NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Permit No. GP-0-15-003

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

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July 15, 2015 - Correction of Table IX.C and Appendix 2 to reflect GP-0-10-002 October
2011 Modification

January 13, 2016 - Additional reporting for covered entities in the watersheds listed in
Part IX

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[Signature]

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PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), operators of small municipal separate storm sewer systems ("small MS4s"), located in urbanized areas ("UA") and those additionally designated by New York State are unlawful unless they are authorized by a National Pollutant Discharge Elimination System ("NPDES") permit or by a state permit program. New York’s State Pollutant Discharge Elimination System ("SPDES") is an NPDES-approved program with permits issued in accordance with the Environmental Conservation Law ("ECL").

Only those small MS4 operators who develop and implement a stormwater management program (SWMP) and obtain permit coverage in accordance with Part II of this SPDES general permit are authorized to discharge stormwater from their small MS4 under this SPDES general permit.

A covered entity authorized under GP-0-10-002 as of the effective date of GP-0-15-003, shall be permitted to discharge in accordance with the renewed permit, GP-0-15-003, upon the submission of their Annual Report, unless otherwise notified by the Department.

An operator not authorized under GP-0-15-003 may\(^1\) obtain coverage under this SPDES general permit by submitting a Notice of Intent (NOI) to the address provided on the NOI form. For newly regulated MS4s, authorization under this SPDES general permit is effective upon written notification from the Department of the receipt of a complete NOI. Copies of this SPDES general permit and the NOI for New York are available by calling (518) 402 - 8109 or at any Department of Environmental Conservation (Department) regional office (Appendix A). They are also available on the Department’s website:

http://www.dec.ny.gov/permits/6045.html

Submitting an NOI is an affirmation that an initial SWMP has been developed and will be implemented in accordance with the terms of this SPDES general permit.

* Note: all italicized words within this SPDES general permit are defined in Part X. Acronyms and Definitions.

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\(^1\) The term “may” is used to recognize that there are circumstances under which the operator is ineligible for coverage under this g SPDES general permit because of exclusionary provisions of this permit. Operators that are excluded from coverage under this SPDES general permit as provided for in Part I, for example, are not authorized to discharge under this permit. This clarification also applies to situations in which an NOI has been submitted; submission of an NOI by an entity excluded from SPDES general permit coverage does not authorize the small MS4 to discharge stormwater runoff under the authority of this SPDES general permit.
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Table of Contents
Part I. PERMIT COVERAGE AND LIMITATIONS................................................................. 7
   A. Permit Application ........................................................................................................ 7
   B. Limitations on Coverage ............................................................................................. 8
   C. Exemption Criteria ....................................................................................................... 8
Part II. OBTAINING PERMIT COVERAGE ........................................................................ 9
   A. Permit coverage is obtained by submission of a complete and accurate Notice of Intent. 9
   B. Permit coverage is public noticed by the Department .................................................. 9
   C. Continuance of Permit Coverage for Covered Entities Authorized by GP-0-10-002 (Continuing Covered Entities) ................................................................. 9
   D. Permit Coverage for Covered Entities Newly Designated Under GP-0-15-003 (Small MS4s not Previously Authorized by GP-0-10-002) ................................................. 9
   E. Small MS4s Not Required to Gain Coverage ............................................................... 10
   F. Extension of Permit Coverage to Covered Entity's Full Jurisdiction .......................... 10
   G. Single Entity to Cover the MS4 .................................................................................. 11
Part III. SPECIAL CONDITIONS ..................................................................................... 11
   A. Discharge Compliance with Water Quality Standards ................................................. 11
   B. Impaired Waters .......................................................................................................... 12
Part IV. Stormwater Management Program (SWMP) Requirements ............................... 15
   A. SWMP Background .................................................................................................... 15
   B. Cooperation Between Covered Entities Encouraged .................................................. 15
   C. SWMP Coverage Area ............................................................................................... 16
   D. SWMP Development and Implementation for Covered entities Authorized by GP-0-10-002(Continuing Covered entities) ............................................................ 16
   E. SWMP Development and Implementation for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002) ............................................. 17
   F. Minimum Control Measures ..................................................................................... 17
   G. Reliance Upon Third Parties ..................................................................................... 18
Part V. PROGRAM ASSESSMENT, RECORD KEEPING, REPORTING AND CERTIFICATION REQUIREMENTS ............................................................................................. 19
A. Assessment ..................................................................................................................... 19
B. Recordkeeping ................................................................................................................ 19
C. Annual Reporting ........................................................................................................... 19
D. Interim Progress Reporting .......................................................................................... 22
E. Annual Report Certification ......................................................................................... 22

Part VI. STANDARD PERMIT CONDITIONS ........................................................................ 24
A. General Authority to Enforce ....................................................................................... 24
B. Duty To Comply ............................................................................................................. 24
C. Enforcement ................................................................................................................... 24
D. Continuation of the Expired SPDES General Permit ..................................................... 24
E. Technology Standards ................................................................................................... 24
F. Need To Halt or Reduce Activity Not a Defense ............................................................ 25
G. Duty to Mitigate ............................................................................................................. 25
H. Duty to Provide Information .......................................................................................... 25
I. Other Information ........................................................................................................... 25
J. Signatory Requirements ................................................................................................. 25
K. Penalties for Falsification of Reports ............................................................................. 27
L. Oil and Hazardous Substance Liability .......................................................................... 27
M. Property Rights ............................................................................................................. 27
N. Severability .................................................................................................................... 27
O. Requiring an Individual Permit or an Alternative General Permit ................................. 27
P. Other State Environmental Laws ................................................................................... 28
Q. Proper Operation and Maintenance ............................................................................... 28
R. Inspection and Entry ....................................................................................................... 29
S. Permit Actions ................................................................................................................ 29
T. Anticipated noncompliance ............................................................................................ 29
U. Permit Transfers ............................................................................................................. 29

Part VII. MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL ........ 30
A. Traditional Land-Use Control MS4 Minimum Control Measures (MCMs) ................ 30

PART VIII. MINIMUM CONTROL MEASURES - TRADITIONAL NON-LAND USE CONTROL AND NON-TRADITIONAL MS4s ................................................................................................................ 51
A. Traditional Non-Land Use Control and Non-traditional MS4 Minimum Control Measures (MCMs) .................................................................................................................. 51
Part IX. WATERSHED IMPROVEMENT STRATEGY REQUIREMENTS ................................................. 70
A. New York City East of Hudson Watershed MS4s - (Mapped in Appendix 3) .......... 71
B. Other Phosphorus Watershed MS4s (Mapped in Appendices 4, 5, and 10) ......... 77
C. Pathogen Impaired Watershed MS4s (Mapped in Appendix 6, 7 and 9) ............. 80
D. Nitrogen Watershed MS4s (Mapped in Appendix 8) .............................................. 86

Part X. ACRONYMS AND DEFINITIONS ................................................................................ 89
A. Acronym List .............................................................................................................. 89
B. Definitions .................................................................................................................. 89

Part XI. RE-OPENER CLAUSE ............................................................................................. 100

APPENDICES .................................................................................................................. 101
APPENDIX 1. LIST OF NYS DEC REGIONAL OFFICES .................................................. 101
APPENDIX 2. IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN .... 102
APPENDIX 3. NEW YORK CITY WATERSHED EAST OF THE HUDSON RIVER WATERSHED MAP .................................................................................................................. 109
APPENDIX 4. ONONDAGA LAKE WATERSHED MAP .................................................. 110
APPENDIX 5. GREENWOOD LAKE WATERSHED MAP .............................................. 111
APPENDIX 6. OYSTER BAY WATERSHED MAP ........................................................... 112
APPENDIX 7. PECONIC ESTUARY PATHOGEN WATERSHED MAP ........................... 113
APPENDIX 8. PECONIC ESTUARY NITROGEN WATERSHED MAP .......................... 113
APPENDIX 9. THE 27 LONG ISLAND SHELLFISHING IMPAIRED EMBAYMENT MAP 115
APPENDIX 10. LAKE OSCAWANA WATERSHED MAP ............................................. 116
Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

1. This SPDES general permit authorizes discharges of stormwater from small municipal separate storm sewer systems ("MS4"s) as defined in 40 CFR 122.26(b)(16), provided all of the eligibility provisions of this SPDES general permit are met.

2. Exempt Non-Stormwater Discharges. The following non-stormwater discharges are exempt from the need for SPDES general permit coverage unless the Department has determined them to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this SPDES general permit. If the Department determines that one or more of the discharges listed below is a substantial contributor of pollutants to a small MS4, the identified discharges will be considered illicit. In that event, the covered entity must eliminate such discharges by following the illicit discharge minimum control measure ("MCM") requirements (See Part VII.A.3 or VIII.A.3, and Part IX.A.3, B.3, C.3, and D.3 where applicable).

- water line flushing
- landscape irrigation
- diverted stream flows
- rising ground waters
- uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
- uncontaminated ground water
- discharges from potable water sources
- foundation drains
- air conditioning condensate
- irrigation water
- springs
- water from crawl space and basement sump pumps
- footing drains
- lawn and landscape watering runoff provided that all pesticides and fertilizers have been applied in accordance with the manufacturer's product label;
- water from individual residential car washing
- flows from riparian habitats and wetlands
- dechlorinated swimming pool discharges
- residual street wash water
- discharges or flows from firefighting activities
t. dechlorinated water reservoir discharges
u. any SPDES permitted discharge.

Even if the non-stormwater discharges are determined not to be substantial contributors of pollutants, the Department recommends that the covered entity’s stormwater management program (“SWMP”) include public education and outreach activities directed at reducing pollution from these discharges.

B. Limitations on Coverage
The following are not authorized by this SPDES general permit:

1. Stormwater discharges whose unmitigated, direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat;

2. Stormwater discharges or implementation of a covered entity’s SWMP, 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;

3. Stormwater discharges to territorial seas not of the State of New York, the contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR 125 subpart M;

4. Stormwater discharges, the permitting of which is prohibited under 40 CFR 122.4 and/ or the ECL;

C. Exemption Criteria
For stormwater discharges from a designated small MS4 that are mixed with non-stormwater or stormwater associated with industrial activity, the Department may determine them to be exempt from the requirements of this SPDES general permit if the discharges are:

1. Effectively addressed by and in compliance with a different SPDES general permit or an individual SPDES permit; or

2. Identified by and in compliance with Part I.A.2 of this SPDES general permit.
Part II. OBTAINING PERMIT COVERAGE

A. Permit coverage is obtained by submission of a complete and accurate Notice of Intent.

B. Permit coverage is public noticed by the Department.

NOIs will be public noticed and an opportunity for public comment provided on the contents of submitted NOIs.

a. NOIs and the location of the SWMPs and Annual Reports for existing MS4s will be posted in the Environmental Notice Bulletin (ENB).

b. A deadline of 28 calendar days from the posting in the ENB will be provided for receiving comments.

c. After the public comment period has expired, the Department may extend the public comment period, require submission of an application for an individual SPDES permit or alternative SPDES general permit, or accept the NOI or SWMP as complete.

C. Continuance of Permit Coverage for Covered Entities Authorized by GP-0-10-002 (Continuing Covered Entities)

As of May 1, 2015, entities with coverage under GP-0-10-002 will continue to have authorization to discharge on an interim basis for up to 180 days from the effective date of this SPDES general permit. Covered entities may gain coverage under this SPDES general permit by submission of their 2014 Annual Report due in June 2015. For public participation purposes, the updated Annual Report will be considered equivalent to submission of an NOI.

When the operator changes, a new operator is added, or the individual responsible for the SWMP changes, these changes must be indicated on the MCC form submitted in accordance with Part V.D. It is not necessary to submit a revised Notice of Intent (NOI).

D. Permit Coverage for Covered Entities Newly Designated Under GP-0-15-003 (Small MS4s not Previously Authorized by GP-0-10-002)

Certain small MS4s designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-10-002, but are now required to gain coverage under this SPDES general permit. The small MS4s were not previously authorized because they were either:

- required to gain coverage under GP-0-10-002, but were granted a waiver from that requirement;

- were not required to gain coverage under GP-0-10-002 based on the designation criteria, but they are now within an Additionally Designated Area; or
(Part II.D.)

- were otherwise not permitted under GP-0-10-002.

1. In order for stormwater discharges from small MS4s to be newly authorized under this SPDES general permit, an operator must:

   a. within 180 days of receiving written notification from the Department that a permit for discharges from MS4s is required, prepare an NOI using the form provided by the Department (or a photocopy thereof); and

   b. submit the NOI, signed in accordance with Part VI.J of this SPDES general permit, to:

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

2. Operators who submit a complete NOI in accordance with the requirements of this SPDES general permit are authorized to discharge stormwater from small MS4s, under the terms and conditions of this SPDES general permit, upon written notification from the Department that a complete NOI has been received.

E. Small MS4s Not Required to Gain Coverage

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

F. Extension of Permit Coverage to Covered Entity's Full Jurisdiction

Operators of traditional land use control MS4s must extend the implementation of minimum control measures (MCMs) 4 and 5 in accordance with Criterion 3 of the Designation Criteria or apply for a waiver, if eligible.

Operators of all regulated small MS4s may also extend the implementation of any of the six MCMs to areas under their control, but outside of the existing area covered by this SPDES general permit. This may be done by describing the program components (MCMs) being extended and the geographic extent to which they are being extended in the annual report (Part V.C.) and indicating in the Municipal Compliance Certification (MCC) form (Part V.D.) that the program was extended to the covered entity’s full jurisdiction.
(Part II.)

G. Single Entity to Cover the MS4

A single entity may gain coverage for, and on behalf of, one or more regulated MS4s to implement a part of an MCM, one, or all the MCMs. A single entity shall be defined by watershed, municipal boundaries, special district boundaries, or other specifically defined boundaries. The single entity must demonstrate to the Department that it was formed in accordance with applicable state and/or local legislation, and that it has the legal authority and capacity (financial, resources, etc.) to meet the requirements of this SPDES general permit. Depending on the MCM(s) implemented, the single entity shall demonstrate that it has the following capacities, as applicable for each MCM that the single entity is seeking coverage under this SPDES general permit:

1. Initiate and administer appropriate enforcement procedures,
2. Collect, finance, bond or otherwise borrow money for capital projects,
3. Control the management and operation of the storm sewer system,
4. Implement best management practices at all municipal facilities discharging to the MS4, and
5. Obtain access to property that may be necessary for siting stormwater management facilities and/or practices.

The single entity must submit a complete NOI form to the Department, detailing which of the regulated MS4s it will gain coverage for and which of the MCMs, or parts of MCMs, it will implement for each particular regulated MS4. A copy of the document forming the single entity, and detailing the legal authority and capacity of the single entity, must be attached to the NOI. Prior to the single entity gaining coverage under this SPDES general permit, each regulated MS4, for which the single entity will implementing one or more MCM must submit a complete notice of termination (NOT). This notice shall specify which of the minimum control measures the single entity will implement for the MS4 and which of the minimum control measures the MS4 will implement.

Part III. SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

Where a discharge is already authorized under this SPDES general permit and is later determined to directly or indirectly cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Department will notify the covered entity of such violation(s) and may take enforcement actions for such violations. The covered entity must take all necessary actions to ensure future discharges do not directly or indirectly cause or contribute to the violation of a water quality standard, and the covered entity must document these actions in the SWMP.
(Part III.A.)

Compliance with this requirement does not preclude, limit, or eliminate any enforcement activity as provided by the Federal and / or State law for the underlying violation. 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 750-1.21(e), and the Department may require an application for an alternative SPDES general permit or individual SPDES permit may be issued.

