

Decision Tree for MS4 Waiver Criteria

For Traditional Municipalities

1) Does the municipality own or operate a separate storm sewer system, including roads with drainage system, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains within the urbanized area?

NO

Permit coverage is not required.

Please send a letter indicating that the municipality does not own or operate a separate storm sewer system within the urbanized area to:

MS4 Coordinator
NYS DEC, Division of Water
Bureau of Water Permits
625 Broadway
Albany, N.Y. 12233-3505

YES

Proceed to Question 2.

2) Does the MS4 serve a population of less than 1,000 within the urbanized area?

Instructions:

- a) Go to DEC's Google Maps and Google Earth web page <http://www.dec.ny.gov/pubs/42978.html> and download Google Earth. If you already have Google Earth installed on your computer go to Step b.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Home » Publications, Forms, Maps » Maps » Google Maps and Earth

Google Maps and Earth

Some of DEC's map data can be viewed in Google Maps or Google Earth. To use Google Maps, simply click on any of the Google Maps icons below and the map will open an offsite link in your browser window. To use Google Earth, users must first download the software from Google (see link in right column under Links Leaving DEC's Website). Then, simply click on a Google Earth icon below to open or save the map (as a kmz file). Users new to Google Earth can also refer to DEC's tutorial (also in the right column).

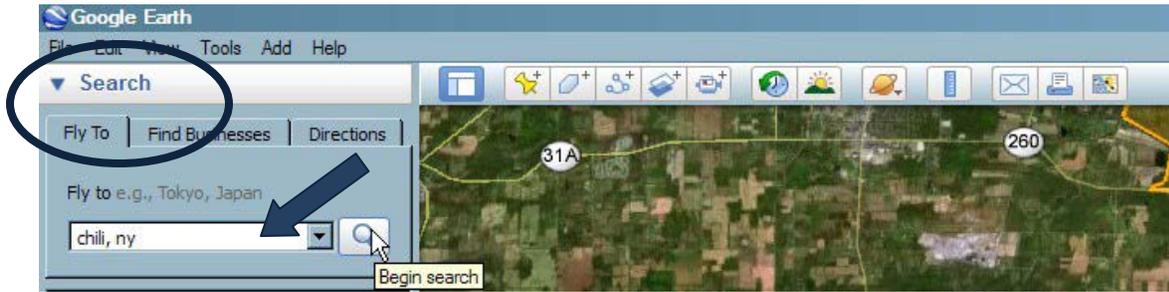
Recreational Maps

Google

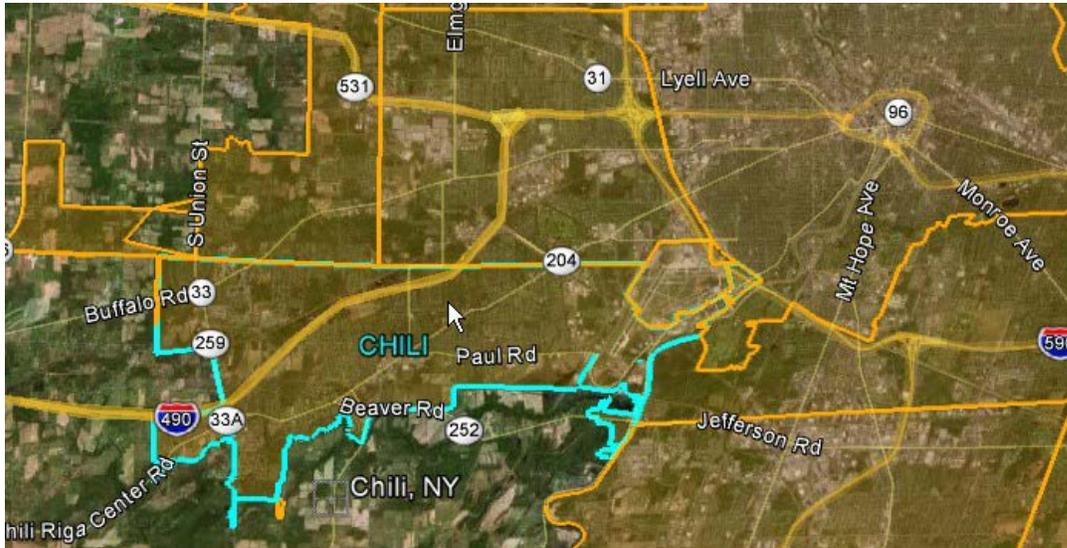
Important Links

- Google Earth Instructions (PDF, 1.8 MB)
- Links Leaving DEC's Website
- Download Google Earth

