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# TOWN OF MACEDON

## Stormwater Management Program Plan (SWMPP)

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SPDES General Permit ID# NYR20A391



**Town of Macedon**  
32 Main Street  
Macedon, NY 14502  
315-986-5932 x115 (Office)

Website: <http://www.macedontown.net/s2/ms4/>

**Stormwater Management Program Coordinator:**

Scott Allen

Email: [buildinginspector@macedontown.net](mailto:buildinginspector@macedontown.net)

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November 2011

***Last Revised September 2024***

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*This document was initially prepared for the Town of Macedon by the Ontario-Wayne Stormwater Coalition and has been modified and updated by BME Associates on behalf of the Town of Macedon. It is intended to assist with compliance with Part IV of GP-0-24-001.*

**Last Revised September 2024**



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## ACKNOWLEDGEMENTS

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Sections of this document have been adapted from the document "Model Stormwater Management Plan," drafted for the Western New York Stormwater Coalition in October 2008 by Wendel Duchscherer, TVGA Consultants, and Bergmann Associates for the Western New York Stormwater Coalition.

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## Introduction

The Town of Macedon Stormwater Management Program Plan (SWMPP) has been developed and revised to comply with Part IV of the New York State Department of Environmental Conservation General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-24-001). The Stormwater Management Program Plan provides policy and management guidance for the Town of Macedon, which is a member of the Ontario-Wayne Stormwater Coalition (OWSC). The purpose of this plan is to maintain or improve water quality (see Appendix A for definition).

The OWSC exists by way of an inter-municipal agreement enacted through municipal resolution by each participating member, the term of which is from February 1, 2023, through January 31, 2028. The members include the Towns of Farmington, Macedon, Ontario, Victor and Walworth; the Village of Victor; and the Ontario County and Wayne County Highway Departments. Each of these entities is required to develop their own individual Stormwater Management Program Plan.

Part IV. “Stormwater Management Program (SWMP) Requirements” of GP-0-24-001 states:

“MS4 Operators must develop, implement, and enforce a SWMP. The SWMP must be retained in written format, hardcopy or electronic. The written SWMP is referred to as the SWMP Plan (Part IV.B.). The MS4 Operator must use the SWMP Plan (Part IV.B.) to document developed, planned, and implemented elements of the SWMP. (page 7)

The SWMPP is based on the Federal Stormwater Phase II rule, issued in 1999, which requires municipal separate storm sewer system (MS4) owners and operators, in U.S. Census-defined urbanized areas as well as in additionally designated areas, to develop a Stormwater Management Program. There are six program elements designed to reduce the discharge of pollutants to the maximum extent practicable (MEP). The program elements, titled Minimum Control Measures (MCMs), include:

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

This document describes each MCM and the Best Management Practices (BMPs) that have been implemented to maintain compliance with the NYSDEC GP-0-24-001. Responsibilities to achieve and sustain compliance are clearly defined for each BMP. Portions of the work necessary are provided through the collective efforts of the Ontario-Wayne Stormwater Coalition members. The remaining work is the responsibility of the various departments within the Town of Macedon and are to be coordinated by the designated Stormwater Management Officer. To this end, assistance is readily available from OWSC staff upon request.

This SWMPP should be reviewed on an annual basis and updated as necessary in order to take into consideration the latest technologies and information to maintain compliance with the NYSDEC GP-0-24-001, as well as to account for progress made.

## Minimum Measure 1: Public Education and Outreach

### 1.1 MCM 1: Description of Minimum Control Measure

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

### 1.2 MCM 1: General Permit Requirements

#### **An MS4 must, at a minimum:**

#### **Identify Focus Areas, Target Audiences and Associated Pollutant Generating Activities, Education and Outreach Topics, Illicit Discharge Education.**

- a. **Focus Areas:** Based upon the Sources of Pollutants identified by the NYSDEC and an assessment of land use, the following areas have been identified as geographic areas of concern:
- High Priority Municipal Facilities
  - Canal Corridor Overlay District
  - Areas under new construction or development over 1 acres of land disturbance
  - Septic system areas
  - Zoned Areas including General Commercial & Office-Research Manufacturing, Hamlet Industrial

The Town of Macedon does not have any areas discharging to waters with Class AA-S, A-S, AA, A, B, SA, or SB. The Town of Macedon also does not contain any Sewersheds for impaired waters listed in Appendix C or TMDL watersheds.

- i. **Pollutants of Concern:** The Town of Macedon's permitted area lies within the Oswego River/Finger Lakes Basin Watershed. According to the NYSDEC, "*water quality in the Oswego River/Finger Lakes Basin Watershed is generally satisfactory to good*". However, for the purposes of the Stormwater Management Program, pollutants of concern (POC) include: silt/sediment, pathogens, algal/weed growth, nutrients (phosphorus), dissolved oxygen/oxygen demand and ammonia. Known, suspected, and possible sources of these pollutants include: habitat modification, agriculture, construction (development), urban/stormwater runoff, and municipal runoff.
- ii. **Waterbodies of Concern:** According to Appendix C, page 137, of the GP-0-24-001, (Appendix N of the SWMPP), the Town of Macedon does not contain any impaired segments. Additionally, the Town does not contain any drinking water sources within its permitted boundaries.

Utilizing the NYSDEC Waterbody Inventory/Priority Waterbodies List, the waterbodies listed in the table on the next page, found within the Oswego River/Finger Lakes Basin (West) Watershed have been identified as flowing through the permitted area. Some waterbodies have been assessed to identify the known, suspected, and possible type of pollutants present and the known,

suspected, or possible sources of pollutants. Below is a table which includes the name of the waterbody, assessment category, use impacted, severity of impact, known POC(s), known sources, suspected POC(s), and suspected sources. See Appendix D for the full Waterbody Inventory Priority Waterbodies List.

Although the NYS Barge Canal (portion 5) has been identified as an Impaired Segment within the Waterbody Inventory Priority Waterbodies List, the Canal is not listed in the General Permit as an impaired waterbody.

Based on the table below, the Town has identified Red Creek and Tribbs, Ganargua Creek, Upper & Minor Tribbs, and NYS Barge Canal (portion 5) as waterbodies of concern.

- b. Target Audiences and Associated Pollutant Generating Activities:** Based upon the Sources of Pollutants identified by the NYSDEC and an assessment of land use, the following audiences have been targeted for public education and outreach:
- MS4 employees at High Priority Municipal Facilities
  - Residents and businesses within the Canal Corridor Overlay District
  - Developers and contractors
  - Residents and businesses with septic systems
  - Commercial Businesses including retail, restaurants, offices, dry cleaners, nail salons
  - Automotive Business including gas stations, car washes, repair shops, etc.
  - Industrial facilities (factories, recyclers, auto salvage, mines)
  - Agriculture
- c. Education and Outreach Topics:** See tables below for Target Education Strategies, Educational Outreach Topics and Brochures available at the Macedon Town Hall or on the Town of Macedon website: <http://macedontown.net/ms4/>. The public education and outreach program is designed to describe to the general public and target audiences:
- i. the impacts of stormwater discharges on waterbodies;
  - ii. POCs and their sources;
  - iii. steps contributors of these pollutants can take to reduce pollutants in stormwater runoff; and
  - iv. steps contributors of non-stormwater discharges can take to reduce pollutants (non-stormwater discharges are listed below).
- See Section 1.4 Best Management Practices Implemented or Underway for details of the public education and outreach program.
- d. Illicit Discharge Education:** Information related to the prevention of Illicit Discharges is available:
- i. On the Town of Macedon website:  
<http://macedontown.net/ms4/Illicit%20Discharges%20Detection%20and%20Elimination.pdf>
  - ii. On the OWSC Website:  
[https://www.owsc.org/\\_files/ugd/e6fc30\\_e976d812a28b43d39757ed47db77639d.pdf](https://www.owsc.org/_files/ugd/e6fc30_e976d812a28b43d39757ed47db77639d.pdf)
  - iii. Model Local Law for IDDE, located in Appendix E of this SWMP.
  - iv. IDDE Complaint Log, located in Appendix H of this SWMP.
  - v. Standard Operating Procedure (SOP) #6, location in Appendix M of this SWMP

**Waterbodies, Pollutants of Concern, and Sources of Concern**

| Waterbody   | Assessment Category | Use Impacted             | Severity   | Known POC(s)   | Known Sources                                       | Suspected POC(s)                                | Suspected Sources   |
|---|---------------------|--------------------------|------------|--|---|---|---|
| Red Creek and Tribs (07-04-0033)<br><br>As of 08/09/2007                | Minor Impacts       | Aquatic Life, Recreation | Stressed   | Algal/Weed Growth, Nutrients (Phosphorus), Silt/Sediment | Habitat Modification                                | Unknown   | Agriculture   |
| Ganargua Creek, Upper & Minor Tribs (0704-0013)<br><br>As of 08/09/2007 | Minor Impacts       | Aquatic Life             | Stressed   | Nutrients (Phosphorus)                                   | Construction (Development), Urban/Stormwater Runoff | Silt/Sediment                                   | Agriculture   |
| NYS Barge Canal (portion 5) (0704-0020)<br><br>As of 08/13/2007         | Impaired Segment    | Aquatic Life             | Impaired   | Unknown  | Unknown   | D.O./Oxygen Demand, Water Level/Flow, Nutrients | Municipal, Agriculture, Hydro Modification, Urban/Stormwater Runoff |
| Minor Tribs to Barge Canal (0704-0019)<br><br>As of 04/13/2020          | UnAssessed          | UnAssessed               | UnAssessed | UnAssessed   | UnAssessed  | UnAssessed                                      | UnAssessed  |

**Prioritizing Actions and Education Strategies by Pollutants of Concern and Sources**

| Waterbody   | Known POC(s)   | Known Sources                                       | Suspected POC(s)                                | Suspected Sources   | *Priority | Targeted Education Strategies  |
|---|--|---|---|---|-----------|--|
| Red Creek and Tribs (07-04-0033)<br><br>As of 08/09/2007                | Algal/Weed Growth, Nutrients (Phosphorus), Silt/Sediment | Habitat Modification                                | Unknown   | Agriculture   | (1)       | <ol style="list-style-type: none"> <li>1. One direct mailing once a permit term to parcels located adjacent to Red Creek and Tribs addressing Known POC/Sources and Suspected Sources of Pollutants.</li> <li>2. One direct mailing once a permit term to zoned agriculture parcels.</li> <li>3. One Facebook Post per year addressing Known POCs/Sources and Suspected Sources of Pollutants.</li> </ol>                    |
| Ganargua Creek, Upper & Minor Tribs (0704-0013)<br><br>As of 08/09/2007 | Nutrients (Phosphorus)                                   | Construction (Development), Urban/Stormwater Runoff | Silt/Sediment                                   | Agriculture   | (1)       | <ol style="list-style-type: none"> <li>1. One direct mailing once a permit term to parcels located adjacent to Ganargua Creek and Tribs addressing Known POCs/Sources and Suspected POCs/Sources of Pollutants.</li> <li>2. One direct mailing once a permit term to zoned agriculture parcels.</li> <li>3. One Facebook Post per year addressing Known POCs/Sources and Suspected POCs/Sources of Pollutants.</li> </ol>    |
| NYS Barge Canal (portion 5) (0704-0020)<br><br>As of 08/13/2007         | Unknown  | Unknown   | D.O./Oxygen Demand, Water Level/Flow, Nutrients | Municipal, Agriculture, Hydro Modification, Urban/Stormwater Runoff | (2)       | <ol style="list-style-type: none"> <li>1. One direct mailing once a permit term to Canal Corridor Overlay District and Subdivisions with outfalls discharging to the Canal addressing Suspected POCs and Suspected Sources of Pollutants.</li> <li>2. One Facebook Post per year addressing Suspected Sources of Pollutants.</li> <li>3. Add Flyer to Erie Canalway Trailhead, Macedon Canal Park and Bullis Park</li> </ol> |

\*Prioritization rating of waterbodies based on Known POCs versus Suspected POCs. Targeted Education based on pollutants of concern and Known and or Suspected sources of pollution.



**Target Audiences, Geographic Areas of Concern, and Targeted Pollutants**

| Target Methods                    |              | Frequency  | Permit Year | Target Audience         | Focus Area                          | Sources of Pollution  | Target Pollutant   | Educational Outreach Topic   | Brochure   |
|-----------------------------------|--------------|------------|-------------|-------------------------|-------------------------------------|---|--|--|--|
| Permits Obtained by Applicant     | Additions    | As Applied | All         | Residents               | Residential – Town Wide             | Urban Stormwater Runoff   | Nutrients (Phosphorus), D.O./Oxygen Demand, Silt/Sediment, Bacteria, Heavy Metals, Oils      | Pet and animal wastes, lawn maintenance, proper erosion and sediment control, fertilizer and pesticide usage, proper disposal of swimming pool water, Vehicle fluid changing & maintenance | Our Home, Our Stormwater – 2017                          |
|                                   | Deck         |            | All         | Residents               | Residential – Town Wide             | Urban Stormwater Runoff   | Nutrients (Phosphorus), D.O./Oxygen Demand   | Proper pesticide usage, reduction of pesticides, and proper disposal   | Pesticide Protection – 2017                              |
|                                   | Driveway     |            | All         | Residents               | Residential – Town Wide             | Urban Stormwater Runoff   | Heavy Metals, Grease, Oils   | Water conservation, filtration of polluted waters, use of detergents   | Clean Car, Clean Water – 2017                            |
|                                   | Fence        |            | All         | Residents               | Residential – Town Wide             | Urban Stormwater Runoff   | Nutrients (Phosphorus), D.O./Oxygen Demand   | Reminders of the Zero-Fertilizer Law, proper disposal of lawn clippings  | Lawn Fertilizer, Look for the Zero – 2017                |
|                                   | Generators   |            | All         | Residents, Commercial   | Residential, Commercial – Town Wide | Urban Stormwater Runoff   | Chlorine, Nutrients (Phosphorus) , D.O./Oxygen Demand, Oils, Food Waste, Plastics            | Residents - Proper waste collection and disposal, Commercial - Proper management of waste materials and dumpster areas, Property Management of parking lot surfaces                        | Managing and Minimizing Household Hazardous Waste – 2017 |
|                                   | Pool or Spa  |            | All         | Residents               | Residential – Town Wide             | Urban Stormwater Runoff   | Chlorine   | Proper disposal of swimming pool water, general stormwater management  | How to Empty Your Pool or Spa Wisely – Revised 2107      |
|                                   | Shed         |            | All         | Residents               | Residential – Town Wide             | Urban Stormwater Runoff   | Nutrients (Phosphorus), D.O./Oxygen Demand   | Lawn/yard waste collection, proper disposal of grass clippings/leaf litter, benefits of using mulching mowers  | Healthy Lawn, Healthy Water – Revised 2017               |
|                                   | Septic       |            | All         | Residential, Commercial | In Septic System Areas              | Urban Stormwater Runoff   | Bacteria   | Proper maintenance of septic systems/on-site wastewater systems  | Septic Tips for Your Septic Tank – Revised 2017          |
|                                   | Pet License  |            | All         | Pet Owners              | Residential – Town Wide             | Urban Stormwater Runoff   | Bacteria   | Proper management of pet waste   | The Scoop about Pet Poop – Revised 2020                  |
|                                   | Construction |            | All         | Construction            | Areas Under Construction            | Construction  | Silt/Sediment  | Erosion and Sediment Controls, Stormwater Management Facilities  | Moving Dirt? Building Something? – 2008                  |
| Agricultural Easement Inspections |              | Annually   | All         | Agriculture             | Agricultural – Residential District | Agricultural Activities, Habitat Modification, Hydro Modification | Algal/Weed Growth, Nutrient (Phosphorus), Silt/Sediment, D.O./Oxygen Demand/Water Level/Flow | Erosion and Sediment Controls, Stormwater Management Facilities, Disposal of Wastes  | Agricultural Easement Inspection                         |

| Target Methods                   | Frequency                         | Permit Year | Target Audience         | Focus Area                           | Sources of Pollution                | Target Pollutant  | Educational Outreach Topic   | Brochure  |
|----------------------------------|-----------------------------------|-------------|-------------------------|--------------------------------------|-------------------------------------|---|--|---|
| In House Training                | Annually                          | All         | Municipal               | Municipal Facilities & Town Projects | Municipal Facilities and Activities | Nutrients (Phosphorus), D.O./Oxygen Demand, Silt/Sediment, Bacteria, Heavy Metals, Oils | General stormwater information, Pet and other animal wastes, Lawn maintenance, Illicit discharges, Disposal of household hazardous wastes, Proper application of salt or other anti-icing materials and how to minimize their use, Material storage, Proper management of waste materials and dumpster areas, Proper management of parking lot surfaces, Vehicle fluid changing and maintenance, Proper erosion and sediment control | N/A   |
| Macedon Messenger                | Once a Permit Term                | TBD         | Residents               | Town Wide                            | Urban Stormwater Runoff             | D.O./Oxygen Demand  | TBD  | N/A   |
|                                  | Once a Permit Term                | TBD         | Residents               | Town Wide                            | Urban Stormwater Runoff             | Nutrients (Phosphorus)  | Lawn Maintenance, Proper Disposal of grass clippings, Zero-fertilizer law, Benefits of using mulching mowers, lawn waste collection schedule (Village only).   | N/A   |
|                                  | Once a Permit Term                | TBD         | Residents               | Town Wide                            | Hydro Modification                  | Water Level/Flow  | General awareness of the negative impacts of channel modification. Can increase flooding downstream or cause stagnation. Reduces infiltration and filtration of water by evapotranspiration.   | N/A   |
|                                  | Once a Permit Term                | TBD         | Residents               | Town Wide                            | Illicit Discharge                   | All   | General awareness of illicit discharges and stormwater management. Stormwater is not treated.  | Illicit Discharge Detection & Elimination                           |
| Direct Mailings or Facebook Post | Direct Mailing Once a Permit Term | 2022-2023   | Commercial: Restaurants | Commercial Districts                 | Urban Stormwater Runoff             | Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt                                  | Grease storage at food service establishments, spill clean-up procedures, proper disposal of was waters  | Food Service Establishments Keeping Stormwater Clean – Revised 2017 |

|  |                                   |     |                                   |  |                         |  |   |   |
|--|-----------------------------------|-----|-----------------------------------|--|-------------------------|--|---|---|
|  | Direct Mailing Once a Permit Term | TBD | Retail                            | Retail Areas Including Parking Lots                                      | Commercial Areas        | Suspended Solids, Heavy Metals                         | General stormwater information, pet and animal wastes, lawn maintenance, illicit discharges, disposal of hazardous wastes, proper maintenance of septic systems, litter generation, building maintenance and use of detergents, proper application of salt or other anti-icing materials and how to minimize their use, material storage, proper management of waste materials and dumpster areas, proper management of parking lot surfaces, vehicle fluid changing and maintenance. | Reducing Stormwater Pollution at Your Business – 2019 |
|  | Direct Mailing Once a Permit Term | TBD | Septic System Owners              | Canal Corridor Overlay District  | Septic Systems          | Bacteria, Pathogens, Weed Growth                       | Proper maintenance of septic systems/on-site wastewater systems   | Septic Tips for Your Septic Tank – Revised 2017       |
|  | Direct Mailing Once a Permit Term | TBD | Commercial: Automotive Businesses | Commercial Districts   | Urban Stormwater Runoff | Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt | Illicit Discharges, Material Storage, Building maintenance and the use of detergents, Stormwater management practices, Proper application of salt or other anti-icing materials and how to minimize their use, Proper management of parking lot surfaces, Proper management of waste materials and dumpster areas, Vehicle fluid changing and maintenance, Litter generation.   | To be developed                                       |
|  | Direct Mailing Once a Permit Term | TBD | Industrial Facilities             | Office-Research Manufacturing  | Urban Stormwater Runoff | Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt | Illicit Discharges, Proper management practices for landscape irrigation water, Building maintenance and the use of detergents, Stormwater management practices, Proper application of salt or other anti-icing materials and how to minimize their use, Proper management of parking lot surfaces, Proper management of waste materials and dumpster areas, Litter generation, Requirements for coverage under PDES Multi-Sector General Permit                                      | To be developed                                       |
|  | Direct Mailing Once Permit Term   | TBD | Agriculture                       | Zoned Agriculture Parcels Adjacent to Red Creek & Ganargua Creek & Tribs | Agriculture             | Silt/Sediment  | TBD   | To be developed                                       |

|  |                                   |     |   |  |  |  |     |  |
|--|-----------------------------------|-----|---|--|--|--|-----|--|
|  | Direct Mailing Once a Permit Term | TBD | Mixed (Commercial, Residential, Industrial) | Parcels Adjacent to Red Creek & Tribs  | Habitat Modification                                   | Algal/Weed Growth, Nutrients (Phosphorus), Silt/Sediment | TBD | To be developed (Living Adjacent to a Creek) |
|  | Facebook Post Once a Year         | TBD |   |  |  |  |     |  |
|  | Direct Mailing Once a Permit Term | TBD | Mixed (Commercial, Residential, Industrial) | Parcels Adjacent to Ganargua Creek & Tribs                                     | Construction, (Development), Urban/Stormwater Runoff   | Nutrients (Phosphorus)                                   | TBD | To be developed (Living Adjacent to a Creek) |
|  | Facebook Post Once a Year         | TBD |   |  |  |  |     |  |
|  | Direct Mailing Once a Permit Term | TBD | Mixed (Commercial, Residential, Industrial) | Canal Overlay District & Subdivisions Discharging to NYS Barge Canal Portion 5 | Municipal, Hydro Modification, Urban/Stormwater Runoff | D.O./Oxygen Demand, Water Level/Flow, Nutrients          | TBD | To be developed (Living Adjacent to a Creek) |
|  | Facebook Post Once a Year         | TBD |   |  |  |  |     |  |

\*Table Last Updated 05/10/23

### **1.3 MCM 1: Methodology for Compliance with Permit Requirements**

The OWSC has developed many of the BMPs necessary for this MCM. BMPs have included: brochures, a webpage, and a display for community events. In addition, the Town of Macedon has developed community specific BMPs to compliment the activities performed by the Coalition (see Section 1.4). BMPs will be evaluated by the Town of Macedon on an annual basis and updated or enhanced, as necessary.

### 1.4 MCM 1: Best Management Practices Implemented or Underway

Previous permit accomplishments include:

| Description of Activity  | Purpose                                  | Responsibility                                | Targeted Audiences   | Annual Compliance Requirements  |
|--|--|---|--|---|
| Brochure Development and Distribution, See next page for list of existing brochures. | Raise awareness and change behavior      | OWSC, Stormwater Management Coordinator (SMC) | Construction Operators, Residents, Homeowners, Restaurants, Automotive, Pet Owners | Display brochures at municipal facilities: Town Hall and Library. Track brochures distributed where possible (some brochures exist online for download). <ul style="list-style-type: none"> <li>• 2022-2023 – 55 Brochures</li> <li>• 2021-2022 – Estimated 20 brochures</li> <li>• 2020-2021 – Estimated 25 brochures</li> <li>• 2019-2020 – Estimated 25 brochures</li> <li>• 2018-2019 – Estimated 50 brochures</li> <li>• 2017-2018 – Estimated 45 brochures</li> </ul> |
| Purchasing and distribution of coloring books  | Raise awareness and change behavior      | OWSC, SMC                                     | Children and residents   | Track number of coloring books distributed. <ul style="list-style-type: none"> <li>• 2022-2023 – 30 Coloring Books</li> </ul>   |
| Creation of poster display for community events                                      | Raise awareness                          | OWSC, SMC                                     | General Public   | Document number of times utilized. <ul style="list-style-type: none"> <li>• Lumberjack Festival &amp; Macedon Heritage Festival 2022</li> <li>• Lumberjack Festival September 2021</li> <li>• Lumberjack Festival September 2019</li> <li>• Lumberjack Festival September 2018</li> </ul>   |
| Development and installation of community signs in new developments                  | Raise awareness, promote OWSC website    | OWSC, SMC                                     | Homeowners, General Public   | Document number of signs installed. <ul style="list-style-type: none"> <li>• 2018-2023 – No new signs installed</li> <li>• 2017-2018 – 20 signs were installed</li> </ul>   |
| Development and distribution of automobile decals on municipal vehicles              | Raise awareness and promote OWSC website | OWSC, SMC                                     | General Public   | Document number of decals distributed. <ul style="list-style-type: none"> <li>• Removed from plan due to poor quality of decals. March 2019</li> </ul>  |
| Development of the OWSC webpage <a href="http://owsc.org">http://owsc.org</a>        | Raise awareness and educate              | OWSC, SMC                                     | General Public, Businesses, Schools  | Update webpage annually with relevant information. Document number of visits, annually. <ul style="list-style-type: none"> <li>• 2021-2022 – 343 Visitors, 440 Site Sessions</li> <li>• 2020-2021 – 78 Visitors, 127 Site Sessions.</li> </ul> The OWSC changed Website Host Providers  |

