19	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	19	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	20	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	20	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	20	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	21	1	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	23.7	24.3
10/10/2023	21	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	17.8	2.1
12/6/2023	21	3	48	Connected Structure	Standing Water	N/A	N/A	N/A	N/A	N/A	None	None	None	13	5.4
8/1/2023	22	1	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	22.7	0.4
9/21/2023	22	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	19	0.3
12/6/2023	22	3	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	23	1	48	Outfall	Yes	Trickle	None	Clear	Clear	None	None	None	None	16.1	22.4
10/10/2023	23	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	18.4	14
12/6/2023	23	3	48	Outfall	Yes	Moderate	None	Clear	Clear	None	None	None	None	9.5	12.6
8/1/2023	24	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	24	2	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	24	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	25	1	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	Flow Line	None	None	22.2	0.9
9/21/2023	25	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	19.7	0.4
12/6/2023	25	3	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	9.6	0.1
8/10/2023	26	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A

Date	Outfall ID	Revisit	No rain in last (hrs)	Monitoring Location	Dry Weather Flow?	Flow Description	Odor	Color	Turbidity	Floatables	Deposits	Abnormal Vegetation	Benthic Growth	Temp (°C)	Salinity (ppt)
10/5/2023	26	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	26	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	27	1	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	26	0.1
10/10/2023	27	2	48	Outfall	Standing Water	N/A	None	Clear	Clear	None	None	None	None	17.9	0
12/6/2023	27	3	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	28	1	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	28	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	17.2	0.2
12/6/2023	28	3	48	Connected Structure	Standing Water	N/A	N/A	N/A	N/A	N/A	None	None	None	11.9	0.3
8/1/2023	29	1	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	29	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	17.9	0.2
12/6/2023	29	3	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	6.6	0.1
8/1/2023	30	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	30	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	30	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	31	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	31	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	31	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	32	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	32	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	32	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
7/11/2023	33	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
10/5/2023	33	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	33	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
7/11/2023	34	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	34	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	34	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A

Date	Outfall ID	Revisit	No rain in last (hrs)	Monitoring Location	Dry Weather Flow?	Flow Description	Odor	Color	Turbidity	Floatables	Deposits	Abnormal Vegetation	Benthic Growth	Temp (°C)	Salinity (ppt)
7/11/2023	35	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
10/5/2023	35	2	72	Outfall	Yes	Trickle	None	Clear	Clear	None	None	None	None	22.1	0
12/6/2023	35	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
7/11/2023	36	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	36	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	36	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	37	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	37	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	37	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	38	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	38	2	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	38	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/1/2023	39	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	39	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	39	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/10/2023	40	1	72	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	40	2	72	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
12/6/2023	40	3	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	10.4	0
8/9/2023	41	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	41	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	41	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	42	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	42	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	42	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	43	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	43	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	43	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	44	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A

Date	Outfall ID	Revisit	No rain in last (hrs)	Monitoring Location	Dry Weather Flow?	Flow Description	Odor	Color	Turbidity	Floatables	Deposits	Abnormal Vegetation	Benthic Growth	Temp (°C)	Salinity (ppt)
10/5/2023	44	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	44	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	45	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	45	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	45	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	46	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	46	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	46	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/9/2023	47	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	47	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	47	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	48	1	72	Outfall	Yes	Trickle	None	Clear	Clear	None	None	None	None	28.7	0
10/5/2023	48	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	48	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	49	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	49	2	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	49	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
7/11/2023	50	1	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
10/5/2023	50	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
12/6/2023	50	3	48	Outfall	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
9/5/2023	52	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	52	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	52	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	53	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	53	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	53	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	Flow Line	None	None	N/A	N/A
9/5/2023	54	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	54	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	54	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	55	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A

Date	Outfall ID	Revisit	No rain in last (hrs)	Monitoring Location	Dry Weather Flow?	Flow Description	Odor	Color	Turbidity	Floatables	Deposits	Abnormal Vegetation	Benthic Growth	Temp (°C)	Salinity (ppt)
10/5/2023	55	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	55	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
8/10/2023	56	1	72	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	23.5	0.1
9/21/2023	56	2	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	19.7	0.4
12/6/2023	56	3	48	Connected Structure	Standing Water	N/A	None	Clear	Clear	None	None	None	None	10.2	0
8/10/2023	57	1	72	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/10/2023	57	2	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
12/6/2023	57	3	48	Connected Structure	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
9/5/2023	58	1	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
10/5/2023	58	2	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A
11/30/2023	58	3	72	Outfall	No	N/A	N/A	N/A	N/A	N/A	None	None	None	N/A	N/A

APPENDIX C
Standard Operating Procedures

IDDE Field Sampling Procedure

Outfalls determined to have dry weather flow after at least three rounds of monitoring are sampled for water quality assessment. Each outfall is sampled at least three times with generally at least two weeks between each sample in order to confirm results.

Equipment:

- 250 mL polyethylene sample bottles (autoclaved)
- DGSI Peristaltic Sample Pump (TR-200)
- YSI Salinity/Temperature Meter
- Telescoping sampling pole (to collect sample from a distance of up to six feet)
- Deionized water for rinsing equipment

Sampling Procedure:

- Samples are collected on days that are determined to have dry weather. Dry weather periods are defined as periods where there has been no runoff producing rainfall in the past 48 hours. Runoff producing rainfall is defined as 0.10 inches or more of rain within 24 hours. The National Oceanic and Atmospheric Administration (NOAA) website is used to review precipitation history (up to three days) and predicted weather. The following local airport weather stations are used: KFRG, KISP, KHWV, KFOK. The Weather Underground (www.weatherunderground.com) and The Weather Channel (www.weather.com) websites can also be used to confirm dry weather events. The Weather Underground website provides precipitation history for up to ten years.

- Prior to sampling, field controls of deionized water or tap water are collected. For each sampling technician there should be one sampling control. All field controls are immediately placed in coolers filled with ice.

- The temperature of dry weather flow is recorded for each sampled outfall in the field. Salinity is also recorded in the field if tidal flow is suspected. All values are recorded on the "Suffolk County IDDE Water Quality Sampling Datasheet". *See attached **A1***. Details about the observed dry weather flow at each outfall are recorded in the "Comments" section (i.e. "Flow appears to create foam in receiving waterbody"; "Flow appears to be tidal flow only"; "Flow is due to sprinkler runoff"). If the source of dry weather flow is easily determined, this is also recorded in the "Comments" section.

- For each outfall, each sample is collected using sterile techniques. All equipment is rinsed with deionized water between each sample collection. It is also ensured that during collection of a sample, sterile technique is used.

- Different sampling techniques are used depending on the accessibility of the outfall to be sampled. The DGSI Peristaltic Sample Pump (TR-200) is used when sampling from an immediate catch basin if the outfall cannot be accessed directly. The telescoping sampling pole is used when outfalls are out of direct reach. If the outfall can be accessed directly, the sample bottle is used to collect flow using sterile technique. All equipment is rinsed with deionized water prior to and after sample collection. When collecting a dry weather flow sample, equipment such as the peristaltic pump is rinsed with that

sample water prior to collecting the actual sample in order to prevent dilution or contamination of the sample.

• Water quality analysis and fecal coliform enumeration is completed no later than 24 hours after collection of each sample. All samples and control bottles are kept on ice in sampling coolers until water quality analysis can be completed.