B. Impaired Waters

1. Impaired Waters Without Watershed Improvement Strategies or Future TMDLs

If a small MS4 discharges a stormwater pollutant of concern (POC) to an impaired water listed in Appendix 2, the covered entity must ensure no net increase in its discharge of the listed POC to that water.

By January 8, 2013, covered entities must assess potential sources of discharge of stormwater POC(s), identify potential stormwater pollutant reduction measures, and evaluate their progress in addressing the POC(S). Newly authorized covered entities must perform the above tasks within 5 years after gaining coverage under this SPDES general permit. Covered entities must evaluate their SWMP with respect to the MS4’s effectiveness in ensuring there is no net increase discharge of stormwater POC(s) to the impaired waters for storm sewersheds that have undergone non-negligible changes such as changes to land use and impervious cover greater than one acre, or stormwater management practices during the time the MS4 has been covered by this SPDES general permit. This assessment shall be conducted for the portions of the small MS4 storm sewersheds that discharge to the listed waters (see Appendix 2). The assessment shall be done using Department supported modeling of pollutant loading.

If the modeling shows increases in loading of the POC, the SWMP must be modified to reduce the loading to meet the no net increase requirement. The subsequent annual reports must contain an assessment of priority stormwater problems, potential management practices that are effective for reduction of stormwater POC(s), and document a gross estimate of the extent and cost of the potential improvements.

2. Watershed Improvement Strategies

The SWMPs for covered entities in the watersheds listed below must be modified to comply with the following requirements and the watershed improvement strategies. Covered entities implementing the pollutant-specific BMPs in addition to the BMPs required of all covered entities will be taking satisfactory steps towards achieving compliance with TMDL requirements. Covered entities under the MS4 SPDES general

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

12
(Part III.B.2.)

*permit* are required to make best efforts to participate in locally based watershed planning efforts that involve the NYSDEC, other covered entities, stakeholders and other interested parties for implementation of load reduction BMPs. Covered entities may form a Regional Stormwater Entity (RSE) to implement stormwater retrofits collectively. The *covered entities* must ensure that discharges of the *POC* to the *TMDL* waterbody are reduced through these or additional changes to the *SWMP* so that the waste load allocation is met.

MS4s are required to meet the reduction of the POC defined by the TMDL program defined in Part IX of this *SPDES general permit*. By the deadlines defined in Part IX of the general permit, *covered entities* must assess their progress and evaluate their *SWMP* to determine the *MS4*’s effectiveness in reducing their discharges of *TMDL POC(s)* to *TMDL* water bodies. Newly designated watershed improvement strategy areas must perform the assessment within 5 years from authorization under this SPDES general permit. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the *TMDL* watershed. The assessment shall be done using *Department* supported modeling of pollutant loading from the *storm sewershed*. The *covered entities* or an RSE must prepare and implement, participate in or utilize the results of existing or ongoing ambient water quality monitoring programs to validate the accuracy of models and evaluate the effectiveness of the additional BMPS for watershed improvement strategies.

If the modeling shows that loading of the POC is not being reduced to meet the waste load allocation, the SWMP must be modified to reduce the pollutant loading to meet the waste load allocation.

Each regulated MS4 is responsible for an individual load reduction, which is a fraction of the total required load reduction in the TMDL. If MS4s form an RSE and stormwater retrofits are approached collectively, the *Department* would allow compliance with this condition of the SPDES general permit to be achieved on a regional basis.

In this case the load reduction requirement for each participating MS4 will be aggregated, to create an RSE load reduction, to allow design and installation of retrofits where they are most feasible, without restricting MS4s to site retrofit projects within their municipal boundaries.

Each member of an RSE is in compliance if the aggregate reduction number associated with the retrofit plans is met. If the aggregate number is not met, each of the participating MS4s would be deemed non-compliant until such time as they had met their individual load reduction requirements.

*SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003*
(Part III.B.2.)

a. **New York City Watershed East of the Hudson River**
   
   Covered entities shall modify their SWMP to meet the additional requirements as set forth in Part IX.A to address phosphorus as the POC for the portion of their storm sewershed in the watershed. A map of the watershed is shown in Appendix 3.

b. **Other Phosphorus Watersheds**
   
   Covered entities shall modify their SWMP to meet the additional requirements as set forth in Part IX.B to address phosphorus as the POC for the portion of their storm sewershed in the watershed. Maps of the watersheds are shown in Appendices 4, 5, and 10.

c. **Pathogen Watersheds**
   
   Covered entities shall modify their SWMP to meet the additional requirements as set forth in Part IX.C to address pathogens as the POC for the portion of their storm sewershed in any of the watersheds. Maps of the watersheds are shown in Appendices 6, 7, and 9.

d. **Nitrogen Watersheds**
   
   Covered entities shall modify their SWMP to meet the additional requirements as set forth in Part IX.D to address nitrogen as the POC for the portion of their storm sewershed in the watershed. Maps of the watersheds are shown in Appendix 8.

3. **Future TMDL Areas**

   If a TMDL is approved in the future by EPA for any waterbody or watershed into which a small MS4 discharges, the covered entity must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If a covered entity is not meeting the TMDL wasteload allocations, it must, within 180 days of written notification from the Department, modify its SWMP to ensure that the reduction of the POC specified in the TMDL is achieved. It will be the MS4's obligation to meet the waste load allocations specified in the TMDL through modification of its SWMP plan according to the schedule of Part IX of this SPDES general permit.

   Modifications must be considered for each of the six MCMs. Refer to assistance documents or enhanced requirements for specific pollutants in documents on the Department’s website for modifications specific to the TMDL. Revised SWMPs must include updated schedules for implementation.
(Part III.B.3.)

Within three years of having modified its SWMP to ensure that reduction of the POC specified in the TMDL is achieved, covered entities in future TMDL areas must assess their progress and evaluate their SWMP to determine the MS4’s effectiveness in reducing their discharges of TMDL POC(s) to TMDL water bodies. This assessment shall be conducted for the portions of the small MS4 storm sewershed that are within the TMDL watershed. The assessment shall be done using Department supported modeling of pollutant loading from the storm sewershed.

Part IV. Stormwater Management Program (SWMP) Requirements

A. SWMP Background

Covered entities must develop (for newly authorized MS4s, implement), and enforce a SWMP designed to reduce the discharge of pollutants from small MS4s to the maximum extent practicable (“MEP”) in order to protect water quality and to satisfy the appropriate water quality requirements of the ECL and the CWA. The objective of the permit is for MS4s to assure achievement of the applicable water quality standards. Covered entities under GP-0-10-002 must have prepared a SWMP plan documenting modifications to their SWMP. See Part X.B. (Definitions) for more information about the SWMP and SWMP plan.

The SWMP and SWMP plan may be created by an individual covered entity, by a shared effort through a group or coalition of individual covered entities, or by a third party entity. The SWMP plan shall be made readily available to covered entity’s staff, to the public and to Department and EPA staff.

B. Cooperation Between Covered Entities Encouraged

The Department encourages covered entities to cooperate when developing and implementing their SWMP. However, each covered entity is responsible for obtaining its own permit coverage and for filing its own NOI. Irrespective of any agreements between covered entities, each individual covered entity remains legally responsible for satisfying all GP-0-15-003 requirements and for its own discharges. If one covered entity is relying on another covered entity to satisfy one or more of its permit obligations, that fact must be noted on the covered entity’s MCC form. The other entity must, in fact, 

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2 For example, villages are encouraged to cooperate with towns, towns with counties, and adjacent counties with each other. In addition, municipal governments are encouraged to coordinate and cooperate with non-traditional MS4s such as DOT, school and fire districts, Federal and State facilities located within and adjacent to their jurisdictions. Sewer boards, water boards, or other non-traditional entities are encouraged to partner with the municipality (municipalities) that they serve.
(Part IV.B.)

implement the MCM(s) and must agree to implement the MCM(s) on the first covered entity’s behalf. This agreement between the two or more parties must be documented in writing and signed by both (all) parties. Part IV.G. below may apply if such an agreement is not already in place. The agreement must be included in the SWMP plan, and be retained by the covered entity for the duration of this SPDES general permit, including any administrative extensions of the permit term.

Covered entities that are working together to develop (for newly authorized MS4s) or implement their SWMPs are encouraged to complete shared annual reports. Covered entities may also hold a group meeting to present their annual reports to the public and to receive comments on their annual reports. These options are discussed in more detail in Part V.C.2.

C. SWMP Coverage Area

At a minimum, covered entities are required to develop (for newly authorized MS4s) and implement SWMPs in the automatically designated urbanized areas (“UA”) and additionally designated areas (40CFR Section 122.32(a)(1) or 122.32(a)(2)) under their jurisdiction.

SWMP coverage shall include all UA or additionally designated areas within the covered entity’s jurisdiction that drain into their small MS4 and subsequently discharge to surface waters of the State directly or through other small MS4s.

Operators of small MS4s whose jurisdiction includes regulated and unregulated areas are encouraged to include their entire jurisdiction in their SWMP (refer to Part II.D).

D. SWMP Development and Implementation for Covered entities Authorized by GP-0-10-002(Continuing Covered entities)

Covered entities authorized under GP-0-10-002 shall continue to fully implement their SWMP, unless otherwise stated in this SPDES general permit. A covered entity may modify its SWMP if it determines changes are needed to improve implementation of its SWMP. Any changes to a SWMP shall be reported to the Department in the MS4's

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3 The purpose of this section is to minimize conflicts between adjacent small MS4s. For the purposes of this SPDES general permit, areas under the covered entity’s jurisdiction shall mean areas where the legal authority exists for the subject covered entity to develop and implement an SWMP including the six MCMs. It is not a permit requirement for covered entities to implement and enforce any portion of their SWMP in any area that is under the jurisdiction of another covered entity. For example, if a portion of a town drains directly into a stormwater system owned and operated by the State DOT, and this area of the town is regulated, the DOT will not be required to implement and enforce any portion of a SWMP in the area lying outside of its right of way. In this case, the town would be required to implement the program in the subject area in accordance with this SPDES general permit, despite the fact that the subject drainage does not directly enter the town’s system.
annual report and Municipal Compliance Certification (MCC) form (See Part V.C and V.D).

E. SWMP Development and Implementation for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002)

Certain small MS4s designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-10-002, but are now required to gain coverage under this SPDES general permit. The small MS4s were not previously authorized because they were either:

- required to gain coverage under GP-0-10-002, but were granted a waiver from that requirement;
- not required to gain coverage under GP-0-10-002 based on the designation criteria, but they now meet the additional designation criteria in NYS DEC “Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems” ; or
- were otherwise not permitted under GP-0-10-002.

Operators of small MS4s newly regulated under this SPDES general permit must develop an initial SWMP and provide adequate resources to fully implement the SWMP no later than three years from the date of the individual MS4's authorization.

A newly regulated covered entity may modify its SWMP to comply with the terms and conditions of this SPDES general permit if it determines changes are needed to improve implementation of its SWMP. Any changes to a SWMP shall be documented in the SWMP plan and reported to the Department in the annual report (See Part V.C).

Covered entities are required to make steady progress toward full implementation in the first three years after the date of authorization. Full implementation of SWMPs for newly regulated small MS4s is expected no later than three years from the date of coverage under this SPDES general permit.

F. Minimum Control Measures

Each covered entity is required to develop (for newly authorized MS4s) and implement a SWMP that satisfies the requirements for each of six required program components, known as minimum control measures (MCMs).

The MCMs for traditional land use control MS4s are listed in Part VII. The MCMs for traditional non-land use control MS4s and non-traditional MS4s are listed in Part VIII. Additional MCMs that covered entities in watersheds with improvement strategies must address, referred to in Part III.B.2, are described in Part IX.
G. Reliance Upon Third Parties

This section applies when a covered entity relies upon any third party entity to develop or implement any portion of its SWMP. Examples of such entities include, but are not limited to a non-government, commercial entity that receives payment from the covered entity for services provided (for example businesses that create policies or procedures for covered entities, perform illicit discharge identification and track down, maintain roads, remove snow, clean storm sewer system, sweep streets, etc. as contracted by the covered entity).

The covered entity must, through a signed certification statement, contract or agreement provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party. The certification statement, contract or other agreement must:

- provide adequate assurance that the third party will comply with permit requirements;
- identify the activities that the third party entity will be responsible for and include the name and title of the person providing the signature;
- the name, address and telephone number of the third party entity;
- an identifying description of the location of the work performed; and
- the date the certification statement, contract or other agreement is signed.

Example certification language is provided below:

**Contracted Entity Certification Statement:**

“I certify under penalty of law that I understand and agree to comply with the terms and conditions of the [covered entity’s name] stormwater management program and agree to implement any corrective actions identified by the [covered entity’s name] or a representative. I also understand that the [covered entity’s name] must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (“SPDES”) general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems (“MS4s”) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by [covered entity’s name] will not diminish, eliminate, or lessen my own liability.”
Part V. PROGRAM ASSESSMENT, RECORD KEEPING, REPORTING AND CERTIFICATION REQUIREMENTS

A. Assessment

Covered entities are required to collect and report information about the development and implementation of their SWMPs. Specific information the small MS4s are required to collect is identified in Parts VII or VIII, depending on the type of small MS4. The small MS4s are encouraged to collect additional information that will help them evaluate their SWMP. Collection of information over time will facilitate the evaluation of the covered entity’s SWMP by allowing the examination of trends in the information collected.

The covered entity must conduct an annual evaluation of its program compliance, the appropriateness of its identified BMPs, meeting new permit requirements, and progress towards achieving its identified measurable goals, which must include reducing the discharge of pollutants to the MEP.

Where the evaluation shows that the SWMP is not reducing discharges to the MEP, the SWMP shall be revised to reduce discharges to the MEP. Update to the SWMP and the SWMP plan must be completed within a year from the annual evaluation of their SWMP with an implementation schedule no later than 3 years from the annual evaluation.

B. Recordkeeping

The covered entity must keep records required by this SPDES general permit (records that document SWMP, records included in SWMP plan, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and the Department, etc.) for at least five (5) years after they are generated. Records must be submitted to the Department within 5 business days of receipt of a Department request for such information. The covered entity shall keep duplicate records (either hard copy or electronic), to have one copy for public observation and a separate working copy where the covered entity’s staff, other individuals responsible for the SWMP and regulators, such as Department and EPA staff can access them. Records, including the NOI and the SWMP plan, must be available to the public at reasonable times during regular business hours.

C. Annual Reporting

1. Annual Report Submittal

The annual reporting period ends March 9 of each year. The annual report must be received in the Department’s Central Office, electronic or hard copy, no later than June 1 of each reporting year. If electronic, submit in accordance with procedures set forth by the Department. If mailed, send to the address below:
(Part V.C.1.)

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

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

a. Annual Report Submittal for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002)

Newly regulated covered entities developing their SWMP are to submit their Annual Report in a format provided by the Department. They will provide, at a minimum, the information on the annual report form and the information required by Parts VII or VIII.

Newly regulated covered entities are required to submit their first annual report the year that authorization is granted if authorization is granted on or before December 31 of that reporting year.

b. Annual Report Submittal for Covered entities Authorized by GP-0-10-002 (Continuing Covered entities)

Beginning with annual reports due in 2010 covered entities implementing their SWMP shall submit, at a minimum, information specified by the Department in Part VII or VIII in a format provided by the Department.