Stormwater Management Program Plan 2024-2025  
Town of Macedon

|   |   |                        |                                     | <p>and the totals from the previous website are not accessible.</p> <ul style="list-style-type: none"> <li>• 2019-2020 – 1,522 Users (3,950 website page views)</li> <li>• 2018-2019 – 1,663 Users (4,162 website page views)</li> <li>• 2017-2018 – 4,453 website page views</li> </ul>  |
|---|---|------------------------|-------------------------------------|---|
| Description of Activity   | Purpose   | Responsibility         | Targeted Audiences                  | Annual Compliance Requirements  |
| <p>Development of the Town of Macedon webpage<br/><a href="http://www.macedontown.net/ms4/">http://www.macedontown.net/ms4/</a></p>                 | Raise awareness and educate                                       | SMC, BME Associates    | General Public, Businesses, Schools | <p>Update website frequently with relevant information. Website does not have the capability to document the number of users or website views.</p> <ul style="list-style-type: none"> <li>• 2021-2022 Added brochures to website</li> </ul>   |
| <p>Distribution of Town wide mailer with stormwater information (Macedon Messenger)</p>   | Raise awareness and educate                                       | SMC, BME Associates    | General Public, Businesses          | <ul style="list-style-type: none"> <li>• Document number of residences reached and how many times mailer was distributed (typically twice per year).</li> <li>• 2021-2023 – Zero due to budget and personnel constraints</li> <li>• 2020-2021 – Zero due to COVID constraints</li> <li>• 2019-2020 – Approximately 6,400</li> <li>• 2018-2019 – Approximately 4,000</li> <li>• 2017-2018 – Approximately 4,000</li> </ul> |
| <p>Social media (Town of Macedon MS4 Facebook page)<br/><a href="https://www.facebook.com/MacedonMS4/">https://www.facebook.com/MacedonMS4/</a></p> | Raise awareness and provide opportunity for public to participate | SMC, BME Associates    | General Public                      | <p>Update page frequently with relevant information. Document annually number of Followers and Likes.</p> <ul style="list-style-type: none"> <li>• 2022-2023 – 168 Followers, 163 Likes</li> <li>• 2021-2022 – 157 Followers, 151 Likes</li> <li>• 2020-2021 – 136 Followers, 131 Likes</li> <li>• 2019-2020 – 121 Followers, 116 Likes</li> <li>• 2018-2019 – 99 Followers, 97 Likes</li> </ul>                          |
| <p>The creation of Stormwater Door Hangers “Stormwater Pollution Found in Your Area”</p>  | Raise awareness and educate                                       | Highway Superintendent | Homeowners and Residents            | <p>Document number of flyers distributed.</p> <ul style="list-style-type: none"> <li>• 2018-2023 – 0 Flyers were distributed</li> </ul>   |
| <p>Coordinate with local businesses or</p>  | Raise awareness and   | SMC, BME               | General Public                      | <p>Document number of brochures distributed.</p>  |

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| entities to display stormwater brochures and educational material   | educate  | Associates   |                                 | <ul style="list-style-type: none"> <li>• 2017-2018 – 100 Brochures and letters</li> </ul>  |
|---|--|--|---------------------------------|--|
| <b>Description of Activity</b>  | <b>Purpose</b>   | <b>Responsibility</b>                              | <b>Targeted Audiences</b>       | <b>Annual Compliance Requirements</b>  |
| Septic System Brochure with Letter mailed to Residents who live along the Canal                             | Raise awareness and educate  | SMC, BME Associates                                | Septic System Owners            | Document number of brochures and letters mailed. <ul style="list-style-type: none"> <li>• 2017-2018 – 65 Brochures and letters</li> </ul>  |
| Restaurant Brochure with Letter mailed to Restaurants in the Town of Macedon                                | Raise awareness and educate  | SMC, BME Associates                                | Restaurant Owners and Employees | Document number of brochures and letters mailed. <ul style="list-style-type: none"> <li>• 2021-2022 – 20 Brochures and letters</li> <li>• 2017-2018 – 18 Brochures and letters</li> </ul>  |
| Created a flyer to be posted on the display boards at local Parks   | Raise awareness and educate  | SMC, BME Associates                                | General Public                  | <ul style="list-style-type: none"> <li>• 2018-2019 – Posted at Bullis Park &amp; Gravino Park</li> </ul>   |
| Conducted an online Water Quality Survey to provide a baseline of community knowledge of stormwater efforts | Raise awareness and educate  | OWSC, Causewave Community Partners, BME Associates | General Public                  | Survey Results can be found online at the OWSC Website. The survey provides a baseline of community knowledge and can be used to evaluate future stormwater educational efforts. <ul style="list-style-type: none"> <li>• 2018-2019 – 538 Respondents participated</li> </ul>  |
| Chip clips were purchased for distribution at local events and with building permits                        | Promote the OWSC website and goals   | OWSC   | General Public                  | Document number of chip clips distributed. <ul style="list-style-type: none"> <li>• 2022-2023 – 22 Chip Clips</li> <li>• 2021-2022 – 50 Chip Clips</li> <li>• 2020-2021 – 50 Chip Clips</li> <li>• 2019-2020 – 50 Chip Clips</li> <li>• 2018-2019 – 100 Chip Clips</li> <li>• 2017-2018 – 100 Chip Clips</li> </ul>  |
| Pet waste bag dispensers were purchased for distribution at local events and with pet licenses              | Promote the OWSC website and goals and raise awareness regarding bacteria found in pet waste | OWSC   | Pet Owners                      | Document number of pet waste bag dispensers distributed. <ul style="list-style-type: none"> <li>• 2022-2023 – 46 Pet Waste Bag Dispensers</li> <li>• 2021-2022 – 120 Pet Waste Bag Dispensers</li> <li>• 2020-2021 – 60 Pet Waste Bag Dispensers</li> <li>• 2019-2020 – 40 Pet Waste Bag Dispensers</li> <li>• 2018-2019 – 100 Pet Waste Bag Dispensers</li> </ul> |
| Reusable shopping bags were purchased through the OWSC.   | Promote OWSC, recycling, and reducing plastic  | OWSC   | General public                  | Distributed in the 2020-2021 permit year to Long Acre Farms <ul style="list-style-type: none"> <li>• 2020-2021 – 50 Reusable Bags</li> </ul>   |



|  |       |  |  |  |
|--|-------|--|--|--|
|  | waste |  |  |  |
|--|-------|--|--|--|

List of Brochures:

- ◆ Clean Car, Clean Water – 2017
- ◆ Composting Waste Becomes Wealth – 2017
- ◆ Food Service Establishments Keeping Stormwater Clean – Revised 2017
- ◆ Healthy Lawn, Healthy Water – Revised 2017
- ◆ Emptying Pools & Spas – Revised 2022
- ◆ Illicit Discharge Detection and Elimination – 2017
- ◆ Lawn Fertilizer, Look for the Zero – 2017
- ◆ Living Near a Stormwater Pond – Revised 2017
- ◆ Managing and Minimizing Household Hazardous Waste – Revised 2022
- ◆ Moving Dirt? Building Something? – 2008
- ◆ Our Home, Our Stormwater – 2017
- ◆ Pesticide Protection – 2017
- ◆ Plant a Rain Garden – 2017
- ◆ Septic Tips for Your Septic Tank – Revised 2017
- ◆ Stormwater Management Reducing Pollution – 2017
- ◆ The Scoop about Pet Poop - Revised 2020
- ◆ Reducing Stormwater Pollution at Your Business – 2019

## 1.5 MCM 1: Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 1.4. The following BMPs will be considered for future exploration and implementation:

- ◆ The Town will create mailings and Facebook posts as per the strategies outlined above.
- ◆ Include an annual Facebook post notifying residents of the availability of brochures located on the Town's website.
- ◆ The Town will schedule MS4 presentations for the newly elected Town Board members and the Town Supervisor after elections are held. Presentations are tentatively scheduled for 2025.

## 1.6 Minimum Reporting Requirements

**At a minimum, the Town of Macedon shall report on the items below:**

- a. **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.);**

These items are listed in the Town of Macedon's Individual MS4 Annual Report Form and the Ontario-Wayne Stormwater Coalition's combined Annual Report Form that is submitted to the DEC.

- b. **Permittees performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program. This may include the following:**

- ◆ IDDE education activities planned or completed for public employees, businesses, and the general public, as required by Part VIII.A.4 of GP-0-24-001;
- ◆ Construction site stormwater control training planned or completed, as required by Part VIII.A.5 of GP-0-24-001;
- ◆ Employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.7 of GP-0-24-001.

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

- c. **Report on effectiveness of program, BMP and measurable goal assessment.**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

## Minimum Measure 2: Public Involvement and Participation

### 2.1 MCM 2: Description of Minimum Control Measure

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

## 2.2 MCM 2: General Permit Requirements

### **An MS4 must, at a minimum:**

- 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;**

The Town of Macedon complies with the State Open Meetings Law and local public notice requirements. All public meetings are posted on their Home Webpage (<http://www.macedontown.net/>).

- b. **Provide the opportunity for the public to participate in the development, implementation review and revision of the SWMPP:**

The SWMPP revision will be posted on the Town of Macedon's MS4 Webpage and the public will have an opportunity to provide comments.

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

The OWSC and Town of Macedon's websites have identified Scott Allen as the Stormwater Management Program Coordinator and lists his telephone number and email address:

**Stormwater Management Officer:**

Scott Allen, PE

Building Inspector/Zoning Officer/Engineer

Ph: (315) 986-5932 ext. 115

Email: [buildinginspector@macedontown.net](mailto:buildinginspector@macedontown.net)

- d. **Shared annual report presentation.** Prior to submitting the final shared annual report to the Department, by April 1 of each reporting year (see Part V.B.2.c.), 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.

The Town of Macedon and the OWSC Coalition complies with the shared annual report presentation by posting the shared draft Annual Report on the Coalition's website ([www.owsc.org](http://www.owsc.org)). Public comments are directed to the OWSC Consultant who prepares the draft. A summary of the received comments and responses will be included in the final Shared Annual Report submitted to the DEC. The final Shared Annual Reports are posted on the Coalition's website ([www.owsc.org](http://www.owsc.org)) and include permit years 2009-2010 to present day.

- e. **Develop, record, periodically assess and modify as needed measurable goals; and**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

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

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC. Also see Section 2.3.

### **2.3 MCM 2: Methodology for Compliance with Permit Requirements**

In order to comply with this MCM, each MS4 must involve the local public in their SWMPP. By participating in the OWSC, each MS4 can comply with certain aspects of the SWMPP such as public participation at the OWSC meetings, incorporating a feedback mechanism into their local websites and accounting for stormwater business that is covered during public meetings that are held in targeted Ontario and Wayne County communities. Individual MS4s are responsible for allowing public review of their individual SWMPPs and the shared Annual Report for the OWSC, which are both posted on the Town of Macedon's website.

**2.4 MCM 2: Best Management Practices Implemented or Underway**

Previous permit accomplishments include:

| Description of Activity   | Purpose  | Responsibility            | Targeted Audiences | Annual Compliance Requirements  |
|---|--|---------------------------|--------------------|---|
| Public Review of Annual Report & Stormwater Management Program Plan (SWMPP) | To encourage public participation in the planning phase of the SWMPP | SMC, OWSC, BME Associates | Residents          | <p>The Town of Macedon prepares the individual MS4 Annual Report and submits the report to the OWSC Consultant who prepares the Coalition’s shared report. The consultant also receives public comments (none at this time), and submits the Final Report to the DEC. The final report is also posted on the OWSC’s website by OWSC staff.</p> <p>Announce the Annual Report &amp; SWMPP at a Town Board Meeting, post a draft on the Town of Macedon’s website to solicit comments and advertise the plan on the Facebook page to receive additional comments. Post final copy at Library for review.</p> <ul style="list-style-type: none"> <li>• Annual Report and SWMPP announced at a Town Board Meeting on May 10<sup>th</sup>, 2023 and will be posted on the Town website and MS4 Facebook page. Hard copies to be posted at the Town Library.</li> <li>• Announced at a Planning Board Meeting on May 2<sup>nd</sup> and a Town Board Meeting on May 12<sup>th</sup>, 2022 and posted on the Town website and MS4 Facebook page. Hard copies located at the Town Library.</li> <li>• Announced at a Town Planning Board Meeting on May 6<sup>th</sup>, 2021 and announced on MS4 Facebook page on May 12<sup>th</sup> 2021.</li> <li>• Announced at a Town Planning Board Meeting on April 23<sup>rd</sup>, 2020.</li> <li>• Last reviewed at Town Planning Board Meeting May 9<sup>th</sup>, 2019.</li> </ul> |

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| Description of Activity  | Purpose   | Responsibility              | Targeted Audiences        | Annual Compliance Requirements   |
|--|---|-----------------------------|---------------------------|--|
| Support Canal Clean Sweep Events   | To encourage public participation in stormwater pollution prevention activities                                     | SMC, BME Associates         | Residents, General Public | Facilitate event by offering public resources, such as gloves, trash bags, equipment, and dumpsters for waste hauling and disposal. Document activities to include number of participants and dates of activities. Advertise events on Facebook page. <ul style="list-style-type: none"> <li>2022-2023, April 23, 2022 Event posted on Facebook. Three groups totaling 35 people attended the event.</li> <li>2018-2019 April 22, 2018 - 28 people collected 28 bags of trash along Route 31 and the Canal in Macedon</li> </ul> |
| High Acres Waste Management Open House   | To encourage public participation in stormwater pollution prevention activities                                     | SMC, OWSC, BME Associates   | Residents, General Public | Provide Enviroscape Model display and hand out brochures about stormwater pollution. The High Acres Waste Management Open House occurs every other year at the High Acres Facility in Fairport. <ul style="list-style-type: none"> <li>2019-2020 – July 25th, 2019, approximately 500 attendees</li> <li>2017-2018 – July 27th, 2017, approximately 850 attendees</li> </ul>   |
| Provide an annual E-Waste Collection event for residents to dispose of their electronic wastes | To encourage the public to dispose of their electronics properly to prevent electronics from being dumped illegally | SMC, Highway Superintendent | Residents                 | Document date of event, number of participants, and weight of electronics collected. <ul style="list-style-type: none"> <li>2022-2023 – 11,000 pounds of electronics collected</li> <li>2021-2022 – 3,400 pounds of electronics collected</li> <li>2020-2021 – October 19th and 20th - 25 Pallets of electronics were collected</li> <li>2019-2020 – October 21st and 22nd - 8,994 pounds</li> <li>2018-2019 – No e-waste event</li> <li>2017-2018 – October 17, 2017</li> </ul>   |
| Provide an annual paper shredding event  | To encourage the public to recycle paper to reduce the amount of wastes in our landfills                            | SMC, Highway Superintendent | Residents                 | Document date of event and number of participants. <ul style="list-style-type: none"> <li>2022-2023 – 4,000 pounds of paper shredded</li> <li>2021-2022 – 5,636 pounds of paper shredded</li> <li>2020-2021 – 125 residents participated in the event</li> </ul>   |

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| Description of Activity   | Purpose  | Responsibility                                     | Targeted Audiences        | Annual Compliance Requirements   |
|---|--|--|---------------------------|--|
| Participate in an annual Pharmaceutical Collection event                            | To encourage the public to properly dispose of unused pharmaceuticals to reduce the amount of wastes in our landfills and pollutants in our sewer system | SMC, Highway Superintendent, Macedon PD            | Residents                 | <ul style="list-style-type: none"> <li>• 2019-2020 – April 30<sup>th</sup>, 2019 – 75 residents participated in the event</li> <li>• Document date of event and amount collected</li> <li>• 2022-2023 – 32 residents participated</li> <li>• 2021-2022 – 24 residents participated</li> <li>• 2020-2021 – Event cancelled due to COVID</li> <li>• 2019-2020 – April and October, - 100 pounds of material were collected</li> <li>• 2018-2019 – April 29<sup>th</sup>, 2018</li> </ul> |
| Develop a storm drain marking program   | To encourage to public to get involved and teach residents about stormwater versus the sanitary sewer system   | SMC, OWSC, BME Associates                          | Residents, Students       | The opportunity to volunteer to install storm drain makers has been posted on Macedon’s MS4 Website with a link to the OWSC’s website.   |
| Lumberjack Festival   | To interact with the public and encourage participation in stormwater pollution prevention activities  | SMC, OWSC, BME Associates                          | Residents, General Public | Provide Enviroscape Model display and hand out brochures about stormwater pollution. <ul style="list-style-type: none"> <li>• 2022-2023 – September 10<sup>th</sup> &amp; 11<sup>th</sup> - 131 attendees interacted with the booth</li> <li>• 2021-2022 – September 11<sup>th</sup> – 30 attendees interacted with the booth.</li> <li>• 2019-2020 – September 7<sup>th</sup>, 2019 – ~3100 attendees</li> <li>• 2018-2019 – September 9, 2018 - ~3,100 attendees</li> </ul>          |
| Water Quality Survey to provide direction for public participation outreach events. | Raise awareness, educate, and promote volunteering in the community  | OWSC, Causewave Community Partners, BME Associates | General Public            | Survey Results can be found online at the OWSC Website. The survey provides a baseline of community knowledge and is intended to be used to plan public outreach events. <ul style="list-style-type: none"> <li>• 538 Respondents participated in survey</li> </ul>  |
| Rain Garden Workshop  | To promote green infrastructure  | Caroline Kilmer-Myers                              | General Public            | Document date of event and number of participants <ul style="list-style-type: none"> <li>• 2019-2020 – May 21, 2019, 11 participants</li> </ul>  |

## 2.5 MCM 2: Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 2.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Coordinate a Rain Barrel Workshop with the OWSC.
- ◆ Research holding a Household Hazardous Waste Collection event with OWSC.
- ◆ Research becoming a Paint Drop off center.

## 2.6 MCM 2: Minimum Reporting Requirements

**At a minimum, the Town of Macedon shall report on the items below:**

- a. **Annual Report presentation information (date, time, attendees) or information about how the annual report was made available for comment;**

The Town of Macedon and the OWSC Coalition complies with the shared annual report presentation by posting the shared draft Annual Report on the Coalition's website ([www.owsc.org](http://www.owsc.org)). Public comments are directed to the OWSC Consultant who prepares the draft. The Town will also post a copy of the Town's Individual MS4 Annual Report on the Town's Facebook Page and MS4 Website notifying residents that they can view and comment on the Annual Report.

- f. **Comments received and intended responses (as an attachment);**

As of the date of this SWMPP, there have been no comments received by the public.

- g. **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**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

- d. **Report on effectiveness of program, BMP and measurable goal assessment.**

These items are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

## Minimum Measure 3: Illicit Discharge Detection & Elimination

### 3.1 MCM 3: Description of Minimum Control Measure

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



### 3.2 MCM 3: General Permit Requirements

#### **An MS4 must, at a minimum:**

- a. **Develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4;**

On September 13, 2007, the Town Board of Macedon adopted Town Code Chapter 250 Storm Sewers Article I Illicit Discharges and Connections to prohibit illicit discharges and implement enforcement procedures and actions as needed. See Town Code Chapter 250-14 for Enforcement: penalties for offenses and Standard Operating Procedure (SOP) #6 Locating Illicit Discharges.

- b. **Develop and maintain a comprehensive system map, at a minimum within the permittee's jurisdiction in the automatically designated area and additionally designated areas. The map also includes MS4 Outfalls, Interconnections, and Preliminary Storm-sewershed boundaries**

See Section 3.4 Best Management Practices Implemented or Underway for status of mapping. The Town of Macedon's comprehensive system mapping is available on the Town's website for public review:

<https://cha.maps.arcgis.com/apps/webappviewer/index.html?id=ade66aca649f41bfb4c90b28715eb42f>

- c. **Field verify outfall locations;**

See Section 3.4 Best Management Practices Implemented or Underway for status of outfall locations.

- d. **Conduct an outfall reconnaissance inventory, addressing every outfall within the automatically designated area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;**

See Section 3.4 Best Management Practices Implemented or Underway for status of outfall reconnaissance inventory. Also see SOP #1 for Dry & Wet Weather Outfall Inspections.

- e. **Map new outfalls as they are constructed or newly discovered within the automatically designated area and additionally designated area;**

The Town of Macedon continues to map new outfalls as they are constructed or newly discovered within the automatically designated areas and additionally designated area. Over the course of the 2018-2019 permit year the Town began to locate and inspect the Village of Macedon's outfalls. The Town plans to continue surveying and mapping newly identified outfalls as necessary.

- f. **Prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions.**

On September 13, 2007, the Town Board of Macedon adopted Town Code Chapter 250 Storm Sewers Article I Illicit Discharges and Connection to meet the requirements of the Minimum Control Measure 3 of the SPDES General Permit. See Town Code Chapter 250-14 for Enforcement: penalties for offenses.

- g. Develop and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4.**

See SOP #1 Dry & Wet Weather Outfall Inspections and SOP #6 Locating Illicit Discharges.

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

See the Town of Macedon’s website and the following brochures for information regarding hazards associated with illegal discharges and improper disposal of wastes:

- ◆ The Homeowner & MS4
- ◆ Food Service Establishments
- ◆ Clean Car, Clean Water
- ◆ Our Home, Our Stormwater
- ◆ Reducing Stormwater Pollution at Your Business
- ◆ The Scoop about Pet Poop
- ◆ Septic Tips for Your Septic Tank
- ◆ How to Empty Your Pool or Spa Wisely
- ◆ Illicit Discharges Detection & Elimination

- i. Public Reporting:** the MS4 operator must establish and document in the SWMP Plan an email or phone number for the public to report illicit discharges. The designated contact at the Town of Macedon for reporting illicit discharges is Scott Allen:

**Stormwater Management Officer:**

Scott Allen, PE

Building Inspector/Zoning Officer/Engineer

Ph: (315) 986-5932 ext. 115

Email: [buildinginspector@macedontown.net](mailto:buildinginspector@macedontown.net)

- Model Local Law for IDDE, located in Appendix E of this SWMP.
- IDDE Complaint Log, located in Appendix H of this SWMP.
- Standard Operating Procedure (SOP) #6, location in Appendix M of this SWMP

- j. Address the categories of non-stormwater discharges or flows as necessary;**

The Town of Macedon’s Stormwater Management Coordinator will annually update the non-stormwater discharge list as necessary such that no exempt stormwater discharge is a substantial contribution of pollutants. See Section 3.4 for list of exempt non-stormwater discharges.

- k. Develop, record, periodically assess, and modify as needed, measurable goals; and**

These elements are covered in the Town of Macedon’s Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition’s combined Annual Report that is submitted to the DEC.

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

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **3.3 Methodology for Compliance with Permit Requirements**

In the initial permit years, the OWSC secured the cooperation of the Monroe County Department of Environmental Services (MC DES) to provide IDDE training. Andy Sansone, an employee of the MC DES, presented information on IDDE methodologies including several field training opportunities which focused on inspection procedures, pollution prevention and good housekeeping practices. In the previous permit year, the OWSC reaffirmed its commitment to providing annual IDDE training to each MS4 community. The OWSC has and will continue to provide resources (GPS, camera, etc.) to assist field staff of individual MS4s with the outfall reconnaissance inventories, dry weather inspections, and outfall mapping. At this time, the Town of Macedon has hired an experienced consultant to locate, classify and map outfalls.

### 3.4 MCM 3: Best Management Practices Implemented or Underway

Previous permit accomplishments include:

| Description of Activity                                      | Purpose  | Responsibility                           | Targeted Audiences   | Annual Compliance Requirements   |                              |                        |
|--|--|--|--|--|------------------------------|------------------------|
| Outfall Mapping  | To facilitate track down and prioritize outfalls based on proximity to waterbodies and community hotspots. See SOP #6 for Locating Illicit Discharges.   | SMC, BME Associates, Novara GeoSolutions | General Public, Residents, Municipal Employees, Local Businesses, Construction Site Owners & Contractors | The Town of Macedon has developed and maintained a Geographic Information Systems (GIS) map showing the automatically designated areas. Outfalls are in the process of being re-evaluated to include outfalls discharging into waterbodies of the state, interconnections between MS4s, and outfall discharging from MS4 facilities. |                              |                        |
| Status of Outfall Reconnaissance Inventory                   | The Town of Macedon has developed and implemented a plan to detect illicit discharges by conducting routine visual inspections of mapped outfalls at least once every 5 years. See SOP #1 for Dry & Wet Weather Outfall Inspections. | SMC, BME Associates, OWSC                | General Public, Residents, Municipal Employees, Local Businesses, Construction Site Owners & Contractors | Permit Year  | Approx. # of Outfalls Mapped | # of Outfalls Screened |
|  |  |  |  | 2023-2024  | 82                           | 0                      |
|  |  |  |  | 2022-2023  | 81                           | 59                     |
|  |  |  |  | 2021-2022  | 40                           | 40                     |
|  |  |  |  | 2020-2021  | 122                          | 17                     |
|  |  |  |  | 2019-2020  | 122                          | 9                      |
|  |  |  |  | 2018-2019  | 122                          | 122                    |
|  |  |  |  | 2017-2018  | 78                           | 78                     |
|  |  |  |  | 2016-2017  | 78                           | 35                     |
|  |  |  |  | 2015-2016  | 78                           | 70                     |
|  |  |  |  | 2014-2015  | 62                           | 44                     |
| 2013-2014  | 52   | 26                                       |  |  |                              |                        |
| 2012-2013  | 52   | 52                                       |  |  |                              |                        |
| Mechanism to prohibit and enforce against illicit discharges | To provide the Town with the legal authority to eliminate any discharges that are found.   | SMC, Town Attorney, Town Board           | General Public, Residents, Municipal Employees, Businesses, Construction Site Owners & Contractors       | On September 13, 2007, the Town Board adopted Article 1 Illicit Discharges and Connections to meet the requirements of MCM 3 of the SPDES General Permit. See Town Code Chapter 250-14 for Enforcement: penalties for offenses.  |                              |                        |

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| Brochure Development, Website and Facebook Postings   | To inform the public about the hazards associated with illegal discharges and improper disposal of wastes. | SMC, BME Associates  | Businesses, General Public | Continue to update brochures. Continue to post information on the Macedon MS4 page about illicit discharges.   |
|---|--|--|----------------------------|--|
| Description of Activity   | Purpose  | Responsibility   | Targeted Audiences         | Annual Compliance Requirements   |
| In-house training   | To inform employees about the hazards associated with illegal discharges and improper disposal of wastes   | SMC, OWSC, BME Associates  | Municipal Employees        | <p>Continue to train employees on how to identify and detect illicit discharges.</p> <ul style="list-style-type: none"> <li>• 2022-2023 – March , 2023 – 14 out of 14 employees trained</li> <li>• 2021-2022 – February 22, 2022 – 13 out of 14 employees trained</li> <li>• 2020-2021 – March 5<sup>th</sup>, 2021 – 14 employees trained</li> <li>• 2019-2020 – March 3<sup>rd</sup>, 2020 – 14 employees trained</li> <li>• 2018-2019 – February 26<sup>th</sup>, 2019 – 15 employees trained</li> <li>• 2017-2018 - December 15<sup>th</sup>, 2017 – 13 employees trained</li> </ul> |
| Inventory outfalls located in the former Village of Macedon Boundaries  | To comply with GP-0-24-001 and to help the Town detect and eliminate illicit discharges                    | SMC, BME Associates, Caroline Myers Kilmer                                     | Town of Macedon            | The initial outfall inventory was completed in April of 2019. Outfalls have been added to overall inventory and are to be inspected at a rate of at least 20% each permit year or 100% within a 5-year period.   |
| Obtain a WQIP Grant to map the Town’s conveyance system: catch basins, inlets, manholes, closed pipe systems, open drainage systems, and culvert crossings to include the direction of flow | To comply with GP-0-24-001 and to help the Town detect and eliminate illicit discharges                    | SMC, Grants Are Us, BME Associates, Caroline Myers Kilmer, Novara GeoSolutions | Town of Macedon            | The Town of Macedon received the mapping grant in December of 2018. Outfall inspections and GPS location started in March of 2022.   |
| Update the MS4  | To comply with GP-0-24-001 and   | SMC, BME   | Town of Macedon            | Monitor the DEC Website and update MS4   |

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| Automatically Designated Area and Additionally Designated Area Boundaries on the online GIS system | to help the Town organize efforts for minimum control measures  | Associates, Novara GeoSolutions |  | Boundaries as automatically designated areas are updated. No changes as of April 2022.  |
|--|---|---------------------------------|--|---|
| Description of Activity  | Purpose   | Responsibility                  | Targeted Audiences   | Annual Compliance Requirements  |
| Addressing Categories of Non-Stormwater Discharges   | No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater, except as noted in the list below | SMC                             | General Public, Residents, Municipal Employees, Businesses, Construction Site Owners & Contractors | The SMC will annually review and update the non-stormwater discharge list such that no exempt stormwater discharge is a substantial contribution of pollutants. <ul style="list-style-type: none"> <li>2017-2022 – No changes implemented</li> </ul>  |
| Inspect properties enrolled in the Agricultural & Farmland Protection Program                      | To comply with GP-0-24-001 and actively look for illicit discharges   | SMC                             | Agriculture  | Document number of properties inspected and illicit discharges discovered. <ul style="list-style-type: none"> <li>2022-2023 – 10 Easements were inspected with zero illicit discharges</li> <li>2020-2022 – Easements were not inspected due to COVID</li> <li>2019-2020 – 8 Easements were inspected. No illicit discharges were reported</li> </ul> |
| Inspect Commercial Car Washes and Gas Stations   | To comply with GP-0-24-001 and actively look for illicit discharges   | SMC, BME Associates             | Businesses   | Document number of businesses inspected and illicit discharges discovered. <ul style="list-style-type: none"> <li>2019-2020 – 2 Commercial Car Washes and 2 Gas Stations, 0 Illicit Discharges Discovered</li> </ul>  |

**List of exempt Non-Stormwater Discharges as listed in Town Code 250-6:**

- water line flushing or other potable water sources
- existing diverted stream flows
- uncontaminated groundwater infiltration to storm drains
- foundation or footing drains
- air-conditioning condensate
- springs
- natural riparian habitat or wetland flows
- landscape irrigation or lawn watering
- rising groundwater
- uncontaminated pumped groundwater
- crawl space or basement sump pumps
- irrigation water
- water from individual residential car washing
- dechlorinated swimming pool discharges,

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- residential street wash water
- any other water source not containing pollutants
- water from fire-fighting activities

### 3.5 MCM 3: Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 3.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Continue mapping the stormwater system to include catch basins, manholes, closed pipe systems, open drainage systems, and culvert crossings.
- ◆ The Town will consider inspecting Auto Recyclers, Landscape/Gardening Centers, and Marinas.