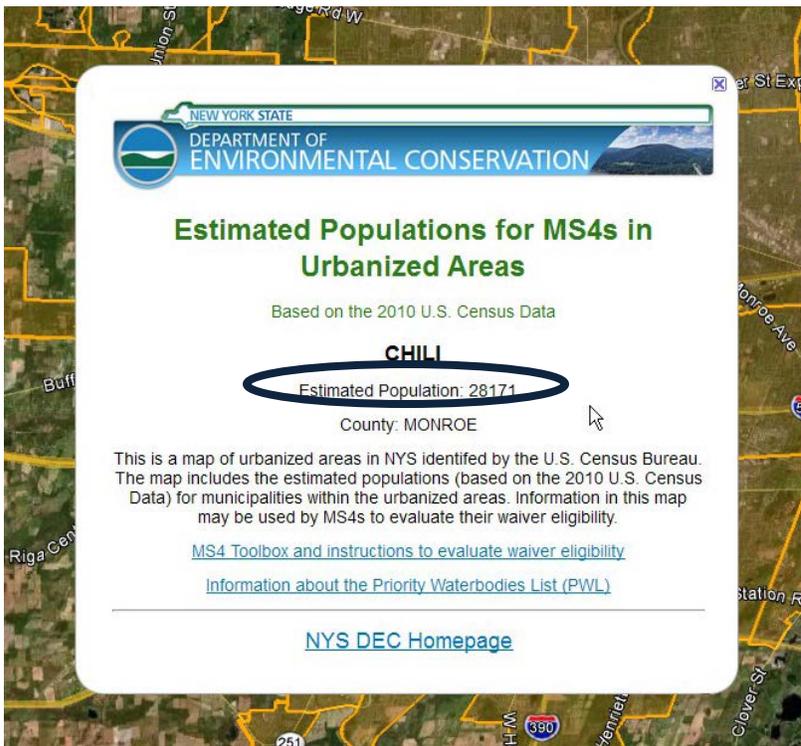
- b) Go to the Department's MS4 toolbox web page (<http://www.dec.ny.gov/chemical/8695.html>).
- c) Find "Google Earth map of Estimated Populations for MS4s in Urbanized Areas" under the Reference Maps header.
- d) Click on the link. It may take a few seconds for the Google Earth Map to load.
- e) Search for your municipality. In the Search bar (or "Fly to" tab) enter the name of your municipality (be sure to include NY; for example, Chili, NY). Click  or "Search" to begin your search.



- f) Google Earth will “fly to” the location.
- g) Find your municipality: move your mouse over the map, the boundary line of the urbanized area within the municipality will be highlighted and the municipality name will appear.



- h) Click on the highlighted municipality. The estimated population is displayed in the balloon.



i) Does the MS4 serve a population of less than 1,000 within the urbanized area?

Decision:

NO

The MS4 cannot waive out of the program and must submit a Notice of Intent to gain coverage under the Municipal Separate Storm Sewer System (MS4) General Permit (GP-0-10-002). Go to <http://www.dec.ny.gov/chemical/43150.html> to download the required forms.

YES

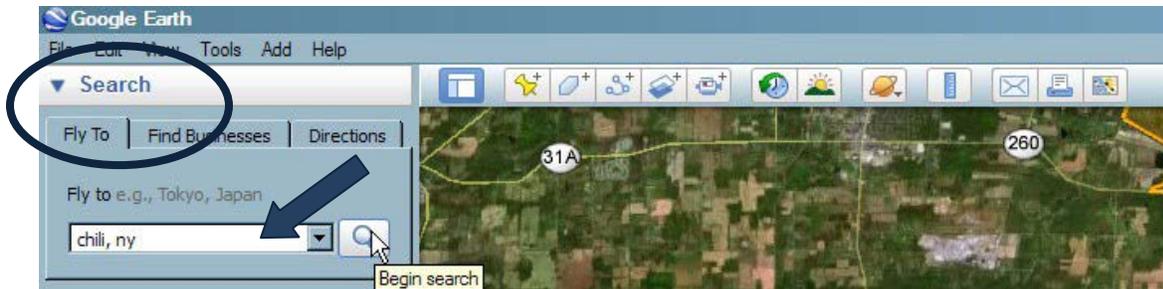
Proceed to question 3.

3) Have any of the waterbodies (including small streams, tributaries, lake, and ponds) that receive (or have the potential to receive) a discharge from the MS4 been identified as being impaired or have an established TMDL?