IDEXX Colilert*-18
Fecal Coliform Enumeration
Standard Operating Procedure

IDEXX Colilert*-18 Procedure with Quanti-Tray*/2000 – Day 1

1) Measure temperature of the 'temp control' bottle using a thermometer and record.
2) Remove samples from ice and let stand at room temperature for 20-30 minutes. Samples should be at or near room temperature before processing.
3) Ensure IDEXX Quanti-Tray* Sealer PLUS is on and status light is green.
4) For each sample (including blank) run a 1:100 dilution
    a. Shake sample bottle vigorously before processing. Bacteria can become clumped and stick to the sides of containers, so shaking the sample prior to processing is necessary.
    b. Pipet 1mL of sample into the IDEXX sterile vessel.
    c. Fill the rest of the vessel with 99ml of sterile water using a prefilled dilution vial.
    d. Empty contents of 1 Colilert*-18 pack into vessel.
    e. Swirl vessel until granules completely dissolve. Swirl, do not shake. Shaking will produce foam/bubbles in the processed sample and interfere with the QuantiTray*/2000 process.
    f. Gently pour all 100ml of processed sample into Quanti-Tray*/2000.
    g. Seal Quanta-Tray*/2000 using the IDEXX Quanti-Tray* Sealer PLUS.
5) Place all samples back into cooler with ice to preserve in case further dilution is necessary.
6) Check incubator temperature and record on incubator temperature log.
7) Place all sealed Quanti-Tray*/2000s into incubator at 44.5°C.
8) Incubate for 18-22hrs.

IDEXX Colilert*-18 Procedure with Quanti-Tray*/2000 – Day 2A

1) Record Incubator Temperature prior to removing trays.
2) Count number of large and small cells that have turned yellow (equal to or greater than the comparator). Remember that the largest cell at the top of the Quanti-Tray*/2000 should be included in the total count. There are a total of 49 large cells and a total of 48 small cells.
3) Refer to the Quanti-Tray*/2000 Most Probable Number Table for MPN/100mL.

PROCEED to 'Day 2B' to process at 1:1000 dilution ONLY if any samples are measured to be >241,960 MPN/100mL.

IDEXX Colilert*-18 Procedure with Quanti-Tray*/2000 – Day 2B:

1) Measure temperature of the 'temp control' bottle using a thermometer and record.
2) Remove samples from ice and let stand at room temperature for 20-30 minutes. Samples should be at or near room temperature before processing.

3) Ensure IDEXX Quanti-Tray* Sealer PLUS is on and status light is green.
4) For each sample measuring >241,960 MPN/100mL AND Sample Blank:
    a. Shake sample bottle vigorously before processing. Bacteria can become clumped and stick to the sides of containers, so shaking the sample prior to processing is necessary.
    b. Pipet 1.0mL of sample into a 99mL prefilled dilution vial to make a 1:100 dilution.
    c. Shake the 1:100 dilution vigorously.
    d. Pipet 10mL of the 1:100 dilution into the IDEXX sterile vessel.
    e. Fill the rest of the vessel with 90ml of sterile water using a prefilled dilution vial.
    f. Empty contents of 1 Colilert*-18 pack into vessel.
    g. Swirl vessel until granules completely dissolve. Swirl, do not shake. Shaking will produce foam/bubbles in the processed sample and interfere with the QuantiTray*/2000 process.
    h. Gently pour all 100ml of processed sample into Quanti-Tray*/2000.
    i. Seal Quanta-Tray*/2000 using the IDEXX Quanti-Tray* Sealer PLUS.
5) Place all samples back into cooler with ice to preserve in case further dilution is necessary.
6) Check incubator temperature and record on incubator temperature log.
7) Place all sealed Quanti-Tray*/2000s into incubator at 44.5°C.
8) Incubate for 18-22hrs.

IDEXX Colilert*-18 Procedure with Quanti-Tray*/2000 – Day 3 1)

Record Incubator Temperature prior to removing trays.

2) Count number of large and small cells that have turned yellow (equal to or greater than the comparator). Remember that the largest cell at the top of the Quanti-Tray*/2000 should be included in the total count. There are a total of 49 large cells and a total of 48 small cells.
3) Refer to the Quanti-Tray*/2000 Most Probable Number Table for MPN/100mL.

For IDEXX Colilert*-18 Manufacturer Procedure (Quanti-Tray*/2000): https://idexxcom-live-b02da1e51e754c9cb292133b-9c56c33.aldryn-media.com/filer_public/cb/bc/cbbc0c25-354a-4d45-84f2-15e125913ef7/colilert-18-procedureen.

APPENDIX D
Source Molecular Sample Processing and Preservation Procedures For Microbial Source Tracking (MST)

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15280 NW 79th Court Suite 107, Miami Lakes, FL 33016 USA
Tel: (1) 786-220-0379 Fax: (1) 786-513-2733
Email: info@sourcemolecular.com

Membrane Filtration (Concentration of bacteria)

Materials:

- -20°C freezer or dry ice to freeze filters
- Pre-sterilized filter funnels (Pall MicroFunnels cat# FMFNL3020, FMFNL1050, or equivalent)
-Sidearm flask or waste bottle
-Vacuum manifold that fits the Pall MicroFunnels or equivalent
-Vacuum source with tubing that fits vacuum manifold and flask or waste bottle
-Stainless steel forceps (Millipore cat# XX6200006P or equivalent)
-Flame source for sterilizing forceps
-Beaker to hold forceps
-Sterile bead tubes (contact Source Molecular to order: info@sourcemolecular.com)
-Fine point permanent marker
-Micro-tube rack (optional)
-Micro-tube box
-Disposable gloves
-100%, 200 proof ethanol for sterilizing forceps
-70% ethanol for cleaning counter tops
-10% bleach solution in spray bottle

Instructions:

Fill out the table on last page and submit with your samples. Without the information requested on the last page, Source Molecular's lab will not be able to provide complete results.

Wear disposable gloves at all times. Gloves must be changed between samples to prevent cross-contamination. If gloves are soiled, doff the soiled gloves and don a fresh pair immediately. Ensure work surfaces are sterilized by wiping down with a 10% bleach solution followed by 70% ethanol.

1. Assemble the vacuum manifold system. Vacuum manifold should be connected to the waste sidearm flask/bottle which is connected to the vacuum source by a hose. Label the bead tubes with the Client's name, sample ID, and the date filtered.

2. Obtain a sterile Pall MicroFunnel filter funnel (300mL capacity) for each sample, remove from packaging and position on top of the vacuum manifold, press down firmly so the funnel is snug. The MicroFunnels already include the membrane filter and are ready for water to be poured in. Label the filter funnel cup and lid with the sample ID.

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3. Shake water sample to obtain a homogenous mixture.

4. With the manifold stopcocks in the **closed** position, pour water 100 mL of sample into funnel and make note of the volume added.

5. Open the stopcocks and allow the entire sample to filter through.

6. **Before adding more water to the funnel, turn off the vacuum and close the stopcock in order to accurately measure the volume added.** If the water filtered through fairly quickly (in less than ~20 minutes), add more water. 200 mL of water should be filtered per sample.