### 3.6 MCM 3: Minimum Required Reporting

**At a minimum, the Town of Macedon shall report on the items below:**

- a. Number and percent of outfalls mapped;
- b. Number of illicit discharges detected and eliminated;
- c. Percent of outfalls for which an outfall reconnaissance inventory has been performed;
- h. Status of system mapping;
- i. Activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
- j. Regulatory mechanism status - certification that the mechanism and directive are equivalent to the States model IDDE discharge local law (if not already completed and submitted with an earlier annual report); and

See Town Code Chapter 250 Storm Sewers Article I Illicit Discharges and Connection of the Town Codes.

- g. Report on effectiveness of program, BMP and measurable goal assessment.

These items (a.-g.) are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.



## Minimum Measure 4: Construction Site Stormwater Runoff Control

Polluted stormwater runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams. Of the pollutants listed in the box to the right, sediment is usually the main pollutant of concern. According to the 2000 National Water Quality Inventory, States and Tribes report that sedimentation is one of the most widespread pollutants affecting assessed rivers and streams, second only to pathogens (bacteria). Sedimentation impairs 84,503 river and stream miles (12% of the assessed river and stream miles and 31% of the impaired river and stream miles). Sources of sedimentation include agriculture, urban runoff, construction, and forestry. Sediment runoff rates from construction sites, however, are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to our nation's waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.<sup>1</sup>

### Pollutants Commonly Discharged From Construction Sites

- ◆ Sediment
- ◆ Solid and sanitary wastes
- ◆ Phosphorous (fertilizer)
- ◆ Nitrogen (fertilizer)
- ◆ Pesticides
- ◆ Oil and grease
- ◆ Concrete truck washout
- ◆ Construction chemicals
- ◆ Construction debris

### 4.1 MCM 4: Description of Minimum Control Measure

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

The stormwater regulations for Construction Site Stormwater Runoff Control apply to both privately-owned and managed projects, and MS4-owned and managed projects. Therefore, the BMPs described in this section have application to both types of projects.

<sup>1</sup> Adapted from US EPA Fact Sheet 833-F-00-008, "Construction Site Runoff Control Minimum Control Measure." January 2000 (revised December 2005). See EPA's Publications search page online at [http://cfpub.epa.gov/npdes/pubs.cfm?program\\_id=0](http://cfpub.epa.gov/npdes/pubs.cfm?program_id=0)

## 4.2 MCM 4: General Permit Requirements

### An MS4 must, at a minimum:

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

- i. Provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities per the requirements of general SPDES permit (GP-0-20-001);

See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control.

- ii. Addresses stormwater runoff to the 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

See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control.

- iii. Includes a law, ordinance or other regulatory mechanism to require a SWPPP for each applicable land disturbing activity that includes erosion and sediment controls that meet the State's most up-to-date technical standards:

See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control. The ordinance addresses issues relating to the following:

- Erosion and Sediment Control
- Stormwater Management Design Requirements
- Construction Requirements
- Enforcement; penalties for offenses
- Fees for municipal services relating to SWPPP reviews, inspections, and maintenance.

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

See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control.

- v. Allows for sanctions to ensure compliance to the extent allowable by State or local law;

See Town Code Chapter 255-9: Stormwater Management and Erosion and Sediment Control; Enforcement; penalties for offenses.

- 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;

See Town Code Chapters 300-45. B.2. a.5. & 300-45. B.2.a 6.

- vii. Describes procedures for SWPPP review that incorporate consideration of potential water quality impacts and review of individual pre-construction SWPPPs to ensure consistency with State and local sediment and erosion control requirements;

SWPPP Plan Review is currently outsourced to the qualified professionals at the Ontario County Soil & Water Conservation District or BME Associates.

- viii. **Public Reporting of Construction Site Complaints:** Describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff. The MS4 must establish and document in the SWMP an email or phone number for the public to report complains related to construction stormwater activity. The designated contact at the Town of Macedon for reporting complaints related to construction stormwater activity is Scott Allen:

**Stormwater Management Officer:**

Scott Allen, PE

Building Inspector/Zoning Officer/Engineer

Ph: (315) 986-5932 ext. 115

Email: [buildinginspector@macedontown.net](mailto:buildinginspector@macedontown.net)

If a complaint is issued by the public regarding construction site stormwater runoff, the Town will document the complaint on the Construction Site Complaint Log, see Appendix I and the Stormwater Management Coordinator or designee will follow up with a site visit. For situations that pose a significant threat to human health or the environment, the SMC or designee will conduct a site visit immediately. If the complaint is found to be valid, the Stormwater Management Coordinator will request corrective action by the site’s Project Manager. See SOP #10: SWPPP Review, Construction Site Inspection & Enforcement.

- ix. 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;

| Audience                    | Type of Training  | Frequency           |
|-----------------------------|---|---------------------|
| Construction Site Operators | Pre-con checklist   | One-time at pre-con |
| Design Engineers            | MCSWD Workshop  | Annual              |
| Select Municipal Staff      | NYSDEC Endorsed 4-Hour Erosion & Sediment Control Training Course | Every 3 years       |

- x. 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:

The Town of Macedon requires a copy of the NYSDEC Endorsed 4-Hour Erosion & Sediment Control Training Course Certificate from the Trained Contractor to be stored onsite in the Stormwater Pollution Prevention Plan (SWPPP).

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

The Stormwater Management Program Coordinator maintains an excel inventory of active construction sites which includes the location of the site and the owner/operator contact information. Also see Appendix I, for an example of the Construction Site Inventory and Inspection Tracking spreadsheet.

- xii. Develop (for newly authorized MS4), record, periodically assess and modify as needed measurable goals; and

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

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

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **4.3 MCM 4: Methodology for Compliance with Permit Requirements**

The Town of Macedon has adopted the NYS Sample Local Law for Stormwater Management and Erosion & Sediment Control. This ordinance authorizes the MS4 to enforce a program that reduces pollutant runoff from construction sites. The Town of Macedon is responsible for reviewing SWPPPs, inspecting construction sites and enforcing the permit requirements on developers / owner / operators that do not comply with the regulations.

#### 4.4 MCM 4: Best Management Practices Implemented or Underway

Previous permit accomplishments include:

| Description of Activity       | Purpose  | Responsibility   | Annual Compliance Requirements  |
|-------------------------------|--|--|---|
| Ordinance Adoption            | These ordinances establish minimum stormwater management requirements and controls to protect the general health, safety, and welfare of the public.                   | SMC, Town Board,<br>Town Attorney  | Amend stormwater ordinance, as necessary, to maintain compliance with NYS stormwater standards and requirements as defined the current or any future permits pertaining to stormwater management activities. See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control.   |
| Design Requirements           | Review construction project, planning, and design criteria to determine changes needed to comply with local, state and/or federal construction stormwater regulations. | SMC,<br>Ontario Soil & Water<br>Conservation District, BME<br>Associates | Review construction project, planning, and design criteria to determine changes needed to comply with local, state and/or federal construction stormwater regulations. Remain current with the NYS Stormwater Management Design Manual updates.   |
| Public Review                 | Provide the public with an opportunity to review and comment on proposed design plans and construction sites.  | SMC, BME Associates  | New developments are announced and reviewed at both the Planning Board (1 <sup>st</sup> & 3 <sup>rd</sup> Monday of each month) and Town Board meetings (2 <sup>nd</sup> and 4 <sup>th</sup> Thursdays of each month). The public has an opportunity to request information and relay concerns to at that time. The Town also posts signs on the proposed project's property for one week prior to the public meeting. The Town adds a notice on the MS4 Facebook Page notifying the public that construction plans and SWPPPs are available to review at the Town Hall and Library. A section has been created in the library dedicated to stormwater education which contains documents that are available for public review, including SWPPPs. |
| SWPPP Review & MS4 Acceptance | Review SWPPPs to verify construction plan compliance with local, state, and/or federal construction stormwater regulations. Sign SWPPP Acceptance Forms.               | SMC, Ontario Soil & Water<br>Conservation District, BME<br>Associates    | Continue SWPPP reviews by qualified professionals (consultants). Maintain checklists of SWPPPs reviewed and continue to sign MS4 Acceptance Forms. The SWPPP review checklist can be found on the Town's MS4 Webpage to allow developers and engineers to review the form prior to submitting a SWPPP.  |

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| Description of Activity               | Purpose  | Responsibility  | Annual Compliance Requirements  |
|---------------------------------------|--|---|---|
| Pre-Construction Meetings & Checklist | To educate Operators/Owners and Contractors about Erosion & Sediment Controls.   | SMC, Ontario Soil & Water Conservation District, BME Associates | The Pre-Construction Checklist can be found on the Town's MS4 Website to allow developers, engineers, and contractors to review the form prior to the pre-construction meeting.   |
| SWPPP Inspections                     | Inspect construction sites to ensure compliance with the GP-0-20-001.  | Ontario Soil & Water Conservation District, BME Associates      | Construction Site Inspections are outsourced to qualified professionals. Third party contractors ensure inspections are compliant with the requirements listed in GP-0-20-001. The Town of Macedon receives and maintain records of construction site inspections and corrective actions performed. |
| SWPPP Enforcement                     | Take action against owners and / or operators of local construction sites that are in violation of local construction stormwater regulations | SMC, Ontario Soil & Water Conservation District, BME Associates | Notify owners/operators of local construction sites who are in violation of the standards defined in GP-0-20-001 using the enforcement procedures outlined in SOP #10, SWPPP Review, Construction Site Inspection & Enforcement.  |
| SWPPP Review Training                 | Ensure that representatives completing the construction plan reviews are properly trained.   | SMC, Ontario Soil & Water Conservation District, BME Associates | Verify with Consultants that SWPPP reviewers are qualified professionals (PE, CPESC).   |

#### **4.5 MCM 4: Best Management Practices for Future Consideration**

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 4.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Continue implementing Best Management Practices noted in Section 4.4. The Town will continue to investigate additional Best Management Practices, as needed.
- ◆ The Town will update SOPs to include the 5 acre waiver review and approval requirements to include project close out requirements.

#### **4.6 MCM 4: Minimum Required Reporting**

**At a minimum, the Town of Macedon shall report on the items below:**

- a. Number of SWPPPs reviewed;
- b. Number and type of enforcement actions;
- c. Percent of active construction sites inspected once;
- d. Percent of active construction sites inspected more than once;
- e. Number of construction sites authorized for disturbances of one acre or more; and
- f. Report on effectiveness of program, BMP and measurable goal assessment.

The above elements (a.-f.) are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **Minimum Measure 5: Post-Construction Stormwater Management**

#### **5.1 MCM 5: Description of Minimum Control Measure**

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

#### **5.2 MCM 5: General Permit Requirements**

**An MS4 must, at a minimum:**

- a. Develop, implement, and enforce a program that:
  - i. Provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001).

See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control.

- 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

See [Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control](#) and [Chapter 300-45 Stormwater Control](#).

- iii. Includes a law, ordinance or other regulatory mechanism to require post-construction runoff controls from new development and re-development projects to the extent allowable under State or Local law that meet the State's most up-to-date technical standards:

- The mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
- Equivalence must be documented using the NYSDEC Gap Analysis Workbook or certified by the attorney representing the small MS4 as being equivalent to one of the sample laws if one of those sample laws is not adopted or if a modified version of one of the sample laws is adopted

After consultation with the Albany DEC office, the Town of Macedon decided to delay updating their local laws (to include the former Village of Macedon) until the new MS4 Permit and its sample local laws were adopted. On June 15th, 2017, the Town of Macedon notified the DEC about this decision and as of the date of this publication, the Town has not received a response from the DEC, see Appendix E for a copy of the letter.

The Town of Macedon has adopted a post-construction stormwater management ordinance. This ordinance establishes minimum stormwater management requirements and controls to protect the general health, safety, and welfare of the public. The ordinance addresses issues relating to the following:

- Permanent Erosion and Sediment Controls;
- Stormwater Management Design Requirements; and
- Fee structure for municipal services relating to SWPPP reviews, inspections, and maintenance

See [Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control](#) and [Chapter 300-45 Stormwater Control, Appendix E](#).

- 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 development of environmental plans such as watershed plans, opens 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. 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 post-construction stormwater discharged by the practice.

[See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control.](#)

- v. Describes procedures for SWPPP review that incorporate consideration of potential water quality impacts and review of individual pre-construction SWPPPs to ensure consistency with local post-construction stormwater requirements;
- Ensure that the individuals performing SWPPP reviews are adequately trained, or under the supervision of a qualified professional who understand the State and Local post construction stormwater requirements;
- All SWPPPs must be reviewed for sites where the disturbance is one acre or greater; and
- After review of SWPPPs, the permittee must utilize the “SWPPP Acceptance Form” created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) when notifying construction site owner / operators that their plans have been accepted and approved by the permittee.

[The SWPPP review is currently outsourced to the qualified professionals at the Wayne County Soil & Water Conservation District or BME Associates.](#)

- vi. Establish and maintain an inventory of post-construction stormwater management practices to include at a minimum, practices discharging to the MS4 that have been installed since March 10, 2003, all practices owned by the 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

[See Appendix J for the Post-Construction Stormwater Management Practices Inventory.](#)

- i. 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 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.

See Appendix J for examples of the Post-Construction Inspection Forms. Reports to be filed in a separate binder.

- ii. Covered entities may include in the SWMPP 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 onsite 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:

At this time, the Town of Macedon has not evaluated this option.

**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;**

- Post-Construction Inspections are conducted by interns, BME Associates, or a trained employee from the Highway Department.
- The Town of Macedon has the ability to issue enforcement measures to owners and/or operators of local development projects that are in violation of local post-construction runoff regulations using enforcement procedures outlined in SOP #11 Inspecting Post Construction Controls & Enforcement.
- The Town of Macedon sends the Town Engineer to stormwater training courses offered by the Monroe County Stormwater Coalition.

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

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

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

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **5.3 MCM 5: Methodology for Compliance with Permit Requirements**

The Town of Macedon has adopted the NYS Sample Local Law for Stormwater Management and Erosion & Sediment Control which includes provisions to enforce a program that reduces pollutant runoff from both newly and re-developed sites. The Town of Macedon is responsible for inspecting the sites for proper operation and maintenance and enforcing the permit requirements and for properties that are not in

compliance. In this manner, Town of Macedon can ensure adequate long-term management practices for both public and private facilities.

#### 5.4 MCM 5: Best Management Practices Implemented or Underway

Previous permit accomplishments include:

| Description of Activity  | Purpose   | Responsibility  | Annual Compliance Requirements   |
|--|---|---|--|
| Post-Construction Stormwater Management Ordinance Adoption   | These ordinances establish minimum stormwater management requirements and controls to protect the general health, safety, and welfare of the public.  | SMC, Town Board, Town Attorney                                  | Amend stormwater ordinance, as necessary, to maintain compliance with NYS stormwater standards and requirements as defined the current or any future permits pertaining to stormwater management activities. See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control.  |
| SWPPP Review of Post-Construction Controls & MS4 Acceptance  | Review SWPPPs to incorporate consideration of potential water quality impacts and review of individual pre-construction SWPPPs to ensure consistency with local post-construction stormwater requirements. Sign SWPPP Acceptance Forms. | SMC, Ontario Soil & Water Conservation District, BME Associates | Continue SWPPP reviews by qualified professionals (Consultants). Maintain records of plans reviewed and approved for construction under this program. Continue to sign MS4 Acceptance Forms after SWPPPs have been reviewed and found to be in compliance with current regulations.  |
| Inventory of projects that qualify for inspection under local post-construction runoff regulations | To track and identify post-construction controls to benefit water quality.  | SMC, BME Associates   | The Post-Construction Inventory and Inspection Tracking spreadsheet has been updated. The inventory was last updated in April of 2022.   |
| Inspect MS4 owned and operated post-construction facilities.                                       | To ensure adequate long-term operation and maintenance of post-construction facilities.   | SMC, BME Associates   | <p>Inspect and document maintenance as needed. See SOP #11 Inspecting Post-Construction Controls &amp; Enforcement. Document follow up actions. Inspection reports are filed in a separate binder. See Appendix J for examples of the Post-Construction Inspection Forms.</p> <ul style="list-style-type: none"> <li>• 2022-2023 – Documented 33 Facilities, Inspected 6 Town Owned Facilities and maintained 2 facilities.</li> <li>• 2021-2022 – Added two facilities to inventory. Did not inspect any SWMFs this year.</li> <li>• 2020-2021 – Documented &amp; Inspected 27 SWMFs</li> <li>• 2019-2020 – Documented &amp; Inspected 26 SWMFs</li> <li>• 2018-2019 – Documented &amp; Inspected 24 SWMFs</li> </ul> |

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| Description of Activity  | Purpose  | Responsibility  | Annual Compliance Requirements  |
|--|--|---|---|
| Obtain As-Builts for post-construction facilities.               | To ensure that the SMPs have been constructed as per plan for effective long-term operation  | SMC   | Obtain As-Builts of newly constructed post-construction facilities and file plans with annual inspection documents. The requirement to submit As-Builts for post-construction facilities has been added to the Town’s Conditions of Site Plan. Approval.  |
| Offer Low Impact Development, Better Site Design, & GI training. | Offer training for Planning Board members to consider LID, BSD, and GI principles when conducting site plan reviews to reduce the discharge of pollutants to the maximum extent practicable. | SMC, Caroline Myers Kilmer, Genesee Regional Finger Lakes Regional Planning Council, BME Associates | Document training date and number of members trained. <ul style="list-style-type: none"> <li>• 2022-2023 – No training provided.</li> <li>• 2021-2022 March 7, 2021 – The Town Engineer and 6 Planning Board members received training.</li> <li>• 2020-2021 March 5, 2021 – The Town Engineer and 6 Planning Board members received training.</li> <li>• 2019-2020 March 2, 2020 – The Town Engineer and 7 Planning Board Members received training.</li> <li>• 2018-2019 – March 4, 2019 – 7 Planning Board Members received training.</li> </ul> |
| Map Post-Construction Facilities                                 | To help identify post-construction facilities and facilitate inspections.  | SMC, BME Associates, GeoSolutions   | Continue to research post-construction facilities identified on the DEC Website and add facilities to the maps as they are constructed. <ul style="list-style-type: none"> <li>• 2022-2023 – 2 facilities were added to the post construction inventory (Van Bortel)</li> <li>• 2021-2022 – 2 facilities were added to the post-construction inventory</li> <li>• 2020-2021 – 1 facility was discovered and added to the post-construction inventory.</li> </ul>  |

## 5.5 MCM 5: Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 5.4. The following BMPs will be considered for future exploration and implementation:

- ◆ Continue to research procedures for long-term maintenance of installed, private SWMFs.
- ◆ Continue research to implement a Stormwater Maintenance Agreement for privately held post-construction facilities within the Town of Macedon.
- ◆ Research alternative methods for annual training for Planning Board members on post-construction controls and various principles including LID, BSD, and GI.
- ◆ Revise SOPs regarding inspections and maintenance of private facilities once method is finalized.

## 5.6 MCM 5: Minimum Required Reporting

**At a minimum, the Town of Macedon shall report on the items below:**

- a. **Number of SWPPPs reviewed;**
- b. **Number and type of enforcement actions;**
- c. **Number and type of post-construction stormwater management practices inventoried;**
- d. **Number and type of post-construction stormwater management practices inspected;**
- e. **Number and type of post-construction stormwater management practices maintained;**
- f. **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”; and**

See Town Code Chapter 255: Stormwater Management and Erosion and Sediment Control and Chapter 300-45 Stormwater Control.

- g. **Report on effectiveness of program, BMP and measurable goal assessment;**

These elements (a.-g.) are covered in the Town of Macedon’s Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition’s combined Annual Report that is submitted to the DEC

## Minimum Measure 6: Pollution Prevention and Good Housekeeping for Municipal Operations

### 6.1 MCM 6: Description of Minimum Control Measure

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

### 6.2 MCM 6: General Permit Requirements

#### An MS4 must, at a minimum:

#### a. Develop and implement a pollution prevention / good housekeeping program for municipal operations and facilities that:

- i. Addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system.

The operations and facilities include municipal building maintenance; park and open space maintenance; solid waste management; stormwater system maintenance; street maintenance; vehicle and fleet maintenance; and winter road maintenance (see BMP Summary Sheets in Appendix K). See Appendix L for a complete list of municipal facilities.

- ii. At a minimum frequency of once every three years, perform a self-assessment of all municipal operations addressed by the SWMPP:

BMP Summary Sheets have been updated for the following municipal operations assessed in the 2021-2022 Permit Year:

#### Municipal Building Maintenance:

- Outdoor Container Storage
- Spill Prevention, Control, & Cleanup

#### Parks and Open Space Maintenance:

- Landscape Maintenance
- Outdoor Storage of Raw Materials
- Pet Waste Collection

#### Septic System Management:

- Septic System Management

#### Solid Waste Management:

- Chemical/Hazardous Waste
- Illegal Dumping and Litter Control
- Waste Collection
- Waste Reduction and Recycling

#### Stormwater System Maintenance:

- Catch Basin/Inlet Structures
- Open Channel, Ditch Maintenance

- Storm Sewer Conveyance System

Street Maintenance:

- Unpaved Roads and Trails
- Roadway Patching, Resurfacing and Surface Sealing
- Street Sweeping and Cleaning

Vehicle and Fleet Maintenance:

- Vehicle and Equipment Cleaning
- Vehicle and Equipment Fueling
- Vehicle and Equipment Repair

Winter Road Maintenance:

- Road Salt Application

- 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;

See Standard Operation Procedures (SOPs) in Appendix M and the BMPs listed above and in Appendix K.

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

Pollution prevention and good housekeeping efforts will be prioritized based on geographic areas, potential to improve water quality, facilities or operations most in need of modification or improvement and capabilities.

- v. Addresses pollution prevention and good housekeeping priorities;

See BMP Summary Sheets listed above and in Appendix K.

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

The Town of Macedon’s Stormwater Management Program Coordinator and Highway Superintendent will coordinate annual training to the DPW municipal personnel. These personnel will be responsible for implementing the BMPs in their everyday activities.

- 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;

The Town of Macedon’s Stormwater Management Program Coordinator will obtain third party certificates from contracted service companies and include them in Appendix F of this SWMPP.



As of the date of this publication third party certifications have been obtained from the following entities:

- BME Associates
- Caroline Myers Kilmer
- Ontario Soil & Water Conservation District
- EnviroTech Environmental Services
- Transitions Landscape and Design Inc.

- viii. Requires municipal operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP, GP-0-06-002) for industrial stormwater discharges to prepare and implement provisions in the SWMPP that comply with Parts III. A, C, D, J, K and L of the MSGP. The permittee must also perform monitoring and record keeping in accordance with Part IV. Of the MSGP. Discharge monitoring reports must be attached to an MS4s annual report. For those operations or facilities that are not required to gain coverage under the MSGP, implementation of the above noted provisions of the SWMPP will ensure that MEP is met for discharges.

Not applicable.

- b. Develop, record, periodically assess and modify as needed any and all measurable goals; and**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

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

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

### **6.3 MCM 6: Methodology for Compliance with Permit Requirements**

The Town of Macedon will continue to assess the BMPs as listed above and further explained in detail in Appendix K. Training will be provided to the personnel who will be responsible for implementing the BMPs in their everyday activities. The Town will continue to review existing BMPs, Standard Operating Procedures (SOPs) and publicize the importance of reducing and preventing the discharge of pollutants to the maximum extent possible (MEP) from municipal activities.