2. Shared Annual Reporting and Submittal

Covered entities working together to develop (for newly authorized MS4s) and/or implement their SWMPs may complete a shared annual report. The shared annual report is an annual report that outlines and explains group activities, but also includes the tasks performed by individual covered entities (BMPs, measurable goals, schedules of planned activities, etc.). To facilitate the submission of one annual report for the entire group of covered entities, individual covered entity’s activities may be incorporated into the report by either:

- providing the details specific to their small MS4(s) to a person(s) who incorporates that information into the group report. That one group report is submitted to the Department for all participating small MS4s; or
- providing the details specific to their small MS4(s) on a separate sheet(s) that will be attached with the one group report.
Regardless of the method chosen, each covered entity must, by June 1 of the annual reporting year:

a. Provide their individual MCC form (see Part V.D) to be submitted with the shared annual report. Each covered entity must sign and submit an MCC form to take responsibility for all of the information in the annual report, which includes specific endorsement or acceptance of the shared annual report on behalf of the individual covered entity;

b. Present their draft annual report at a meeting (see Part VII.A.2.d or Part VIII.A.2.d for more information). For completed shared annual reports, the report may be presented by each participating individual covered entity at an existing municipal meeting or may be made available for comments on the internet. Additionally, covered entities participating in shared annual reporting may combine meetings to have a group or regional meeting. While the group meeting is allowable, each covered entity shall ensure that local public officials and members of the public are informed about the program, activities and progress made; and

c. Submit a summary of any comments received and (intended) responses on the individual covered entity’s information or the shared annual report information, as applicable. This information should be included with the annual report submission. Changes made to the SWMP in response to comments should be described in the annual report.

3. Annual Report Content

The annual report shall summarize the activities performed throughout the reporting period (March 10 to March 9) and must include at a minimum:

a. The status of compliance with permit conditions, including Watershed Improvement Strategy conditions;

b. An assessment/evaluation of:

i. the appropriateness of the identified BMPs;

ii. progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP; and

iii. the identified measurable goals for each of the MCMs.

c. Results of information collected and analyzed, monitoring data, and an assessment of the small MS4's SWMP progress toward the statutory goal of reducing the discharge of pollutants to the MEP during the reporting period. This could include results from required SWMP reporting, estimates of pollutant loading (from parameters such as identified illicit discharges, physically interconnected small MS4s that may contribute substantially to pollutant
loadings from the small MS4) and pollutant load reductions (such as illicit discharges removed). This assessment may be submitted as an attachment;

d. When required to be completed, results of assessments of effectiveness in meeting no net increase requirements or TMDL loadings as required by III. B.1 and 2. These results must be submitted in evaluation forms and as an attachment;

e. A summary of the stormwater activities planned to be undertaken during the next reporting cycle (including an implementation schedule);

f. Any change in identified BMPs or measurable goals and justification for those changes;

g. Notice that a small MS4 is relying on another entity to satisfy some or all of its permit obligations (if applicable);

h. A summary of the public comments received on this annual report at the public presentation required in Part VII.A.2. or VIII.A.2. And, as appropriate, how the small MS4 will respond to comments and modify the program in response to the comments;

i. A statement that the final report and, beginning in 2009, the SWMP plan are available for public review and the location where they are available; and

j. The information specified under the reporting requirements for each MCM (Part VII or VIII).

D. Interim Progress Reporting

In accordance with 6 NYCRR Part 750-1.14, covered entities that own or operate MS4s within the watersheds listed in Part IX must submit to the Department interim progress reports no later than December 1 of each year. These interim progress reports will identify the activities that have been performed during the period of March 10 through September 9 of each year, which demonstrates that there is progress being made by the covered entity towards completion of the reduction requirements, prescribed in Part IX. Progress made during the period of September 10 through March 9 shall be reported with the annual report that is due no later than June 1 of each year.

E. Annual Report Certification

A signed original hard copy and a photocopy of the MCC form must be submitted to the Department no later than June 1 of each reporting year. If the annual report is mailed (Part V.C. above), the MCC form must be submitted with the annual report.
The MCC form, provided by the Department, certifies that all applicable conditions of Parts IV, VII, VIII and IX of this SPDES general permit are being developed, implemented and complied with. It must be signed by an individual as described in Part VI.J.2. The certification provided by the MCC form does not affect, replace or negate the certification required under Part VI.J.2 (d). If compliance with any requirement cannot be certified to on the MCC form, a complete explanation with a description of corrective measures must be included as requested on the MCC form.

Failure to submit a complete annual report (Part V.C.) and a complete MCC form shall constitute a permit violation.
Part VI. STANDARD PERMIT CONDITIONS

A. General Authority to Enforce

Three of the MCMs (illicit discharge detection and elimination, construction site stormwater runoff control and post-construction stormwater management) require local laws, ordinances or other regulatory mechanisms to ensure successful implementation of the MCMs. Some covered entities, however, are not enabled by state law to adopt local laws or ordinances. Those covered entities (typically non-traditional MS4s and traditional, non-land use control MS4s) are expected to utilize the authority they do possess to create or modify existing regulatory mechanisms, including but not limited to contracts, bid specifications, requests for proposals, etc. to ensure successful implementation.

B. Duty To Comply

A covered entity must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and the ECL and is grounds for enforcement action.

C. Enforcement

Failure of the covered entity, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the SPDES general permit requirements contained herein shall constitute a permit violation. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to $37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Continuation of the Expired SPDES General Permit

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

E. Technology Standards

Covered entities, in accordance with written notification by the Department, must comply with all applicable technology-based effluent standards or limitations promulgated by EPA pursuant to Sections 301 and 304 of the CWA. If an effluent standard or limitation more stringent than any effluent limitation in the SPDES general permit or controlling a pollutant not limited in the permit is promulgated or approved
after the permit is issued, the SWMP plan shall be promptly modified to include that effluent standard or limitation.

F. Need To Halt or Reduce Activity Not a Defense
It shall not be a defense for a covered entity in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this SPDES general permit.

G. Duty to Mitigate
The covered entity 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.

H. Duty to Provide Information
The covered entity shall, within five (5) business days, make available for inspection and copying or furnish to the Department or an authorized representative of the Department any information that is requested to determine compliance with this SPDES general permit. Failure to provide information requested shall be a violation of the terms of this SPDES general permit and applicable regulation.

I. Other Information
Covered entities who become aware of a failure to submit any relevant facts or have submitted incorrect information in the NOI or in any other report to the Department must promptly submit such facts or information.

J. Signatory Requirements
All NOIs, reports, certifications or information submitted to the Department, or that this SPDES general permit requires be maintained by the covered entity, shall be signed as follows:

1. Notices of Intent
   All NOIs shall be signed by either a principal executive officer or ranking elected official. Principal executive officer includes (1) the chief executive officer of the municipal entity agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports Required and Other Information Requested
   All reports required by this SPDES general permit and other information requested by the Department, including MCC forms (part V.D.), shall be signed by a person
described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in VI.J.1 above and submitted to the Department; and

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the covered entity (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the MCC form; and

d. Changes to authorization. If an authorization to discharge is no longer accurate because a different covered entity has responsibility for the overall operation of another covered entity’s program, these changes must be indicated on the MCC form submitted to the Department per Part V.D.

e. Initial signatory authorization or changes to signatory authorization. The initial signatory authorization must be submitted to the Department with any reports to be signed by a signatory representative. If a signatory authorization under VI.J.2 is no longer accurate because a different individual, or position, has responsibility for the overall operation of the facility, a new signatory authorization satisfying the requirements of VI.J.2 must be submitted to the Department with any reports to be signed by an authorized representative.

f. Certification. Any person signing documents under paragraph VI.H shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the

4Positions that must be duly authorized include, but are not limited to, Environmental Directors, Deputy Supervisors, Safety and Environmental Managers, Assistant Directors, and Chief Health and Safety Officers.
(Part VI.J.2.f.)

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."

Under Part VI.J. (Signatory Requirements), it shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, and/or reports.

K. Penalties for Falsification of Reports
Article 17 of the ECL provides a civil penalty of $37,500 per day per violation of this permit. Articles 175 and 210 of the New York State Penal Law provide for a criminal penalty of a fine and/or imprisonment for falsifying reports required under this permit.

L. Oil and Hazardous Substance Liability
Nothing in this SPDES general permit shall be construed to preclude the institution of any legal action or relieve the covered entity from any responsibilities, liabilities, or penalties to which it is or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

M. Property Rights
The issuance of this SPDES general permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations, nor does it limit, diminish and/or stay compliance with any terms of this permit.

N. Severability
The provisions of this SPDES general permit are severable, and if any provision of this SPDES general permit, or the application of any provision of this SPDES general permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

O. Requiring an Individual Permit or an Alternative General Permit
1. In its sole discretion, the Department may require any person authorized by this SPDES general permit to apply for and/or obtain either an individual SPDES permit or an alternative SPDES general permit. Where the Department requires a covered entity to apply for an individual SPDES permit, the Department will notify such
(Part VI.O.1.)

person in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for filing the application, and a deadline not sooner than 180 days from covered entity's receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Regional Office. The Department may grant additional time to submit the application upon request of the applicant.

2. Any covered entity authorized by this SPDES general permit may request to be excluded from the coverage of this SPDES general permit by applying for an individual SPDES permit or an alternative SPDES general permit. In such cases, a covered entity must submit an individual application or an application for an alternative SPDES general permit in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Department at the address for the appropriate Regional Office. The request may be granted by issuance of any individual SPDES permit or an alternative SPDES general permit if the reasons cited by the covered entity are adequate to support the request.

3. When an individual SPDES permit is issued to a discharger authorized to discharge under a SPDES general permit for the same discharge(s), the general permit authorization for outfalls authorized under the individual permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

P. Other State Environmental Laws

1. Nothing in this SPDES general permit shall be construed to preclude the institution of any legal action or relieve a covered entity from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the CWA.

2. No condition of this SPDES general permit releases the covered entity from any responsibility or requirements under other environmental statutes or regulations.

Q. Proper Operation and Maintenance

A covered entity must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the covered entity to achieve compliance with the conditions of this SPDES general permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems,
installed by a covered entity only when necessary to achieve compliance with the conditions of the SPDES general permit.

R. Inspection and Entry
The covered entity shall allow the Commissioner of NYSDEC, the Regional Administrator of the USEPA, the applicable county health department, or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the covered entity’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;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, including records required to be maintained for purposes of operation and maintenance; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit.

S. Permit Actions
At the Department’s sole discretion, this SPDES general permit may be modified, revoked, suspended, or renewed for cause at any time.

T. Anticipated noncompliance
The covered entity shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of planned changes or anticipated noncompliance does not limit, diminish and / or stay compliance with any terms of this permit.

U. Permit Transfers.
Coverage under this SPDES general permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of this SPDES general permit to change the responsible party and incorporate such other requirements as may be necessary.
Part VII. MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL

A. Traditional Land-Use Control MS4 Minimum Control Measures (MCMs)

These MCMs apply to traditional land use control MS4s (cities, towns, villages). The SWMP for these small MS4s must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the State and EPA.

Continuing covered entities were required to develop a SWMP with the MCM requirements below by January 8, 2008 (if authorized by GP-02-02) and within three years of gaining coverage (if authorized by GP-0-10-002). Under this SPDES general permit, the continuing covered entities are required to implement their SWMP, including the MCM requirements below. Notwithstanding any sooner deadlines contained elsewhere within this permit, newly regulated covered entities are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

For each of the elements of the SWMP plan, the covered entity must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

The covered entity may develop (for newly authorized MS4s) and/or implement their SWMP within their jurisdiction on their own. The covered entity may also develop (for newly authorized MS4s) and/or implement part or all of their SWMP through an intermunicipal program with another covered entity(s) or through other cooperative or contractual agreements with third parties that provide services to the covered entities.

1. Public Education and Outreach - SWMP Development / Implementation

At a minimum, all covered entities must:

a. Identify POCs, waterbodies of concern, geographic areas of concern, target audiences;

b. Develop (for newly authorized MS4s) and implement an ongoing public education and outreach program designed to describe to the general public and target audiences:
   i. the impacts of stormwater discharges on waterbodies;
   ii. POCs and their sources;
   iii. steps that contributors of these pollutants can take to reduce pollutants in stormwater runoff; and
(Part VII.A.1.b.)

iv. steps that contributors of non-stormwater discharges can take to reduce pollutants (non-stormwater discharges are listed in Part I.A.2);

c. *Develop (for newly authorized MS4s)*, record, periodically assess, and modify as needed, *measurable goals*; and

d. Select and implement appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all POCs in *stormwater discharges* to the MEP.

**Required SWMP Reporting**

e. *Program implementation reporting* for *continuing covered entities* (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

i. list education / outreach *activities* performed for the general public and target audiences and provide any results (for example, number of people attended, amount of materials distributed, etc.);

ii. *covered entities* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
   - IDDE education *activities* planned or completed for public employees, businesses, and the general public, as required by Part VII.A.3;
   - construction site *stormwater* control training planned or completed, as required by Part VII.A.4; and
   - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6; and

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by,

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

iv. maintain records of all training activities.

f. Reporting for *newly regulated covered entities* (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

i. *program development* deadlines and reporting:
(Part VII.A.1.f.i.)

Complete in Year 1 (report changes in Year 2 and 3 as needed):
- list (and describe if necessary) POCs;
- development of education and outreach program and activities for the general public and target or priority audiences that address POCs, geographic areas of concern, and / or discharges to 303(d) / TMDL waterbodies;
- covered entities developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
  - IDDE education activities planned or completed for public employees, businesses, and the general public for IDDE, as required by Part VII.A.3;
  - Construction site stormwater control training planned or completed, as required by Part VII.A.4; and
  - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6;
To facilitate shared annual reporting, if the education and outreach activities above are developed by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.

ii. program implementation reporting as set forth in Part VII.A.1(e) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.

2. Public Involvement / Participation - SWMP Development / Implementation
At a minimum, all covered entities must:

a. Comply with the State Open Meetings Law and local public notice requirements, such as Open Meetings Law, when implementing a public involvement / participation program;

b. Develop (for newly authorized MS4s) and implement a public involvement/participation program that:

i. identifies key individuals and groups, public and private, who are interested in or affected by the SWMP;
ii. identifies types of input the covered entity will seek from the key individuals and groups, public and private, to support development and implementation of the SWMP program and how the input will be used; and

iii. describes the public involvement / participation activities the covered entity will undertake to provide program access to those who want it and to gather the needed input. The activities included, but are not limited to a water quality hotline (report spills, dumping, construction sites of concern, etc.), stewardship activities like stream cleanups, storm drain marking, and volunteer water quality monitoring;

iv. provide the opportunity for the public to participate in the development, implementation, review, and revision of the SWMP.

c. Local stormwater public contact.
Identify a local point of contact for public concerns regarding stormwater management and compliance with this SPDES general permit. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the Department on the MCC form;

d. Annual report presentation.
Below are the requirements for the annual report presentation:

i. prior to submitting the final annual report to the Department, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done:

- at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board, such as planning, zoning or the town board. It may also be a separate meeting, specifically for stormwater. If multiple covered entities are working together, they may have a group meeting (refer to Part V.C.2); or

- on the internet by:
  - making the annual report available to the public on a website;
  - providing the public the opportunity to provide comments on the internet or otherwise; and
(Part VII.A.2.d.i.)