   - If the membrane becomes clogged before filtering 200mL and after about 20-30 minutes with stopcock open, continue filtering through a second membrane by doing the following
     A. Record the volume of water that passed through the filter.
     B. Pour water remaining in filter funnel back into sample container.
     C. Transfer the filter membrane to a provided bead tube by following **steps 7- 9.**
     D. Label the bead tube (with Fine point permanent marker) as membrane "1 of 2" along with the unique sample ID and volume filtered
     E. Obtain a new filter funnel and continue filtering that sample. Aim to filter a combined total volume of 200mL. Use a maximum of 2 membranes, even if a total volume of 200mL cannot be obtained.
     F. Transfer the second filter membrane to a bead tube by following **steps 7-9**.
   - As a last resort, waters too turbid to be filtered should be spun down with an ultracentrifuge at 2500-3000 rpm for a few minutes to pelletize the solid particles. Record the volume of sample centrifuged. Pour the supernatant into a filter funnel and freeze the pellet. Both the pellet and the filter should be sent to the lab for DNA extraction.

7. Turn off vacuum, turn the stopcock to closed position, remove the funnel cylinder from the base by gently squeezing the funnel cylinder and lifting up. The base and funnel should detach. Place the funnel along with lid upside down on the counter so to not contaminate the bottom that comes into contact with the base.

8. Double check to ensure the label on the tube corresponds to the sample to be stored. Open the pre-labelled bead tube and place the cap upside down on a clean area of the counter. Keep the open bead tube on the tube rack or in a microtube box while you perform the next step.

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9. Flame-sterilize two forceps (see below instructions). While the membrane is on the filter funnel base, use the sterile forceps to fold it in half and then into a cylinder with the top side facing inward, being careful to handle the membrane only on the edges, where it has not been exposed to the sample. Insert the rolled membrane into the labeled bead tube, place the forceps back into the ethanol and close the tube.

   As an alternative to using the flame-sterilization method, pre-sterile, individually packaged, disposable forceps may be used. Use one per sample and throw away.

   Flame-sterilizing forceps
   Keep the forceps upright in a beaker with roughly 2 inches of 100% ethanol so that the lower stainless steel portion is covered. Remove both forceps and swipe over a flame to burn the ethanol. The forceps are now sterile and ready for use.

   Notes:
   * DO NOT place forceps down on any surfaces in order to keep them sterile.

   * DO NOT place forceps back into the ethanol beaker immediately after flaming since the hot forceps may ignite the ethanol. Wait at least 20 sec.

   * Keep ethanol beaker an arms length away from the flame source at all times while working and other ethanol stock materials in a separate room if possible.

   * Execute caution when using fire around flammable materials like ethanol. A fire is always a possibility. The nearest fire-hydrant should be located before beginning

10. Ensure all tubes are labeled with the Client's name, sample ID, the date and volume filtered. Document this in the table below.

11. Samples must be shipped to our laboratory in a frozen state. Place them in microtube box and pre-freeze them in the freezer or on dry ice in a Styrofoam cooler. If using dry ice, ensure dry ice is placed all around and on top of the microtube box. Ship on dry ice following the "Filter Packing Instructions" guidelines provided to you.

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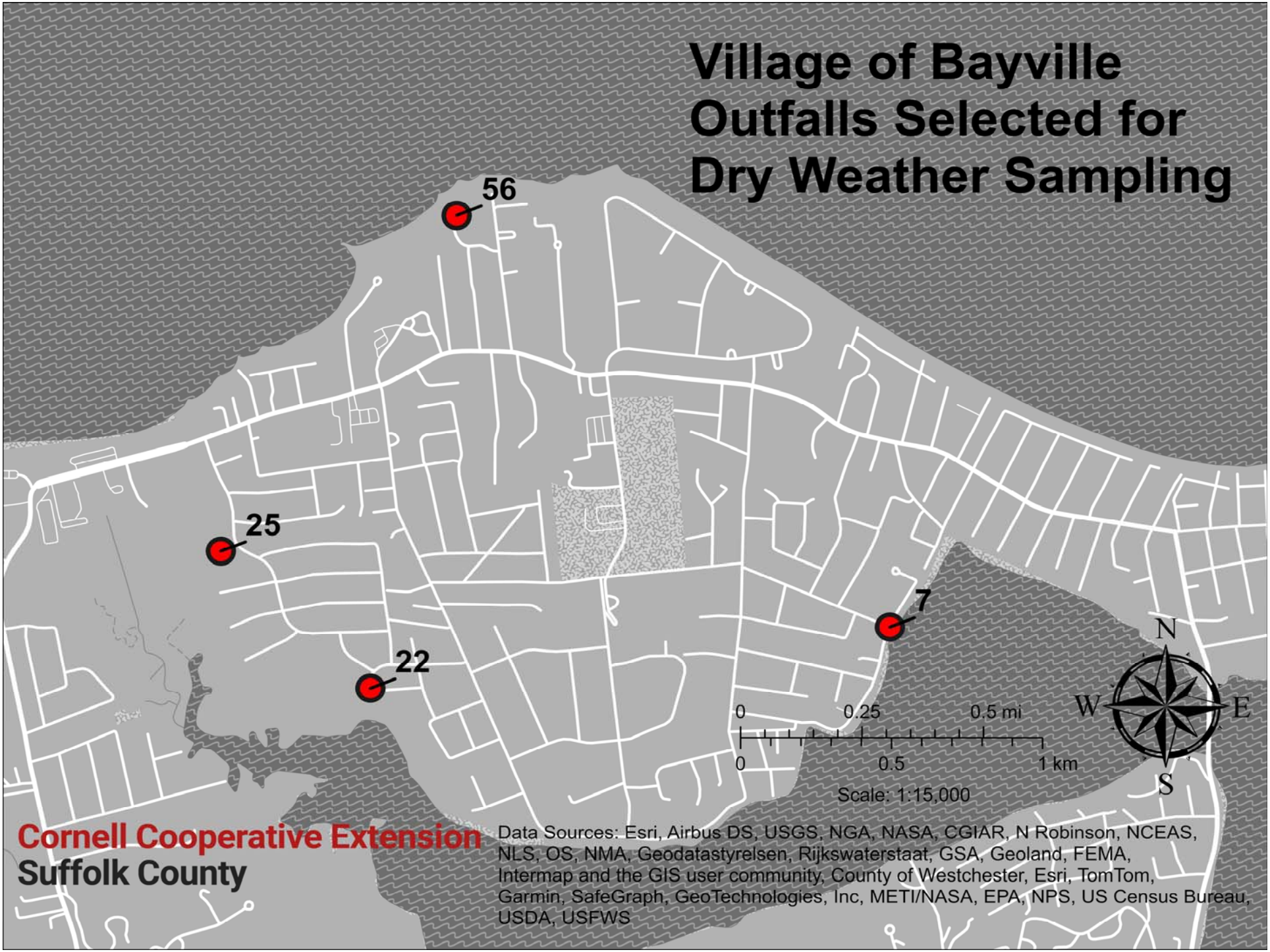
Clean Up:

- Left over samples and filtrate in the waste flask may be poured down the drain and bottles disposed of in the trash
- 100% ethanol may be poured down the drain with running water
- Squirt a little bit of 70% ethanol down the manifold cups
- Rinse the waste bottle well with water and 70% ethanol, store in a separate bag/box from other materials
- Wipe down counter with 10% bleach followed by 70% ethanol