## 6.4 MCM 6: Best Management Practices Implemented or Underway

Previous permit accomplishments include:

| Description of Activity                                  | Purpose   | Responsibility  | Annual Compliance Requirements  |
|--|---|---|---|
| Municipal Training Program                               | Train MS4 personnel whose work may potentially impact stormwater and provide education on how to prevent water pollution              | OWSC, SMC, Highway Superintendent                                       | On an annual basis train municipal personnel on how to improve water quality by following pollution prevention measures: <ul style="list-style-type: none"> <li>• 2022-2023 – 14 Municipal Employees were trained</li> <li>• 2021-2022 – 13 Municipal Employees were trained</li> <li>• 2020-2021 – 14 Municipal Employees were trained</li> <li>• 2019-2020 – 14 Municipal Employees were trained</li> <li>• 2018-2019 – 15 Municipal Employees were trained</li> <li>• 2017-2018 – 13 Municipal Employees were trained</li> </ul> |
| Document Municipal Operations Good Housekeeping Programs | To annually measure the progress being made on the Annual Report for MCM 6.   | SMC, Highway Superintendent, Transitions Landscape & Design, EnviroTech | Continue to document parking lots swept, street sweeping, phosphorus applied in chemical fertilizer, nitrogen applied in chemical fertilizer, and the amount of pesticide/herbicide applied. See annual reports for totals.   |
| Municipal Building Maintenance                           | Conduct building maintenance activities such that they do not impact the stormwater systems and local water bodies whenever possible. | SMC, Highway Superintendent   | Review the Best Management Practices at least once every three years to determine if any improvements are necessary. Develop mitigation measures for each activity that impacts stormwater. <ul style="list-style-type: none"> <li>• 2018-2022 – BMPs Reassessed Annually</li> <li>• 2016-2017 – BMPs Implemented</li> </ul>  |
| Parks & Open Space Maintenance                           | Reduce the discharge of landscaping and lawn care waste from MS4 owned facilities.  | SMC, Highway Superintendent, Transitions Landscape & Design             | Maintain and/or update as necessary an inventory of all municipally owned lands that are and/or will be subject to landscaping and lawn care activities. Review the Parks & Open Space Maintenance BMPs at least once every three years to determine if any improvements are necessary. Train municipal personnel accordingly. <ul style="list-style-type: none"> <li>• 2018-2022 – BMPs Reassessed Annually</li> <li>• 2016-2017 – BMPs Implemented</li> </ul>   |
| Septic System Management                                 | To prevent improperly treated wastewaters from septic systems from impacting municipal stormwater systems and local                   | SMC, Highway Superintendent   | Continue to monitor and pump out facilities at the Bullis Park Concession (typically once every 3 to 4 years) and at the Highway Barn (typically once a year).  |

|  | waterbodies.   |                             |   |
|--|--|-----------------------------|---|
| <b>Description of Activity</b>                                       | <b>Purpose</b>   | <b>Responsibility</b>       | <b>Annual Compliance Requirements</b>   |
| Solid Waste Management   | Prevent the discharge of hazardous waste and materials from impacting municipal stormwater systems and local waterbodies             | SMC, Highway Superintendent | Review the Solid Waste Management BMPs at least once every three years to determine if any improvements are necessary. Train municipal personnel accordingly. <ul style="list-style-type: none"> <li>• 2018-2022 – BMPs Reassessed Annually</li> <li>• 2016-2017 – BMPs Implemented</li> </ul>  |
| Stormwater System Maintenance  | To reduce sediment and suspended solid discharges by routinely cleaning municipal catch basins and stormwater inlet structures.      | Highway Superintendent      | Review the Stormwater System Maintenance BMPs at least once every three years to determine if any improvements are necessary. Train municipal personnel accordingly. <ul style="list-style-type: none"> <li>• 2018-2022 – BMPs Reassessed Annually</li> <li>• 2016-2017 – BMPs Implemented</li> </ul>   |
| Street Maintenance   | Utilize proper street maintenance activities to reduce stormwater quality impacts.   | Highway Superintendent      | Review Street Maintenance BMPs at least once every three years to determine if any improvements are necessary. Train municipal personnel accordingly. <ul style="list-style-type: none"> <li>• 2018-2022 – BMPs Reassessed Annually</li> <li>• 2016-2017 – BMPs Implemented</li> </ul>  |
| Vehicle, Equipment Maintenance and Maintenance Facilities Procedures | Maintain an inventory of municipal owned vehicles and maintenance records.   | SMC, Highway Superintendent | Review vehicle inspection and maintenance records on an annual basis to evaluate conformance to vehicle manufacturer service specifications. Review Vehicle and Fleet Maintenance BMP at least once every three years to determine if any improvements are necessary. Train municipal personnel accordingly. Biodegradable soaps are being used to wash vehicles and equipment. Added in 2017. <ul style="list-style-type: none"> <li>• 2018-2022 – BMPs Reassessed Annually</li> <li>• 2016-2017 – BMPs Implemented</li> </ul> |
| Winter Road Maintenance  | Provide proper storage and application of road salt to reduce the impact of salt on plants, aquatic life, and the local waterbodies. | Highway Superintendent      | Review Winter Road Maintenance BMP at least once every three years to determine if any improvements are necessary. Train municipal personnel accordingly. <ul style="list-style-type: none"> <li>• 2018-2022 – BMPs Reassessed Annually</li> <li>• 2016-2017 – BMPs Implemented</li> </ul>  |
| Install Pet Waste Stations   | To improve water quality by reducing the amount of bacteria  | Highway Superintendent      | Document the number of pet waste stations installed, and bags ordered.  |

|   | entering our waterways from pet waste.                              |  | <ul style="list-style-type: none"> <li>• 2022-2023 – 8,000 bags were ordered for eight pet waste stations</li> <li>• 2021-2022 – 8,000 bags were ordered for eight pet waste stations</li> <li>• 2020-2021 – 2 New pet waste stations were installed, and 6,400 bags were ordered for eight pet waste stations.</li> <li>• 2019-2020 – 2,400 bags were ordered for six pet waste stations.</li> <li>• 2018-2019 – Six pet waste stations were installed.</li> </ul> |
|---|---|--|---|
| Description of Activity   | Purpose   | Responsibility                                     | Annual Compliance Requirements  |
| Install a Dry Well at the Highway Barn  | To prevent parking lot runoff from entering the storm drain system. | Highway Superintendent                             | A dry well was installed to prevent parking lot runoff from leaving the site.   |
| Use of Promelt Magic Salt   | To reduce the amount of salt used on roadways.                      | Highway Superintendent                             | Document the amount of salt used per year.  |
| Develop a SWPPP for the Waste Water Treatment Plant recently acquired with the dissolution of the Village of Macedon. | To comply with Section Part VII.A.6.a of GP-0-15-003.               | SMC, Highway Superintendent, Caroline Myers Kilmer | Through communication with the DEC, Caroline M. Kilmer determined that a full SWPPP was not required for the Macedon Waste Water Treatment Plant. The WWTP is covered under an Individual SPDES Permit # NY-0023612. BMPs have been developed for the WWTP and a Facility Assessment was completed on 11/7/18. Facility was last assessed in the 2021-2022 permit year.   |

The following BMPs were considered for use in 2021-2022 but were rejected because they are not applicable to the facility or operations, or these activities have been outsourced to other entities:

- Bridge Repair Work – not applicable
- Fountain & Pool Maintenance – not applicable
- Outdoor Loading and Unloading – not applicable
- Storage and Use of Pesticides – outsourced to EnviroTech or Transitions Landscape & Design
- Paint and Paint Removal – outsourced

## 6.5 MCM 6: Best Management Practices for Future Consideration

The Town of Macedon will continue implementing the Best Management Practices as outlined in Section 6.4. The following BMPs will be considered for future exploration and implementation:

- ◆ No new BMPs were considered for the upcoming year. The Waste Water Treatment Plant is on schedule for decommissioning in September of 2023.
- ◆ The Town will assess 24 facilities this year. The Assessments will be tailored for each facility.

## 6.6 MCM 6: Minimum Reporting Requirements

**At a minimum, the Town of Macedon shall report on the items below:**

- a. **Indicate the municipal operations and facilities that the pollution prevention and good housekeeping program assessed;**

The operations and facilities include: municipal building maintenance; park and open space maintenance; solid waste management; stormwater system maintenance; street maintenance; vehicle and fleet maintenance; and winter road maintenance (see BMP Summary Sheets in Appendix K). See Appendix L for a complete list of the municipal facilities.

- b. **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 permittee's pollution prevention and good housekeeping program addressed during the reporting year:**

- Acres of parking lot swept;
- Miles of street swept;
- Number of catch basins inspected and, where necessary, cleaned;
- Post-Construction control stormwater management practices inspected and, where necessary, cleaned (currently not applicable);
- Pounds of phosphorus applied in chemical fertilizer;
- Pounds of nitrogen applied in chemical fertilizer; and
- Pounds of pesticides / herbicides applied as pure product (currently not applicable).

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC

- c. **Staff training events and number of staff trained; and**

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

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

These elements are covered in the Town of Macedon's Individual MS4 Annual Report and the Ontario-Wayne Stormwater Coalition's combined Annual Report that is submitted to the DEC.

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# Appendices

Appendix A: General Definitions

Appendix B: List of Commonly Used Abbreviations

Appendix C: Staffing Plan/Organizational Chart

Appendix D: Priority Waterbody Inventory Sheets

Appendix E:

- Attorney Certification of Local Laws,
- Local Law Filing of Laws #3 & #4,
- Letter to DEC Regarding Village of Macedon Dissolution & Local Laws – Illicit Discharge Detection & Elimination, Construction Site Stormwater Runoff Control and Post- Construction Stormwater Management (#NYR20A391),
- Town of Macedon Compliance with Local Law Requirement Evaluation by Caroline Myers Kilmer, November 30<sup>th</sup>, 2018

Appendix F:

- Third Party Certifications
- Inter-Municipal Agreement

Appendix G: Outfall Map (To Be Added At A Later Date)

Appendix H: Illicit Discharge Detection & Elimination Complaint Log

Appendix I:

- SWPPP Review Checklist
- 5-acre Waiver Approval Request
- Construction Site Inventory
- Construction Site Inspection Report
- Construction Site Complaint Log

Appendix J: Post-Construction Stormwater Management Practices Inventory & Inspection Forms

Appendix K: BMP Summary Sheets

Appendix L: Municipal Facilities Inventory & Inspection Form

Appendix M: Standard Operating Procedures (SOPS)

Appendix N: NYS DEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) – GP-0-24-001



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# **APPENDIX A**

## **General Definitions**

## Appendix A: General Definitions

### Definitions

**Additionally Designated Areas** – those areas that meet the additional designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (MS4s), January 2010, revised January 2023 and found in Appendix B.

**Additionally Designated Area MS4 Outfall (ADA MS4 outfall)** – any point of stormwater discharge from pipes, ditches, and swales, as well as other points of concentrated flow, to impaired waters listed in Appendix C from an MS4 Operator's MS4. Areas of sheet flow which drain to impaired waters listed in Appendix C are not considered ADA MS4 outfalls.

**Automatically Designated Areas** – those areas served by MS4s that meet the automatic designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (MS4s), January 2010, revised January 2023 and found in Appendix B.

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

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

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

**Department** – the New York State Department of Environmental Conservation as well as meaning the Department's designated agent.

**Develop (Developed)** – for MS4 Operators continuing coverage, develop means to continue to implement their current SWMP and update the SWMP to comply with the permit requirement; for newly designated MS4 Operators, develop means to create that permit requirement.

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

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

**Groundwater** – waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone

may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

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

**Industrial Activity** – the eleven (11) categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity,” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

**Interconnection** – any point of stormwater discharge from pipes, ditches, and swales, as well as other points of concentrated flow, where the MS4 Operator’s MS4 is discharging to another MS4 or private storm sewer system. Areas of sheet flow which drain to another MS4 or private storm sewer system are not considered interconnections.

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

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

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

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

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

**Municipal (Municipally)** – a county, town, city, village, district corporation, special improvement district, sewer authority or agency thereof. Examples of other public entities that are included in this program include State University Campuses, federal and State prisons, State and federal hospitals, Dormitory Authorities, public housing authorities, school and other special districts.

Municipal Facility – an MS4 Operator owned and/or operated facility with the potential to discharge pollutants to the MS4 and/or surface water of the State of the State.

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

**Municipal Operations (Operations)** – activities conducted by the MS4 Operator with the potential to discharge pollutants to the MS4 and/or surface water of the State.

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

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

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

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

**Non-traditional MS4 Operators**– state, federal, county and other publicly owned properties such as state university campuses, prisons, office complexes, hospitals, military installations public housing authorities, school and other special districts.

**Obvious Illicit Discharge** –an illicit discharge from a flowing MS4 outfall that does not require sample collection for confirmation; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Outfall Characterization.

**Physical Indicator Present in the Flow** – a sensory indicator present in the discharge from monitoring location including odor, color, turbidity and floatables; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 4: Physical Indicators for Flowing Monitoring Locations Only.

**Physical Indicator not Related to Flow** – an indicator of past discharges, potentially intermittent or transitory discharge, including monitoring location damage, monitoring location deposits or stains, abnormal vegetation growth, poor pool quality or pipe benthic growth; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 5: Physical Indicators

for Both Flowing and Non-Flowing Monitoring Locations. These physical indicators can be present at both flowing and non-flowing monitoring locations.

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

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

**Privately Owned/Operated** – not owned/operated by the MS4 Operator or another MS4 Operator.

**Publicly Owned/Operated** – owned/operated by the MS4 Operator.

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

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

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

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

**Qualified Professional** – a person who is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect, or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction SMP component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All

components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), must be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

**Qualifying Storm Event** – a storm event with at least 0.1 inch of precipitation, providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived if the preceding measurable storm did not result in a stormwater discharge (e.g., a storm events in excess of 0.1 inches may not result in a stormwater discharge at some facilities), or if the MS4 Operator is able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

**Regional Stormwater Entity (RSE)** – an organization made up of multiple cooperating regulated and/or nonregulated entities located in the same geographical region of the State who share resources to improve overall stormwater management in their area.

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

**Sheet Flow** – stormwater runoff flowing in a thin layer over the ground surface.

**Sizing Criteria** – the criteria included in the CGP that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), Overbank Flood (Qp), and Extreme Flood (Qf).

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

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

**Stormwater Hotspots** - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies. For further detail, see Section 4.11 of the NYS SWMDM 2015.

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

**Stormwater Management Program (SWMP)** – the program developed and implemented by the MS4 Operator which provides a comprehensive integrated planning approach involving public participation and, where necessary, intergovernmental coordination, to reduce the discharge of POCs and specified pollutants to the MEP, using management practices, control techniques and systems, design and engineering methods, and other appropriate provisions. MS4 Operators are required at a minimum to

develop, implement, and enforce a SWMP designed to address POCs and reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the ECL and the Clean Water Act. The SWMP must address all permit requirements in this SPDES general permit.

**Stormwater Management Program Plan (SWMP Plan)** – is used by the MS4 Operator to document and detail the activities and measures that will be implemented to meet the terms and conditions of this SPDES general permit. The SWMP Plan must be updated during the permit term as the MS4 Operator's activities are modified to meet permit conditions. The SWMP Plan can be hardcopy or digital.

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

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

**Surface Water(s) of the State** – must be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941. Storm sewers are not waters of the state unless they are classified in 6 NYCRR Parts 800 to 941. Nonetheless, a discharge to a storm sewer must be regulated as a discharge at the point where the storm sewer discharges to waters of the state.

**Suspect Illicit Discharge** – an illicit discharge from flowing monitoring locations with high severity (score of 3) on one or more physical indicators based on the relative severity index of physical indicators for flowing MS4 outfalls only; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Outfall Characterization.

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

**Traditional Land Use Control MS4 Operators** – a city, town, or village with land use control authority.

**Traditional Non-land Use Control MS4 Operators** – any county agency without land use control.

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



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

## **APPENDIX B**

### **List of Commonly Used Abbreviations**

## **Appendix B: List of Commonly Used Abbreviations**

### **Acronym List**

**BMP** – Best Management Practice

**CFR** – Code of Federal Regulations

**CGP** – SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001

**CWA** – Clean Water Act

**ECL** – Environmental Conservation Law

**EDC** – Effective Date of Coverage

**EDP** – Effective Date of the Permit

**eNOI** – Electronic Notice of Intent

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

**ERP** – Enforcement Response Plan

**IDDE** – Illicit Discharge Detection and Elimination

**MCM** – Minimum Control Measure

**MS4** – Municipal Separate Storm Sewer System

**MS4 GP** – SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001

**MSGP** – SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001

**NOI** – Notice of Intent

**NPDES** – National Pollutant Discharge Elimination System

**NYCRR** – New York Codes, Rules and Regulations

**NYS DEC** – New York State Department of Environmental Conservation

**O&M** – Operations and Maintenance

**ORI** – Outfall Reconnaissance Inventory

**POC** – Pollutant of Concern

**RSE** – Regional Stormwater Entity

**SPDES** – State Pollutant Discharge Elimination System

**SMP** – Stormwater Management Practice

**SWMP** – Stormwater Management Program

**SWMP Plan** – Stormwater Management Program Plan

**SWPPP** – Stormwater Pollution Prevention Plan

**TMDL** – Total Maximum Daily Load

**USEPA** – United States Environmental Protection Agency

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# **APPENDIX C**

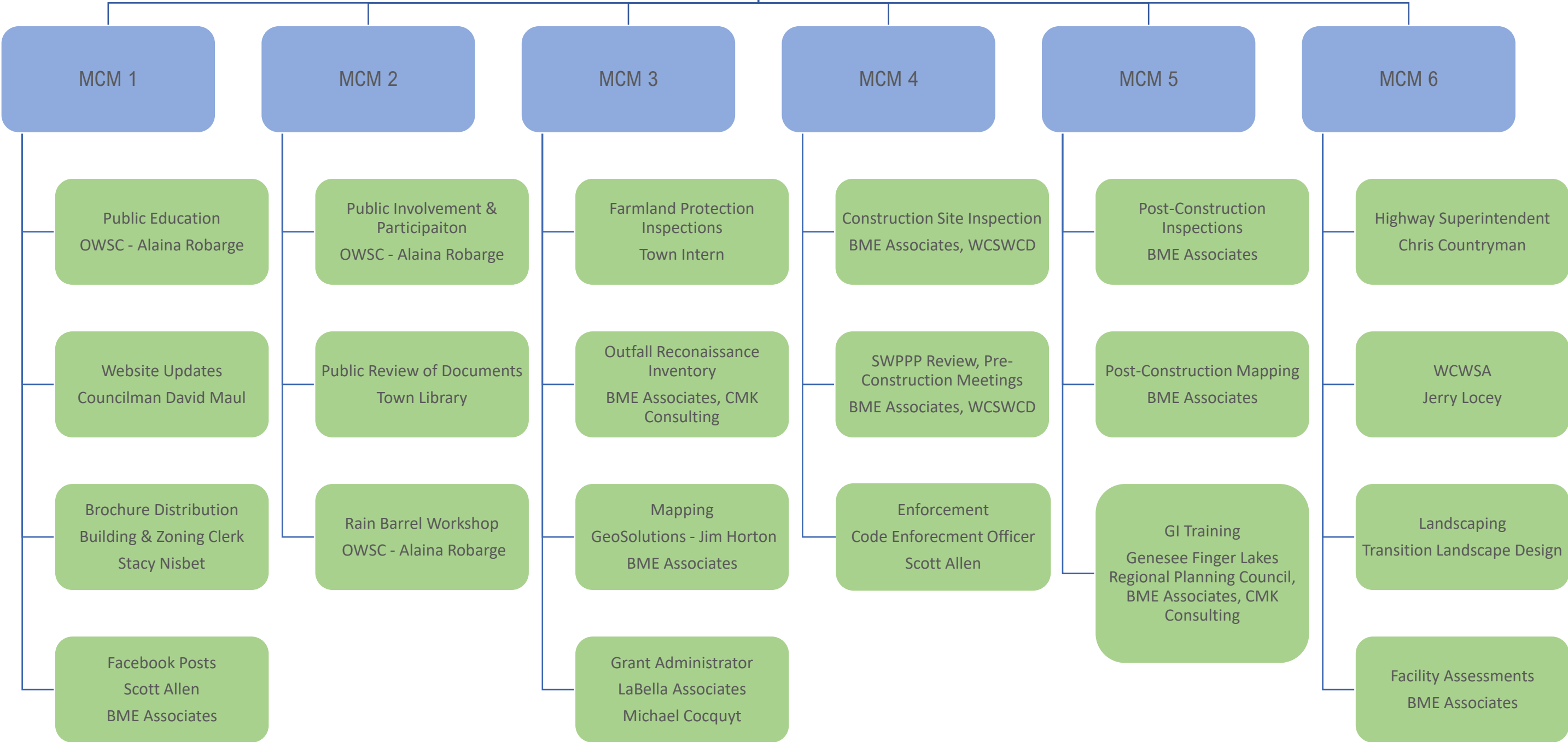
## **Staffing Plan/Organizational Chart**

# Town of Macedon MS4 Staffing Plan/Organizational Chart

Updated 07-01-24

Stormwater Management Plan Coordinator  
Scott Allen, PE

SWMPP, MCM 1-6  
BME Associates - Ryan T. Destro, P.E.



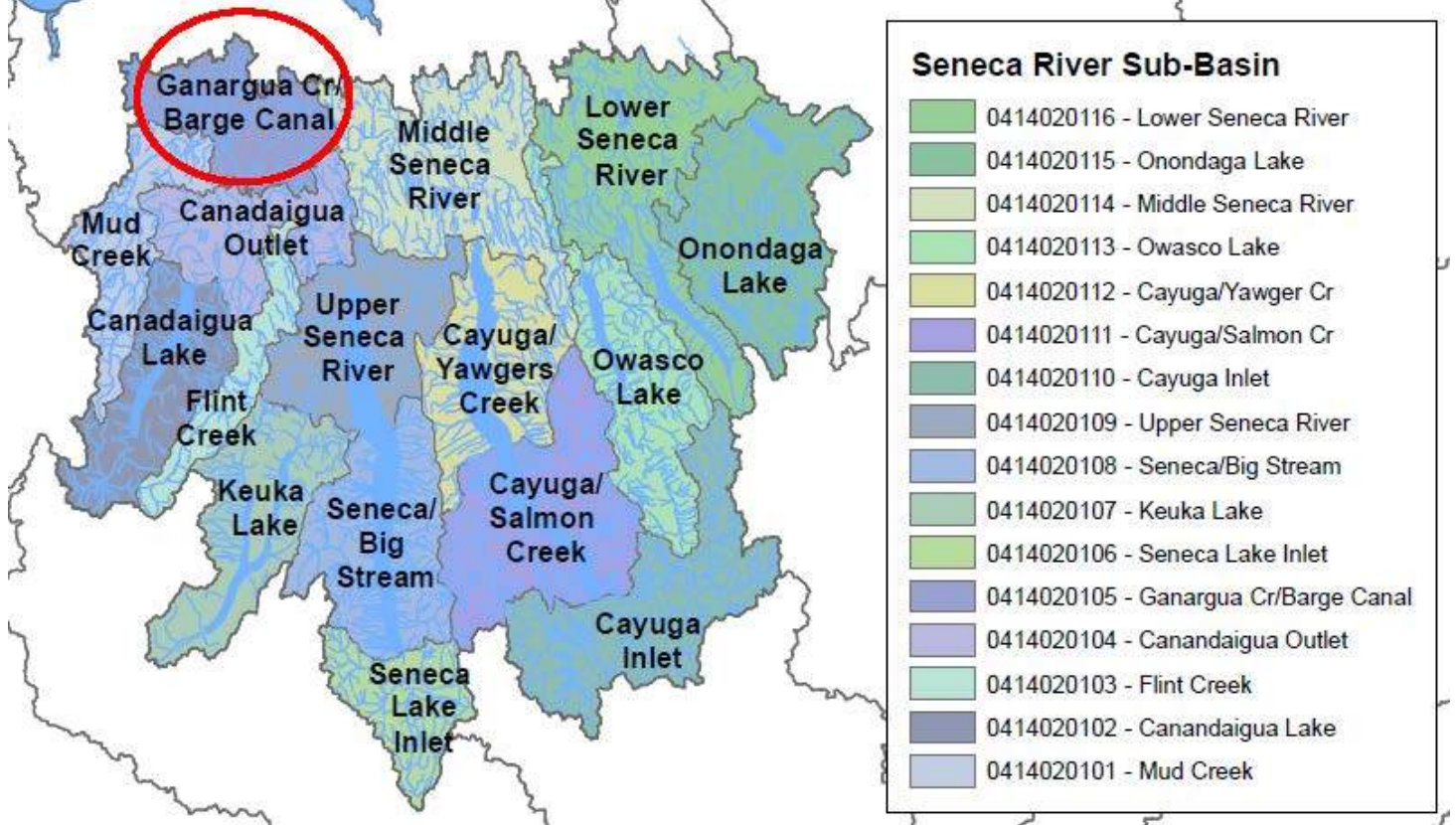
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# **APPENDIX D**

## **Priority Waterbody Inventory Sheets**

# Oswego River/ Finger Lakes Basin (West)



## Ganargua Creek-Erie Canal (0414020105)

### Water Index Number

Ont 66-12-52-23  
 Ont 66-12-52-23- 1  
 Ont 66-12-52-23- 8  
 Ont 66-12-52-23-17  
 Ont 66-12-52-23-24

### Waterbody Segment

Ganargua Creek, Lower, and minor tribs(0704-0026)  
 Marletown Creek and tribs (0704-0003)  
 Fairville Creek and tribs (0704-0032)  
 Red Creek and tribs (0704-0015)  
 Red Creek and tribs (0704-0033)

### Category

MinorImpacts  
 UnAssessed  
 UnAssessed  
 Need Verific  
 MinorImpacts

# Red Creek and tribs (0704-0033)

# MinorImpacts

## Waterbody Location Information

Revised: 08/09/2007

**Water Index No:** Ont 66-12-52-23-24  
**Hydro Unit Code:** 04140201/230      **Str Class:** C  
**Waterbody Type:** River  
**Waterbody Size:** 78.3 Miles  
**Seg Description:** entire stream and tribs

**Drain Basin:** Oswego-Seneca-Oneida  
Seneca/Clyde Rivers  
**Reg/County:** 8/Wayne Co. (59)  
**Quad Map:** PALMYRA (I-12-4)

## Water Quality Problem/Issue Information

(CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

| Use(s) Impacted | Severity | Problem Documentation |
|-----------------|----------|-----------------------|
| Aquatic Life    | Stressed | Known                 |
| Recreation      | Stressed | Known                 |

### Type of Pollutant(s)

Known: ALGAL/WEED GROWTH, NUTRIENTS (phosphorus), Silt/Sediment  
Suspected: ---  
Possible: ---

### Source(s) of Pollutant(s)

Known: HABITAT MODIFICATION  
Suspected: AGRICULTURE  
Possible: ---

## Resolution/Management Information

**Issue Resolvability:** 1 (Needs Verification/Study (see STATUS))  
**Verification Status:** 4 (Source Identified, Strategy Needed)  
**Lead Agency/Office:** ext/WQCC  
**TMDL/303d Status:** n/a

**Resolution Potential:** Medium

## Further Details

Aquatic life support and recreational uses in Red Creek are known to experience minor impacts due to nonpoint nutrients and silt/sediment. Aquatic weed growth also contributes to the impacts.