- making available the opportunity for the public to request an open meeting to ask questions about and make comments on the report. If a public meeting is requested by 2 or more persons, the covered entity must hold such a meeting. However, the covered entity need only hold a public meeting once to satisfy this requirement.

ii. provide public notice about the presentation, making public the following information when noticing the presentation in accordance with the local public notice requirements:

- the placement of the annual report on the agenda of this meeting or location on the internet;
- the opportunity for public comment. This SPDES general permit does not require a specified time frame for public comments, although it is recommended that covered entities do provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year’s annual report. Covered entities must take into account those comments in the following year;
- the date and time of the meeting or the date the annual report becomes available on the internet; and
- the availability of the draft report for prior review prior to the public meeting or duration of availability of annual report on the internet;

iii. the Department recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in the covered entity’s SWMP;

iv. include a summary of comments and (intended) responses with the final annual report. Changes made to the SWMP in response to comments should be described in the annual report; and

v. ensure that a copy of the final report and, beginning in 2009, the SWMP plan are available for public inspection;

e. Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and
f. Select and implement appropriate public involvement / participation activities and measurable goals to ensure the reduction of POCs in stormwater discharges to the MEP.

Required SWMP Reporting

g. Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
ii. comments received and intended responses (as an attachment);
iii. public involvement / participation activities (for example stream cleanups including the number of people participating, the number of calls to a water quality hotline, the number and extent of storm drain stenciling); and
iv. report on effectiveness of program, BMP and measurable goal assessment.

h. Reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. program development deadlines and reporting:
   Complete for Year 1, 2 and 3:
   - annual report presentation information (date, time, attendees);
   - comments received and intended responses (as an attachment);
   Complete by end of Year 2 (report changes by end of Year 3 as needed):
   - key stake holders identified;
   - development of public involvement / participation plan based on the covered entity’s needs, POCs, target audiences, geographic areas of concern, discharges to 303(d) / TMDL waterbodies; and
   - development of public involvement / participation activities (for example stream cleanups including the number of people participating, the number of calls to a dumping / water quality hotline, the number or percent of storm drains stenciled);

ii. program implementation reporting, as set forth in Part VII.A.2(g) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.
3. **Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation**

   At a minimum, all covered entities must:
   
   a. *Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges* (as defined at 40CFR 122.26(b)(2)) into the *small MS4*;
   
   b. *Develop (for newly authorized MS4s)* and maintain a map, at a minimum within the covered entity's jurisdiction in the *urbanized area* and *additionally designated area*, showing:
      
      i. the location of all outfalls and the names and location of all surface waters of the *State* that receive discharges from those outfalls;
      
      ii. by March 9, 2010, the preliminary boundaries of the covered entity's storm sewersheds have been determined using GIS or other tools, even if they extend outside of the *urbanized area* (to facilitate track down), and *additionally designated area* within the covered entity's jurisdiction; and
      
      iii. when grant funds are made available or for sewer lines surveyed during an illicit discharge track down, the covered entity's storm sewer system in accordance with available *State* and EPA guidance;
   
   c. Field verify outfall locations;
   
   d. Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, addressing every outfall within the *urbanized area* and *additionally designated area* within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;
   
   e. Map new outfalls as they are constructed or newly discovered within the *urbanized area* and *additionally designated area*;
   
   f. Prohibit, through a law, ordinance, or other regulatory mechanism, *illicit discharges* into the *small MS4* and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the *State*’s model IDDE local law “NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems”. The mechanism must be certified by the attorney representing the *small MS4* as being equivalent to the *State*’s model illicit discharge local law. Laws adopted during the GP-02-02 permit cycle must also be attorney-certified as effectively assuring implementation of the *State*’s model IDDE law;
(Part VII.A.3.)

**g.** Develop (for newly authorized MS4s) and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4 in accordance with current assistance and guidance documents from the State and EPA. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions;

**h.** Inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste, and maintain records of notifications;

**i.** Address the categories of non-stormwater discharges or flows listed in Part I.A.2 as necessary;

**j.** Develop (for newly authorized MS4s), record, periodically assess, and modify as needed, measurable goals; and

**k.** Select and implement appropriate IDDE BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

**Required SWMP Reporting**

**l.** Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:

- number and percent of outfalls mapped;
- number of illicit discharges detected and eliminated;
- percent of outfalls for which an outfall reconnaissance inventory has been performed. ;
- status of system mapping;
- activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
- regulatory mechanism status - certification that law is equivalent to the State’s model IDDE law (if not already completed and submitted with an earlier annual report); and
- report on effectiveness of program, BMP and measurable goal assessment.
Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. **program development deadlines and reporting:**
   - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
     - describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program;
     - describe priority areas of concern, available equipment, staff, funding, etc.;
     - Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):
       - describe procedures for identifying and locating *illicit discharges* (trackdown);
       - describe procedures for eliminating *illicit discharges*;
       - describe procedures for enforcing against illicit dischargers;
       - describe procedures for documenting actions;
       - describe the program being developed for informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
     - Initiate by end of Year 1; complete by end of Year 3:
       - regulatory mechanism status development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the State's model IDDE law (if not already completed and submitted with an earlier report);
   - number and percent of *outfalls* mapped; and
   - Complete by Year 3:
     - *outfall* map.

ii. **program implementation reporting** as set forth in Part VIII.A.3(l) above.
    Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.

4. **Construction Site Stormwater Runoff Control - SWMP Development / Implementation**
   At a minimum, all covered entities must:
   a. **Develop (for newly authorized MS4s), implement, and enforce a program that:**
(Part VII.A.4.a.)

i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001 or GP-0-15-002), unless more stringent requirements are contained within this SPDES general permit;

ii. addresses stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from construction activity disturbing less than one acre must be included in the program if:
   - that construction activity is part of a larger common plan of development or sale that would disturb one acre or more; or
   - if controlling such activities in a particular watershed is required by the Department;

iii. includes a law, ordinance or other regulatory mechanism to require a SWPPP for each applicable land disturbing activity that includes erosion and sediment controls that meet the State’s most current technical standards:
   - this mechanism must be equivalent to one of the versions of the “NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control”; and
   - equivalence must be documented
     -by adoption of one of the sample local laws without changes;
     - by using the NYSDEC Gap Analysis Workbook; or
     - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario, certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws.

iv. contains requirements for construction site operators to implement erosion and sediment control management practices;

v. allows for sanctions to ensure compliance to the extent allowable by State law;

vi. contains requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, pursuant to the requirement of construction permit;

vii. describes procedures for SWPPP review with consideration of potential water quality impacts and review of individual SWPPPs to ensure consistency with State and local sediment and erosion control requirements;
ensure that the individuals performing the reviews are adequately trained and understand the State and local sediment and erosion control requirements;

all SWPPPs must be reviewed for sites where the disturbance is one acre or greater; and

after review of SWPPPs, the covered entity must utilize the “MS4 SWPPP Acceptance Form” created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity when notifying construction site owner / operators that their plans have been accepted by the covered entity;

viii. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff;

ix. describes procedures for site inspections and enforcement of erosion and sediment control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water;

- the covered entity must ensure that the individual(s) performing the inspections are adequately trained and understand the State and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a Department sponsored or approved training;

- all sites must be inspected where the disturbance is one acre or greater;

- covered entities must determine that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the Department by performing a final site inspection themselves or by accepting the Qualified Inspector’s final inspection certification(s) required by the SPDES General Permit for Stormwater Discharges from Construction Activity. The principal executive officer, ranking elected official, or duly authorized representative (see Part VI.J.) shall document their determination by signing the "MS4 Acceptance" statement on the NOT.

x. educates construction site owner / operators, design engineers, municipal staff and other individuals to whom these regulations apply about the municipality’s construction stormwater requirements, when construction stormwater requirements apply, to whom they apply, the procedures for submission of SWPPPs, construction site inspections, and other procedures associated with control of construction stormwater;
(Part VII.A.4.a.)

xi. ensures that construction site operators have received erosion and sediment control training before they do work within the covered entity’s jurisdiction and maintain records of that training. Small home site construction (construction where the Erosion and Sediment Control Plan is developed in accordance with Appendix E of the “New York Standards and Specifications for Erosion and Sediment Control”) is exempt from the requirements below:

- training may be provided by the Department or other qualified entities (such as Soil and Water Conservation Districts);
- the covered entity is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
- the covered entity may ask for a certificate of completion or other such proof of training; and
- the covered entity may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application;

xii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;

xiii. develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and

xiv. select and appropriate construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

Required SWMP Reporting

b. Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. number of SWPPPs reviewed;
ii. number and type of enforcement actions;
iii. percent of active construction sites inspected once;
iv. percent of active construction sites inspected more than once;
v. number of construction sites authorized for disturbances of one acre or more; and
vi. report on effectiveness of program, BMP and measurable goal assessment.

c. Reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
(Part VII.A.4.c.)

i. **program development deadlines and reporting:***

Initiate by end of Year 1:
- procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;

Complete in Year 1 (revise in Year 2 and 3 if changes are made):
- describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel;

Initiate by end of Year 1; complete by end of Year 3:
- regulatory mechanism development and adoption status - by end of Year 3 certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);

Initiate by end of Year 2; complete by end of Year 3:
- describe procedures for SWPPP review that incorporate consideration of potential water quality impacts and ensure consistency with local sediment and erosion control requirements;
- describe procedures for construction site inspections; and
- describe procedures for enforcement of control measures and sanctions to ensure compliance.

ii. **program implementation reporting** as set forth in Part VII.A.4(b) above.

Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.

5. **Post-Construction Stormwater Management - SWMP Development/Implementation**

At a minimum, all covered entities must:

a. Develop (for newly authorized MS4s), implement, and enforce a program that:

i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001, or GP-0-15-002), unless more stringent requirements are contained within this SPDES general permit;

ii. addresses stormwater runoff from new development and redevelopment projects to the small MS4 from projects that result in a land disturbance of greater than or
(Part VII.A.5.a.ii.)

equal to one acre. Control of stormwater discharges from projects of less than one acre must be included in the program if:
- that project is part of a larger common plan of development or sale; or
- if controlling such activities in a particular watershed is required by the Department;

iii. includes a law, ordinance or other regulatory mechanism to require post construction runoff controls from new development and re-development projects to the extent allowable under State law that meet the State’s most current technical standards:
- the mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
- equivalence must be documented
  - by adoption of one of the sample local laws without changes;
  - by using the NYSDEC Gap Analysis Workbook; or
  - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario and certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws;

iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the discharge of pollutants to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider principles of Low Impact Development (LID), Better Site Design (BSD), and other Green Infrastructure practices to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider smart growth principles, natural resource protection, impervious area reduction, maintaining natural hydrologic conditions in developments, riparian buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils.

- covered entities are required to review according to the Green Infrastructure practices defined in the Design Manual at a site level, and are encouraged to review, and revise where appropriate, local codes and laws that include provisions that preclude green infrastructure or construction techniques that minimize or reduce pollutant loadings.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

43
(Part VII.A.5.a.iv.)

- if a stormwater management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then MEP will be assumed to be met for post-construction stormwater discharged by the practice;

v. describes procedures for SWPPP review with consideration of potential water quality impacts and review of individual SWPPPs to ensure consistency with state and local post-construction stormwater requirements;
- ensure that the individuals performing the reviews are adequately trained and understand the State and local post construction stormwater requirements;
- ensure that the individuals performing the reviews for SWPPPs that include post-construction stormwater management practices are qualified professionals or under the supervision of a qualified professional;
- all SWPPPs must be reviewed for sites where the disturbance is one acre or greater;
- after review of SWPPPs, the covered entity must utilize the “MS4 SWPPP Acceptance Form” created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) when notifying construction site owner / operators that their plans have been accepted by the covered entity;

- utilize available training from sources such as Soil and Water Conservation Districts, Planning Councils, The New York State Department of State, USEPA, and/or the Department to educate municipal boards and Planning and Zoning Boards on low impact development principles, better site design approach, and green infrastructure applications.

vi. maintain an inventory of post-construction stormwater management practices within the covered entities jurisdiction. At a minimum, include practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations.
- the inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed; and
vii. ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspection to ensure that practices are performing properly.

- The inspection shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. Covered entities are not required to collect stormwater samples and perform specific chemical analysis;

viii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the Department. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:

- Ensure that offset exceeds a standard reduction by factor of at least 2
- Offset is implemented within the same watershed
- Proposed offset addresses the POC of the watershed
- Tracking system is established for the watershed
- Mitigation is applied for retrofit or redevelopment
- Offset project is completed prior to beginning of the proposed construction
- A legal mechanism is established to implement the banking and credit system

b. Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;

c. Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and

d. Select and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.
Required SWMP Reporting

e. **Program implementation reporting** for **continuing covered entities** (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. number of SWPPPs reviewed;
ii. number and type of enforcement actions;
iii. number and type of post-construction stormwater management practices inventoried;
iv. number and type of post-construction stormwater management practices inspected;
v. number and type of post-construction stormwater management practices maintained;
vi. regulatory mechanism status - certification that regulatory mechanism is equivalent to one of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control" (if not already done); and
vii. report on effectiveness of program, BMP and measurable goal assessment, and implementation of a banking and credit system, if applicable;

f. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. **program development deadlines and reporting:**
   Initiate by end of Year 1; complete by end of Year 3:
   - regulatory mechanism development and adoption status - by end of Year 3
     certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);

   Initiate by end of Year 2; complete by end of Year 3:
   - procedures for SWPPP review to ensure that post-construction stormwater management practices meet the most current version of the state technical standards;
   - procedures for inspection and maintenance of post-construction management practices;
   - procedures for enforcement and penalization of violators; and

Complete by the end of year 3:
(Part VII.A.5.f.i.)

- provide resources for the program to inspect new and re-development sites and for the enforcement and penalization of violators.

ii. **program implementation reporting** as set forth in Part VII.A.5(e) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.

6. **Pollution Prevention/Good Housekeeping For Municipal Operations - SWMP Development / Implementation**

At a minimum, all covered entities must:

a. Develop (for newly authorized MS4s) and implement a pollution prevention / good housekeeping program for municipal operations and facilities that:

i. addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other;

ii. at a minimum frequency of once every three years, perform and document a self assessment of all municipal operations addressed by the SWMP to:
   - determine the sources of pollutants potentially generated by the covered entity’s operations and facilities; and
   - identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;

iii. determines management practices, policies, procedures, etc. that will be developed and implemented to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” and other guidance materials available from the EPA, State, or other organizations;

iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and covered entity’s capabilities;
(Part VII.A.6.a.)

v. addresses pollution prevention and good housekeeping priorities;

vi. includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training;

vii. requires third party entities performing contracted services, including but not limited to street sweeping, snow removal, lawn / grounds care, etc., to meet permit requirements as the requirements apply to the activity performed; and

viii. requires municipal operations and facilities that would otherwise be subject to the NYS Multi-sector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and implement provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to the MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP.

Implementation of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;

b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of existing islands in parking lots with rain gardens, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.

c. Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and

d. Select and implement appropriate pollution prevention and good housekeeping BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

Required SWMP Reporting

f. Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). Covered entities are required to report on SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003.
all municipal operations and facilities within their jurisdiction (urbanized area and additionally designated area) that their program is addressing. The covered entity shall report at a minimum on the items below:

i. indicate the municipal operations and facilities that the pollution prevention and good housekeeping program assessed;

ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the covered entity’s pollution prevention and good housekeeping program addressed during the reporting year:

- acres of parking lot swept;
- miles of street swept;
- number of catch basins inspected and, where necessary, cleaned;
- post-construction control stormwater management practices inspected and, where necessary, cleaned;
- pounds of phosphorus applied in chemical fertilizer
- pounds of nitrogen applied in chemical fertilizer; and
- acres of pesticides / herbicides applied.

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

iv. report on effectiveness of program, BMP and measurable goal assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VII.A.6.a(ii), the covered entity shall report on items that will demonstrate program effectiveness.

g. Reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). Covered entities are required to report on all municipal operations and facilities within their jurisdiction (urbanized area and additionally designated area) that their program is addressing. The covered entity shall report at a minimum on the items below:

i. program development deadlines and reporting (first three years after authorization is granted):
   Complete by end of Year 1:
   - identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
   - describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);
(Part VII.A.6.g.i.)