APPENDIX E
Village of Bayville Outfalls
Selected for Dry Weather Sampling


Village of Bayville
Outfalls Selected for
Dry Weather Sampling
56
25
22
7
N
W
E
S
0
0.25
0.5 mi
0
0.5
1 km
Scale: 1:15,000
Cornell Cooperative Extension
Suffolk County
Data Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, County of Westchester, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, EPA, NPS, US Census Bureau, USDA, USFWS

APPENDIX F
IDDE Dry Weather Flow Sampling Data

Date/Time Sampled	Outfall ID	Temp (°C)	Salinity (ppt)	Free Chlorine (mg/L)	Total Chlorine (mg/L)	Surfactants (mg/L)	Ammonia (mg/L)	Potassium (mg/L)	Ammonia: Potassium Ratio	pH	Turbidity (FTU)	Fecal Coliform (MPN/100 mL)
9/21/2023 11:52	7	20.7	0.3	0.019*	0.019*	0.169	0.25	1.6	0.15625	7.26	11	932
10/12/2023 14:39	7	17.3	0.6	0.019*	0.019*	0.403	0.25	14.7	0.017006803	6.81	16	2909
11/2/2023 10:50	7	10.2	0.6	0.019*	0.019*	1.333	0	149.8	0	6.78	13	530
9/21/2023 11:41	22	19	0.3	0.019*	0.019*	0.261	1	3.8	0.263157895	7.24	13	31
10/12/2023 14:24	22	19.1	0.3	0.019*	0.019*	0.529	1	5.8	0.172413793	7.26	55	169
11/2/2023 10:37	22	11.1	0.3	0.1	0.019*	0.565	3	4.7	0.638297872	7.49	49	958
9/21/2023 11:31	25	19.7	0.4	0.1	0.15	0.329	3	8.2	0.365853659	6.96	111	4884
10/12/2023 14:12	25	17.7	0.5	0.019*	0.019*	0.399	3	5.2	0.576923077	6.92	6	3076
11/2/2023 10:25	25	15.2	0.1	0.04	0.019*	0.522	0.25	5.3	0.047169811	7.46	86	1106
9/21/2023 11:16	56	19.7	0.4	0.04	0.019*	0.204	1	1.6	0.625	7.63	9	1169
10/12/2023 14:00	56	18.7	0.1	0.019*	0.019*	0.448	3	7.4	0.405405405	7.24	23	1050
11/2/2023 10:15	56	14.1	0	0.019*	0.019*	0.308	0.25	3.8	0.065789474	7.35	29	2046

*Sample measurement was below the minimum detection level. Since the actual measurement is not known, a value of one significant digit less than the minimum detection value was selected. For example, for free chlorine, the minimum detection level is 0.02, so a value of 0.019 was selected to represent the sample.

Appendix G – Illicit Discharge Detection, Track Down, and Elimination (IDDE) Program

Village of Bayville

Illicit Discharge Detection, Track Down, and Elimination (IDDE) Program

New York State Pollutant Discharge Elimination System (SPDES)
General Permit for Stormwater Discharges from
Municipal Separate Storm Sewers (MS4s)
General Permit No. GP-0-24-001

November 2025

Prepared By: H2M architects + engineers
538 Broad Hollow Road
Melville, NY 11747

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TABLES

1. Introduction

In accordance with the requirements set forth in Part VI.C of the New York State Department of Environmental Conservation's (NYSDEC) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permit, GP-0-24-001 (MS4 General Permit),[1] all MS4s must develop and implement a program to detect, track down, and eliminate illicit discharges to the MS4 (IDDE Program).

The Incorporated Village of Bayville (Village) has prepared this IDDE Program in accordance with the requirements set forth in Part VI.C of the MS4 General Permit. The objectives of this IDDE Program include:

- Prevent pollutants from entering local waterways (Manhasset Bay and Long Island Sound)
- Maintain and update GIS-based maps of stormwater infrastructure
- Systematically inspect and sample monitoring locations to detect illicit discharges
- Track down sources of suspected or obvious illicit discharges using approved methods
- Eliminate illicit discharges through enforcement, corrective actions, and infrastructure repairs
- Comply with regulatory timeframes for detection, track down, and elimination procedures
- Enforce local laws and penalties to ensure compliance with MS4 regulations
- Provide training to municipal staff and educate the public on stormwater pollution prevention

The Village's Stormwater Management Officer (SMO), currently the Village Administrator & Clerk-Treasurer along with the Building Inspector, Superintendent of Public Works, and other Village staff assigned are responsible for enforcing the provisions of the SWMP. When a possible illicit discharge is reported, the SMO is responsible for overseeing its tracking, coordinating its elimination, and ensuring proper reporting.

Village staff are required to follow this IDDE Program to detect, track down, and eliminate potential and/or actual illicit discharges. This program provides clear procedures and guidelines to ensure consistent practices and compliance with Part VI.C of the MS4 General Permit.

2. Legal Authority

The Village has adopted Local Law No. 3 of 2007, "Illicit Discharges, Activities and Connections to the Separate Storm Sewer System," which provides the authority to:

- Prohibit illicit connections and discharges
- Conduct inspections and investigations
- Impose penalties for violations
- Require implementation of Best Management Practices (BMPs)
- Require notification of spills to the responsible party
- Maintain/repair individual sewage treatment systems
- Suspend access to the MS4

These prohibitions, regulations, and penalties can be found under sections of the Municipal Code listed in Table 1.

[1] General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permit GP-0-24-001 was issued by NYSDEC on December 13, 2023 and became effective January 3, 2024.

Table 1: Village Code Sections Supporting IDDE Program Implementation		
Chapter	**Section**	**Description**
63A – Storm Sewers	§ 63A-5	Discharge prohibitions; exceptions
63A – Storm Sewers	§ 63A-6	Unauthorized connections prohibited.
63A – Storm Sewers	§ 63A-7	Failing individual sewage treatment systems prohibited.
63A – Storm Sewers	§ 63A-8	Activities contaminating stormwater or maintaining or using an unauthorized connection to MS4 prohibited.
63A – Storm Sewers	§ 63A-9	Prevention, control, and reduction of stormwater pollutants.
63A – Storm Sewers	§ 63A-10	Suspension of access to MS4.
63A – Storm Sewers	§ 63A-12	Connection permits.
63A – Storm Sewers	§ 63A-13	Applicability; access to facilities; monitoring of discharges.
63A – Storm Sewers	§ 63A-14	Notification of spills.
63A – Storm Sewers	§ 63A-15	Enforcement; penalties for offenses
63A – Storm Sewers	§ 63A-16	Appeal of notice of violation.
63A – Storm Sewers	§ 63A-17	Corrective measures.
63A – Storm Sewers	§ 63A-18	Public nuisance and injunctive relief.

Additionally, the Village has developed an Enforcement Response Plan (ERP), included as Appendix D to the Village's SWMP, which outlines enforcement procedures relating to illicit discharges and describes the duties of the enforcement staff and the tools available to those staff to help ensure compliance with applicable regulations.