A biological (macroinvertebrate) assessment of Red Creek in Palmyra (at Maple Avenue) was conducted in 2001. Sampling results indicated slightly impacted water quality conditions. The stream carried an abundance of aquatic weeds (duckweed) indicating ponded waters upstream. The ponded water likely influenced the sample. Specific conductance at the site was quite high also. Although aquatic life is supported in the stream, nutrient biotic evaluation indicates/suggests the level of eutrophication is sufficient to stress/threaten aquatic life support. (DEC/DOW, BWAM/SBU, June 2005)

This segment includes the entire stream and all tribs. The waters of the stream are Class C. Tribs to this reach/segment, including Black Creek (-9) are Class C,C(T).





# Ganargua Creek, Upper, and minor tribs (0704-0013) MinorImpacts

## Waterbody Location Information

Revised: 08/09/2007

|   |  |                     |
|---|--|---------------------|
| <b>Water Index No:</b> Ont 66-12-52-23                                    | <b>Drain Basin:</b> Oswego-Seneca-Oneida |                     |
| <b>Hydro Unit Code:</b> 04140201/160                                      | <b>Str Class:</b> C                      | Seneca/Clyde Rivers |
| <b>Waterbody Type:</b> River  | <b>Reg/County:</b> 8/Wayne Co. (59)      |                     |
| <b>Waterbody Size:</b> 67.1 Miles   | <b>Quad Map:</b> MACEDON (I-11-3)        |                     |
| <b>Seg Description:</b> stream and selected tribs, from Palmyra to Victor |  |                     |

## Water Quality Problem/Issue Information (CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

|  |                             |                                       |
|--|-----------------------------|---------------------------------------|
| <b>Use(s) Impacted</b><br>Aquatic Life | <b>Severity</b><br>Stressed | <b>Problem Documentation</b><br>Known |
|--|-----------------------------|---------------------------------------|

### Type of Pollutant(s)

Known: NUTRIENTS (phosphorus)  
Suspected: Silt/Sediment  
Possible: D.O./Oxygen Demand, Ammonia

### Source(s) of Pollutant(s)

Known: CONSTRUCTION (development), URBAN/STORM RUNOFF  
Suspected: Agriculture, Municipal  
Possible: - - -

## Resolution/Management Information

|   |                                     |
|---|-------------------------------------|
| <b>Issue Resolvability:</b> 1 (Needs Verification/Study (see STATUS)) |                                     |
| <b>Verification Status:</b> 4 (Source Identified, Strategy Needed)    |                                     |
| <b>Lead Agency/Office:</b> ext/WQCC                                   | <b>Resolution Potential:</b> Medium |
| <b>TMDL/303d Status:</b> n/a  |                                     |

## Further Details

Aquatic life support in this portion of Ganargua Creek is known to experience minor impacts due to nutrients from primarily nonpoint sources. Impacts from municipal discharges had been identified in the past, but additional sampling is recommended to determine the whether these impacts continue.

NYSDEC Rotating Intensive Basin Studies (RIBS) Intensive Network monitoring of Ganargua Creek in Macedon, Wayne County, (at Erie Road) was conducted in 2002. Intensive Network sampling typically includes macroinvertebrate community analysis, water column chemistry, sediment and invertebrate tissues analysis and toxicity evaluation. During this sampling the biological (macroinvertebrate) sampling results indicated slightly impacted water quality conditions. The impacts are attributed to nonpoint source nutrient enrichment. Water column sampling revealed dissolved solids and iron to be parameters of concern, however these finding are thought to be more reflective of natural conditions in the basin than a source of water quality impacts. Toxicity testing of the water column showed significant mortality and reproductive impacts in one of the three tests conducted. (DEC/DOW, BWAM/RIBS, January 2005)

A biological (macroinvertebrate) assessment of Ganargua Creek in Macedon was also conducted in 2001. Sampling results at that time also indicated slightly impacted water quality. Previous sampling in 1980 and prior reflected non-impacted conditions. The headwaters of the creek are in the Town of Victor, a rapidly growing suburb of Rochester. Recent development in the watershed and along the stream (including a golf course) increases the nutrient and other loadings to the stream. This stream is typical of many waters in the state that are slipping from non-impacted to slightly impacted due to nonpoint source nutrient enrichment attributed to development pressures. A survey of the entire Ganargua Creek at multiple sites between East Victor and Lyons was conducted in 1996. Sampling results at that time also indicated primarily slightly impacted water quality conditions. However moderate impact was noted along one short reach below Victor and Farmington related to municipal discharges. Another short reach outside this portion of the creek was similarly impacted. Since this sampling, the Village of Victor WWTP has been updated and is meeting permit discharge limits and the Farmington WWTP is about to complete and upgrade as well. Due to the length of time since it was last sampled, conditions regarding this impact should be verified. (DEC/DOW, BWAM/SBU, August 2007)

This segment includes the portion of the stream and selected/smaller tribs from the confluence with the Barge Canal in Palmyra to Mud Creek in Victor. The waters of this portion of the stream are Class C. Tribs to this reach/segment, including Trapp Brook (-33), are also Class C. Great Brook (-43) and Mud Creek are listed separately.

# NYS Barge Canal (portion 5) (0704-0020)

# Impaired Seg

## Waterbody Location Information

Revised: 08/13/2007

**Water Index No:** Ont 66-12-52-23..(Barge Canal)      **Drain Basin:** Oswego-Seneca-Oneida  
**Hydro Unit Code:** 04140201/230      **Str Class:** C      Seneca/Clyde Rivers  
**Waterbody Type:** River      **Reg/County:** 8/Wayne Co. (59)  
**Waterbody Size:** 23.5 Miles      **Quad Map:** NEWARK (I-12-3)  
**Seg Description:** portion from Lyons to Wayneport

## Water Quality Problem/Issue Information

(CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

| Use(s) Impacted | Severity | Problem Documentation |
|-----------------|----------|-----------------------|
| AQUATIC LIFE    | Impaired | Suspected             |

### Type of Pollutant(s)

Known: ---  
Suspected: D.O./OXYGEN DEMAND, Water Level/Flow, Nutrients  
Possible: Pathogens

### Source(s) of Pollutant(s)

Known: ---  
Suspected: MUNICIPAL, Agriculture, Hydro Modification, Urban/Storm Runoff  
Possible: On-Site/Septic Syst, Other Sanitary Disch

## Resolution/Management Information

**Issue Resolvability:** 1 (Needs Verification/Study (see STATUS))  
**Verification Status:** 3 (Cause Identified, Source Unknown)  
**Lead Agency/Office:** DOW/Reg8      **Resolution Potential:** Medium  
**TMDL/303d Status:** 3a\*

## Further Details

Aquatic life support and recreational uses in this portion of the NYS Barge Canal are impaired due to oxygen-demanding substances that cause low dissolved oxygen. Municipal discharges are the likely source of the pollutants. Zebra mussel infestation of the canal may also be contributing to the impacts.

A biological (macroinvertebrate) assessment of the Barge Canal in Newark (at canal light 719) was conducted in 2006. Multiple sampling results indicated moderately impacted water quality conditions. The fauna was dominated by sewage-tolerant midges. Zebra mussels were numerous on the plates, but not so numerous that they invalidated the samples. Habitat factors (slow current) may have some effect on the results, but the samples showed greater impacts than previous sampling results. (DEC/DOW, BWAM/SBU, June 2005)

This segment includes the portion of the canal from Canadaigua Outlet in Lyons to the western edge of the drainage basin in Wayneport. The waters of this portion of the canal are Class C.

## **APPENDIX E**

- **Attorney Certification of Local Laws**
- **Local Law Filing of Laws #3 & #4**
- **Letter To DEC Regarding Village of Macedon's Dissolution & Local Laws**
- **Town of Macedon's Compliance with Local Law Requirement Evaluation by Caroline Myers Kilmer, November 30<sup>th</sup>, 2018**



ANTHONY J. VILLANI, P.C.  
ATTORNEYS AT LAW

66 WILLIAM STREET ■ LYONS, NEW YORK 14489 ■ 315-946-9707 ■ FAX 315-946-0373 ■ E-mail: ajvillani@villaniandgrow.com

September 20, 2019

Mr. Scott Allen  
Macedon Town Engineer  
32 West Main Street  
Macedon, New York 14502

Re: Town of Macedon, New York  
Stormwater Management

Dear Scott:

We are and were the attorneys for the Town of Macedon, Wayne County, New York at the times relevant herein. As such, we prepared and processed the adoption of local laws numbers 3 and 4 of the year 2007 which have been adopted and filed with the secretary of state. These local laws, copies attached, dealt with Storm Water Management relative to the New York State MS4 program.

Local Law 3 established guidelines and enforcement mechanisms for detecting and eliminating illegal connections to storm water drainage systems. Local Law 4 established guidelines and enforcement mechanisms for erosion and sediment control by amending Chapter 75 Land Use, and Chapter 135 Zoning of the Town of Macedon. Drafting of these local laws was based on the model ordinance for stormwater management and erosion control revised March, 2006. I attach a copy of the local laws and template for the model ordinance.

Based in the information in our file as to the resources used in drafting these local laws, we were of the opinion at the time and continue that opinion that these local laws are functionally equivalent to the Model Local Law and implement the substantive requirements of the Model Laws. While I believe an A:B comparison of the local laws passed with the Model Law will show the Model Law as the foundation thereof, should you have any questions, please let me know and I will be happy to discuss the minor variations therefrom.

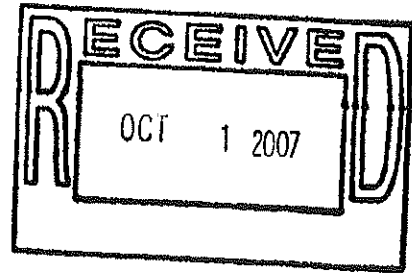
Very truly yours,

  
Anthony J. Villani

cc: Sandy Pagano, Supervisor  
Luke Scannell, DEC Region 8



STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001



ELIOT SPITZER  
GOVERNOR

September 26, 2007

LORRAINE A. CORTÉS-VAZQUEZ  
SECRETARY OF STATE

Judy W Gravino, RMC  
Town Clerk  
32 Main Street  
Macedon NY 14502

RE: Town of Macedon, Local Law No. 3 & 4, 2007, filed on September 19, 2007

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us/corp/misc.html](http://www.dos.state.ny.us/corp/misc.html).

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records and Law Bureau  
(518) 474-2755

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Macedon
- Town
- Village

Local Law No. 3 of the year 20 07

A local law Stormwater - IDDE Illicit Discharge Detection and Elimination  
*(Insert Title)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Be it enacted by the Town Board of the \_\_\_\_\_  
*(Name of Legislative Body)*

- County
  - City of Macedon
  - Town
  - Village
- \_\_\_\_\_ as follows:

text as attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**Town of Macedon  
Local Law #3 of 2007**

**General Purpose:** Adoption of NYS Model Code relative to MS4 program. This law establishes guidelines and enforcement mechanisms for detecting and eliminating illegal connections to storm drainage systems.

**Town Board Public Hearing date:** August 23, 2007

Be it resolved and enacted that the following law be added to the Macedon Town Code as follows:

**Chapter 116**

**STORMWATER – IDDE  
ILLICIT DISCHARGE DETECTION AND ELIMINATION**

**SECTION 1. PURPOSE/INTENT.**

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the Town of Macedon through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- 1.1 To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
- 1.2 To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- 1.3 To prohibit Illicit Connections, Activities and Discharges to the MS4;
- 1.4 To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
- 1.5 To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

## SECTION 2. DEFINITIONS.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

- 2.1 **Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 2.2 **Clean Water Act.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- 2.3 **Construction Activity.** Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- 2.4 **Department.** The New York State Department of Environmental Conservation.
- 2.5 **Design professional.** New York State licensed professional engineer or licensed architect.
- 2.6 **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 2.7 **Illicit Connections.** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:
  1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
  2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- 2.8 **Illicit Discharge.** Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this law.

- 2.9 Individual Sewage Treatment System. A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.
- 2.10 Industrial Activity. Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.
- 2.11 MS4. Municipal Separate Storm Sewer System.
- 2.12 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 the Town of Macedon;
  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 40CFR 122.2
- 2.13 Municipality. The Town of Macedon
- 2.14 Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of stormwater.
- 2.15 Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 2.16 Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.
- 2.17 Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 2.18 Special Conditions.
1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

2. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
3. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
4. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- 2.19 State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.
- 2.20 Stormwater. Rainwater, surface runoff, snowmelt and drainage.
- 2.21 Stormwater Management Officer (SMO). An employee, the municipal engineer or other public official(s) designated by the Town of Macedon to enforce this local law. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.
- 2.22 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.
- 2.23 TMDL. Total Maximum Daily Load.
- 2.24 Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.
- 2.25 Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

### **SECTION 3. APPLICABILITY.**

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### **SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

### **SECTION 5. SEVERABILITY.**

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

### **SECTION 6. DISCHARGE PROHIBITIONS.**

#### **6.1 Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

6.1.1 The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

6.1.2 Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.

6.1.3 Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

6.1.4 The prohibition shall not apply to any discharge permitted under an SPDES



permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

6.2 Prohibition of Illicit Connections.

6.2.1 The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

6.2.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

6.2.3 A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

**SECTION 7. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- 7.1 The backup of sewage into a structure.
- 7.2 Discharges of treated or untreated sewage onto the ground surface.
- 7.3 A connection or connections to a separate stormwater sewer system.
- 7.4 Liquid level in the septic tank above the outlet invert.
- 7.5 Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- 7.6 Contamination of off-site groundwater.

**SECTION 8. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER**

8.1 Activities that are subject to the requirements of this section are those types of activities that:

8.1.1 Cause or contribute to a violation of the municipality's MS4 SPDES permit.

8.1.2 Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.

8.2 Such activities include failing individual sewage treatment systems as defined in Section 7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

8.3 Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all

reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

## **SECTION 9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

### **9.1 Best Management Practices**

Where the SMO has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

9.1.1 The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.

9.1.2 Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

9.1.3 Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

### **9.2 Individual Sewage Treatment Systems - Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants**

Where individual sewage treatment systems are contributing to the municipality's being subject to the Special Conditions as defined in Section 2 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:

9.2.1 Maintain and operate individual sewage treatment systems as follows:

1. Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee.
2. Avoid the use of septic tank additives.
3. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
4. Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items

9.2.2 Repair or replace individual sewage treatment systems as follows:

1. In accordance with 10NYCRR Appendix 75A to the maximum extent practicable.

2. A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
  1. Relocating or extending an absorption area to a location not previously approved for such.
  2. Installation of a new subsurface treatment system at the same location.
  3. Use of alternate system or innovative system design or technology.
3. A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

**SECTION 10. SUSPENSION OF ACCESS TO MS4. Illicit Discharges in Emergency Situations.**

- 10.1 The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- 10.2 Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

**SECTION 11. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

**SECTION 12. ACCESS AND MONITORING OF DISCHARGES.**

- 12.1 Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.
- 12.2 Access to Facilities.

- 12.2.1 The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
- 12.2.2 Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
- 12.2.3 The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
- 12.2.4 The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- 12.2.5 Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
- 12.2.6 If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

### **SECTION 13. NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **SECTION 14. ENFORCEMENT.**

### **14.1 Notice of Violation.**

When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

14.1.1 The elimination of illicit connections or discharges;

14.1.2 That violating discharges, practices, or operations shall cease and desist;

14.1.3 The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

14.1.4 The performance of monitoring, analyses, and reporting;

14.1.5 Payment of a fine; and

14.1.6 The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

### **14.2 Penalties**

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

## **SECTION 15. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the SMO to the Macedon Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after

the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

#### **SECTION 16. CORRECTIVE MEASURES AFTER APPEAL.**

- 16.1 If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- 16.2 If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

#### **SECTION 17. INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **SECTION 18. ALTERNATIVE REMEDIES.**

- 18.1 Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
  - 18.1.1 The violation was unintentional
  - 18.1.2 The violator has no history of previous violations of this Law.
  - 18.1.3 Environmental damage was minimal.
  - 18.1.4 Violator acted quickly to remedy violation.
  - 18.1.5 Violator cooperated in investigation and resolution.
- 18.2 Alternative remedies may consist of one or more of the following:
  - 18.2.1 Attendance at compliance workshops
  - 18.2.2 Storm drain stenciling or storm drain marking
  - 18.2.3 River, stream or creek cleanup activities

#### **SECTION 19. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to

exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**SECTION 20. REMEDIES NOT EXCLUSIVE.**

The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**SECTION 21. ADOPTION OF LAW.**

This law shall be in full force and effect 30 days after its final passage and adoption. All prior laws and parts of law in conflict with this law are hereby repealed.

PASSED AND ADOPTED this 23<sup>rd</sup> day of August, 2007, by the following vote:

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 07 of the ~~(County)(City)~~(Town)(Village) of Macedon was duly passed by the Town Board on September 13, 20 07 in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_, above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF Wayne

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature  
Town Attorney  
Title

~~County~~  
~~City~~ of \_\_\_\_\_  
Town  
~~Village~~

Date: September 13, 2007



# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Macedon
- Town
- Village

Local Law No. 4 of the year 20 07

A local law Stormwater Management and Erosion & Sediment Control  
*(Insert Title)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Be it enacted by the Town Board of the \_\_\_\_\_  
*(Name of Legislative Body)*

- County
  - City of Macedon
  - Town
  - Village
- \_\_\_\_\_ as follows:

text as attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**Town of Macedon**  
**Local Law for Stormwater Management and Erosion & Sediment Control**  
**Local Law #4 of 2007**

**General Purpose:** Adoption of NYS Model Code relative to MS4 program. This law establishes guidelines and enforcement mechanisms for erosion and sediment control by amending Chapter 75 Land Use, and Chapter 135 Zoning of the Town of Macedon.

**Town Board Public Hearing date:** August 23, 2007

Be it enacted by the Town Board of the Town of Macedon as follows:

**Article 1. General Provisions**

**Section 1. Findings of Fact**

It is hereby determined that:

- 1.1 Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- 1.2 This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- 1.3 Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 1.4 Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- 1.5 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- 1.6 Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- 1.7 Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;

- 1.8 The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- 1.9 Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

## **Section 2. Purpose**

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- 2.1 Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- 2.2 Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- 2.3 Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- 2.4 Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- 2.5 Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- 2.6 Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

## **Section 3. Statutory Authority**

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of Macedon has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Macedon and for the protection and enhancement of its physical environment. The Town Board of Macedon may

include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

#### **Section 4. Applicability**

- 4.1 This local law shall be applicable to all land development activities as defined in this local law, Article 2, Section 1.
- 4.2 The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Town Board of the Town of Macedon, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.
- 4.3 All land development activities subject to review and approval by the Planning Board of the Town of Macedon under subdivision, site plan, and/or special use permit regulations shall be reviewed subject to the standards contained in this local law.
- 4.4 All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

#### **Section 5. Exemptions**

The following activities may be exempt from review under this law.

- 5.1 Agricultural activity as defined in this local law.
- 5.2 Silvicultural activity except that landing areas and log haul roads are subject to this law.
- 5.3 Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 5.4 Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- 5.5 Any part of a subdivision if a plat for the subdivision has been approved by the Town of Macedon on or before the effective date of this law.
- 5.6 Land development activities for which a building permit has been approved on or before the effective date of this law.

- 5.7 Cemetery graves.
- 5.8 Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 5.9 Emergency activity immediately necessary to protect life, property or natural resources.
- 5.10 Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- 5.11 Landscaping and horticultural activities in connection with an existing structure.

## **Article 2. Zoning Law Amendment: Stormwater Control**

The Town of Macedon Zoning Law Article VI §135-43 is hereby renamed from “Storm drainage considerations” to “Stormwater Control”, and the text of this section is hereby amended to read as follows:

### **Section 1. Definitions**

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

The following listed definitions shall be integrated into Zoning Code §135-7 Definitions:

**Applicant** - A property owner or agent of a property owner who has filed an application for a land development activity.

**Channel** - A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Clearing** - Any activity that removes the vegetative surface cover.

**Dedication** - The deliberate appropriation of property by its owner for general public use.

**Department** - The New York State Department of Environmental Conservation

**Design Manual** - The New York State Stormwater Management Design Manual, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

**Developer** - A person who undertakes land development activities.

**Erosion Control Manual** - The most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

**Grading** - Excavation or fill of material, including the resulting conditions thereof.

**Impervious Cover**- Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**Industrial Stormwater Permit** - A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration** - The process of percolating stormwater into the subsoil.

**Jurisdictional Wetland** - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Land Development Activity** - Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

**Landowner** - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**Maintenance Agreement** - A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

**Nonpoint Source Pollution** - Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Phasing** - Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

**Pollutant of Concern** - Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

**Project** - Land development activity

**Recharge** - The replenishment of underground water reserves.



**Sediment Control** - Measures that prevent eroded sediment from leaving the site.

**Sensitive Areas** - Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

**SPDES General Permit for Construction Activities GP-02-01** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

**SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

**Stabilization** - The use of practices that prevent exposed soil from eroding.

**Stop Work Order** - An order issued which requires that all construction activity on a site be stopped.

**Stormwater** - Rainwater, surface runoff, snowmelt and drainage

**Stormwater Hotspot** - A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

**Stormwater Management** - The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**Stormwater Management Facility** - One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**Stormwater Management Officer** - An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices

**Stormwater Management Practices (SMPs)** - Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**Stormwater Pollution Prevention Plan (SWPPP)** - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**Stormwater Runoff** - Flow on the surface of the ground, resulting from precipitation

**Surface Waters of the State of New York** - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons 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.

**Watercourse** - A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**Waterway** - A channel that directs surface runoff to a watercourse or to the public storm drain.

## **Section 2. Stormwater Pollution Prevention Plans**

### **2.1. Stormwater Pollution Prevention Plan Requirement**

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

### **2.2 Contents of Stormwater Pollution Prevention Plans**

2.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project.
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
3. Description of the soil(s) present at the site;
4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent

with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
  6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;
  7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
  8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
  9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
  10. Temporary practices that will be converted to permanent control measures;
  11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
  12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
  13. Name(s) of the receiving water(s);
  14. Delineation of SWPPP implementation responsibilities for each part of the site;
  15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
  16. Any existing data that describes the stormwater runoff at the site.
- 2.2.2 Land development activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 2.2.3 below as applicable:

Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

### 2.2.3 SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms
5. Comparison of post-development stormwater runoff conditions with pre-development conditions
6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law.
10. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

### **2.3 Other Environmental Permits**

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

### **2.4 Contractor Certification**

2.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity : "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

2.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

2.5 A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

## **Section 3. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control**

All land development activities shall be subject to the following performance and design criteria:

### **3.1 Technical Standards**

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

3.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)

3.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most

current version or its successor, hereafter referred to as the Erosion Control Manual).

### **3.2 Equivalence to Technical Standards**

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and the SWPPP shall be prepared by a licensed professional.

### **3.3 Water Quality Standards**

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

## **Section 4. Maintenance, Inspection and Repair of Stormwater Facilities**

### **4.1 Maintenance and Inspection During Construction**

- 4.1.1 The applicant or developer of the land development activity or their representative shall 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 applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
- 4.1.2 For land development activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 2.2.2, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.
- 4.1.3 The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

### **4.2 Maintenance Easement(s)**

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Macedon to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Macedon.

### **4.3 Maintenance after Construction**

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- 4.3.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
- 4.3.2 Written procedures for operation and maintenance and training new maintenance personnel.
- 4.3.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.3.

### **4.4 Maintenance Agreements**

The Town of Macedon shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement. The Town of Macedon, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

## **Section 5. Severability and Effective Date**

### **5.1 Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

### **5.2 Effective Date**

This Local Law shall be effective upon filing with the office of the Secretary of State.

### **Article 3. Land Use (Site Plan and Subdivision) Regulation Amendment**

Sections 75-48 and 75-49 of the Land Use and Public Works Regulations of the Town of Macedon are hereby amended by adding the following to the information requirements:

A. Under §75-48 Preliminary plan, add the following under a new subsection "S.":

Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of this local law shall be required for Preliminary Site Plan/Subdivision submittal. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Preliminary Site Plan/Subdivision Plat shall be consistent with the provisions of this local law.

B. Under §75-49 Final plan, add the following under a new subsection "A. (14)":

Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of Article 1 and 2 of this local law and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Final Site Plan/Subdivision Plat shall be consistent with the provisions of this local law.

### **Article 4. Erosion & Sediment Control Law Repeal**

The existing Erosion & Sediment Control requirements of the Town of Macedon, as delineated in the Land Use and Public Works, §75-34 is hereby repealed in its entirety.