- describe management practices, policies, procedures, etc. that will be developed or modified;
- identify the staff and equipment available;

Initiate by end of Year 2; complete by end of Year 3:
- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained; and

Complete by end of Year 3:
- description of developed management practices.

ii. program implementation reporting as set forth in Part VII.A.6.(d) above.
Commence reporting after three year development permit. Implementation reporting may begin earlier if implementation begins during development period.
PART VIII. MINIMUM CONTROL MEASURES - TRADITIONAL NON-LAND USE CONTROL AND NON-TRADITIONAL MS4s

A. Traditional Non-Land Use Control and Non-traditional MS4 Minimum Control Measures (MCMs)

These MCMs apply to traditional non-land use control MS4s and non-traditional MS4s. The SWMP for these small MS4s must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the State and EPA.

Under this SPDES general permit, the continuing covered entities are required to implement their SWMP, including the MCM requirements below. Newly regulated covered entities are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

The covered entity may develop (for newly authorized MS4s) and / or implement their SWMP within their jurisdiction on their own. The covered entity may also develop (for newly authorized MS4s) and / or implement part or all of their SWMP through an intermunicipal program with another covered entity(s) or through other cooperative or contractual agreements with third parties that provide services to the covered entity(s).

For each of the elements of the SWMP plan, the covered entity must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

To comply with the requirements of this SPDES general permit, the traditional non-land use control MS4s and non-traditional MS4s should consider their public to be the employee / user population, visitors, or contractors / developers. Examples of the public include, but are not limited to:
- transportation covered entities - general public using or living along transportation systems, staff, contractors;
- educational covered entities - faculty, other staff, students, visitors;
- other government covered entities - staff, contractors, visitors.

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

At a minimum, all covered entities must:

a. Identify POCs, waterbodies of concern, geographic areas of concern, target audiences;
(Part VIII.A.1.)

b. \textit{Develop (for newly authorized MS4s) and implement} an ongoing public education and outreach program designed to describe:
   \begin{itemize}
     \item the impacts of \textit{stormwater discharges} on waterbodies;
     \item \textit{POCs} and their sources;
     \item steps that contributors of these pollutants can take to reduce pollutants in \textit{stormwater} runoff; and
     \item steps that contributors of non-\textit{stormwater discharges} can take to reduce pollutants (non-\textit{stormwater discharges} are listed in Part I.A.2);
   \end{itemize}

c. Educational materials may be made available at, locations including, but not limited to:
   \begin{itemize}
     \item at service areas, lobbies, or other locations where information is made available;
     \item at staff training;
     \item on \textit{covered entity}'s website;
     \item with pay checks; and
     \item in employee break rooms;
   \end{itemize}

d. \textit{Develop (for newly authorized MS4s)}, record, periodically assess and modify as needed \textit{measurable goals}; and

e. Select and implement appropriate education and outreach \textit{activities} and \textit{measurable goals} to ensure the reduction of all \textit{POCs} in \textit{stormwater discharges} to the \textit{MEP}.

\textbf{Required SWMP Reporting}

f. At a minimum, the \textit{covered entity} shall report on the items below:
   \begin{itemize}
     \item list education / outreach \textit{activities} performed and provide any results (number of people attended, amount of materials distributed, etc.);
     \item education of the public about the hazards associated with illegal \textit{discharges} and improper disposal of waste as required by Part VIII.A.3, may be reported in this section;
     \item \textit{covered entity}'s performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
       \begin{itemize}
         \item IDDE education \textit{activities} planned or completed for the public, as required by Part VIII.A.3;
         \item construction site \textit{stormwater} control training planned or completed, as required by Part VIII.A.4; and
         \item employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6;
       \end{itemize}
   \end{itemize}

To facilitate shared annual reporting, if the education and outreach activities
(Part VIII.A.1.f.iii.)

above are implemented by a third party, and the third party is completing the associate portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by;

iv. report on effectiveness of program, BMP and measurable goal assessment; and

v. maintain records of all training activities

g. Reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. program development deadlines and reporting:
   Complete in Year 1 (report changes in Year 2 and 3 as needed):
   - list (and describe if necessary) POCs;
   - development of education and outreach program and activities for the public that address POCs, geographic areas of concern, and / or discharges to 303(d) / TMDL waterbodies;
   - covered entities developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
     - IDDE education activities planned or completed for the public, as required by Part VIII.A.3;
     - construction site stormwater control training planned or completed, as required by Part VIII.A.4; and
     - employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6.

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.

ii. Program implementation reporting as set forth in Part VIII.A.1(f) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.

2. Public Involvement/Participation - SWMP Development / Implementation

At a minimum, all covered entities must:

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
(Part VIII.A.2.)

a. Comply with State and local public notice requirements identified below when implementing a public involvement / participation program:
   i. *traditional non-land use control MS4s* shall comply with the *State Open Meetings Law* and local public notice requirements, such as *Open Meetings Law*; and
   
   ii. *traditional non-land use control MS4s* and *non-traditional MS4s* may comply with this requirement by determining who their public is (staff, visitors, contractors, etc.) and posting notifications (as needed) in areas viewable by the public. Such areas include common areas, bulletin boards, agency/office web pages, etc. For *small MS4s* whose public are in multiple locations, notifications shall be made available to the public in all locations within the urbanized or additionally designated areas;

b. Provide the opportunity for the public to participate in the *development, implementation, review,* and revision of the *SWMP;*

c. **Local stormwater public contact.**
   Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit.* The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form;

d. **Annual report presentation.**
   Below are the requirements for the annual report presentation:
   
   i. prior to submitting the final annual report to the *Department,* by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions and make comments on the report. This can be done:
      - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board. It may also be a separate meeting, specifically for *stormwater.* If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2); or
      - on the internet by:
         - making the annual report available to the public on a website;
         - providing the public the opportunity to provide comments on the internet or otherwise; and
(Part VIII.A.2.d.i.)

- making available the opportunity for the public to request an open public meeting to ask questions about and make comments on the report;

ii. *traditional non-land use control MS4s* must comply with Part VIII.A.2.(d)(i) above. If they choose to present the draft annual report at a meeting, it may be presented at an existing meeting (e.g. a meeting of the Environmental Management Council, Water Quality Coordinating Committee, other agencies, or a meeting specifically for stormwater), or made available for review on the internet. The *covered entity* must make public the following information when noticing the presentation in accordance with *Open Meetings Law* or other local public notice requirements:
  - the placement of the annual report on the agenda of this meeting or location on the internet;
  - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year’s annual report. *Covered entities* must take into account those comments in the following year;
  - the date and time of the meeting or date annual report becomes available on the internet; and
  - the availability of the draft report for review prior to the public meeting or duration of availability of the annual report on the internet;

iii. *non-traditional MS4s* typically do not have regular meetings during which a presentation on the annual report can be made. Those *covered entities* may comply with this requirement by either:
  - noticing the availability of the report for public comment by posting a sign, posting on web site, or other methods with information about the availability and location where the public can view it and contact information for those that read the report to submit comments; or
  - following the internet presentation as explained in Part VIII.A.2(d)(i) above;

iv. the *Department* recommends that announcements be sent directly to individuals (public and private interested parties) known to have a specific interest in the covered entity’s *SWMP*;
(Part VIII.A.2.d.)

v. include a summary of comments and intended responses with the final annual report. Changes made to the SWMP in response to comments should be described in the annual report; and

vi. ensure that a copy of the final report and, beginning in 2009, the SWMP plan are available for public inspection;

e. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and

f. Select and implement appropriate public involvement / participation *activities* and *measurable goals* to ensure the reduction of all of the *POCs* in *stormwater discharges* to the *MEP*.

**Required SWMP Reporting**

g. *Program implementation reporting* for *continuing covered entities* (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;

ii. comments received and intended responses (as an attachment); and

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

h. Reporting for *newly regulated covered entities* (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

i. **program development deadlines and reporting:**
   Complete for Year 1, 2, and 3:
   - annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment; and
   - comments received and intended responses (as an attachment).

ii. **program implementation reporting** as set forth in Part VIII.A.2.g above.
   Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

3. Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation
   At a minimum, all *covered entities* must:
(Part VIII.A.3.)

a. Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;

b. Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity’s jurisdiction in the urbanized area and additionally designated area, showing:
   
i. the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;
   
ii. by March 9, 2010, the preliminary boundaries of the covered entity’s storm sewersheds determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate trackdown), and additionally designated area within the covered entity’s jurisdiction; and
   
iii. when grant funds are made available or for sewer lines surveyed during an illicit discharge trackdown, the covered entity’s storm sewer system in accordance with available State and EPA guidance;

c. Field verify outfall locations;

d. Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the covered entity’s jurisdiction at least once every five years, with reasonable progress each year;

e. Map new outfalls as they are constructed or discovered within the urbanized area or additionally designated area;

f. Prohibit illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions below, as applicable:
   
i. for traditional non-land use control MS4s:
      - effectively prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions; and
      - the law, ordinance, or other regulatory mechanism must be equivalent to the State’s model IDDE local law “NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems” developed by the State, as determined and certified to be equivalent by the attorney representing the small MS4; and

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
ii. for non-traditional MS4s:
   - prohibit and enforce against illicit discharges through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
   - procedures or policies must be developed for implementation and enforcement of the mechanisms;
   - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for the covered entity’s IDDE program; and
   - the mechanisms and directive must be equivalent to the State’s model illicit discharge local law;

  g. Develop (for newly authorized MS4s) and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions;

  h. Inform the public of the hazards associated with illegal discharges and the improper disposal of waste;

  i. Address the categories of non-stormwater discharges or flows listed in Part I.A.2 as necessary and maintain records of notification;

  j. Develop (for newly authorized MS4s), record, periodically assess, and modify as needed, measurable goals; and

  k. Select and implement appropriate IDDE BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP

**Required SWMP Reporting**

  l. Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:

  i. number and percent of outfalls mapped;
(Part VIII.A.3.l.)

ii. number of illicit discharges detected and eliminated;
iii. percent of outfalls for which an outfall reconnaissance inventory has been performed;
iv. status of system mapping;
v. activities to and results from informing the public of hazards associated with illegal discharges and improper disposal of waste;
vi. for traditional non-land use control MS4s, regulatory mechanism status - certification that law is equivalent to the State’s model IDDE local law (if not already completed and submitted with a prior annual report); and
vii. report on effectiveness of program, BMP and measurable goal assessment.

m. Required reporting for newly authorized covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. **program development deadlines and reporting:**
   Initiate by end of Year 1; complete by end of Year 3:
   - regulatory mechanism development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the State’s model IDDE local law (traditional non-land use control MS4s) or certification of equivalence may be accomplished as set forth in Part VIII.A.3(f)(ii).

   Complete in Year 1 (revise in Year 2 and 3 if changes are made):
   - describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program;
   - describe priority areas of concern, available equipment, staff, funding, etc.;

   Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):
   - describe procedures for identifying and locating illicit discharges (trackdown);
   - describe procedures for eliminating illicit discharges;
   - describe procedures for enforcing against illicit dischargers;
   - describe procedures for documenting actions;
   - describe the program being developed for informing the public of hazards associated with illegal discharges and improper disposal of waste;

   Initiate by end of Year 2; complete by end of Year 3:
   - number and percent of outfalls mapped;
(Part VIII.A.3.m.i.)

Complete by Year 3:
- outfall map; and

ii. program implementation reporting as set forth in Part VIII.A.3(l) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.

4. Construction Site Stormwater Runoff Control - SWMP Development / Implementation
At a minimum, all covered entities must:

a. Develop (for newly authorized MS4s), implement, and enforce a program that:

i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this SPDES general permit;

ii. addresses stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from construction activity disturbing less than one acre must be included in the program if:
   - that construction activity is part of a larger common plan of development or sale that would disturb one acre or more; or
   - if controlling such activities in a particular watershed is required by the Department;

iii. incorporates mechanisms for construction runoff requirements from new development and redevelopment projects to the extent allowable under State and local law that meet the State’s most current technical standards:
   - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
   - procedures or policies must be developed for implementation and enforcement of the mechanisms;
   - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned, under easement to, within the

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
60
Part VIII.A.4.a.iii.

right-of-way of, or under the maintenance jurisdiction by the covered entity or within the maintenance jurisdiction of the MS4; and

- the mechanisms and directive must be equivalent to the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.

iv. allows for sanctions to ensure compliance to the extent allowable by State law;

v. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff;

vi. educates construction site operators, design engineers, municipal staff and other individuals to whom these regulations apply about the construction requirements in the covered entity’s jurisdiction, including the procedures for submission of SWPPPs, construction site inspections, and other procedures associated with control of construction stormwater;

vii. Ensures that construction site contractors have received erosion and sediment control training, including the trained contractors as defined in the SPDES general permit for construction, before they do work within the covered entity’s jurisdiction:

- training may be provided by the Department or other qualified entities (such as Soil and Water Conservation Districts);
- the covered entity is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
- the covered entity may ask for a certificate of completion or other such proof of training; and
- the covered entity may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application.

viii. establishes and maintains an inventory of active construction sites, including the location of the site, owner/operator contact information;

ix. develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and
select and implement appropriate construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

Required SWMP Reporting

b. Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:
   i. number and type of sanctions employed;
   ii. status of regulatory mechanism - certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
   iii. number of construction sites authorized for disturbances of one acre or more; and
   iv. report on effectiveness of program, BMP and measurable goal assessment.

c. Reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:
   i. Program development deadlines and reporting:
      Initiate by end of Year 1:
      - procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4’s jurisdiction;
      Initiate by the end of Year 1; complete by the end of Year 3:
      - status of mechanism for construction runoff requirements - by end of Year 3 certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities; and
      Complete in Year 1 (revise in Year 2 and 3 if changes are made):
      - describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel.
   ii. Program implementation reporting as set forth in Part VIII.A.4(b) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.
(Part VIII.A.)

5. Post-Construction Stormwater Management SWMP Development / Implementation

At a minimum, all covered entities must:

a. Develop (for newly authorized MS4s), implement, and enforce a program that:
   i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this SPDES general permit;

   ii. addresses stormwater runoff from new development and redevelopment projects to the small MS4 from projects that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from projects of less than one acre must be included in the program if:
       - that project is part of a larger common plan of development or sale;
       - if controlling such activities in a particular watershed is required by the Department;

   iii. incorporates enforceable mechanisms for post-construction runoff control from new development and re-development projects to the extent allowable under State or local law that meet the State’s most current technical standards:
       - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
       - procedures or policies must be developed for implementation and enforcement of the mechanisms;
       - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned by the covered entity or within the maintenance jurisdiction of the MS4; and
       - the mechanisms and directive must assure compliance with the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;

   iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the discharge of pollutants to the MEP. In the development of environmental plans such as watershed plans, open space preservation programs, local laws, and ordinances covered entities must incorporate principles of Low Impact Development (LID), Better Site Design (BSD) and other Green Infrastructure practices to the MEP.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

63
Covered entities must consider natural resource protection, impervious area reduction, maintaining natural hydrologic condition in developments, buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils in the development of environmental plans.

- if a stormwater management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then MEP will be assumed to be met for the post construction stormwater discharged by the practice;

v. establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the small MS4 that have been installed since March 10, 2003, those owned by the small MS4, and those found to cause water quality standard violations.

- the inventory shall include, at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed; and

vi. ensures adequate long-term operation and maintenance of management practices by trained staff, including assessment to ensure that the practices are performing properly.