3. MS4 Mapping

The Village maintains up-to-date GIS-based maps of the storm sewer system that include:

- MS4 outfalls
- Interconnections
- Preliminary storm-sewershed boundaries
- MS4 infrastructure, including:
    - Conveyance system
    - Type (closed pipe or open drainage);
    - Conveyance description for closed pipes (material, shape, dimensions);
    - Conveyance description for open drainage (channel/ditch lining material, shape, dimensions); and
    - Direction of flow;
- Culvert crossings (location and dimensions)
- Stormwater structures
    - Type (drop inlet, catch basin, or manhole); and
    - Number of connections to catch basins, and manholes;
- Basemap information:
    - Automatically and additionally designated areas
    - Names and location of all surface waters of the State, including:
        - Waterbody classification
        - Waterbody Inventory/Priority Waterbodies List (WI/PWL);
        - Impairment status; and
        - POC, if applicable;
    - Land use

- Roads
- Topography

These maps can be found in the Appendix A of the Village's SWMP.

4. Illicit Discharge Detection

Per Part VI.C of the MS4 General Permit, MS4s must develop, implement, and enforce a program which systematically detects illicit discharges to the MS4.

Sections 4.1 through 4.5 outline the Village's illicit discharge detection program.

4.1 Public Reporting of Illicit Discharges

Section 1.3.2 of the Village's SWMP identifies two (2) Village staff members to whom the public can report illicit discharge complaints. The SWMP includes the phone number and email for these two (2) individuals.

4.2 Monitoring Locations

According to the MS4 General Permit Part VI.C.1.b monitoring locations that should be used to detect illicit discharge include MS4 outfalls, interconnections, and municipal facility intraconnections. As of October 2025, the Village has the following number of monitoring locations:

Table 2: Village Monitoring Locations

Monitoring Location Type	Number
MS4 outfalls	35
Interconnection	4
Municipal facility intraconnections	5
TOTAL	**44**

4.3 Monitoring Locations Inventory

According to the MS4 General Permit Part VI.C.1.c, within three (3) years of the permit term, MS4s must develop an inventory of monitoring locations. Some of the information that must be included in the inventories include ID, prioritization, monitoring location type, name of MS4 Operator's municipal facility, and receiving waterbody name and class. The monitoring location inventory will be incorporated into the Village's IDDE Program by the end of the third year of the permit term.

4.4 Monitoring Locations Prioritization

According to the MS4 General Permit Part VI.C.1.d, within three (3) years of the permit term, the MS4 must prioritize monitoring locations included in the monitoring locations inventory as high or low. High priority monitoring locations include monitoring locations:

1. At a high priority municipal facility
2. Discharging to impaired waters
3. Discharging with a TMDL watershed
4. Discharging to water with Class AA-S, A-S, AA, A, B, SA, or SB and/or
5. Have confirmed citizen complaints on three or more separate occasions in the last twelve (12) months

All other monitoring locations are considered low priority. The prioritization of the Village's monitoring locations will be incorporated into the Village's IDDE Program by the end of the third year of the permit term.

4.5 Monitoring Locations Inspection and Sampling Program

Per Part VI.C.1.e of the MS4 General Permit, MS4s must develop a monitoring location and sampling program within two (2) years of the permit term. Sections 4.5.1 and 4.5.2 discuss the program the Village has developed and implemented to ensure that monitoring locations are inspected and sampled in accordance with the MS4 General Permit.

4.5.1 Monitoring Locations Inspection Requirements

As required by the MS4 General Permit Part VI.C.1.e.i, the Village conducts dry weather inspections of each monitoring location once every five (5) years from the most recent inspection. According to NYSDEC, dry-weather monitoring location inspections are defined as inspections that are conducted at least 48 hours after a rain event of 0.5 inches or greater. The Village engages Cornell Cooperative Extension (CCE) to perform the required inspections of the Village's 44 known monitoring locations.

While the inspection is being performed, the shape, diameter and material of each monitoring location are recorded. Additionally, physical characteristics such as the existence of dry-weather flow, monitoring location damage and whether the monitoring location is submerged in water or sediment are documented. The inspections are scheduled during low tide, when possible, to maximize the visibility and accessibility of the monitoring location.

The Village utilizes a form equivalent to the NYSDEC Monitoring Locations Inspection and Sampling Field Sheet (Appendix D to the MS4 General Permit) when conducting the inspections. The equivalent form supports the Village in identifying the presence of any physical indicators of an illicit discharge. For flowing monitoring locations, physical indicators include odor, color, turbidity, and floatables. Physical indicators not related to flow include monitoring location damage, deposits/stains, abnormal vegetation, poor pool quality, and pipe benthic growth.

After filling out an inspection form, the monitoring location is characterized as one (1) of the following:

1. Unlikely illicit discharge
2. Potential illicit discharge (presence of two or more indicators)
3. Suspected illicit discharge (one or more indicators with a severity of 3)
4. Obvious illicit discharge

Further, if physical indicators not related to flow were identified for the monitoring location, and the physical indicator is indicative of an intermittent discharge,[2] then the Village or CCE will reinspect the monitoring location within thirty (30) days and utilize one (1) or more of the five (5) techniques identified in Chapter 12.6 of the Center for Watershed Protection's *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* (referred to as the CWP 2004 in the MS4 General Permit)[3]. These techniques include:

- Odd hours monitoring
- Optical brightener monitoring traps
- Caulk dams
- Pool sampling
- Toxicity monitoring

However, if physical indicators not related to flow were identified for the monitoring location, and the physical indicator is indicative of a transitory discharge,[4] then the Village or CCE will reinspect the

[2] An intermittent discharge is defined as 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)
[3] Center for Watershed Protection's Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments. Available from: https://owl.cwp.org/mdocs-posts/idde-guidance-manual/. Accessed November 2025.
[4] A transitory discharge is defined as 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)

monitoring location within thirty (30) days, collect a sample, and attempt to trace transitory discharges back up the pipe or drainage area using visual techniques. Follow up strategies to document transitory discharges are included in Table 49 of the CWP 2004.

When a suspected or obvious illicit discharge is detected, Village staff or CCE notify the SMO immediately, and the incident is documented in the SWMP.

The monitoring location inspection procedures are reviewed and/or updated annually based on monitoring location inspection results.

4.5.2 Monitoring Locations Sampling Program

Sampling of monitoring locations is required when dry weather inspections result in a suspected or obvious illicit discharge characterization on the equivalent form to the Monitoring Locations Inspection and Sampling Field Sheet. The physical indicators of a potential or suspected illicit discharge are listed in the Monitoring Locations Inspection and Sampling Field Sheet and include odor, color, turbidity and floatables. If the source of the illicit discharge is unmistakable, sampling is not required.

As of November 2025, the Village has not had a suspected or obvious illicit discharge that required sampling. However, should the Village encounter a suspected or obvious illicit discharge, the Village or CCE will conduct sampling with the basic equipment listed in Table 40: Equipment Needed for Sample Collection found in Chapter 12 of the CWP 2004. The Village will then decide whether to analyze the samples in house or to contract a lab based on the following factors listed in page 124 of the CWP 2004:

- level of precision or accuracy needed for the indicator parameter(s)
- how quickly results are needed
- staff time and training needs to support in-house analysis
- safe environment availability for in-house analysis
- comparative cost
- laboratory location and availability

Should analysis of samples be conducted in-house, the Village or CCE will utilize the basic supplies and analytical methods supplies needed to perform lab analysis which are listed in Tables 41 and 42 in Chapter 12 of the CWP 2004.