### **Article 5. Administration and Enforcement**

#### **Section 1. Construction Inspection**

##### **1.1 Erosion and Sediment Control Inspection**

The Town of Macedon Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Macedon enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- 1.1.1 Start of construction
- 1.1.2 Installation of sediment and erosion control measures
- 1.1.3 Completion of site clearing
- 1.1.4 Completion of rough grading



- 1.1.5 Completion of final grading
- 1.1.6 Close of the construction season
- 1.1.7 Completion of final landscaping
- 1.1.8 Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

## **1.2 Stormwater Management Practice Inspections**

The Town of Macedon Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

## **1.3 Inspection of Stormwater Facilities After Project Completion**

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

## **1.4 Submission of Reports**

The Town of Macedon Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

## **1.5 Right-of-Entry for Inspection**

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town of Macedon the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1.3.

## **Section 2. Performance Guarantee**

### **2.1 Construction Completion Guarantee**

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Macedon in its approval of the Stormwater Pollution Prevention Plan, the Town of Macedon may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Macedon as the beneficiary. The security shall be in an amount to be determined by the Town of Macedon based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Macedon, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town of Macedon. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

### **2.2 Maintenance Guarantee**

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Macedon with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Macedon may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

### **2.3 Recordkeeping**

The Town of Macedon may require entities subject to this law to maintain records demonstrating compliance with this law.

## **Section 3. Enforcement and Penalties**

### **3.1 Notice of Violation.**

When the Town of Macedon determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain :

- 3.1.1 The name and address of the landowner, developer or applicant;
- 3.1.2 The address when available or a description of the building, structure or land upon which the violation is occurring;
- 3.1.3 A statement specifying the nature of the violation;
- 3.1.4 A description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
- 3.1.5 A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- 3.1.6 A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

### **3.2 Stop Work Orders**

The Town of Macedon may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of Macedon confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

### **3.3 Violations**

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

### **3.4 Penalties**

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven

hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

### **3.5 Withholding of Certificate of Occupancy**

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

### **3.6 Restoration of lands**

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Macedon may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

## **Section 4. Fees for Services**

The Town of Macedon may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of Macedon or performed by a third party for the Town of Macedon.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 07 of the ~~(County)(City)~~(Town)(Village) of Macedon was duly passed by the Town Board on September 13, 20 07, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_, above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF Wayne

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature  
Town Attorney  
\_\_\_\_\_  
Title

~~X County~~  
~~X City~~ of \_\_\_\_\_  
Town  
~~X Village~~

Date: September 13, 2007

## Sample Local Law for Stormwater Management and Erosion & Sediment Control *(Revised 3/06)*

This model local law is intended to be a guidance tool for communities that are subject to the Municipal Separate Storm Sewer System (MS4) Phase II stormwater management requirements of the National Pollutant Discharge Elimination System (NPDES) regulations, administered by New York State through the State Pollutant Discharge Elimination System (SPDES) regulations. The goal of providing this model law is to assist communities in amending existing laws and ordinances and/or adopting new provisions of local law to meet the new federal and state guidelines for stormwater control. In designing a model stormwater law for a New York State audience, we include suggestions for standard language and concepts that we believe a good stormwater management program should contain. This local law should not be construed as an exhaustive listing of all the language needed for a local law, but represents a good base that communities can build upon and customize to be consistent with the local conditions and staff resources available in their municipality.

Throughout the local law, there are sections in which you must insert the name of your municipality and the agency that you have given regulatory power over stormwater management issues. These sections are denoted by **bold text** placed in brackets. By using this document and customizing these sections, you can create a viable local law with minimal editing. Municipalities should work with their municipal attorney throughout the process.

Italicized text with this symbol  $\supset$  should be interpreted as comments, instructions, or information to assist the local law writer. This text *should not appear* in your final local law.

The contents of this local law are as follows:

|   |    |
|---|----|
| Local Law title and enacting clause                                       | 2  |
| Article 1 - General Provisions  | 2  |
| Article 2 - Amendment to Zoning Law                                       | 4  |
| Article 3 - Amendment to Subdivision Law                                  | 12 |
| Article 4 - Amendment to Site Plan Review Law                             | 13 |
| Article 5 - Amendment to Erosion & Sediment Control Law                   | 13 |
| Article 6 - Administration and Enforcement                                | 13 |
| Schedule A - Stormwater Management Practices Acceptable for Water Quality | 18 |
| Schedule B - Sample Stormwater Control Facility Maintenance Agreement     | 19 |

**Sample Local Law for Stormwater Management and  
Erosion & Sediment Control**

A local law to amend the **(Zoning Law/Subdivision Law/Site Plan Review Law/Erosion and Sediment Control Law)** of the **((City/Town/Village) of \_\_\_\_\_)**, Local law Number \_\_\_\_\_ of the Year \_\_\_\_\_.

*Article 1 and Article 2 must be adopted for proper implementation. The municipality and its legal counsel, after reviewing their local codes and this model language, should pick additional provisions from Articles 3, 4, 5 and 6 to ensure review and enforcement of stormwater pollution prevention plans at the local level.*

Be it enacted by the **(City Council/Town Board/Village Board of Trustees)** of the **((City/Town/Village) of \_\_\_\_\_)** as follows:

**Article 1. General Provisions**

**Section 1. Findings of Fact**

It is hereby determined that:

- 1.1 Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- 1.2 This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- 1.3 Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 1.4 Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- 1.5 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- 1.6 Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- 1.7 Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- 1.8 The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- 1.9 Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

**Section 2. Purpose**

The purpose of this local law is to establish minimum stormwater management requirements and controls to



protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- 2.1 Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- 2.2 Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- 2.3 Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- 2.4 Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- 2.5 Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- 2.6 Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

*∩ The above list is a general set of objectives to reduce the impact of stormwater on receiving waters. Section 2.1 applies to regulated MS4s; a municipality not currently under this program may wish to leave this objective out, although the community may become regulated in the future. The advantage to adopting a local law for all municipalities is that the local government then has control over review and approval of Stormwater Pollution Prevention Plans (SWPPPs) during subdivision and site plan review. The local government may also wish to set some more specific objectives, based on priority water quality (refer to New York State 303 (d) list of priority waters at [www.dec.state.ny.us/website/dow/303dcalm.html](http://www.dec.state.ny.us/website/dow/303dcalm.html)) and habitat problems (e.g., to reduce phosphorus loads being delivered to recreational lakes, to sustain a Class TS trout fishery).*

### **Section 3. Statutory Authority**

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the **(City Council/Town Board/Village Board of Trustees of \_\_\_\_\_)** has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the **((City/Town/Village) of \_\_\_\_\_)** and for the protection and enhancement of its physical environment. The **(City Council/Town Board/Village Board of Trustees of \_\_\_\_\_)** may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

### **Section 4. Applicability**

- 4.1 This local law shall be applicable to all land development activities as defined in this local law, Article 2, Section 1.
- 4.2 The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The

Stormwater Management Officer may (1) review the plans, (2) upon approval by the ((City Council/Town Board/Village Board of Trustees) of the (Town/Village/City) of \_\_\_\_\_), engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

- 4.3 All land development activities subject to review and approval by the (applicable board of the (City/Town Village) of \_\_\_\_\_) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law
- 4.4 All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

## **Section 5. Exemptions**

The following activities may be exempt from review under this law.

☞ *The municipality may elect to include some or all of the exemptions in Section 5.*

- 5.1 Agricultural activity as defined in this local law.
- 5.2 Silvicultural activity except that landing areas and log haul roads are subject to this law.
- 5.3 Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 5.4 Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- 5.5 Any part of a subdivision if a plat for the subdivision has been approved by the ((City/Town/Village) of \_\_\_\_\_) on or before the effective date of this law.
- 5.6 Land development activities for which a building permit has been approved on or before the effective date of this law.
- 5.7 Cemetery graves.
- 5.8 Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 5.9 Emergency activity immediately necessary to protect life, property or natural resources.
- 5.10 Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- 5.11 Landscaping and horticultural activities in connection with an existing structure.

## **Article 2. Zoning Law Amendment: Stormwater Control**

☞ *Municipalities that do not have zoning should add the language in Article 2 to Article 3 (Subdivision Regulation Amendment) or Article 4 (Site Plan Review Law Amendment) as applicable for their municipality.*

The Zoning Law is hereby amended to include Article \_\_\_\_, a new supplemental regulation titled Stormwater Control.

## **Section 1. Definitions**

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

☞ *Definitions should be incorporated into the appropriate section of the municipality's zoning law which contains definitions.*

**Agricultural Activity** - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

**Applicant** - a property owner or agent of a property owner who has filed an application for a land development activity.

**Building** - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

**Channel** - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Clearing** - any activity that removes the vegetative surface cover.

**Dedication** - the deliberate appropriation of property by its owner for general public use.

**Department** - the New York State Department of Environmental Conservation

**Design Manual** - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

**Developer** - a person who undertakes land development activities.

**Erosion Control Manual** - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

**Grading** - excavation or fill of material, including the resulting conditions thereof.

**Impervious Cover** - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**Industrial Stormwater Permit** - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration** - the process of percolating stormwater into the subsoil.

**Jurisdictional Wetland** - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Land Development Activity** - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre (*see Note*), or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

☞ *A community should review the local site plan, subdivision, zoning and erosion & sediment control laws and ordinances to see if there are minimum land disturbance requirements already specified in those laws. To meet the SPDES guidelines under GP-02-02, the municipality must require SWPPPs for construction activities that result in land disturbance equal to or greater than one acre, or activities disturbing less than one acre if they are part of a larger common plan of development or sale or in a specified watershed. The municipality may wish to reduce this threshold to a lesser amount of disturbance to conform to local standards which may be stricter than the standards set forth in the state regulations. Many communities regulate land disturbance activities of more than 5000 square feet (1/8 acre), with an exemption if the amount of impervious cover created does not exceed 1000 square feet.*

**Landowner** - the legal or beneficial owner of land, including those holding the right to purchase or lease the

land, or any other person holding proprietary rights in the land.

**Maintenance Agreement** - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

**Nonpoint Source Pollution** - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Phasing** - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

**Pollutant of Concern** - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

**Project** - land development activity

**Recharge** - the replenishment of underground water reserves.

**Sediment Control** - measures that prevent eroded sediment from leaving the site.

**Sensitive Areas** - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

**SPDES General Permit for Construction Activities GP-02-01** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

**SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

**Stabilization** - the use of practices that prevent exposed soil from eroding.

**Stop Work Order** - an order issued which requires that all construction activity on a site be stopped.

**Stormwater** - rainwater, surface runoff, snowmelt and drainage

**Stormwater Hotspot** - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

**Stormwater Management** - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**Stormwater Management Facility** - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**Stormwater Management Officer** - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices

*↳The Stormwater Management Officer would likely be the Code Enforcement Officer or his/her staff. A consultant cannot be appointed as Stormwater Management Officer. Plan reviews and site inspections may be delegated to a consultant paid for through the applicant's escrow account, however the final approval must be made by a municipal employee or board member.*

**Stormwater Management Practices (SMPs)** - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**Stormwater Pollution Prevention Plan (SWPPP)** - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**Stormwater Runoff** - flow on the surface of the ground, resulting from precipitation

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

Storm sewers and waste treatment systems, including treatment ponds or lagoons 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.

**Watercourse** - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**Waterway** - a channel that directs surface runoff to a watercourse or to the public storm drain.

## **Section 2. Stormwater Pollution Prevention Plans**

### **2.1. Stormwater Pollution Prevention Plan Requirement**

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

### **2.2 Contents of Stormwater Pollution Prevention Plans**

2.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project.
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

*⤵ Site map should be at a scale no smaller than 1"=100' (e.g. 1"=500' is smaller than 1"=100')*

3. Description of the soil(s) present at the site;
4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

*⤵ A municipality may choose to reduce the amount of land that may be exposed at any one time.*

5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in

stormwater runoff;

6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
13. Name(s) of the receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;
15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
16. Any existing data that describes the stormwater runoff at the site.

2.2.2 Land development activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 2.2.3 below as applicable :

Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

2.2.3 SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms
5. Comparison of post-development stormwater runoff conditions with pre-development conditions

6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law.
10. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.<sup>1</sup>

### **2.3 Other Environmental Permits**

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

### **2.4 Contractor Certification**

- 2.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity : "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
- 2.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- 2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

**2.5** A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

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<sup>1</sup>Revised 3/06 - formerly Section 2.3. This section was moved under Section 2.2.3 to more closely meet the New York State requirements for Condition A in Section 2.2.2. The NY SPDES General Permit for Stormwater Runoff from Construction Activities (GP-02-01) requires that SWPPPs be prepared by a licensed professional for land development activities discharging a pollutant of concern to an impaired water identified on the Department's 303(d) list of impaired waters or to a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

### **Section 3. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control**

All land development activities shall be subject to the following performance and design criteria:

#### **3.1 Technical Standards**

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

- 3.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
- 3.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

*↻ The New York State technical guidance documents may be ordered from The Department. An order form as well as downloadable versions of the Manuals are available on the Internet at;*

<http://www.dec.state.ny.us/website/dow/toolbox/escstandards/index.html>

<http://www.dec.state.ny.us/website/dow/toolbox/swmanual/>

#### **3.2 Equivalence to Technical Standards<sup>2</sup>**

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and the SWPPP shall be prepared by a licensed professional.

#### **3.3 Water Quality Standards**

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

### **Section 4. Maintenance, Inspection and Repair of Stormwater Facilities<sup>3</sup>**

#### **4.1 Maintenance and Inspection During Construction<sup>4</sup>**

- 4.1.1 The applicant or developer of the land development activity or their representative shall 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 applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment

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<sup>2</sup> Added 3/06 to ensure that the local law addresses the New York State requirement for applicants to demonstrate through preparation by a licensed professional that stormwater management practices that are not prepared in accordance with NYSDEC technical standards will work in the field to prevent soil erosion and maintain water quality.

<sup>3</sup> Revised 3/06 to add the word "Inspection" to the title to more closely reflect the content of the section.

<sup>4</sup> Revised 3/06 to add the word "Inspection" to the title to more closely reflect the content of the section.



traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

4.1.2 For land development activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 2.2.2, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.<sup>5</sup>

4.1.3 *The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.*<sup>6</sup>

☞ *4.1.3 is an optional clause for municipalities that are interested in requiring more oversight by the developer during construction activities.*

#### 4.2 Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the ((City/Town/Village) of \_\_\_\_\_) to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the ((City/Town/Village) of \_\_\_\_\_).

#### 4.3 Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained<sup>7</sup> to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

4.3.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.

4.3.2 Written procedures for operation and maintenance and training new maintenance personnel.

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<sup>5</sup> Revised 3/06. This clause was rewritten to more closely meet the New York State requirements for Conditions A, B and C in Section 2.2.2. The NY SPDES General Permit for Stormwater Runoff from Construction Activities (GP-02-01) requires that inspections be conducted every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more for all projects that are required to prepare full SWPPPs as stated in Conditions A, B and C, and to copy such reports to a site log book.

<sup>6</sup> Revised 3/06. Originally part of 4.1.2, this clause was relocated as a separate section to show that it is optional.

<sup>7</sup> Revised 3/06 to correct a grammatical error.

4.3.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.3.

**4.4 Maintenance Agreements**

The ((City/Town/Village) of \_\_\_\_\_) shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement. The ((City/Town/Village) of \_\_\_\_\_), in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

**Section 5. Severability and Effective Date**

**5.1 Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

**5.2 Effective Date**

This Local Law shall be effective upon filing with the office of the Secretary of State.

Approved by: \_\_\_\_\_ Date \_\_\_\_\_

**Article 3. Subdivision Regulation Amendment**

Sections \_\_\_ and \_\_\_ of the Subdivision Regulations of the ((City/Town/Village) of \_\_\_\_\_) are hereby amended by adding the following to the information requirements:

A. *For Preliminary Subdivision Plat add: Stormwater Pollution Prevention Plan:* A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of this local law shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Preliminary Subdivision Plat shall be consistent with the provisions of this local law.

B. *For Final Subdivision Plat approval add: Stormwater Pollution Prevention Plan:* A Stormwater Pollution Prevention Plan consistent with the requirements of Article 1 and 2 of this local law and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Final Subdivision Plat shall be consistent with the provisions of this local law.

⊃ *If the municipality has only one requirement for a final plan (no preliminary) then use Paragraph A language only.*

## Article 4. Site Plan Review Regulation Amendment

Sections \_\_\_ and \_\_\_ of the Site Plan Review regulations of the ((City/Town/Village) of \_\_\_\_\_) are hereby amended by adding the following to the information requirements:

*For Site Plan Approval add: Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of Article 1 and 2 of this local law shall be required for Site Plan Approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Site Plan shall be consistent with the provisions of this local law.*

## Article 5. Erosion & Sediment Control Law Repeal or Amendment<sup>8</sup>

### Repeal:

The Erosion & Sediment Control Law of the ((City/Town/Village) of \_\_\_\_\_) is hereby repealed.

*↳ By adopting Articles 1 and 2 (and 3, 4 and 6 where necessary) of the Model Local Law for Stormwater Management and Erosion & Sediment Control, the municipality will have regulatory authority for both erosion & sediment control and post-construction stormwater management so a separate erosion & sediment control law is not needed.*

**OR**

### Amendment:

Section \_\_\_\_\_ of the Erosion & Sediment Control Law of the ((City/Town/Village) of \_\_\_\_\_) is hereby amended by adding the following clause: Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of Article 1 and 2 of this local law shall be required. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved erosion control permit shall be consistent with the provisions of this local law.

*↳ The municipality must also adopt Articles 1, 2, 3 and 4 (as applicable for their municipality) in order to address post-construction stormwater runoff control in stormwater pollution prevention plans.*

## Article 6. Administration and Enforcement

*↳ The following provisions for construction inspection, performance guarantees and bonds, and enforcement are important to include in a stormwater control program, but may already exist in local law. Therefore the municipality and its counsel should review their existing provisions for these activities, compare them with the following provisions, and consider whether revisions or amendments are necessary to achieve the purposes of this local law.*

### Section 1. Construction Inspection

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<sup>8</sup> Revised 3/06 to clarify that adoption of this Sample Local Law provides all the required language for local regulation of erosion & sediment control, therefore repeal of an existing erosion & sediment control law and replacement with the Sample Local Law may be the best option for many municipalities.

### **1.1 Erosion and Sediment Control Inspection**

The ((City/Town/Village) of \_\_\_\_\_ ) Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the ((City/Town/Village) of \_\_\_\_\_ ) enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- 1.1.1 Start of construction
- 1.1.2 Installation of sediment and erosion control measures
- 1.1.3 Completion of site clearing
- 1.1.4 Completion of rough grading
- 1.1.5 Completion of final grading
- 1.1.6 Close of the construction season
- 1.1.7 Completion of final landscaping
- 1.1.8 Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

### **1.2 Stormwater Management Practice Inspections**

The ((City/Town/Village) of \_\_\_\_\_ ) Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

### **1.3 Inspection of Stormwater Facilities After Project Completion**

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

*Inspections may be performed by local government staff or the local government may designate an inspector required to have a Professional Engineer's (PE) license or Certified Professional in Erosion and Sediment Control (CPESC) certificate, as long as the designated inspector is required to submit a report.*

#### **1.4 Submission of Reports**

The ((City/Town/Village) of \_\_\_\_\_) Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

#### **1.5 Right-of-Entry for Inspection**

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the ((City/Town/Village) of \_\_\_\_\_) the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1.3.

### **Section 2. Performance Guarantee**

#### **2.1 Construction Completion Guarantee**

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the ((City/Town/Village) of \_\_\_\_\_) in its approval of the Stormwater Pollution Prevention Plan, the ((City/Town/Village) of \_\_\_\_\_) may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the ((City/Town/Village) of \_\_\_\_\_) as the beneficiary. The security shall be in an amount to be determined by the ((City/Town/Village) of \_\_\_\_\_) based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the ((City/Town/Village) of \_\_\_\_\_), provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the ((City/Town/Village) of \_\_\_\_\_). Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

#### **2.2 Maintenance Guarantee**

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the ((City/Town/Village) of \_\_\_\_\_) with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the ((City/Town/Village) of \_\_\_\_\_) may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

#### **2.3 Recordkeeping**

The ((City/Town/Village) of \_\_\_\_\_) may require entities subject to this law to maintain records demonstrating compliance with this law.

### **Section 3. Enforcement and Penalties**

**3.1 Notice of Violation.**

When the ((City/Town/Village) of \_\_\_\_\_) determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain :

- 3.1.1 the name and address of the landowner, developer or applicant;
- 3.1.2 the address when available or a description of the building, structure or land upon which the violation is occurring;
- 3.1.3 a statement specifying the nature of the violation;
- 3.1.4 a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
- 3.1.5 a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- 3.1.6 a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

**3.2 Stop Work Orders**

The ((City/Town/Village) of \_\_\_\_\_) may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the ((City/Town/Village) of \_\_\_\_\_) confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

**3.3 Violations**

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

**3.4 Penalties**

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

**3.5 Withholding of Certificate of Occupancy**

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

### **3.6 Restoration of lands**

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the ((City/Town/Village) of \_\_\_\_\_) may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

## **Section 4. Fees for Services**

The ((City/Town/Village) of \_\_\_\_\_) may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the ((City/Town/Village) of \_\_\_\_\_) or performed by a third party for the ((City/Town/Village) of \_\_\_\_\_).

# Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System

## Introduction

This model local law is intended to be a tool for communities that are currently or may soon be responsible for meeting the Phase II stormwater management requirements of the National Pollutant Discharge Elimination System (NPDES) regulations, administered by New York State through the State Pollutant Discharge Elimination System (SPDES) regulations. The goal of providing this model law is to assist communities in adopting provisions of local law to meet the new federal and state guidelines for prohibiting illicit discharges to municipal separate storm sewer systems. In designing a model illicit discharge law for a New York State audience, we include suggestions for standard language and concepts that we believe a good illicit discharge law should contain. This local law should not be construed as an exhaustive listing of all the language needed for a local law, but represents a good base that communities can build upon and customize to be consistent with the local conditions and staff resources available in their municipality.

Throughout the local law, there are sections in which you must insert the name of your municipality and the agency that you have given regulatory power over stormwater management issues. These sections are denoted by **bold text** placed in brackets. By using this document and customizing these sections, you can create a viable local law with minimal editing.

*Italicized text with this symbol ➤ should be interpreted as comments, instructions, information or optional language to assist the local law writer. The text next to the arrow should be deleted and the optional sections converted to non-italicized text or deleted as appropriate in your final local law. Sections 2.5, 2.9, 7, 8.2, and 9.2 are optional for municipalities that are regulating failing individual sewage treatment systems because stormwater discharge from the MS4 meets one of the Special Conditions in Section 2.18 or for municipalities that choose to include these standards for certain water resource protection objectives.*



**Model Local Law  
to  
Prohibit Illicit Discharges, Activities  
and Connections to  
Separate Storm Sewer System**

**SECTION 1. PURPOSE/INTENT.**

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the ((City/Town/Village) of \_\_\_\_\_) through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- 1.1 To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
- 1.2 To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- 1.3 To prohibit Illicit Connections, Activities and Discharges to the MS4;
- 1.4 To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
- 1.5 To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

**SECTION 2. DEFINITIONS.**

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

- 2.1 Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 2.2 Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and

any subsequent amendments thereto.

2.3 Construction Activity. Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

2.4 Department. The New York State Department of Environmental Conservation.

⇒ *The following section in italics is optional for those municipalities that are regulating failing individual sewage treatment systems to address Special Conditions or water resource objectives:*

2.5 *Design professional. New York State licensed professional engineer or licensed architect.*

2.6 Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

2.7 Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:  
1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or  
2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

2.8 Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this law.

⇒ *The following section in italics is optional for those municipalities that are regulating failing individual sewage treatment systems to address Special Conditions or water resource objectives:*

2.9 *Individual Sewage Treatment System. A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.*

2.10 Industrial Activity. Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

- 2.11 MS4. Municipal Separate Storm Sewer System.
- 2.12 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 the ((City/Town/Village) of \_\_\_\_\_);
  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 40CFR 122.2
- 2.13 Municipality. The ((City/Town/Village) of \_\_\_\_\_)
- 2.14 Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of stormwater.
- 2.15 Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 2.16 Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.
- 2.17 Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 2.18 Special Conditions.
1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
  2. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
  3. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September

10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

4. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

- 2.19 State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.
- 2.20 Stormwater. Rainwater, surface runoff, snowmelt and drainage.
- 2.21 Stormwater Management Officer (SMO). An employee, the municipal engineer or other public official(s) designated by the ((City/Town/Village) of \_\_\_\_\_) to enforce this local law. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.
- 2.22 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.
- 2.23 TMDL. Total Maximum Daily Load.
- 2.24 Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.
- 2.25 Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

### **SECTION 3. APPLICABILITY.**

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### **SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement

official may be delegated in writing by the SMO as may be authorized by the municipality.

## **SECTION 5. SEVERABILITY.**

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

## **SECTION 6. DISCHARGE PROHIBITIONS.**

### **6.1 Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

6.1.1 The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

*▷ These discharge exemptions are allowed by the Federal regulations and the Department; however, municipalities may choose to delete certain exemptions if it is important to control that discharge to protect local water resources.*

6.1.2 Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.

6.1.3 Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

6.1.4 The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

## 6.2 Prohibition of Illicit Connections.

- 6.2.1 The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- 6.2.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- 6.2.3 A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

⊃ *The following section in italics is optional for those municipalities that are regulating failing individual sewage treatment systems to address Special Conditions or water resource objectives:*

### **SECTION 7. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

*No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:*

- 7.1 *The backup of sewage into a structure.*
- 7.2 *Discharges of treated or untreated sewage onto the ground surface.*
- 7.3 *A connection or connections to a separate stormwater sewer system.*
- 7.4 *Liquid level in the septic tank above the outlet invert.*
- 7.5 *Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.*
- 7.6 *Contamination of off-site groundwater.*

### **SECTION 8. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER**

- 8.1 Activities that are subject to the requirements of this section are those types of activities that:
  - 8.1.1 Cause or contribute to a violation of the municipality's MS4 SPDES permit.
  - 8.1.2 Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.