- The assessment shall include the inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. Covered entities are not required to collect stormwater samples and perform specific chemical analysis;

vii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the Department. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:
(Part VIII.A.5.a.vii.)

- Ensures offset exceeds standard reduction by factor of at least 2
- Offset is implemented within the same watershed
- Proposed offset addresses the POC of the watershed
- Tracking system is established for the watershed
- Mitigation is applied for retrofit or redevelopment
- Offset project is completed prior to beginning the proposed construction
- A legal mechanism is established to implement the banking and credit system

b. Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and employ sanctions;

c. Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and

d. Select and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

Required SWMP Reporting

e. Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). At a minimum, the covered entity shall report on the items below:

i. number and type of sanctions;
ii. number and type of post-construction stormwater management practices;
iii. number and type of post-construction stormwater management practices inspected;
iv. number and type of post-construction stormwater management practices maintained;
v. status of regulatory mechanism, equivalent mechanism, that regulatory mechanism is equivalent; and
vi. report on effectiveness of program, BMP and measurable goal assessment, and implementation of a banking and credit system, if applicable.

f. Program reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:
i. **program development deadlines and reporting:**
   - Initiate by end of Year 1; complete by end of Year 3:
     - mechanism of post-construction stormwater management - by end of Year 3
     - certify that mechanisms will assure compliance with the NYS Construction General Permit (GP-0-15-002);
   - Initiate by end of Year 2; complete by end of Year 3:
     - procedures for inspection and maintenance of post-construction management practices; and
     - procedures for enforcement and penalization of violators;

ii. **program implementation reporting** as set forth in Part VIII.A.5(e). Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.

6. **Pollution Prevention/Good Housekeeping For Municipal Operations**

**SWMP Development / Implementation**

At a minimum, all **covered entities** must:

a. **Develop (for newly authorized MS4s) and implement** a pollution prevention / good housekeeping program for **municipal** operations and facilities that:

i. addresses **municipal** operations and facilities that contribute or potentially contribute **POCs** to the **small MS4** system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification, or other;

ii. includes the performance and documentation of a self assessment of all **municipal** operations to:
   - determine the sources of pollutants potentially generated by the **covered entity’s** operations and facilities; and
   - identify the **municipal** operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;

iii. determines **management practices**, policies, procedures, etc. that will be **developed and implemented** to reduce or prevent the discharge of (potential)
pollutants. Refer to *management practices* identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” or other guidance materials available from the EPA, the State, or other organizations;

iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and *covered entity’s* capabilities;

v. addresses pollution prevention and good housekeeping priorities;

vi. includes an employee pollution prevention and good housekeeping training program and ensure that staff receive and utilize training;

vii. requires third party entities performing contracted services, including but not limited to, street sweeping, snow removal, lawn / grounds care, etc., to make the necessary certification in Part IV.G; and

viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;

b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of the existing islands in parking lots with rain garden, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.

c. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and
(Part VIII.A.6.)

d. Select and implement appropriate pollution prevention and good housekeeping 
   *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater 
   discharges* to the *MEP*.

e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as 
   well as potential impact to surface water.

**Required SWMP Reporting**

f. **Program implementation reporting** for continuing *covered entities* (MS4s covered 
   for 3 or more years on the *reporting date*). *Covered entities* are required to report on 
   all *municipal* operations and facilities within their jurisdiction (*urbanized area* and 
   *additionally designated area*) that their program is addressing. The *covered entity* 
   shall report at a minimum on the items below:

   i. indicate the *municipal* operations and facilities that the pollution prevention and 
      good housekeeping program assessed;

   ii. describe, if not done so already, the management practices, policies and 
       procedures that have been developed, modified, and / or implemented and 
       report, at a minimum, on the items below that the *covered entity*’s pollution 
       prevention and good housekeeping program addresses during the reporting year:

       - acres of parking lot swept;
       - miles of street swept;
       - number of catch basins inspected and, where necessary, cleaned;
       - post-construction control stormwater management practices inspected and, 
         where necessary, cleaned;
       - pounds of phosphorus applied in chemical fertilizer
       - pounds of nitrogen applied in chemical fertilizer; and
       - acres of pesticides / herbicides applied.

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

   iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the 
       pollution prevention and good housekeeping program addresses other operations 
       than what is listed above in Part VIII.A.6.a(ii), the *covered entity* shall report on 
       items that will demonstrate program effectiveness.

g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years 
   on the *reporting date*). *Covered entities* are required to report on all *municipal 
   operations* and facilities within their jurisdiction (*urbanized area* and *additionally 
   designated area*).
(Part VIII.A.6.g.)

designated area) that their program is addressing. The covered entity shall report at a minimum on the items below:

i. program development deadlines and reporting:
   Complete by end of Year 1:
   - identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
   - describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);
   - describe management practices, policies, procedures, etc. that will be developed or modified;
   - identify the staff and equipment available;

   Initiate by Year 2; complete Year 3:
   - describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained;

   Complete by end of Year 3:
   - description of developed management practices.

ii. program implementation reporting as set forth in Part VIII.A.6(d) above. Commence implementation reporting after three year development permit. Implementation reporting may begin earlier if implementation begins during development period.
Part IX. WATERSHED IMPROVEMENT STRATEGY REQUIREMENTS

The covered entities in the watershed improvement strategy areas must develop or modify their SWMP to address the additional watershed specific requirements to achieve the pollutant load reduction by the deadlines specified in Tables IX.A through D. The requirements contained in this Part are in addition to the applicable requirements in Part VII or VIII, depending on the type of MS4. The Pollutant Load Reductions are the reductions necessary from the discharge loads associated with MS4s that, when combined with reductions in the discharge loads from non-MS4s to the waterbody, will meet water quality standards. The calculated reductions are based on TMDL models and may be recalculated according to 40CFR Part 130.

The MS4 portion of the pollutant load reduction shall be achieved by implementation of BMPs required of all MS4s, reductions from implementation of additional BMPS for watershed improvement strategy areas including any retrofits required by this permit. These reductions are intended to be targeted and credited using models, loading factors and load reductions predicted based on the best scientific information available. In accordance with NYCRR Part 750-1.14, all covered entities that own or operate MS4s in the watershed improvement strategy areas shall submit to the Department progress reports, described in Part V.D, identifying the activities that have been performed during the period of March 10 through September 9 of each year, and demonstrating that progress is being made towards completion of the reduction requirements, as required by this Part.

The Pollutant Load Reduction Deadlines are deadlines by which the MS4 portion of the pollutant load reduction must be met. Watershed Improvement Strategy Deadlines are the deadlines by which the watershed improvement strategy requirements for addressing the POC are to be completed and implemented. Retrofit Plan Submission Deadlines are the deadlines by which the retrofit plan component of the watershed improvement strategies are submitted to the Department for review and approval.

Ultimately, the effectiveness of the load reductions in meeting water quality standards will be verified by ambient monitoring of the affected waterbody. Where ambient monitoring demonstrates consistent compliance with water quality standards, the covered entity may request that the Department suspend the additional BMP requirements to install stormwater retrofits.
(Part IX.)

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

Table IX.A - Pollutant Load Reduction and Timetable for New York City East of Hudson

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Watershed Improvement Strategy Deadline</th>
<th>Retrofit Plan Submission Deadline</th>
<th>Pollutant Load Reduction (Load Allocation)</th>
<th>Pollutant Load Reduction Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York City East of Hudson</td>
<td>05/01/2011</td>
<td>03/09/ 2009 (single) and 12/31/2009 (RSE)</td>
<td>In accordance with the TMDL Implementation Plan</td>
<td>03/09/2019 (single) 12/31/2019 (RSE)</td>
</tr>
</tbody>
</table>

By the deadlines specified in Table IX.A, covered entities that own or operate MS4s within the listed watershed shall develop and implement the following pollutant specific BMPs. Covered entities that own or operate MS4s in these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts- applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.
   a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the POC) on waterbodies. The program must identify potential sources of phosphorus in stormwater runoff and describe steps that contributors can take to reduce the concentration of this POC in stormwater runoff. The program must also describe steps that contributors of non-stormwater discharges (Part I.A.2) can take to reduce phosphorus.

   b. Develop, or acquire if currently available, specific educational material dealing with sources of phosphorus in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:

      i. understanding the phosphorus issue;

      ii. septic systems as a source of phosphorus;

      iii. phosphorus concerns with fertilizer use;

      iv. phosphorus concerns with grass clippings and leaves entering streets and storm sewers;

      v. construction sites as a source of phosphorus; and

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

71
vi. phosphorus concerns with detergent use.

2. Public Involvement/ Participation
No additional requirements proposed for this permit term.

3. Illicit Discharge Detection and Elimination

a. Mapping - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.
Develop and maintain a map showing the entire small MS4 conveyance system. The covered entity shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by January 8, 2013.

At a minimum, the map and/or supportive documentation for the conveyance system should include the following information:

i. type of conveyance system - closed pipe or open drainage;

ii. for closed pipe systems - pipe material, shape, and size;

iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;

iv. drop inlet, catch basin, and manhole locations; and

v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the Department’s guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24,000 or better.

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

- Develop, implement and enforce a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Regular field investigations/inspections should be done in accordance with the most current
version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

4. Construction Site Stormwater Runoff Control- applicable to traditional land use control MS4s.

   a. Develop, implement and enforce a program to reduce pollutants in stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to five thousand (5000) square feet. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the development and implementation of:

      i. by December 31, 2009, an ordinance or other regulatory mechanism that requires erosion and sediment controls designed in accordance with the most current version of the technical standard New York State Standards and Specifications for Erosion and Sediment Control for all construction activities that disturb between five thousand (5000) square feet and one acre of land. For construction activities that disturb between five thousand (5000) square feet and one (1) acre of land, one of the standard erosion and sediment control plans included in Appendix E (Erosion & Sediment Control Plan For Small Homesite Construction) of the New York Standards and Specifications for Erosion and Sediment Control may be used as the Stormwater Pollution Prevention Plan (SWPPP);

      ii. policy and procedures for the covered entity to perform, or cause to be performed, compliance inspections at all sites with a disturbance of one (1) or more acres. By December 31, 2009, the covered entity shall have started performing, or cause to be performed, compliance inspections at all sites with a disturbance between five thousand (5000) square feet and one (1) acre of land;

5. Post-Construction Stormwater Management

   a. Construction stormwater program - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.
Part IX.A.5.a.

Develop, *implement* and enforce a program to address post-construction *stormwater* runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre. This includes projects of less than one acre that are part of a larger common plan of development or sale. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the _development_ and _implementation_ of:

i. a law or other mechanism that requires post-construction stormwater management controls designed in accordance with the most current version of the technical standards the New York State Stormwater Management Design Manual including the Enhanced Phosphorus Removal Design Standards. An MS4 must ensure that their ordinance or other mechanism requires post-construction stormwater management controls to be designed in accordance with the final version of the Enhanced Phosphorus Removal Design Standards by September 30, 2008.

b. Retrofit program - applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant phosphorus. At a minimum, the MS4 shall:

i. establish procedures to identify sites with erosion and/or pollutant loading problems;

ii. establish policy and procedures for project selection. Project selection should be based on the phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the _covered entity_ should participate in locally based watershed planning efforts which involve the _Department_, other _covered entities_, stakeholders and other interested parties;

iii. establish policy and procedures for project permitting, design, funding, construction and maintenance.
iv. for covered entities that develop their own retrofit program, by March 9, 2009 develop and submit approvable plans with schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those schedules, the plans and schedules shall become enforceable requirements of this permit.

v. pursuant to Part IV. B (Cooperation Between Covered entities Encouraged), retrofit projects can be completed in cooperation with other covered entities in the East of Hudson Watershed through the formation of a cooperative entity with other MS4s. Participating MS4s shall work with the Department and other members of the cooperative entity in implementing the requirements of i, ii and iii above. In addition, each covered entity that becomes a member of the cooperative entity shall work closely with the Department and other members of the cooperative entity to, by December 31, 2009, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

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

a. By December 31, 2009, develop and implement a Stormwater Conveyance System inspection and maintenance program. At a minimum, the program shall include the following:

i. policy and procedures for the inspection and maintenance of catch basin and manhole sumps. Catch basin and manhole sumps should be inspected in the early spring and late fall for sediment and debris build-up. If sediment and debris fills greater than 50% of the sump volume, the sump should be cleaned. All sediment and debris removed from the catch basins and manholes shall be properly disposed of;

ii. policy and procedures for the inspection, maintenance and repair of conveyance system outfalls. Beginning June 30, 2008, the MS4 must inspect 20% of their outfalls each year and make repairs as necessary. All outfall protection and/or bank stability problems identified during the inspection shall be corrected in accordance with the New York Standards and Specifications for Erosion and Sediment Control;
(Part IX.A.6.a.)

iii. policy and procedures for the inspection, maintenance and repair of a covered entity’s stormwater management practices. The inspection and maintenance schedule for all stormwater management practices shall assure continued operation of stormwater management practices; and

iv. develop a Corrective Action Plan for each Stormwater Conveyance System component that has been identified as needing repair. A file of all corrective actions implemented and illicit discharges detected and repaired should be maintained for a period of not less than five years.

b. By December 31, 2010, develop and implement a turf management practices and procedures policy. The policy shall address the following:

i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate;

ii. procedures for the proper disposal of grass clippings from municipally-owned lawns where grass clipping collection equipment is used. Grass clippings shall be disposed of in a compost pile or a proper containment device so that they cannot enter the small MS4 or surface waters;

iii. procedures for the proper disposal of leaves from municipally-owned lands where leaves are collected. Leaves shall be disposed of in a compost pile or a proper containment device so that they cannot enter small MS4s or surface waters;

iv. for municipalities with lawn waste collection programs, the development of a curbside lawn waste management policy which ensures that lawn waste does not decay and release phosphorus to the storm sewer system; and

v. the planting of wildflowers and other native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.
(Part IX.)

B. Other Phosphorus Watershed MS4s (Mapped in Appendices 4, 5, and 10)

Table IX.B - Pollutant Load Reduction and Timetable for Other Phosphorus Watershed Improvement Strategy Areas

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Watershed Improvement Strategy Deadline</th>
<th>Retrofit Plan Submission Deadline</th>
<th>Pollutant Load Reduction (Waste Load Allocation %*)</th>
<th>Pollutant Load Reduction Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenwood Lake</td>
<td>05/01/2011</td>
<td>03/09/2011</td>
<td>43* (load allocation)</td>
<td>03/09/2011</td>
</tr>
<tr>
<td>Onondaga Lake</td>
<td>TMDL approval + 3 years</td>
<td>TMDL approval + 3 years</td>
<td>TBD</td>
<td>TMDL approval + 13 years</td>
</tr>
<tr>
<td>Oscawana Lake</td>
<td>05/01/2013</td>
<td>Not Applicable</td>
<td>18</td>
<td>2020</td>
</tr>
</tbody>
</table>

By the deadlines specified in Table IX.B, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs for MS4 sewersheds discharging to the listed waterbody. Covered entities that own or operate MS4s in these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.
   a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the POC) on waterbodies. The program must identify potential sources of Phosphorus in stormwater runoff and describe steps that contributors can take to reduce Phosphorus in stormwater runoff.
   
   b. develop, or acquire if currently available, specific educational material dealing with sources of Phosphorus in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
      i. understanding the phosphorus issue;
      ii. septic systems as a source of phosphorus; and
      iii. phosphorus concerns with fertilizer use.