Should analysis of samples be contracted to a lab, the Village or CCE will ensure the lab is EPA-certified for the indicator parameter(s) being tested. The EPA provides information to find a certified laboratory by state by providing links to all of the state's laboratory certification programs. The program for NYS is through the New York State Department of Health's Wadsworth Center which provides a resource for searching for accredited environmental laboratories within the State.[5] If sampling is necessary, the Village or CCE will utilize this resource.

In the event that sampling results indicate that there is cause to initiate track down procedures, the Village or CCE will employ the Village's illicit discharge track down procedures and timeframes required for suspected and obvious discharges outlined in Section 5.1.

The monitoring location sampling procedures outlined in this section are reviewed and/or updated annually based on monitoring location inspection results.

4.5.3 Monitoring Locations Inspection and Sampling Program Training

The Village ensures that training is provided to existing staff on the inspection requirements outlined in Section 4.5.1. Training is provided once every five (5) years and is given prior to Village staff conducting

[5] NYS Department of Health Wadsworth Center - Search NY Accredited Environmental Laboratories. Available from: https://apps.health.ny.gov/pubdoh/applinks/wc/elappublicweb/. Accessed November 2025.

monitoring location inspections. CCE staff are also trained in the inspection requirements outlined in Section 4.5.1.

As of November 2025, the Village has not had to employ their sampling program as no illicit discharges have been detected in the Village; however, should the sampling program be employed, applicable Village staff or CCE staff would be trained on the sampling program identified in Section 4.5.2 and would perform the sampling in accordance with the MS4 General Permit and the CWP 2004. Samples would be sent to a lab that is EPA-certified for the indicator parameter(s) being tested.

New staff are trained on the Village's monitoring locations inspection and sampling program prior to conducting monitoring location inspections or sampling.

If the monitoring locations inspection or sampling program is updated, all Village staff are trained on the updates prior to conducting monitoring location inspections or sampling.

The Village staff who have received monitoring locations inspection and sampling program training are listed in Table 3 of the Village's SWMP and the names, titles, and contact information for these staff members are updated annually.

5. Illicit Discharge Track Down

Per Part VI.C.2 of the MS4 General Permit, MS4s must develop an illicit discharge track down program to identify the source of illicit discharges and the responsible party within two (2) years of the permit term.

Sections 5.1 and 5.2 outline the Village's illicit discharge track down program.

5.1 Illicit Discharge Track Down Procedures and Timeframe

As noted in Section 4.5.2 the Village has not had a suspected or obvious illicit discharge. However, should an illicit discharge be detected in the Village, the Village or a licensed contractor will utilize one (1) or more of the track down procedures outlined in Chapter 13 of the CWP 2004 and described below.

Illicit Discharge Track Down Procedures

1. Storm Drain Network Investigation
    - Village staff will first determine the best method to attack the storm drain network. When the flow path is clear, methods include following the discharge up, splitting into segments, and moving down the storm drain. If the flow path is not clear, the Village will utilize dye testing to create a storm drain map.
    - Village staff will then strategically inspect drainage structures within the Village's storm drain network system to determine the source of the illicit discharge, either through visual observations or indicator sampling.
    - The Village will also use one (1) of the following methods to trace intermittent discharges, if necessary, which include sandbags, Optical Brightener Monitoring (OBM) Traps, automatic samplers, and observation of deposits or stains.
2. Drainage Area Investigation
    - Village staff will analyze the Village's land use or characteristics of the drainage area that is producing the illicit discharge to identify the location of the illicit discharge. This method will be utilized when the Village has strong clue as to the likely site producing the illicit discharge. Methods include either a rapid windshield survey, which works well in small drainage areas, or a detailed drainage area investigation using the Village's GIS data and maps.
3. On-site Investigation
    - Village staff will conduct onsite investigations to pinpoint the exact source or connection producing a discharge. Onsite investigation methods the Village will utilize include dye,

video testing, and/or smoke testing within isolated segments of the storm drain network to determine the source of the illicit discharge.

4. Septic System Investigation
    - Village staff will conduct either onsite septic system investigations or a detailed septic system inspection if the Village believes the illicit discharge is being caused by a failing septic system.

Further instructions for the illicit discharge track down procedures are described on pages 147- 169 of Chapter 13 of the CWP 2004. The Village will determine which method to use based on the type of illicit discharge, location, and knowledge of the storm drain network.

Part VI.C.2.a.iii of the MS4 General Permit, outlines timeframes to initiate track down procedures for various types of illicit discharges. These timeframes are outlined in Table 3 below.

Table 3: Illicit Discharge Track Down Timeframes

Type of Illicit Discharge	Timeframe Requirements to Initiate One (1) or More Track Down Procedures	Reporting Requirements
Obvious illicit discharge of sanitary wastewater that would impact bathing areas during the summer months, shell fishing areas, or public water intakes	Within two (2) hours of discovery	Report the incident to the NYSDEC Region 1 Water Engineer and Nassau County Health Department and document in SWMP
Obvious illicit discharge for a flowing monitoring location	Within 24 hours of discover	Document in SWMP
Suspected illicit discharge	Within five (5) days of discover	Document in SWMP

The Village will comply with the timeframes outlined in Table 3 above.

The Village's illicit discharge track down procedures are reviewed and/or updated annually as necessary.

5.2 Training

The Village ensures that training is provided to existing staff on the Village's illicit discharge track down procedures. Training is provided once every five (5) years and is given prior to Village staff conducting illicit discharge track downs.

New staff are trained on the Village's illicit discharge track down procedures prior to conducting illicit discharge track downs.

If the illicit discharge track down procedures are updated, all Village staff are trained on the updates prior to conducting illicit discharge track downs.

The Village staff who have received illicit discharge track down procedures training are listed in Table 3 of the Village's SWMP and the names, titles, and contact information for these staff members are updated annually.

6. Illicit Discharge Elimination

Per Part VI.C.2 of the MS4 General Permit, MS4s must develop and implement an illicit discharge elimination program within two (2) years of the permit term.

Sections 6.1 and 6.2 outline the Village's illicit discharge elimination program.

6.1 Illicit Discharge Elimination Procedures

When a possible illicit discharge is reported, the SMO is responsible for overseeing its tracking, coordinating its elimination, and ensuring proper reporting. The Village's ERP outlines the enforcement measures the Village has available in the event of an illicit discharge. As stated in Section 4.2.1 of the Village's ERP:

> "When an illicit discharge is reported to the SMO or other designated staff, a written notice may be issued, compelling violators to:
>
> - Eliminate illicit connections or discharges
> - Cease and desist the violating practices
> - Abate or remediate the condition and restore any affected property
> - Perform monitoring, analysis, and reporting
> - Implement source control or treatment BMPs.
>
> Should the violator fail to abate, remediate, and restore the property by the deadline, the Village may conduct the necessary remediation and restoration at the property owner's expense and may place a lien on the violating premises.
>
> In addition, violators are subject to escalating fines or imprisonment. Fines escalate from $2,000 for the first offense, $5,000 for the second offense, and $10,000 for the third offense, with each week of continued violation constituting a new offense. The SMO or other designated staff may report violations to the NYSDEC or other applicable authority"

Chapter 14: Techniques to Fix Discharges of the CWP 2004 outlines corrective measures that may be needed to eliminate an illicit discharge. The corrective measure chosen depends on the source of the illicit discharge and CWP 2004 lists the following most common sources of an illicit discharge:

- Internal plumbing connection
- Service lateral cross-connection
- Infrastructure failure with the sanitary sewer or MS4
- Indirect transitory discharge resulting from leaks, spills, or overflows

Regarding financial responsibility for removing the source if the discharge, either the Village, the property owner, or a combination of both are financially responsible for removing the source of the discharge. The financial responsibility is dependent on the type of illicit discharge.