⊃ *The following section in italics is optional for those municipalities that are regulating failing individual sewage treatment systems to address Special Conditions or water resource objectives:*

- 8.2 *Such activities include failing individual sewage treatment systems as defined in Section 7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.*

- 8.3 Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

**SECTION 9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

9.1 Best Management Practices

Where the SMO has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

9.1.1 The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.

9.1.2 Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

9.1.3 Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

⊃ *The following section in italics is optional for those municipalities that are regulating failing individual sewage treatment systems to address Special Conditions or water resource objectives:*

9.2 *Individual Sewage Treatment Systems - Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants*

*Where individual sewage treatment systems are contributing to the municipality's being subject to the Special Conditions as defined in Section 2 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:*

9.2.1 *Maintain and operate individual sewage treatment systems as follows:*

- 1. Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee.*
- 2. Avoid the use of septic tank additives.*
- 3. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and*

4. *Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items*

*Most tanks should be pumped out every two to three years. However, pumping may be more or less frequent depending on use. Inspection of the tank for cracks, leaks and blockages should be done by the septage hauler at the time of pumping of the tank contents.*

9.2.2 *Repair or replace individual sewage treatment systems as follows:*

1. *In accordance with 10NYCRR Appendix 75A to the maximum extent practicable.*
2. *A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:*
  1. *Relocating or extending an absorption area to a location not previously approved for such.*
  2. *Installation of a new subsurface treatment system at the same location.*
  3. *Use of alternate system or innovative system design or technology.*
3. *A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.*

## **SECTION 10. SUSPENSION OF ACCESS TO MS4. Illicit Discharges in Emergency Situations.**

- 10.1 The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- 10.2 Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

## **SECTION 11. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.



## **SECTION 12. ACCESS AND MONITORING OF DISCHARGES.**

- 12.1 **Applicability.** This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.
- 12.2 **Access to Facilities.**
- 12.2.1 The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
- 12.2.2 Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
- 12.2.3 The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
- 12.2.4 The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- 12.2.5 Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
- 12.2.6 If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

## **SECTION 13. NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery,

containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **SECTION 14. ENFORCEMENT.**

### **14.1 Notice of Violation.**

When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

14.1.1 The elimination of illicit connections or discharges;

14.1.2 That violating discharges, practices, or operations shall cease and desist;

14.1.3 The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

14.1.4 The performance of monitoring, analyses, and reporting;

14.1.5 Payment of a fine; and

14.1.6 The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

### **14.2 Penalties**

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon

courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

#### **SECTION 15. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the SMO to the (City Council/Town Board/Village Board of Trustees) within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

#### **SECTION 16. CORRECTIVE MEASURES AFTER APPEAL.**

- 16.1 If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- 16.2 If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

#### **SECTION 17. INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **SECTION 18. ALTERNATIVE REMEDIES.**

- 18.1 Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
  - 18.1.1 The violation was unintentional
  - 18.1.2 The violator has no history of pervious violations of this Law.
  - 18.1.3 Environmental damage was minimal.
  - 18.1.4 Violator acted quickly to remedy violation.
  - 18.1.5 Violator cooperated in investigation and resolution.

18.2 Alternative remedies may consist of one or more of the following:

- 18.2.1 Attendance at compliance workshops
- 18.2.2 Storm drain stenciling or storm drain marking
- 18.2.3 River, stream or creek cleanup activities

**SECTION 19. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**SECTION 20. REMEDIES NOT EXCLUSIVE.**

The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**SECTION 21. ADOPTION OF LAW.**

This law shall be in full force and effect \_\_ days after its final passage and adoption. All prior laws and parts of law in conflict with this law are hereby repealed.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote:



June 15, 2016

MS4 Permit Coordinator  
NYSDEC, Bureau of Water Permits  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-3505

**Re: Local Laws - Illicit Discharge Detection & Elimination, Construction Site Stormwater Runoff Control and Post-Construction Stormwater Management (#NYR20A391) 2530**

Dear Permit Coordinator:

We are writing to you on behalf of the Town of Macedon in regards to updating their local laws pertaining to Illicit Discharge Detection & Elimination, Construction Site Stormwater Runoff Control, and Post-Construction Stormwater Management.

The Village of Macedon dissolved on March 31, 2017, and at that time, the Town of Macedon incorporated the Village's geographical boundaries into the Town's geographical boundaries, and began incorporating the Village's MS4 responsibilities into the Town's SWMP and MS4 Program.

The Town has considered updating their existing stormwater local laws to encompass the Village's urbanized areas. However, the Draft SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-17-002), and the Sample Local Law for Stormwater Management and Erosion & Sediment Control have not been finalized. Therefore, after consultation with the Albany DEC Office, the Town has decided it would be prudent to delay updating their local laws until the new permit and sample laws are adopted. This decision will save the Town's taxpayers from passing laws now, and then repeating that lengthy process again in another six months to a year when the Draft MS4 Permit and Sample Local Laws are finalized. The Village's local laws will remain in effect until March 31, 2019.

Please contact our office if you disagree with the Town's course of action. You may reach our office at (585) 377-7360, ext. 133.

Thank you for your attention to this matter.

Sincerely,

BME ASSOCIATES

A handwritten signature in blue ink that reads 'Kimberly Boyd'.

Kimberly Boyd, CPESC, CPMSM  
Stormwater Specialist

KB

c: Cassandra Pagano; Town of Macedon Supervisor (by Email)  
Scott Allen; Town of Macedon (by Email)  
Ben Groth; NYSDEC, Region 8 (by Email)  
Peter Vars; BME Associates (by Email)  
Tom Danks; BME Associates (by Email)

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**Town of Macedon Compliance with Permit GP-0-15-003 Local Laws Requirement for  
MCM #3 Illicit Discharge Detection & Elimination, MCM #4 Construction Stormwater Management,  
& MCM #5 Post-Construction Stormwater Management**

**Date 11/30/18**

MS4 Permit GP-0-15-003 MS4 requirement

Town of Macedon Code Equivalent

|  |  |
|--|--|
| <p>NYS DEC’s model local law to prohibit Illicit discharges, activities, and connections to the separate storm sewer system.</p>   | <p>Part 2, General Legislation<br/>Chapter 112: Storm Sewers<br/>Article I: Illicit Discharge Detection and Elimination<br/>§112; Sections 1-20.<br/>Date Adopted: 9/13/2007</p> |
| <p>NYS DEC’s Sample Local Law for Stormwater Management and Erosion and Sediment Control- Article 1 General Provisions; Sections 1-5.</p>                                  | <p>Part 2, General Legislation<br/>Chapter 113: Stormwater Management and Erosion and Sediment Control<br/>Article I: General Provisions<br/>§113; Sections 1-5.</p>             |
| <p>NYS DEC’s Sample Local Law for Stormwater Management and Erosion and Sediment Control- Article 2. Zoning Law Amendment: Stormwater Control; Section 1. Definitions.</p> | <p>Part 2, General Legislation<br/>Chapter 135: Zoning<br/>Article II, Definitions and Word Usage<br/>§135-7 Definitions.<br/>Date Adopted: 9/13/2007</p>                        |
| <p>NYS DEC’s Sample L Local law for Stormwater Management and Erosion and Sediment Control- Article 2. Zoning Law Amendment: Stormwater Control; Sections 2-5.</p>         | <p>Part 2, General Legislation<br/>Chapter 135: Zoning<br/>Article VI: Regulations Applicable to all Districts<br/>§135-43 Stormwater Control.<br/>Date Adopted: 9/13/2007</p>   |

|   |   |
|---|---|
| <p>NYS DEC’s Sample Local Law for Stormwater Management and Erosion and Sediment Control- Article 3. Subdivision Regulation Amendment, and Article 4. Site plan Review Regulation Amendment.</p>                        | <p>Not necessary to adopt this language because of:<br/>                 Part 2, General Legislation<br/>                 Chapter 135: Zoning<br/>                 Article VI: Regulations Applicable to all Districts<br/>                 §135-43 Stormwater Control.<br/>                 Date Adopted: 9/13/2007</p>                            |
| <p>NYS DEC’s Sample Local Law for Stormwater Management and Erosion and Sediment Control- Article 5. Erosion and Sediment Control Law repeal or Amendment.</p>  | <p>Not applicable. There is no separate erosion and sediment control law that exists at the time the Town adopted its stormwater laws.</p>  |
| <p>NYS DEC’s Sample Local Law for Stormwater Management and Erosion and Sediment Control- Article 6. Administration and Enforcement, Section 1. Construction Inspection.</p>  | <p>Part 2, General Legislation<br/>                 Chapter 135: Zoning<br/>                 Article II, Administration and Enforcement<br/>                 Chapter 113: Stormwater Management and Erosion and Sediment Control<br/>                 §113-6 Construction Inspection.</p>   |
| <p>NYS DEC’s Sample Local Law for Stormwater Management and Erosion and Sediment Control- Article 6. Administration and Enforcement, Section 2-4 Performance guarantee, enforcement and penalties, fees for service</p> | <p>Part 2, General Legislation<br/>                 Chapter 135: Zoning<br/>                 Article II, Administration and Enforcement<br/>                 §113-7 Performance guarantee; maintenance guarantee; recordkeeping.<br/>                 §113-8 Enforcement: penalties for offenses.<br/>                 §113-9 Fees for Service.</p> |



**APPENDIX F**  
**Third Party Certifications**  
**&**  
**Inter-Municipal Agreement**



## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State  
Department of Environmental Conservation SPDES General  
Permit For Stormwater Discharges From Municipal Separate  
Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: BME Associates

Company Representative: Kimberly Boyd

Address: 10 Lift Bridge Lane East, Fairport, NY 14450

Phone Number: 585-377-7360 (ext. 133)

Email: kboyd@bmepc.com

Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:

MCM 1: SWMP Updates, FB Posts, Website Updates, Town Wide Mailer - Urbanized Area

MCM 2: Annual Report Preparation, SWMP Updates, Open House - Urbanized Area

MCM 3: Outfall Mapping, ORI, Dry Weather Inspections - Urbanized Area

MCM 4: SWPPP Review, Stormwater Inspections, SWPPP Enforcement - Town Wide

MCM 5: SWPPP Review, Inventory & Inspect Post-Construction Controls - Town Wide

MCM 6: SOP & BMP Development, Low Priority Facility Assessments - Urbanized Area

### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon 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 ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

[Signature]

Town of Macedon Representative

Kimberly Boyd

Third Party Contractor Representative

6-13-17

Date

6-13-17

Date



## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State  
Department of Environmental Conservation SPDES General  
Permit For Stormwater Discharges From Municipal Separate  
Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: EnviroTech Environmental Services

Company Representative: Robert Allen

Address: PO Box 29, Victor NY 14564

Phone Number: 8007242102

Email: info@naturallythebest.com

### Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:

Minimum Control Measure 6: Pollution Prevention/Good Housekeeping For Municipal Operations

Envirotech applies pest control at municipal facilities - Town Wide

Utilize a management system that incorporates integrated pest management techniques.

Use pesticides only if there is an actual problem.

Do not use pesticides if rain is expected, and do not prepare pesticides near a storm drain.

Calibrate application equipment to avoid excessive application.

### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon 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 ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

  
Town of Macedon Representative

 Robert Allen  
Third Party Contractor Representative

9/13/17  
Date

09/13/2017  
Date





## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State  
Department of Environmental Conservation SPDES General  
Permit For Stormwater Discharges From Municipal Separate  
Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: Caroline Myers Kilmer, WBE Certified Stormwater Consultant

Company Representative: Caroline Kilmer, MS, CPESC, CPSWQ, SPMSM

Address: 90 Caversham Woods, Pittsford, NY 14534

Phone Number: 585-746-5276

Email: caroline.myers.kilmer@gmail.com

### Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:

MCM 2 - Provide a rain garden class at the Town Library. Work with the Town Library, Macedon Garden Club and others to create and/or attend existing events to provide public education.

MCM 3 - Identify and inventory outfalls located in the Village of Macedon using GPS - Urbanized Area Conduct Outfall Reconnaissance Inventory and categorize outfalls as low or high priority.

MCM 4-6 Research requirements for local laws and existing laws to determine compliance.

MCM 6 - Assist with researching regulatory compliance for the Sewer Plant. Provide one workshop on green infrastructure for the Macedon Planning Board and Zoning Board of Appeals.

### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon 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 ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

[Signature]

Town of Macedon Representative

12/13/18

Date

[Signature]

Third Party Contractor Representative

12/13/18

Date



## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State  
Department of Environmental Conservation SPDES General  
Permit For Stormwater Discharges From Municipal Separate  
Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: Transitions Landscape & Design Inc.

Company Representative: Charlie Holvey

Address: 1095 Quaker Road, Macedon, NY 14502

Phone Number: 315-986-1595

Email: transitions@verizon.net

**Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:**

MCM 6: Parks & Open Space Maintenance, Pesticide & Fertilizer Application, Hydroseeding at  
Municipal facilities, parks, or right-of-ways - Urbanized Areas

### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon 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 ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

Town of Macedon Representative

9/11/17

Date

Third Party Contractor Representative

9/11/17

Date





## Third Party Contractor Agreement

Regarding Cooperation to Comply with the New York State Department of Environmental Conservation SPDES General Permit For Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4s)  
GP-0-15-003

### Third Party Contractor Information:

Company Name: Ontario County Soil & Water Conservation District

Company Representative: Thomas Derve

Address: 480 North Main Street, Canandaigua, NY 14424

Phone Number: 585-396-1450

Email: \_\_\_\_\_

Identify the activities that the entity will be responsible for including the particular Minimum Control Measure (MCM), the location and type of work:

MCM 4: SWPPP Plan Review, SWPPP Inspections, & SWPPP Enforcement - Town Wide

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Macedon's stormwater management program and agree to implement any corrective actions identified by the Town of Macedon or a representative. I also understand that the Town of Macedon 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 ("MS4 GP") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the Town of Macedon will not diminish, eliminate, or lessen my own liability."

Your signature below will constitute acknowledgement and acceptance of this agreement.

[Signature]

Town of Macedon Representative

6-13-17

Date

[Signature]

Third Party Contractor Representative

THOMAS W. DERUE, DISTRICT MANAGER

6/9/17

Date

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## INTERMUNICIPAL AGREEMENT

### REGARDING COOPERATION TO COMPLY WITH THE FEDERAL PHASE II STORMWATER REGULATION IN ONTARIO AND WAYNE COUNTIES.

An INTERMUNICIPAL AGREEMENT among the Ontario-Wayne Counties Stormwater Coalition members of the Towns of FARMINGTON, 1000 County Road 8, Farmington, New York 14425, MACEDON, 32 Main Street, Macedon, New York 14502, ONTARIO, 1850 Ridge Road, Ontario, New York 14519, VICTOR, 85 East Main Street, Victor, New York 14564, WALWORTH, 3600 Lorraine Drive, Walworth, New York 14568, hereinafter referred to as "Towns", the Coalition members of the Village of VICTOR, 60 East Main Street, Victor, New York 14564, hereinafter referred to as "Village"; ONTARIO COUNTY on behalf of its Department of Public Works with offices at 2962 County Road 48, Canandaigua, New York 14424; and WAYNE COUNTY on behalf of its Highway Department with offices at 7227 Route 31, Lyons, New York 14489, as authorized by Article 5-G of the General Municipal Law.

WHEREAS, the Phase II federal stormwater regulations require that regulated municipal separate storm sewer system operators comply with the SPDES General Permit for Stormwater Discharges (latest version) issued by the New York State Department of Environmental Conservation; and

WHEREAS, the Phase II federal stormwater regulations require that for each regulated municipal separate storm sewer system the municipality must prepare and implement a stormwater management program that includes six minimum control measures; and

WHEREAS, the municipalities recognize that, because watersheds and separate storm sewer systems cross municipal and county boundaries and because there are opportunities to save money and resources by working collaboratively, the municipalities should work cooperatively to comply with the requirements of the Phase II federal stormwater regulations; and

WHEREAS, the Ontario-Wayne Stormwater Coalition started holding meetings beginning in 2004 to identify and analyze options for pooling resources to meet the requirements of the Phase II Federal Stormwater Regulations, and;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The term of this agreement shall be from February 1, 2023 through January 31, 2028. At such time, this agreement may be renewed, amended, or terminated. Any party may withdraw from this agreement upon 60 days written notice to the other parties with or without cause.
2. The work of the Ontario-Wayne Stormwater Coalition shall be to work collaboratively to:
  - a. Comply with the latest Phase II Federal Stormwater Regulations and permit conditions placed on municipal separate storm sewer system operators and any future permit guidelines;



- b. Protect and/or improve the water quality of local water ways in accordance with State, County, and local water quality planning documents and policies
- c. Facilitate the use of existing or future resources, organizations, and programs for the provision of the services necessary to comply with the Phase II regulations
- d. Research and implement an appropriate funding mechanism to meet the financial needs resulting from compliance with the Phase II Federal Stormwater Regulations
- e. Report annually to the Ontario County Board of Supervisors, Ontario County Water Resources Council, Wayne County Board of Supervisors, and Wayne County Water Quality Coordinating Committee on the Coalition's progress with compliance and funding issues.

3. Each Coalition member (Municipality or Agency) will pay an annual membership fee to the Coalition to fund the implementation of compliance activities, which are part of each Coalition member's stormwater management plan. This fee will be determined annually by the Stormwater Coalition and approved by the full membership of the Stormwater Coalition. The fee schedule is included in Appendix 'A'.

4. Each Coalition member will designate an official representative to serve on the Stormwater Coalition. The designee shall be responsible to attend and participate in bimonthly meetings of the Coalition and the task groups created to facilitate compliance with different aspects of the regulations, and to transmit stormwater policy issues to his or her Coalition member. The designee shall also be responsible to obtain opinions on stormwater policy issues from the Coalition member and to share such opinions with the Stormwater Coalition membership. Every Coalition member entitled to vote or attend a meeting of the Stormwater Coalition may authorize another person to act by signed proxy.

5. The officers of the Stormwater Coalition shall be the Chair and Vice-Chair. The officers shall be elected to two-year terms by a majority of the members present at a regularly scheduled meeting. The duties and responsibilities of the Chair shall be to preside at meetings of the Coalition, and function as the official spokesperson for the Coalition. The Vice-Chair shall assist the Chair and subsequently assume the Chair position for a two-year term.

6. Membership fees, which are outlined in Appendix A, should be paid to the Ontario County Soil and Water Conservation District by the date established by the Coalition. If payment is not received within 30 days of this date (Feb 1), then membership will be revoked unless the Coalition has agreed to other payment arrangements.

7. Stormwater Coalition decisions and recommendations are generally made by consensus. Consensus is defined as all members of the Coalition being able to support the decision or recommendation.

When the Coalition cannot reach consensus, voting will be used for decision-making. Each Coalition member (municipality or agency), that has paid its Coalition membership fee in-full, shall have one vote. All decisions requiring voting shall be made by the majority of the members (or their officially designated alternates) present at a regularly scheduled meeting. In the case of a tie vote, the Chair shall cast the tie-breaking vote.

8. Staff from the local, regional, and state agencies may provide staffing services to the Ontario-Wayne Stormwater Coalition. This will include coordination of the Coalition, the task groups, management of Coalition projects, applying for grant funding, and coordination of awarded grants. The Coalition or its designated service provider may, with the approval of the Coalition, also manage the implementation of the membership fee and develop a template for the annual reports that must be submitted by each regulated Coalition member. The Ontario- Wayne Stormwater Coalition shall not be the employer of such staff.

9. This Agreement may be modified or amended only in writing duly executed by all parties, which shall be attached to and become a part of this Agreement.

10. Each party shall defend, indemnify and hold harmless the other, its officers, agents and assigns for all liability arising out of its activities under this Agreement. The obligations of this paragraph shall survive the expiration or termination of the Intermunicipal Agreement, whether occasioned by this Intermunicipal Agreement's expiration or earlier termination.

11. This Agreement constitutes the entire Agreement between the parties and supersedes any and all prior Agreements between the parties hereto for the services herein to be provided. The Agreement shall be governed by and construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principles.

12. Each Coalition Member shall be solely responsible and liable for its own activities under this Agreement, for obtaining its permit coverage under the SPDES General Permit for Stormwater Discharges from MS4s (current permit) and for the preparation, implementation, operation and maintenance of its own stormwater management program including, but not limited to, the required minimum control measures.

Signatories

Town of FARMINGTON Supervisor:

Date:

Town of MACEDON Supervisor:

Date:

Town of ONTARIO Supervisor:

Date:

Town of VICTOR Supervisor:

Date:

Town of WALWORTH Supervisor:

Date:

Village of VICTOR Mayor:

Date:

ONTARIO COUNTY, on behalf of its Department of Public Works

Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department

Title: *Chairman, Board of Supervisors*

Signature: *Philip W. Egan*

Date: *12/19/22*

Signatories

Town of FARMINGTON Supervisor:

Date:

Town of MACEDON Supervisor:

Date:

Town of ONTARIO Supervisor:

Date:

Town of VICTOR Supervisor:

Date:

Town of WALWORTH Supervisor:

Date:

Village of VICTOR Mayor:

Date:

ONTARIO COUNTY, on behalf of its Department of Public Works

Title: *County Administrator*

Signature: *Christopher P. Kerbel*

Date: *11/24/22*

WAYNE COUNTY, on behalf of its Highway Department

Title:

Signature:

Date:

V Victor  
rec'd 11/22/22  
2023 · 2028

Signatories

Town of FARMINGTON Supervisor:  
Date:

Town of MACEDON Supervisor:  
Date:

Town of ONTARIO Supervisor:  
Date:

Town of VICTOR Supervisor:  
Date:

Town of WALWORTH Supervisor:  
Date:

Village of VICTOR Mayor: *Gary A. Hadden*  
Date: *11/22/22*

ONTARIO COUNTY, on behalf of its Department of Public Works  
Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department  
Title:

Signature:

Date:

Signatories

Town of FARMINGTON Supervisor:  
Date:

Town of MACEDON Supervisor:  
Date:

Town of ONTARIO Supervisor:  
Date:

Town of VICTOR Supervisor:  
Date:

Town of WALWORTH Supervisor:  
Date: 01/19/2023

 MICHAEL J. KELLY

Village of VICTOR Mayor:  
Date:

ONTARIO COUNTY, on behalf of its Department of Public Works  
Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department  
Title:

Signature:

Date:

Signatories

Town of FARMINGTON Supervisor:

Date:

Town of MACEDON Supervisor:

Date:

Town of ONTARIO Supervisor:

Date:

Town of VICTOR Supervisor:

Date: 

Town of WALWORTH Supervisor:

Date:

Village of VICTOR Mayor:

Date:

ONTARIO COUNTY, on behalf of its Department of Public Works

Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department

Title:

Signature:

Date:

Signatories

Town of FARMINGTON Supervisor:  
Date:

Town of MACEDON Supervisor:  
Date:

Town of ONTARIO Supervisor: *Fred Roberts*  
Date: *2/13/2023*

Town of VICTOR Supervisor:  
Date:

Town of WALWORTH Supervisor:  
Date:

Village of VICTOR Mayor:  
Date:

ONTARIO COUNTY, on behalf of its Department of Public Works  
Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department  
Title:

Signature:

Date:



Signatories

Town of FARMINGTON Supervisor:

Date:

Town of MACEDON Supervisor:

Date:

*Kim V. Leonard*  
*2/27/2023*

Town of ONTARIO Supervisor:

Date:

Town of VICTOR Supervisor:

Date:

Town of WALWORTH Supervisor:

Date:

Village of VICTOR Mayor:

Date:

ONTARIO COUNTY, on behalf of its Department of Public Works

Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department

Title:

Signature:

Date:

Signatories

Town of FARMINGTON Supervisor:

Date:



Town of MACEDON Supervisor:

Date:

Town of ONTARIO Supervisor:

Date:

Town of VICTOR Supervisor:

Date:

Town of WALWORTH Supervisor:

Date:

Village of VICTOR Mayor:

Date:

ONTARIO COUNTY, on behalf of its Department of Public Works

Title:

Signature:

Date:

WAYNE COUNTY, on behalf of its Highway Department

Title:

Signature:

Date:

APPENDIX A

Ontario-Wayne Stormwater Coalition

2023-2028 Membership Fee

Schedule:

| Type of Coalition Member  | Membership Fee |  |
|---|----------------|--|
| <ul style="list-style-type: none"><li>• MS4 Towns</li><li>• Ontario County Highway Department</li><li>• Wayne County Highway Department</li></ul> | \$5,000.00     |  |
| MS4 Villages and Non Traditional MS4's to include School Districts  | \$2,500.00     |  |
|   |                |  |
|   |                |  |

# **APPENDIX G**

## **Outfall Map**

**(To Be Added At A Later Date)**

**APPENDIX H**

**Illicit Discharge Detection & Elimination  
Complaint Log**

# Illicit Discharge Complaint /Tracking Log

Contact: Scott Allen for Illicit Discharge Complaints

See reverse side for examples of illicit discharges

| DATE OF COMPLAINT/<br>VIOLATION | OWNER NAME AND CONTACT<br>INFORMATION | LOCATION/ADDRESS OF<br>DISCHARGE/VIOLATION | DESCRIPTION OF DISCHARGE/<br>VIOLATION | ENFORCEMENT RESPONSE TYPE<br>(VERBAL, WRITTEN NOV,<br>CITATION, BACK CHARGE) | SCHEDULE FOR COMPLIANCE<br>(DATES) | REFERAL TO OTHER<br>DEPARTMENTS OR OUTSIDE<br>AGENCIES | RESOLUTION DATE |
|---------------------------------|---------------------------------------|--|--|--|------------------------------------|--|-----------------|
|                                 |                                       |  |  |  |                                    |  |                 |
|                                 |                                       |  |  |  |                                    |  |                 |
|                                 |                                       |  |  |  |                                    |  |                 |
|                                 |                                       |  |  |  |                                    |  |                 |
|                                 |                                       |  |  |  |                                    |  |                 |
|                                 |                                       |  |  |  |                                    |  |                 |
|                                 |                                       |  |  |  |                                    |  |                 |
|                                 |                                       |  |  |  |                                    |  |                 |
|                                 |                                       |  |  |  |                                    |  |                 |

# Illicit Discharge Complaint /Tracking Log

## **Examples of Illicit Discharges includes dumping materials into streets, ditches, catch basins, waterbodies, etc.:**

- Lawn clippings
- Trash, litter and debris
- Pet waste
- Soil and sediment
- *Chlorinated* pool discharges
- Motor vehicle oils
- Antifreeze
- Soapy wash waters (excludes individual residential car washes, see below)
- Paint
- Failed septic systems
- Cooking grease or oil