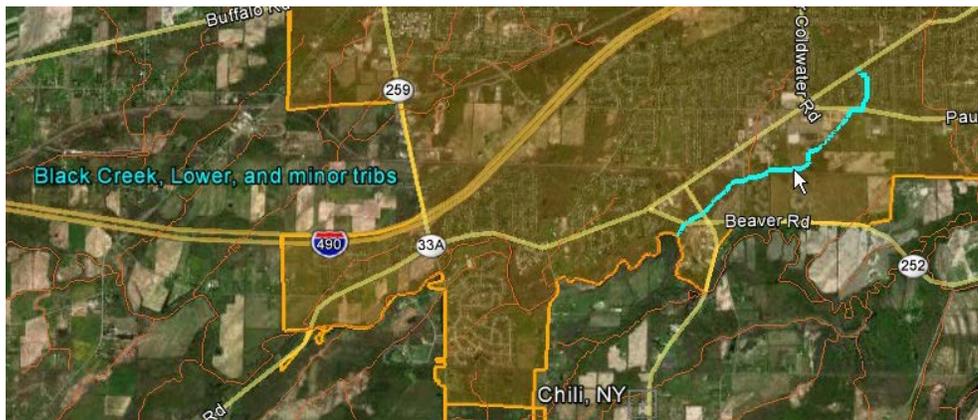
***You must consider any discharge that flows through another regulated MS4.**

Instructions:

- a) Go to the Department’s MS4 toolbox web page (<http://www.dec.ny.gov/chemical/8695.html>).
- b) Under the Reference Maps header find “Google Earth map of Impaired Waterbodies Applicable to MS4s”.
- c) Click on the link. It may take a few seconds for the Google Earth Map to load.
- d) Search for your municipality. In the Search bar (or “Fly to” tab) enter the name of your municipality (be sure to include NY; for example, Chili, NY). Click  or “Search” to begin your search.



- e) Google Earth will “fly to” the location.
- f) Identify if there are impaired waterbodies that your municipality discharges to (or has the potential to discharge to): move your mouse over the map, impaired waterbody segments will be highlighted.



- g) Do any of the waterbodies (including small streams, tributaries, lake, and ponds) that you identified in Step f, receive a discharge from the MS4?

Decision:

NO

The MS4 may be eligible for a waiver. Please send waiver requests to:

MS4 Coordinator
 NYS DEC, Division of Water
 Bureau of Water Permits
 625 Broadway
 Albany, N.Y. 12233-3505

YES

The MS4 cannot waive out of the program and must submit a Notice of Intent to gain coverage under the Municipal Separate Storm Sewer System (MS4) General Permit (GP-0-10-002). Go to <http://www.dec.ny.gov/chemical/43150.html> to download the required forms.

Go to Part 2 for help completing Section B. Local Water Quality Information (Page 7) on the Notice of Intent (NOI).

Part 2: How to answer Section B. Local Water Quality Information (Page 7) on the Notice of Intent (NOI).

MS4s must determine the pollutant(s) that have been identified as a cause of impairment that the MS4 discharges (or the potential to discharge) to any waterbody.

***You must consider any discharge that flows through another regulated MS4.**

Instructions:

- a) Click on the waterbodies identified in Question 3 to view the pollutants of concern for each waterbody.
- b) Determine if any of the impaired waterbodies that receive discharge from the MS4, are impaired for any of the following pollutants of concern:
 - Copper
 - Floatables
 - Nitrogen
 - Oil and Grease
 - Pathogens
 - Phosphorus
 - Silt/Sediment
- c) On page 7 of the NOI, enter the name(s) of the applicable waterbodies.

NEW YORK STATE
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**Impaired Waterbodies Applicable to Waiver Eligibility
 Criteria for the MS4 General Permit**

Black Creek, Lower, and minor tribs

PWL ID Number: 0402-0033
 Located in the Genesee River Basin

Pollutants of Concern for Black Creek, Lower, and minor tribs:

Ammonia	No
Aquatic Toxicity	No
Cadmium	No
Copper	No
Dissolved Oxygen/Oxygen Demand	No
Floatables	No
Metals	No
Nitrogen	No
Nutrients	No
Oil and Grease	No
PAHs	No
Pathogens	No
Phosphorus	Yes
Silt/Sediment	No
Temperature	No
Turbidity	No

Check impaired waterbodies without using Google Earth

- a) Go to DEC's website: <http://www.dec.ny.gov/chemical/31290.html>.
- b) Scroll down to the "All Impaired Waters" section and click on the Excel file titled "All Impaired Waters List".
- c) This list provides the waterbody's name (column C), the segment ID (column D), the primary county¹ the waterbody is located in (column E), and the identified impairment (column J).
- d) This list will help determine if any of the waterbodies that receive discharge from the MS4 are impaired.
- e) On page 7 of the NOI, enter the name(s) of the applicable waterbodies.

¹ Primary county is listed for quick reference. The waterbody segment may however, be located in multiple counties. The waterbody segment ID should always be used to make a final determination whether the waterbody in question within the Municipality is impaired or not.