In the event that the property owner is responsible for the illicit discharge, as noted in the ERP, the Village will issue a written notice, and if the property owner does not address the matter, the Village may conduct the necessary remediation and restoration at the property owner's expense and may place a lien on the violating premises.

For more serious infrastructure repairs needed to eliminate the illicit discharge, the Village may need to hire professional contractors to perform repairs. The Village would utilize their emergency services budget, which is usually used after flooding events, to support these repairs. In the event of an illicit discharge requiring more serious infrastructure repairs, the Village will identify the appropriate method and application technique identified in Table 65: Methods to Eliminate Discharges in Chapter 14 of the CWP 2004 including excavation and replacement, manhole repair, grouting, and slip lining. The Village will maintain a Third-Party Certification with the contractor performing these repairs.

Part VI.C.3.a.iv of the MS4 General Permit outlines timeframes to initiate elimination procedures for various types of illicit discharges. These timeframes are outlined in Table 4 below.

Table 4: Illicit Discharge Elimination Timeframes	
Type of Illicit Discharge	Timeframe Requirements to Eliminate the Illicit Discharge*
Illicit discharge that has a reasonable likelihood of adversely affecting human health or the environment	Within twenty-four (24) hours of identification
Illicit discharge that does not have a reasonable likelihood of adversely affecting human health or the environment	Within five (5) days of identification
*In the event that elimination is not possible within the specified timeframe, the Village will notify the NYSDEC Region 1 Water Engineer.	

The Village will comply with the timeframes outlined in Table 4 above.

The Village's illicit discharge elimination procedures are reviewed and/or updated annually as necessary.

6.2 Training

The Village ensures that training is provided to existing staff on the Village's illicit discharge elimination procedures. Training is provided once every five (5) years and is given prior to Village staff conducting illicit discharge eliminations.

New staff are trained on the Village's illicit discharge elimination procedures prior to conducting illicit discharge eliminations.

If the illicit discharge elimination procedures are updated, all Village staff are trained on the updates prior to conducting illicit discharge elimination.

The Village staff who have received illicit discharge elimination procedures training are listed in Table 3 of the Village's SWMP and the names, titles, and contact information for these staff members are updated annually.

Conclusion

The Village has prepared this IDDE Program as required by the MS4 General Permit. This IDDE Program will be reviewed and/or updated annually, as necessary to ensure that the Village is compliant with MS4 General Permit regulations.

Abbreviations

ERP	Enforcement Response Plan
IDDE	Illicit Discharge Detection and Elimination
MS4	Municipal Separate Storm Sewer System
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
SMO	Stormwater Management Officer
SWMP	Stormwater Management Program

Appendix H – Village of Bayville Construction Oversight Program and Post-Construction Inspection and Maintenance Program Overview

Table 1 – Village of Bayville Construction Oversight Program Overview		
MS4 General Permit Section	Compliance Program	Compliance Description*
VI.D.3.	Construction oversight program (required components of this program are discussed below in Sections VI.D.3.a through VI.D.3.e.)	-
VI.D.3.a.	Construction oversight procedures	
	i. When the construction site stormwater control program applies (Part VI.D.1 of the MS4 General Permit);	§ 63B-4.
	ii. What types of construction activity require a SWPPP;	§ 63B-4.
	iii. The procedures for submission of SWPPPs;	§ 63B-4.
	iv. SWPPP review requirements (Part VI.D.6. of the MS4 General Permit) • Training for individuals responsible for reviewing/accepting SWPPPs • Ensure individuals responsible for reviewing SWPPPs review SWPPPS in accordance with the SPDES General Permit for Construction Activities including: ○ Individuals responsible for review of post-construction SMPs must be qualified professionals or under the supervision of a qualified professional ○ New York Standards and Specifications for Erosion and Sediment Control November 2016; ○ New York State Stormwater Management Design Manual, January 2015	• The Village's Building Inspector is the only individual at the Village responsible for reviewing SWPPPs for acceptance and conducting construction site inspections. Further, the Village engages H2M to assist with SWPPP review and approval as needed. Both the building inspector, and professional engineers from H2M who review SWPPPs submitted to the Village, have received the four (4) hour NYSDEC endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other Department endorsed entity. See Table 4 for the Village staff that have received the required training. Should there be additional Village staff responsible for SWPPP acceptance and/or construction site inspections in the Village, these individuals would be required to receive NYSDEC's endorsed E&S training and training on the Village's construction oversight procedures prior to conducting SWPPP reviews and/or inspecting construction sites, and would be added to the inventory in Table 4. • § 63B-2; § 63B-4; § 63B-7; § 63B-8; § 63B-9
	v. Pre-construction oversight requirements (Part VI.D.7 of the MS4 General Permit)	Prior to commencement of construction activities, the Village ensures a pre-construction meeting is conducted, and documentation of the pre-construction meeting(s) would be included in this SWMP Plan.
	vi. Construction site inspection requirements (Part VI.D.8 of the MS4 General Permit); vii. Construction site close-out requirements (Part VI.D.9 of the MS4 General Permit);	§ 63B-12 When active construction sites occur in the Village, the Building Inspector visits these site(s) and utilizes the construction site inspection form (Appendix D in the MS4 General Permit). The completed inspections forms would be included in this SWMP Plan. Further, the final construction site inspection be included in this SWMP Plan which would document the official construction site close out.
	viii. Enforcement process/expectations for compliance; and	§ 63B-14 Discussed in Section 1.7.2 of this SWMP Plan.
	ix. Other procedures associated with the control of stormwater runoff from applicable construction activities.	§ 63B-13 The Village of Bayville Code includes financial instruments to ensure compliance with stormwater management practices both during construction and post construction. The Village of Bayville may require the applicant or developer to provide, prior to construction, a performance bond or other security which guarantees compliance with the approved the stormwater pollution prevention plan and names the Village of Bayville as the beneficiary.

		The Village of Bayville may additionally require the developer to provide an irrevocable letter of credit or surety to guarantee proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Bayville may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
VI.D.3.b.	Training provisions for the MS4 Operator's construction oversight procedures	Discussed in this table under VI.D.3.a.iv.
VI.D.3.c.	Names, titles, and contact information for the individuals who have received construction oversight procedures training	Discussed in this table under VI.D.3.a.iv. and outlined in Table 4.
VI.D.3.d.	Procedures to ensure those involved in the construction activity itself have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other Department endorsed entity	Discussed in this table under VI.D.3.a.iv.
VI.D.3.e.	The construction oversight procedures were reviewed and updated	The Village has reviewed the construction oversight procedures outlined in this table as of Nov 2025. No updates were warranted at this time.
*Compliance may be via adopted ordinance or an existing program description. Where an adopted ordinance is the compliance mechanism, a link to the ordinance section has been provided. Where an existing program is the compliance mechanism, a description of the program is provided.		