2. Public Involvement/ Participation
   No additional requirements proposed for at this time.

3. Illicit Discharge Detection and Elimination applicable to traditional land use control and traditional non-land use control MS4s, except within the Onondaga Lake Watershed.
   a. Develop, implement and enforce a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five
years and, where necessary, maintained or rehabilitated. Conduct of regular field investigations/inspections should be done in accordance with the most current version of the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

4. **Construction Site Stormwater Runoff Control**

   No additional requirements at this time.

5. **Post-Construction Stormwater Management**, - applicable to *traditional land use, traditional non-land use control* and *non-traditional MS4s*.

   a. The *covered entity* must require the use of the “Enhanced Phosphorus Removal Design Standards” in accordance with NYS Stormwater Design Manual;

   b. *Develop* and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Phosphorus. At a minimum, the MS4 shall:

      i. establish procedures to identify sites with erosion and/or pollutant loading problems;

      ii. establish policy and procedures for project selection. Project selection should be based on the Phosphorus reduction potential of the specific retrofit being constructed/installled; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the covered entity should participate in locally based watershed planning efforts which involve the Department, other covered entities, stakeholders and other interested parties;

      iii. establish policy and procedures for project permitting, design, funding, construction and maintenance

      iv. by the date specified for each watershed in the appropriate Watershed Improvement Strategy Requirement Table develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding
sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

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

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

i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate; and

ii. the planting of native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.
(Part IX.)

C. Pathogen Impaired Watershed MS4s (Mapped in Appendix 6, 7 and 9)

Table IX.C - Pollutant Load Reduction and Timetable for Pathogen Impaired Watershed Improvement Strategy Areas

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Watershed Improvement Strategy Deadline</th>
<th>Retrofit Plan Submission Deadline</th>
<th>Pollutant Load Reduction (Waste Load Allocation %)</th>
<th>Pollutant Load Reduction Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budds Pond*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>61</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Stirling Creek*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>28</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Town &amp; Jockey Creeks*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>76</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Goose Creek*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>70</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Hashamomuck Pond, Zone HP-1*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>77</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Hashamomuck Pond, Zone HP-2*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>43</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Richmond Creek*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>71</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Deep Hole Creek*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>29</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>James Creek*</td>
<td>05/01/2013</td>
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<td>51</td>
<td>09/30/2022</td>
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<tr>
<td>Reeves Bay</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
<td>98</td>
<td>03/09/2021</td>
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<tr>
<td>Sebonac Creek</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
<td>97</td>
<td>03/09/2021</td>
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<tr>
<td>North Sea Harbor, Zone NSH-1</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
<td>58</td>
<td>03/09/2021</td>
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<tr>
<td>North Sea Harbor, Zone NSH-2</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
<td>97</td>
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<tr>
<td>North Sea Harbor, Zone NSH-3</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
<td>62</td>
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<tr>
<td>North Sea Harbor, Zone NSH-5</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
<td>99</td>
<td>03/09/2021</td>
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<tr>
<td>North Sea Harbor, Zone NSH-1*</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
<td>74</td>
<td>03/09/2021</td>
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<tr>
<td>North Sea Harbor, Zone NSH-2*</td>
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<td>North Sea Harbor, Zone NSH-3</td>
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<td>Northwest Creek*</td>
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<td>76</td>
<td>09/30/2022</td>
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<tr>
<td>Acabonac Harbor, Zone AH-2*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>42</td>
<td>09/30/2022</td>
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<tr>
<td>Acabonac Harbor, Zone AH-3*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>Acabonac Harbor, Zone AH-4*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>Acabonac Harbor, Zone AH-5*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<tr>
<td>Montauk Lake, Zone LM-1*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>52</td>
<td>09/30/2022</td>
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<tr>
<td>Montauk Lake, Zone LM-2*</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>52</td>
<td>09/30/2022</td>
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<tr>
<td>Montauk Lake, Zone LM-3*</td>
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<td>09/30/2012</td>
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<td>Montauk Lake, Zone LM-3*</td>
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<td>Little Sebonac Creek</td>
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<td>03/09/2021</td>
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<tr>
<td>Oyster Bay (Harbor 2)</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
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<td>03/09/2021</td>
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<tr>
<td>Oyster Bay (Harbor 3)</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
<td>90</td>
<td>03/09/2021</td>
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</table>

*Additionally Designated Area
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<tr>
<th>Watershed</th>
<th>Watershed Improvement Strategy Deadline</th>
<th>First Retrofit Plan Submission Deadline</th>
<th>Pollutant Reduction (Waste Load Allocation %)</th>
<th>Pollutant Load Reduction Deadline</th>
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</thead>
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<tr>
<td>Hempstead Harbor, north, and tidal tributaries</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>95</td>
<td>09/30/2022</td>
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<tr>
<td>Cold Spring Harbor, and tidal tributaries, Inner</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>95</td>
<td>09/30/2022</td>
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<tr>
<td>Cold Spring Harbor, Eel Creek</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Huntington Harbor</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>Centerport Harbor</td>
<td>05/01/2013</td>
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<td>Northport Harbor</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>92</td>
<td>09/30/2022</td>
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<tr>
<td>Stony Brook Harbor and West Meadow Creek</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>99</td>
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<td>Stony Brook Yacht Club</td>
<td>05/01/2013</td>
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<td>Port Jefferson Harbor, North and tribs</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Conscience Bay and tidal trib</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Setaukut Harbor, Little Bay</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Setauket Harbor, East Setauket</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Mt. Sinai Harbor, Crystal Brook</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>05/01/2013</td>
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<td>09/30/2022</td>
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<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>Mattituck Inlet/Creek, Low, and tidal tributaries</td>
<td>05/01/2013</td>
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<td>09/30/2022</td>
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<td>Goldsmith Inlet</td>
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<td>West Harbor - Darby Cove</td>
<td>05/01/2013</td>
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<td>Georgica Pond, Upper</td>
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<td>09/30/2022</td>
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<td>Watershed</td>
<td>Start Date</td>
<td>End Date</td>
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<td>---------------------------------</td>
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<tr>
<td>Georgica Pond, Lower</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>93</td>
<td>09/30/2022</td>
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<tr>
<td>Georgica Pond Cove</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>92</td>
<td>09/30/2022</td>
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<tr>
<td>Sagaponack Pond</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>88</td>
<td>09/30/2022</td>
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<tr>
<td>Mecox Bay and tributaries</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>89</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Heady Creek and tributaries</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>88</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Taylor Creek and tributaries</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>52</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Penny Pond</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<tr>
<td>Weesuck Creek and tidal tributaries</td>
<td>05/01/2013</td>
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<td>Penniman Creek and tidal tributaries</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>Ogden Pond</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Quantuck Bay-Quantuck Creek</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>91</td>
<td>09/30/2022</td>
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<tr>
<td>Quantuck Canal/Moneybogue Bay</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>62</td>
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<tr>
<td>Seatuck Cove</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>94</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Harts Cove</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
</tr>
<tr>
<td>Narrow Bay</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>16</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Bellport Bay, Beaver Dam Creek</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>94</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Bellport Bay, West Cove</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>94</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Patchogue Bay, Swan River</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Patchogue Bay, Mud Creek</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>71</td>
<td>09/30/2022</td>
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</table>

By the deadlines specified in Table IX.C, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs in MS4 sewersheds discharging to the listed waters. Covered entities who own or operate MS4s within these watersheds shall also submit to the Department, progress reports as specified in Part V.D.
(Part IX.C)

1. Public Education and Outreach on Stormwater Impacts - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s
   a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Pathogens (the POC) on waterbodies. The program must identify potential sources of Pathogens in stormwater runoff and describe steps that contributors can take to reduce the Pathogens in stormwater runoff. The program must also describe steps that contributors of non-stormwater discharges can take to reduce Pathogens.
   
   b. Develop, or acquire if currently available, specific educational material dealing with sources of Pathogens in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
      
      i. where, why, and how Pathogens pose threats to the environment and to the community;
      
      ii. septic systems, geese and pets as a source of pathogens;
      
      iii. dissemination of educational materials / surveys to households/businesses in proximity to Pathogen TMDL waterbodies; and
      
      iv. education for livestock / horse boarders regarding manure BMPs.

2. Public Involvement / Participation

   No additional requirements proposed at this time.

3. Illicit Discharge Detection and Elimination, SWMP Development / Implementation - Mapping applicable to traditional land use control and traditional non-land use control MS4s.

   a. Develop, implement, and enforce a program to detect and eliminate discharges to the municipal separate storm sewer system from on-site sanitary systems in areas where factors such as shallow groundwater, low infiltrative soils, historical on-site sanitary system failures, or proximity to pathogen-impaired waterbodies, indicate a reasonable likelihood of system discharge.

   In such areas, ensure that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Conduct regular field investigations/inspections in accordance with the most current version of the EPA publication entitled Illicit Discharge SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant.

On-site sanitary system IDDE program development shall include the establishment of the necessary legal authority (such as new or revised local laws) for implementation and enforcement.

b. Develop and maintain a map showing the entire small MS4 conveyance system. The covered entity shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

i. type of conveyance system - closed pipe or open drainage;
ii. for closed pipe systems - pipe material, shape, and size;
iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
iv. drop inlet, catch basin, and manhole locations; and
v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the Department’s guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management- applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce pollutant loading problems, with a particular emphasis placed on the pollutant Pathogens. At a minimum, the MS4 shall:

a. establish procedures to identify sites with erosion and/or pollutant loading problems;
(Part IX.C.5.)

b. establish policy and procedures for project selection. Project selection should be based on the Pathogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the covered entity should participate in locally based watershed planning efforts which involve the Department, other covered entities, stakeholders and other interested parties;

c. establish policy and procedures for project permitting, design, funding, construction and maintenance

d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects. Upon DEC approval of those plans and schedules and identification of funding sources, the plans and schedules shall become enforceable requirements of this permit.

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

a. Develop, enact and enforce a local law prohibiting pet waste on municipal properties and prohibiting goose feeding.

b. Develop and implement a pet waste bag program for collection and proper disposal of pet waste.

c. Develop a program to manage goose populations.
D. Nitrogen Watershed MS4s (Mapped in Appendix 8)

Table IX.D - Pollutant Load Reduction and Timetable for Nitrogen Watershed Improvement Strategy Area

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Watershed Improvement Strategy Deadline</th>
<th>Retrofit Plan Submission Deadline</th>
<th>Pollutant Reduction (Load Allocation %)</th>
<th>Pollutant Load Reduction Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Peconic River &amp; Tidal Tributaries</td>
<td>05/01/2011</td>
<td>03/09/2011</td>
<td>15</td>
<td>03/09/2021</td>
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<tr>
<td>Western Flanders Bay &amp; Lower Sawmill Creek</td>
<td>05/01/2011</td>
<td>03/09/2011</td>
<td>15</td>
<td>03/09/2021</td>
</tr>
<tr>
<td>Meetinghouse Creek</td>
<td>05/01/2011</td>
<td>03/09/2011</td>
<td>15</td>
<td>03/09/2021</td>
</tr>
<tr>
<td>Terrys Creek &amp; Tributaries</td>
<td>05/01/2011</td>
<td>03/09/2011</td>
<td>15</td>
<td>03/09/2021</td>
</tr>
</tbody>
</table>

By the deadlines specified in Table IX.D, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs for MS4 sewersheds discharging to the listed waterbodies. Covered entities that own or operate MS4s within these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.

   a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Nitrogen (the POC) on waterbodies. The program must identify potential sources of Nitrogen in stormwater runoff and describe steps that contributors can take to reduce the Nitrogen in stormwater runoff.

   b. develop, or acquire if currently available, specific educational material dealing with sources of Nitrogen in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
      i. understanding the Nitrogen issue;
      ii. septic systems as a source of Nitrogen; and
(Part IX.D.1.b)

iii. Nitrogen concerns with fertilizer use.

2. Public Involvement/Participation

No additional requirements proposed for at this time.

3. Illicit Discharge Detection and Elimination - applicable to traditional land use control and traditional non-land use control MS4s

a. Develop and maintain a map showing the entire small MS4 conveyance system. The covered entity shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

i. type of conveyance system - closed pipe or open drainage;
ii. for closed pipe systems - pipe material, shape, and size;
iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
iv. drop inlet, catch basin, and manhole locations; and
v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the Department’s guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s. Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Nitrogen. At a minimum, the MS4 shall:

a. establish procedures to identify sites with erosion and/or pollutant loading problems;
(Part IX.D.5)

b. establish policy and procedures for project selection. Project selection should be based on the Nitrogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the covered entity should participate in locally based watershed planning efforts which involve the Department, other covered entities, stakeholders and other interested parties;

c. establish policy and procedures for project permitting, design, funding, construction and maintenance; and

d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

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

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

i. procedures for proper fertilizer application on municipally-owned lands. The application of any Nitrogen-containing fertilizer shall only be allowed under the supervision of a Certified Crop Advisor or Certified Landscape Architect; and

ii. the planting of native plant material to lessen the frequency of mowing and reduce the use of chemicals to control vegetation.
Part X. ACRONYMS AND DEFINITIONS

A. Acronym List

BMP - Best Management Practice
CFR - Code of Federal Regulations
CWA - Clean Water Act
ECL - Environmental Conservation Law
MCC - Municipal Compliance Certification
MCM - Minimum Control Measure
MEP - Maximum Extent Practicable
MS4 - Municipal Separate Storm Sewer System
NPDES - National Pollutant Discharge Elimination System
POC - Pollutant of Concern
SPDES - State Pollutant Discharge Elimination System
SWMP - Stormwater Management Program
SWMP Plan - Stormwater Management Program Plan
SWPPP - Stormwater Pollution Prevention Plan
TMDL - Total Maximum Daily Load
UA - Urbanized Area

B. Definitions

Activities - See best management practice

Additionally Designated Areas - EPA required the Department to develop a set of criteria for designating additional MS4 areas as subject to these regulations. The following criteria have been adopted to designate additional MS4s in New York State:

Criteria 1: MS4s discharging to waters for which and EPA-approved TMDL required reduction of a pollutant associated with stormwater beyond what can be achieved with existing programs (and the area is not already covered under automatic designation as UA).

Criteria 2: MS4s contiguous to automatically designated urbanized areas (town lines) that discharge to sensitive waters classified as AA Special (fresh surface waters), AA (fresh surface waters) with filtration avoidance determination or SA (saline surface waters).

Criterion 3: Automatically designated MS4 areas are extended to Town, Village or City boundaries, but only for Town, Village or City implementation of Minimum Control Measures (4) Construction Site Stormwater Runoff Control and (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).

**Best Management Practice** - means schedules activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements (if determined necessary by the covered entity), operating procedures, and practices to control runoff, spillage and leaks, sludge or waste disposal, or drainage from areas that could contribute pollutants to stormwater discharges. BMP is referred to in EPA’s fact sheets and other materials. BMPs are also referred to as “activities” or “management practices” throughout this *SPDES general permit.*

**Better Site Design (BSD)** - Better Site Design incorporates non-structural and natural approaches to new and redevelopment projects to reduce impacts on watersheds by conserving natural areas, reducing impervious cover and better integrating stormwater treatment. Better site design is a form of Green Infrastructure and is similar to Low Impact Development (LID). See also Green Infrastructure and Low Impact Development.

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

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

**Department** - means the New York State Department of Environmental Conservation as well as meaning the Department ’s designated agent.

**Development** - period after initial authorization under this *SPDES general permit* when the covered entity creates, designs or develops activities, BMPs, tasks or other measures to include in their SWMP

**Discharge(s)** - any addition of any pollutant to waters of the State through an outlet or point source.

**Discharge Authorized by a SPDES Permit** - means discharges of wastewater or stormwater from sources listed in the permit, that do not violate ECL Section 17-0501, that are through outfalls listed in the permit, and that are:

1. discharges within permit limitations of pollutants limited in the SPDES permit;
2. discharges within permit limitations of pollutants limited by an indicator limit in the SPDES permit;
3. discharges of pollutants subject to action level requirements in the SPDES permit;
4. discharges of pollutants not explicitly listed in the SPDES permit, but reported in the SPDES permit application record as detected in the discharge or as something the covered entity knows or has reason to believe to be present in the discharge, provided the special conditions section of the applicable SPDES permit does not otherwise forbid such a discharge and provided that such discharge does not exceed, by an amount in excess of normal effluent variability, the level of discharge that may reasonably be expected for that pollutant from information provided in the SPDES permit application record;
5. discharges of pollutants not required to be reported on the appropriate and current New York State SPDES permit application; provided the special conditions section of the permit does not otherwise forbid such a discharge. The Department may, in accordance with law and regulation, modify the permit to include limits for any pollutant even if that pollutant is not required to be reported on the SPDES permit application; or
6. discharges from fire fighting activities; fire hydrant flushings; testing of fire fighting equipment, provided that such equipment is for water only fire suppression; potable water sources including waterline flushings; irrigation drainage; lawn watering; uncontaminated infiltration and inflow; leakage from raw water conveyance systems; routine external building washdown and vehicle washing which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials, other than minor and routine releases from motor vehicles, have not occurred (unless such material has been removed) and where detergents are not used; air conditioning and steam condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents provided that the covered entity has implemented an effective plan for minimizing the discharge of pollutants from all of the sources listed in this subparagraph.


**Green Infrastructure** - Green infrastructure approaches essentially infiltrate, evapotranspire or reuse stormwater, with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. See also Low Impact Development and Better Site Design.

**Groundwater** - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the
atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

**Illicit Discharges** - discharges not entirely composed of stormwater into the small MS4, except those identified in Part I.A.2. Examples of illicit discharges are non-permitted sanitary sewage, garage drain effluent, and waste motor oil. However, an illicit discharge could be any other non-permitted discharge which the covered entity or Department has determined to be a substantial contributor of pollutants to the small MS4.

**Impaired Water** - a water is impaired if it does not meet its designated use(s). For purposes of this permit ‘impaired’ refers to impaired waters for which TMDLs have been established, for which existing controls such as permits are expected to resolve the impairment, and those needing a TMDL. Impaired waters compilations are also sometimes referred to as 303(d) lists; 303(d) lists generally include only waters for which TMDLs have not yet been developed. States will generally have associated, but separate lists of impaired waters for which TMDLs have already been established.

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

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

**Industrial Activity** - as defined by the SPDES Multi-Sector General Permit (GP-0-12-001).

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

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

**Low Impact Development** - is a site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,
and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID principles are based on controlling stormwater at the source by the use of micro scale controls that are distributed throughout the site. This is unlike conventional approaches that typically convey and manage runoff in large facilities located at the base of drainage areas. See also Green Infrastructure and Better Site Design.

Management Practices - See best management practices

Maximum Extent Practicable - is a technology-based standard established by Congress in the Clean Water Act '402(p)(3)(B)(iii). Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop their programs. (40CFR 122.2 See also: Stormwater Phase II Compliance Assistance Guide EPA 833-R-00-002, March 2000). When trying to reduce pollutants to the MEP, there must be a serious attempt to comply, and practical solutions may not be lightly rejected. If a covered entity chooses only a few of the least expensive methods, it is likely that MEP has not been met. On the other hand, if a covered entity employs all applicable BMPs except those where it can be shown that they are not technically feasible in the locality, or whose cost would exceed any benefit to be derived, it would have met the standard. MEP required covered entities to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive.

Measurable Goals - are the goals of the SWMP that should reflect the needs and characteristics of the covered entity and the areas served by its small MS4. Furthermore, the goals should be chosen using an integrated approach that fully addresses the requirements and intent of the MCM. The assumption is that the program schedules would be created over a 5 year period and goals would be integrated into that time frame. For example, a larger MS4 could do an outfall reconnaissance inventory for 20% of the collection system every year so that every outfall is inspected once within the permit cycle.

Municipal / Municipalities - referred to in the federal rule that describes the Phase II stormwater program includes not only the State’s municipal governments (cities, towns, villages and counties), but any publicly funded entity that owns or operates a separate storm sewer system. Examples of other public entities that are included in this program include the State Department of Transportation, State University Campuses, federal and State prisons, State and federal hospitals, Thruway and Dormitory Authorities, public housing authorities, school and other special districts.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

93
**Municipal Separate Storm Sewer System** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
1. owned or operated by a State, city, town, village, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA, that discharges to surface waters of the State;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**National Pollutant Discharge Elimination System** - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

**Non-traditional MS4s** - state and federal prisons, office complexes, hospitals; state: transportation agencies; university campuses, public housing authorities, schools, other special districts.

**Open Meetings Law** - per Public Officers Law, Article 7, Open Meetings Law, Section 104,
Public notice:
1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

**Operator** - the person, persons or legal entity that is responsible for the small MS4, as indicated by signing the NOI to gain coverage for the MS4 under this SPDES general permit.

**Outfall** - is defined as any point where a municipally owned and operated separate storm sewer system discharges to either surface waters of the State or to another MS4. Outfalls
include discharges from pipes, ditches, swales, and other points of concentrated flow. However, areas of non-concentrated (sheet) flow which drain to surface waters of the State or to another MS4’s system are not considered outfalls and should not be identified as such on the system map.

**Pollutants of Concern** - there are POCs that are primary (comprise the majority) sources of stormwater pollutants and others that are secondary (less likely).

- The POCs that are primarily of concern are: nitrogen, phosphorus, silt and sediment, pathogens, flow, and floatables impacting impaired waterbodies listed on the Priority Waterbody List known to come in contact with stormwater that could be discharged to that water body.

- The POCs that are secondarily of concern include but are not limited to petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs), where stormwater or runoff is listed as the source of this impairment.

- The primary and secondary POCs can also impair waters not on the 303(d) list. Thus, it is important for the covered entity to assess known and potential POCs within the area served by their small MS4. This will allow the covered entity to address POCs appropriate to their MS4.

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

**Reporting Date** – means the end of the annual reporting period, March 9, as indicated in Part V.C.1.

**Retrofit** - means modifying or adding to existing infrastructure for the purpose of reducing pollutant loadings. Examples, some of which may not be effective for all pollutants, include:

Better site design approaches such as roof top disconnection, diversion of runoff to infiltration areas, soil de-compaction, riparian buffers, rain gardens, cisterns.
Rehabilitation of existing storm sewer system by installation of standard stormwater treatment systems (ponds, wetlands, filtering, infiltration) or proprietary practices

Stabilize dirt roads (gravel, stone, water bar, check dam, diversion)

Conversion of dirt parking lots to pervious pavement, grassed or stone cover

Conversion of dry detention ponds to extended detention or wetland treatment systems

Retrofit by converting abandoned buildings to stormwater treatment systems

Retrofit of abandoned building to open space

Retrofit road ditches to enhance open channel design

Control the downstream effects of runoff from existing paved surfaces resulting in flooding and erosion in receiving waters

Control stream erosion by plunge pool, velocity dissipaters, and flow control devices for discharges from conveyance systems

Upgrade of an existing conveyance system to provide water quality and/or quantity control within the drainage structure

**Section 303(d) Listed Waters** - Section 303(d) is part of the federal CWA that requires the Department to periodically to prepare a list of all surface waters in the State for which beneficial uses of the water – such as for drinking, recreation, aquatic habitat, and industrial use – are impaired by pollutants. These are water quality-limited estuaries, lakes, and streams that fall short of state surface water quality standards, and are not expected to improve within the next two years. Refer to impaired waters for more information.

**Single entity** - An entity, formed in accordance with the applicable state and/or local legislation, with a legal authority and capacity (financial, resources, etc...) that gains coverage under the MS4 general permit to implement all or parts of the MS4 program within a jurisdiction on behalf of multiple MS4s in that geographic area.

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

**SPDES general permit** - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.
**Staff** - actual employees of the covered entity or contracted entity.

**State** - means the State of New York.

**State Pollutant Discharge Elimination System** - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

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

**Stormwater Management Program** - the program implemented by the covered entity. Covered entities are required at a minimum to develop, implement and enforce a SWMP designed to address POCs and reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the ECL and Clean Water Act. The SWMP must address the MCM described in Part VIII.

The SWMP needs to include measurable goals for each of the BMPs. The measurable goals will help the covered entities assess the status and progress of their program. The SWMP should:
1. describe the BMP / measureable goal;
2. identify time lines / schedules and milestones for development and implementation;
3. include quantifiable goals to assess progress over time; and
4. describe how the covered entity will address POCs.

Guidance on developing SWMPs is available from the Department on its website. Examples of successful SWMPs and suggested measurable goals are also provided in EPA’s Menu of BMPs available from its website. Note that this information is for guidance purposes only. An MS4 may choose to develop or implement equivalent methods equivalent to those made available by the Department and EPA to demonstrate compliance with the MCMs.

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

**Stormwater Management Program Plan** - used by the covered entity to document developed, planned and implemented SWMP elements. The SWMP plan must describe how pollutants in stormwater runoff will be controlled. For previously unauthorized small MS4s seeking coverage, information included in the NOI should be obtained from the SWMP plan.
The *SWMP plan* is a separate document from the NOI and should not be submitted with the NOI or any annual reports unless requested.

The *SWMP plan* should include a detailed written explanation of all management practices, activities and other techniques the covered entity has developed, planned and implemented for their SWMP to address POCs and reduce pollutant discharges from their small MS4 to the MEP. The *SWMP plan* shall be revised to incorporate any new or modified *BMPs* or *measurable goals*.

Covered entities can create their *SWMP plan* individually, with a group of other individual covered entities or a coalition of covered entities, or through the work of a third party entity.

Documents to include are: applicable local laws, inter-municipal agreements and other legal authorities; staffing and staff development programs and organization charts; program budget; policy, procedures, and materials for each minimum measure; outfall and small MS4 system maps; stormwater management practice selection and measurable goals; operation and maintenance schedules; documentation of public outreach efforts and public comments; submitted construction site SWPPPs and review letters and construction site inspection reports.

The *SWMP plan* shall be made readily available to the covered entity's staff and to the public and regulators, such as Department and EPA staff. Portions of the *SWMP plan*, primarily policies and procedures, must be available to the management and staff of a covered entity that will be called upon to use them. For example, the technical standards and associated technical assistance documents and manuals for stormwater controls should be available to code enforcement officers, review engineers and planning boards. The local laws should be readily available to the town board and planning board. An integrated pest management program would have to be available to the parks department and the stormwater outfall and available sewer system mapping and catch basin cleaning schedule would have to be available to the department of public works.

**Storm sewershed** - the catchment area that drains into the storm sewer system based on the surface topography in the area served by the storm sewer. Adjacent catchment areas that drain to adjacent outfalls are not separate storm sewersheds.

**Surface Waters of the State** - shall 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 shall be regulated as a discharge at the point where the storm sewer discharges to waters of the state. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Act and Environmental Conservation Law (other than cooling ponds as defined in 40 CFR 423.11(m)(see section 750 - 1.24) which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the State (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**SWPPP** - as defined per the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity or NYS DEC SPDES Multi-Sector General Permit for Stormwater Associated with Industrial Activity.

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

**Traditional Land Use Control MS4s** - means a city, town or village with land use control authority.

**Traditional Non-land Use Control MS4s** - means any county agency without land use control.

**Urbanized Area** - is a land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the US Bureau of Census. Outlines the extent of automatically regulated areas, often do not extend to the political boundaries of a city, town, or village. SWMPs are only required within the UA. However, the Department encourages covered entities to voluntarily extend their SWMP programs at least to the extent of the storm sewershed that flows into the UA or extend further to their entire jurisdiction. For ease of creation and administration of local laws, ordinances or other regulatory mechanisms, these should be created to apply to the full jurisdictional boundary of municipalities.

**Water Quality Standard** - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.
Part XI. RE-OPENER CLAUSE

If there is evidence indicating that the stormwater discharges authorized by this permit cause or have the reasonable potential to cause or contribute to a violation of a water quality standard, the covered entity may be required at the Department ’s sole discretion to obtain an individual SPDES permit or an alternative SPDES general permit or the permit may be modified. In addition, coverage under this permit could terminate, meaning the discharge must cease.
## APPENDICE 1. LIST OF NYS DEC REGIONAL OFFICES

<table>
<thead>
<tr>
<th>Region</th>
<th>COVERING THE FOLLOWING COUNTIES:</th>
<th>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</th>
<th>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Nassau and Suffolk</td>
<td>50 Circle Road, Stony Brook, NY 11790 Tel. (631) 444-0365</td>
<td>50 Circle Road, Stony Brook, NY 11790-3409 Tel. (631) 444-0405</td>
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<tr>
<td>2</td>
<td>Bronx, Kings, New York, Queens and Richmond</td>
<td>1 Hunters Point Plaza, 47-40 21st St, Long Island City, NY 11101-5407 Tel. (718) 482-4997</td>
<td>1 Hunters Point Plaza, 47-40 21st St, Long Island City, NY 11101-5407 Tel. (718) 482-4933</td>
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<td>3</td>
<td>Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester</td>
<td>21 South Putt Corners Road, New Paltz, NY 12561-1696 Tel. (845) 256-3059</td>
<td>100 Hillside Avenue, Suite 1W, White Plains, NY 10603 Tel. (914) 428-2505</td>
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<tr>
<td>4</td>
<td>Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie</td>
<td>1150 North Westcott Road, Schenectady, NY 12306-2014 Tel. (518) 357-2069</td>
<td>1130 North Westcott Road, Schenectady, NY 12306-2014 Tel. (518) 357-2045</td>
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<td>5</td>
<td>Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington</td>
<td>1115 State Route 86, Po Box 296, Ray Brook, NY 12977-0296 Tel. (518) 897-1234</td>
<td>232 Golf Course Road, Po Box 220, Warrensburg, NY 12885-0220 Tel. (518) 623-1200</td>
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<tr>
<td>6</td>
<td>Herkimer, Jefferson, Lewis, Oneida and St. Lawrence</td>
<td>State Office Building, 317 Washington Street, Watertown, NY 13601-3787 Tel. (315) 785-2245</td>
<td>State Office Building, 207 Genesee Street, Utica, NY 13501-2885 Tel. (315) 793-2554</td>
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<tr>
<td>7</td>
<td>Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins</td>
<td>615 Erie Blvd. West, Syracuse, NY 13204-2400 Tel. (315) 426-7438</td>
<td>615 Erie Blvd. West, Syracuse, NY 13204-2400 Tel. (315) 426-7500</td>
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<tr>
<td>9</td>
<td>Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Wyoming</td>
<td>270 Michigan Avenue, Buffalo, NY 14203-2999 Tel. (716) 851-7165</td>
<td>270 Michigan Ave., Buffalo, NY 14203-2999 Tel. (716) 851-7070</td>
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</table>

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

101
### APPENDIX 2. IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

#### APPENDIX 2 (CONTINUED)

**IMPAIRED SEGMENTS AND SECONDARY POLLUTANTS OF CONCERN**

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<tr>
<th>COUNTY</th>
<th>WATERBODY NAME</th>
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SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
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SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003  

107
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SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
APPENDIX 3. NEW YORK CITY WATERSHED EAST OF THE HUDSON RIVER
WATERSHED MAP

Figure 1. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

109
Figure 2. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
Figure 3. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
Figure 4. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

112
Figure 5. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
Figure 6. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003
Figure 7. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
Figure 8. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.