Table 2 – Village of Bayville Post-construction Inspection and Maintenance Program Overview		
MS4 General Permit Section	Compliance Program	Compliance Description*
VI.E.4.	Post-Construction Inspection and Maintenance Program (required components of this program are discussed below in Sections VI.E.4.a through VI.E.4.d.)	
VI.E.4.a.	Post-construction inspection and maintenance procedures	
	i. Provisions to ensure each post-construction SMP identified in the post-construction SMP inventory is inspected at the frequency specified in the NYSDEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP. The MS4 Operator can only accept Level 1 inspections (NYSDEC Maintenance Guidance 2017) by private owners inspecting post-construction SMPs.	§ 63B-7. § 63B-12.
	ii. Documentation of post-construction SMP inspections using the Post-Construction SMP Inspection Checklist or an equivalent form containing the same information. The MS4 Operator must include the completed post-construction SMP inspections (i.e., the completed Post-Construction SMP Inspection Checklist) in the SWMP Plan;	The Village utilizes a post-construction SMP inspection checklist to document their inspections on Village property.
	iii. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction SMP inspection; and	§ 63B-9. § 63B-13
	iv. Provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete.	§ 63B-14
VI.E.4.b.	Training provisions for the MS4 Operator's post-construction SMP inspection and maintenance procedures	• The Village's Building Inspector is the only individual at the Village responsible for inspecting and maintaining post-construction SMPs. Further, the Village would engage H2M to assist with inspecting post-construction SMPs as needed. Both the building inspector, and professional engineers from H2M, have received the NYSDEC endorsed training. Further, the building inspector is trained on the Village's post-construction SMPs maintenance procedures. See Table 5 for the Village staff that have received the required training. Should there be additional Village staff responsible for inspecting and maintaining post-construction SMPs in the Village, these individuals would be required to receive NYSDEC's endorsed training and training on the Village's post-construction SMPs maintenance procedures prior to conducting any post-construction SMP inspection/maintenance, and would be added to the inventory in Table 5.
VI.E.4.c.	The names, titles, and contact information for the individuals who have received post-construction SMP inspection and maintenance procedures training and update annually; and	Discussed in this table under VI.E.4.b. and outlined in Table 5.
VI.E.4.d.	The post-construction SMP inspection and maintenance procedures were reviewed and updated	The Village has reviewed the post-construction inspection and maintenance program outlined in this table as of Nov 2025. No updates were warranted at this time.
*Compliance may be via adopted ordinance or an existing program description. Where an adopted ordinance is the compliance mechanism, a link to the ordinance section has been provided. Where an existing program is the compliance mechanism, a description of the program is provided.		

Appendix I – Municipal Facilities Inventory

Appendix I: Village of Bayville Municipal Facilities Inventory

A. Name of Facility	B. Address	C. Type of Municipal Facility	D. Prioritization (high or low)*	E. Receiving Waterbody Name and Class **	F. Receiving Waterbody WI/PWL Segment ID **	G. Contact Information	H. Responsible Department	I. Location of SWPPP (if high priority, when completed)***	J. Type of Activities Present Onsite	K. Tax Lot Number(s) and Size of Facility (acres)		L. Date of Last Assessment	M. BMPs identified ****	N. Projected Date of Next Comprehensive Site Assessment*****
Village Hall, Bayville Free Library, and Bayville Historical Museum	34 School St.	Administrative Government and Institutional	Low	Mill Neck Creek (Classification: SA)	1702-0151	Maria Alfano-Hardy - Administrator & Clerk-Treasurer: 516-628-1439 x120	Village Board		Administrative activities for Village operations including activies for the Village Board of Trustees, Planning Board, Zoning Board of Appeals, and Committee of Architectural Review. Additional activities onsite include educational programming and events at the library and museum.	SBL: 29 093 34	3.10 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028
Public Works	34 School St.	Public Works	High	Mill Neck Creek (Classification: SA)	1702-0151	Giuseppe Sicuranza - Superintendent of Public Works: 516-628-1439 x126	Public Works		Public works activites including sanitation and recycling processess and salt storage.	SBL: 29 093 34	2.50 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028
Bayville Community Center	88 Bayville Ave.	Community Services	Low	Long Island Sound (Classification: SA)	1702-0028	Maria Alfano-Hardy - Administrator & Clerk-Treasurer: 516-628-1439 x120	Village Board		Community meeting and acitivities including the Bayville Environmental Conservation Commission meetings and holiday and seasonal events.	SBL: 29 84 20	1.05 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028
Sound Side Beach	357 Bayville Ave.	Recreation/Open Space	Low	Long Island Sound (Classification: SA)	1702-0028	Giuseppe Sicuranza - Superintendent of Public Works: 516-628-1439 x126	Public Works		Recreational beach acitivities including swimming and active play on the playground.	SBL: 28 013 29	3.71 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028
West Harbor Beach	10 West Harbor Dr.	Recreation/Open Space	Low	Oyster Bay Harbor (Classification: SA)	1702-0016	Giuseppe Sicuranza - Superintendent of Public Works: 516-628-1439 x126	Public Works		Recreational beach acitivities including swimming and kayaking and atheltics on the atheltic fields.	SBL: 28 G 15	12.26 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028
Creek Marina	34 Creek Rd.	Recreation/Open Space	Low	Mill Neck Creek (Classification: SA)	1702-0151	Giuseppe Sicuranza - Superintendent of Public Works: 516-628-1439 x126	Public Works		Recreational beach acitivities including boating and kayaking.	SBL: 29 77 67	14.24 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028
Harrison Williams Woods	School St.	Recreation/Open Space	Low	Mill Neck Creek (Classification: SA)	1702-0151	Giuseppe Sicuranza - Superintendent of Public Works: 516-628-1439 x126	Public Works		Open space actvities including hiking and walking.	SBL: 29 093 34	16.00 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028
Well 1-1 and Well 1-3	34 School St. and 37 Godfrey Ave.	Water	High	Mill Neck Creek (Classification: SA)	1702-0151	Sal Astuto - Supervisor of Water Plant Operations: 516-628-1439 x119	Water		Water facilities activities including water collection, treatment and distribution.	SBL: 29 093 34	3.60 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028
Well 2-1	10 West Harbor Dr.	Water	High	Oyster Bay Harbor (Classification: SA)	1702-0016	Sal Astuto - Supervisor of Water Plant Operations: 516-628-1439 x119	Water		Water facilities activities including water collection, treatment and distribution.	SBL: 28 G 15	0.47 acres	2/12/2021	See Section 2.6.2 of the SWMP Plan for BMPs currently implemented.	7/1/2028

*Does This Facility Contain One of More of the Following Onsite and Exposed to Stormwater?
i) Storage of chemicals, salt, petroleum, pesticides, fertilizers, antifreeze, lead-acid batteries, tires waste/debris
ii) Fueling stations
iii) Vehicle or equipment maintenance/repair

If yes, this facility is considered high priority. All other facilities are considered low priority.

**The receiving waterbody name, class, and segment ID were identified based on GIS mapping as well as the DEC InfoLocator (https://gisservices.dec.ny.gov/gis/dil/) and Stormwater Interactive Mapper (https://gisservices.dec.ny.gov/gis/stormwater/)

***All SWPPPs are due 5 years after the EDC.

****The BMPs identified in this section are based on the BMPs for Municipal Facilities & Operations which must be incorporated within 3 years of the EDC (Section VI.F.1 of the MS4 General Permit)

*****All comprehensive site assessments are due 5 years after the EDC.