## **Examples of Exempt Discharges Include:**

- Water line flushing or other potable water sources
- Landscape irrigation or lawn watering
- Existing diverted stream flows
- Rising groundwater
- Uncontaminated groundwater infiltration to storm drains
- Uncontaminated pumped groundwater
- Foundation or footing drains
- Crawl space or basement sump pumps
- Air-conditioning condensate
- Irrigation water
- Springs
- Water from individual residential car washing
- Natural riparian habitat or wetland flows
- Dechlorinated swimming pool discharges,
- Residential street wash water
- Water from fire-fighting activities
- Any other water source not containing pollutants

# **APPENDIX I**

**SWPPP Review Checklist**

**5-ACRE Waiver Approval Request**

**Construction Site Inventory**

**Construction Site Inspection Report**

**Construction Site Complaint Log**



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER**

SPDES General Permit for Stormwater Discharges from Construction Activity  
(GP-0-15-002)

**Stormwater Pollution Prevention Plan Review Checklist**

|                        |   |  |
|------------------------|---|--|
| <b>Project Name:</b>   | <input type="checkbox"/> <b>Basic SWPPP (E&amp;SC Plan)</b> | <input type="checkbox"/> <b>Full SWPPP</b> |
| <b>Site Address:</b>   | <b>Watershed:</b>   | <b>Date:</b>                               |
| <b>MS4 Operator:</b>   | <b>Appendix E 303(d) segment:</b>                           | <b>SPDES General Permit ID Number:</b>     |
| <b>MS4 Permit #:</b>   |   | <b>NYR1</b> _____                          |
| <b>Owner/Operator:</b> | <b>Phone:</b>   | <b>Reviewer:</b>                           |
| <b>Address:</b>        | <b>Fax:</b>   |  |

Site Priority

**HIGH**

**LOW**

Citation



MS4 permit IV.D.6

General Requirements

| <u>Yes</u>               | <u>No</u>                | <u>N/A or N/R</u>        |  | <u>Citation</u> |
|--------------------------|--------------------------|--------------------------|--|-----------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP contains completed final NOI   | III.A.1.        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP identifies potential sources of pollutants in runoff   | III.A.2.        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP identifies Trained Contractor.   | III.A.6.        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Contractor/Subcontractor certification statements have been signed.  | III.A.6.        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP is signed by responsible corporate officer, general partner, proprietor, principal executive officer, ranking elected official, or duly authorized representative. | VII.H.2.        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | OPRHP documentation  |                 |

Erosion & Sediment Control Requirements

| <u>Yes</u>               | <u>No</u>                | <u>N/A or N/R</u>        |   | <u>Citation</u>                      |
|--------------------------|--------------------------|--------------------------|---|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location, type and size of project are described.   | III.B.1.a.                           |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Phasing plan and sequence of operations are described.  | III.B.1.d.                           |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | HSG is identified.  | III.B.1.c.                           |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP identifies contractor/subcontractor responsible for installing, constructing, repairing, replacing, inspecting and maintaining the E&SCs.   | III.A.6.                             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP documents selection, design, dimensions, material specifications, installation details, implementation & maintenance of E&SCs, including soil stabilization plans   | III.A.1.<br>III.B.1.f.<br>III.B.1.h. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | E&SCs are designed in conformance with the NYS Standards and Specifications for Erosion and Sediment Control; or equivalence to this standard is demonstrated and reason for the alternative is provided.   | III.B.1.<br>III.B.1.i.               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>Maps</b> of general location and site are present showing:<br>Legend, scale, north arrow<br>total area, all improvements, areas disturbed and not disturbed, existing vegetation, onsite and adjacent offsite surface waters, floodplain/floodway boundaries, wetlands and drainage patterns that could be affected the project, | III.B.1.b.<br>III.B.1.               |

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**Stormwater Pollution Prevention Plan Review Checklist**

|                          |                          |                          |   |            |
|--------------------------|--------------------------|--------------------------|---|------------|
|                          |                          |                          | existing and final contours, locations of soil types & boundaries, material/waste/borrow/equipment storage areas, locations of stormwater discharges, and location/size/length of each E&SC | III.B.1.g. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and sizing of any temporary sediment basins or structural practices planned to divert flows from exposed soils are included  | III.B.1.h. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Maintenance inspection schedule, in accordance with the NYS Standards & Specs for E&SCs is included   | III.B.1.i. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Pollution Prevention measures to control litter, chemicals, debris are described.   | III.B.1.j. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Description & location of any industrial stormwater discharges (i.e., concrete, asphalt, etc.) is included  | III.B.1.k. |

**Post-construction Stormwater Management Practices**

| <b><u>Yes</u></b>        | <b><u>No</u></b>         | <b><u>N/A or N/R</u></b> |  | <b><u>Citation</u></b> |
|--------------------------|--------------------------|--------------------------|--|------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP is prepared by a Qualified Professional.   | III.A.3.               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP identifies contractor/subcontractor responsible for constructing the SMPs.   | III.A.6.               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Design Manual planning process for reducing runoff is employed:<br><u>Site planning</u> to preserve natural features and reduce impervious cover,<br><u>Calculation of the WQ<sub>v</sub></u> for the site,<br><u>Incorporation of runoff reduction</u> techniques and standard SMPs with Runoff Reduction Volume (RR <sub>v</sub> ) capacity,<br><u>Determine minimum RR<sub>v</sub> required</u> ,<br>Use of <u>standard SMPs</u> , where applicable, <u>to treat the remaining WQ<sub>v</sub></u> not addressed by runoff reduction techniques and standard SMPs with RR <sub>v</sub> capacity,<br>design of <u>volume and peak rate control</u> practices where required   | III.B.2.               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP documents selection, design, installation, implementation and maintenance of SMPs  | III.A.1.               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SMPs are designed in conformance with the applicable sizing and performance criteria in the NYS Stormwater Management Design Manual (Jan. 2015); or equivalence to this standard is demonstrated and reason for the alternative is provided.   | III.B.2.c.vi.          |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All SMPs are identified, including dimensions, material specs & installation details.  | III.B.2.a.             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location & size of SMPs are shown on a site map or construction drawing.   | III.B.2.b.             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The SWPPP includes a <u>Stormwater Modeling and Analysis Report</u> that contains: <ul style="list-style-type: none"> <li>• <u>Predevelopment map</u> w/ watershed/subcatchment boundaries, flow paths &amp; design points, (list further detail per App. G Design Manual?)</li> <li>• <u>Post-development map</u> showing same plus SMPs,</li> <li>• <u>Hydrology &amp; Hydraulics results</u> for required storm events including supporting calculations, methodology and a summary table comparing pre &amp; post-development runoff rates &amp; volumes for the different storm events,</li> <li>• <u>Summary table</u> w/ calculations showing that ea. SMP conforms w/ the Design Manual sizing criteria</li> </ul> | III.B.2.c.             |

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SPDES General Permit for Stormwater Discharges from Construction Activity  
(GP-0-15-002)

**Stormwater Pollution Prevention Plan Review Checklist**

- Identification of any Design Manual sizing criteria that are not required under the General Permit

| <u>Yes</u>               | <u>No</u>                | <u>N/A or N/R</u>        |   |            |
|--------------------------|--------------------------|--------------------------|---|------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Soil testing results and locations of test pits and borings are included                                  | III.B.2.d. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Infiltration test results are included if needed  | III.B.2.e. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | O&M plan, including inspection & maintenance schedules, is included and identifies the responsible entity | III.B.2.f. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Enhanced Phosphorus Removal Standards sizing criteria are included if required.                           | III.B.3.   |

SPDES MS4 General Permit GP-0-24-001  
Construction Site  $\geq$  5-Acre Approval Request

**Background:** The Town of Macedon review and approval process for construction soil disturbance of five (5) or more acres require you to provide written justification for a larger disturbance, and a joint on-site meeting with the hired qualified erosion control inspection professional, project engineer, permittee, municipality and hired contractor(s). Please note that engineering plans and SWPPP may have to be revised PRIOR to our meeting in order to more quickly grant approval. (See items 1 through 3 below). The meeting must be held immediately prior to construction.

Typically, on-site meetings can uncover significant discrepancies in sequencing (based on physical constraints and conditions of the site). These meetings also help to reduce confusion among permittees, inspectors and contractors on Permit compliance requirements, and will better assure compliance with the SWPPP's intended purpose.

Project Name: \_\_\_\_\_

Permit # \_\_\_\_\_

Attendees: (attach sign in sheet)

On-Site Meeting Agenda:

1. All other necessary permits (municipal, stream, wetland etc.) have been received.
2. Verification that phased construction sequences are shown in the SWPPP and state that:
  - i. all proposed stormwater management facilities are one of the first designated procedures;
  - ii. all proposed stormwater management facilities are completely stabilized prior to proceeding to the next sequential step;
  - iii. confirmation that placement of excavated material from the stormwater management facilities and other early sequence activity:
    - (1) will not be in a jurisdictional wetland, floodplain, or \_\_\_\_\_
    - (2) will be located where all necessary earthwork and erosion and sediment controls are installed,
    - (3) details are noted in an established sequence, and
    - (4) will not likely require last minute sequence changes.
3. From Part II C.3 of the GP - Review additional erosion control measures required at this project to authorize the 5 or more acres of disturbance waiver:
  - i. The owner or operator shall have a qualified inspector conduct **at least** two (2) site inspections in accordance with the Permit every seven (7) calendar days for so long as greater than five (5) acres of soil remain disturbed and allow 2 calendar days between inspections.
  - ii. In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the New York Standards and Specifications for Erosion and Sediment Control.
    - a. The owner or operator shall prepare a phasing plan that defines the maximum disturbed area per phase and shows required cuts and fills that demonstrate the disturbance is required.

SPDES MS4 General Permit GP-0-24-001  
Construction Site  $\geq$  5-Acre Approval Request

- b. The owner or operator shall install any additional measures needed to protect water quality.
  - c. The owner or operator includes the requirements above in their SWPPP.
- 4. Review remaining construction sequences for concurrence with site contractor's approach.
- 5. Establish SWPPP communication track to be followed among the permittee, inspector, contractor, municipality, and this office that secure prompt (implementation within 48 hours) corrections to site deficiencies identified by each inspection.
- 6. Complete the following information for the proposed project:
  - i. \_\_\_\_\_ acres = overall construction disturbance this project (from NOI)
  - ii. \_\_\_\_\_ acres = overall stormwater management facility disturbance area(s)
  - iii. \_\_\_\_\_ acres = other disturbances (haul roads, off-site sewers, etc.)
  - iv. \_\_\_\_\_ total acres = **maximum number of disturbed acres approved in this waiver**
- 7. Review Permit Requirement: Contractor's Certifications. SWPPP on-site location, revisions, and verification that all site contractors have the most recent SWPPP Book and Site Plans.
- 8. Review where potential water quality violations may occur at this site and the Town response options to complaints/permit compliance issues.
- 9. Based on our findings at this meeting and with the actions completed (as noted above), The Town accepts the Stormwater Pollution Prevention Plan and hereby grant the disturbance of greater than five acres on the referenced project.

Stormwater Management Plan Coordinator's

Signature: \_\_\_\_\_

Date: \_\_\_\_\_


Please note that compliance with the Permit depends on implementation of the SWPPP, semi-weekly inspections by a qualified professional throughout the construction phase, and perpetual maintenance of all temporary and permanent stormwater BMP's.

**VIOLATION NOTICES AND STOP WORK ORDERS WILL BE ISSUED IMMEDIATELY FOR NON-COMPLIANCE.**



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER**



|   |   |   |            |
|---|---|---|------------|
|  Department of Environmental Conservation |   | <b>New York State Department of Environmental Conservation</b><br><b>Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001</b> |            |
| Project Name:   |   | Date:   |            |
| Project Location:   |   | Weather:  |            |
| Permit # (if any): <b>NYR</b>   | Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No   | Entry Time:   | Exit Time: |
| Name of SPDES Permittee:  | Inspection Type: <input type="checkbox"/> NOT <input type="checkbox"/> Complaint<br><input type="checkbox"/> Compliance <input type="checkbox"/> Referral | MS4 Operator Name:<br><br>MS4 Permit ID: NYR20A   |            |
| Phone Number(s):  |   |   |            |
| On-site Representative(s) and Company(s):   |   |   |            |

**SPDES Authority**

| Yes | No                       | N/A                      | Citation   |
|-----|--------------------------|--------------------------|--|
| 1.  | <input type="checkbox"/> | <input type="checkbox"/> | Does the project have permit coverage? GP-0-20-001: I.A & II. B  |
| 2.  | <input type="checkbox"/> | <input type="checkbox"/> | Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing? GP-0-20-001: II.D.2 |
| 3.  | <input type="checkbox"/> | <input type="checkbox"/> | Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing? GP-0-20-001: II.D.2     |
| 4.  | <input type="checkbox"/> | <input type="checkbox"/> | Is an up-to-date copy of the signed SWPPP retained at the construction site? GP-0-20-001: II.D.2. & III.A.4      |
| 5.  | <input type="checkbox"/> | <input type="checkbox"/> | Is a copy of the SPDES General Permit retained at the construction site? GP-0-20-001: II.D.2                     |
| 6.  | <input type="checkbox"/> | <input type="checkbox"/> | Does the NOI accurately report the number of acres to be disturbed? GP-0-20-001: II.B.4                          |

**SWPPP Content**

| Yes | No                       | N/A                      | Citation   |
|-----|--------------------------|--------------------------|--|
| 7.  | <input type="checkbox"/> | <input type="checkbox"/> | Does the SWPPP describe and identify the erosion and sediment control measures to be employed? GP-0-20-001: III.B.1.e                |
| 8.  | <input type="checkbox"/> | <input type="checkbox"/> | Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures? GP-0-20-001: III.B.1.i             |
| 9.  | <input type="checkbox"/> | <input type="checkbox"/> | Does the SWPPP describe and identify the stormwater management practices to be employed? GP-0-20-001: III.B.2                        |
| 10. | <input type="checkbox"/> | <input type="checkbox"/> | Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure? GP-0-20-001: III.A.6                    |
| 11. | <input type="checkbox"/> | <input type="checkbox"/> | Does the SWPPP identify at least one trained individual from each contractor(s) and subcontractor(s) companies? GP-0-20-001: III.A.6 |
| 12. | <input type="checkbox"/> | <input type="checkbox"/> | Does the SWPPP include all the necessary Contractor Certification Statements and signatures? GP-0-20-001: III.A.6                    |
| 13. | <input type="checkbox"/> | <input type="checkbox"/> | Is the SWPPP signed by the permittee? GP-0-20-001: VII.H.2   |
| 14. | <input type="checkbox"/> | <input type="checkbox"/> | Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)? GP-0-20-001: III.A.3        |
| 15. | <input type="checkbox"/> | <input type="checkbox"/> | Do the SMPs conform to the Enhanced Phosphorus Removal Standards (projects in TMDL watersheds)? GP-0-20-001: III.B.3                 |

**Recordkeeping**

| Yes | No                       | N/A                      | Citation   |
|-----|--------------------------|--------------------------|--|
| 16. | <input type="checkbox"/> | <input type="checkbox"/> | Are self-inspections performed as required by the permit (weekly, or twice weekly for >5 acres disturbed)? GP-0-20-001:IV.C.2.a. & b |
| 17. | <input type="checkbox"/> | <input type="checkbox"/> | Are the self-inspections performed and signed by a qualified inspector and retained on site? GP-0-20-001:II.C.2.,IV.C.6 & VII.H.3    |
| 18. | <input type="checkbox"/> | <input type="checkbox"/> | Do the qualified inspector's reports include the minimum reporting requirements? GP-0-20-001: IV.C.4                                 |
| 19. | <input type="checkbox"/> | <input type="checkbox"/> | Do inspection reports identify corrective measures that have not been implemented or are recurring? GP-0-20-001: IV.C.5              |



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER**



**Visual Observations**

| <b>Yes No N/A</b>   | <b>Citation</b>                                  |
|---|--|
| 20. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are all erosion and sediment control measures installed properly?                                      | GP-0-20-001: VII.L                               |
| 21. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are all erosion and sediment control measures being maintained properly?                               | GP-0-20-001: IV.A.1                              |
| 22. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Was written authorization issued for any disturbance greater than 5 acres?                             | GP-0-20-001: II.D.3                              |
| 23. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Have stabilization measures been implemented in inactive areas per Permit (>5acres) or ESC Standard?   | GP-0-20-001: II.D.3.b & III.B.1.f                |
| 24. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are post-construction stormwater management practices constructed/installed correctly?                 | GP-0-20-001: III.B.2                             |
| 25. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal? | GP-0-20-001: V.A.2                               |
| 26. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Was there a discharge from the site on the day of inspection?  |  |
| 27. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is there evidence that a discharge caused or contributed to a violation of water quality standards?    | ECL 17-0501, 6 NYCRR 703.2 &<br>GP-0-20-001: I.D |

**Water Quality Observations**

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

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

Describe any other water quality standards or permit violations:



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER



Additional Comments:

Photographs attached

|  |                              |
|--|------------------------------|
| Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory |                              |
| Name/Agency of Lead Inspector:   | Signature of Lead Inspector: |
| Names/Agencies of Other Inspectors:  |                              |



2024 Town of Macedon Construction Site Inventory

| LatestSubmissionDate | ProgramID | FiveOrSixtyDays | WhichPermit | Undeliverable | Terminated             | FinalStabilizationDate | TerminationSignatureDate | FacilityName               | Address1                |
|----------------------|-----------|-----------------|-------------|---------------|------------------------|------------------------|--------------------------|----------------------------|-------------------------|
| 1/28/2008            | NYR10P139 | 5               | 02-01       | Yes           | Administratively Ended |                        |                          | Hidden Woods Section 1     | Wayneport Road          |
| 7/23/2003            | NYR10A293 |                 | 02-01       | No            | No                     |                        |                          | Quaker Rd Industrial Park  | Quaker Rd               |
| 1/2/2008             | NYR10P016 | 5               | 02-01       | No            | No                     |                        |                          | FAIRPORT - MACEDON MIN     | NEW YORK STATE 31F      |
| 8/19/2014            | NYR10Y337 | 5               | 10-001      | No            | No                     |                        |                          | CAPITAL HILL SECTION 1     | WAYNEPORT ROAD          |
| 2/9/2016             | NYR11A356 | 5               | 15-002      | No            | No                     |                        |                          | PHEASANT RUN SUBDIVISI     | TANABERRY CIRCLE AND SI |
| 10/14/2020           | NYR11H290 |                 |             |               | No                     |                        |                          | Frey Solar Project         | 2 Frey Road             |
| 6/6/2022             | NYR11J817 | 5               |             |               | No                     |                        |                          | Van Bortel Corvette        | 1 West Main Street      |
| 3/28/2023            | NYR11K929 | 5               |             |               | No                     |                        |                          | Macedon Caliber Collision  | 1615 Macedon Parkway    |
| 8/10/2021            | NYR11I581 | 5               |             |               | No                     |                        |                          | 362 State Route 31 Propert | 362 State Route 31      |
| 10/5/2020            | NYR11H251 |                 |             |               | No                     |                        |                          | Aeration Lagoon Closure    | 3268 Blue Heron View    |
| 7/16/2021            | NYR11I473 |                 |             |               | No                     |                        |                          | Liberty Hollow Subdivision | 1315 Canadaigua Road    |
| 8/10/2022            | NYR11K045 | 5               |             |               | No                     |                        |                          | Townhomes at Oakridge Gl   | 240-R NYS Route 31      |

| Address2         | City            | State | Zip    | County | Region | SWISCode | SideOfStreet | CrossStreet            | CrossStreetDistance |
|------------------|-----------------|-------|--------|--------|--------|----------|--------------|------------------------|---------------------|
|                  | Macedon         | NY    | 14502- | WAYNE  | 8      | 54       |              | Pittsford Palmyra Road | 785                 |
|                  | Macedon         | NY    | 14502  | WAYNE  | 8      | 54       |              |                        |                     |
|                  | MACEDON         | NY    | 14502- | WAYNE  | 8      | 54       |              | MONROE WAYNE COUNTY    | 600                 |
|                  | MACEDON         | NY    | 14502- | WAYNE  | 8      | 54       | West         | PITTSFORD-PALMYRA ROAD | 620                 |
| PRAGBROOK CIRCLE | MACEDON         | NY    | 14502  | WAYNE  | 8      | 54       | North        | GREEN MEADOW DRIVE     | 540                 |
|                  | Macedon         | NY    | 14502  | WAYNE  | 8      | 54       | North        | West Walworth Road     | 1200                |
|                  | Macedon         | NY    | 14502  | WAYNE  | 8      | 54       | South        | Drumlin Drive          | 300                 |
|                  | Macedon         | NY    | 14502  | WAYNE  | 8      | 54       | West         | E Park Drive           | 100                 |
|                  | Town of Macedon | NY    | 14502  | WAYNE  | 8      | 54       | South        | Wayneport Road         | 230                 |
|                  | Town of Macedon | NY    | 14502  | WAYNE  | 8      | 54       | East         | Gananda Parkway        | 650                 |
|                  | Town of Macedon | NY    | 14502  | WAYNE  | 8      | 54       | West         | Victor Road            | 1600                |
|                  | Town of Macedon | NY    | 14502  | WAYNE  | 8      | 54       | South        | Macedon Parkway        | 0                   |

# Construction Site Inventory and Inspection Tracking

Updated 03/15/22

| FAC_NAME                          | Status/Action  | Priority Rating | SWPPP Approval Date | MS4 Inspection 2022-2023 | MS4 Inspection 2021-2022  | Inspection Rating | Current Status: Active, Temporarily Shut Down, Completed | SPDES NUMBER | > than 5 | Terminated | Owner_Last | Owner, First | Owner Phone  | CONT_EMAIL                     | FAC_STREET                             | WATERBODY_1                            | SWPPP_PREPARER  |
|-----------------------------------|--|-----------------|---------------------|--------------------------|---|-------------------|--|--------------|----------|------------|------------|--------------|--------------|--------------------------------|--|--|---|
| 362 State Route 31/KFC & Microtel | Active   | Low             | 8/5/2021            | 3/25/2022                | 8/26/21, 09/22/21, 10/25/21, 141/23/21, 12/22/21, 01/28/22, 02/25/22 (7 Inspections)  | Satisfactory      | Active   | NYR20A391    | No       | n/a        | Mehta      | Jett         | 585-248-2440 | jmehta@indushg.com             | 362 State Route 31                     | Minor Tribs to Barge Canal             | BME Associates, Rebecca Spurr 585-377-7360                |
| Liberty Hollow                    | Active   | High            | 7/13/2021           | 3/24/2022                | 07/23/21, 08/27/21, 09/30/21, 10/30/21, 11/24/21, 12/29/21, 01/27/22, 02/24/22 (8 Inspections)  | Marginal          | Active   | NYR11I473    | Yes      | n/a        | Cerone     | Steve        | 585-230-1057 | scerone3@mac.com               | 13158 Canandaigua Road                 | Ganargua Creek                         | Robert Winans, rwinans@dddscorporations.com, 585-340-0522 |
| Parkwood Heights                  | Active   | Low             | 7/3/2018            | 3/24/2022                | 03/19/21, 04/22/21, 05/18/21, 06/29/21, 07/23/21, 08/27/21, 09/30/21, 10/29/21, 11/24/21, 12/29/21, 01/27/22, 02/24/22 (12 Inspections) | Satisfactory      | Monthly  | NYR11D908    | No       | n/a        | Welker     | Mark         | 585-223-1500 | craigwelker@welkerproperty.com | Parkwood Dr                            | Ganaruga Creek                         | Marathon/Bob Brinkley 458-7770                            |
| Quaker Rd Industrial Park         | 2/15/18 - Site Re-Approval in Progress                     | n/a             | n/a                 |                          |   | n/a               | Never Started/On hold                                    | NYR10A293    |          |            | Morrison   | Thomas       | 315-986-8300 | morrisonexc1@aol.com           | Quaker Rd                              | Barge Canal                            |   |
| PHEASANT RUN SUBDIVISION          | No action needed, Temporarily Shutdown                     | Low             | n/a                 |                          |   | n/a               | Temporarily Shutdown                                     | NYR11A356    |          |            | Geoca      | Eric         | 585-733-7303 | EGEOCA@AOL.COM                 | TANABERRY CIRCLE AND SPRAGBROOK CIRCLE | SWMF FOR PHEASANT RUN SUBDIVISION      | PARRONE ENGINEERING                                       |
| CAPITAL HILL SECTION 1            | No Action needed, per Engineer, does not want to close out | n/a             | n/a                 |                          |   | n/a               | Never Started/On hold                                    | NYR10Y337    |          |            | Stark      | Nancy        | 585-739-9342 |                                | WAYNEPORT ROAD                         | Tributary to the Erie Canal            | BME ASSOCIATES  |
| FAIRPORT - MACEDON MINI STORAGE   | Inactive   | Low             | n/a                 |                          |   | n/a               | On hold  | NYR10P016    |          |            | CEDRULY    | RON          | 585-359-9903 |                                | NEW YORK STATE 31F                     | UNNAMED TRIBUTARIES TO WETLANDS TO THE | MRB GROUP   |
| Aeration Lagoon Closure           | Inactive   | High            |                     |                          |   |                   | Emailed owner 02/24/22                                   | NYR11H251    | No       |            | Years      | Jennifer     | 315-576-9416 | dennis.roote@cde-pllc.com      | 3268 Blue Heron Drive                  | Red Creek & State & Federal Wetland    | Dennis Roote, CDE Eng & Environment PLCC, 5885-330-6986   |

# Construction Site Inventory and Inspection Tracking

Updated 03/15/22

|                                  |                                  |      |           |  |  |     |               |           |           |                 |             |         |              |                                     |                            |   |                                   |
|----------------------------------|----------------------------------|------|-----------|--|--|-----|---------------|-----------|-----------|-----------------|-------------|---------|--------------|-------------------------------------|----------------------------|---|-----------------------------------|
| Frey Solar Project               | NOT filed and accepted 09/16/21  | Low  | 9/30/2020 |  |  | n/a | Completed     | NYR11H290 |           | Yes             | Chaimanis   | John    | 617-374-3707 | jchaimanis@kendallinvestments.com   | 2 Frey Road                | Red Creek                               | Rosemary Wightman                 |
| Frey Road Solar Farm             | NOT filed and accepted 10/27/21  |      |           |  |  |     | Completed     | NYR11G455 |           | Yes             |             |         |              |                                     | 2 Frey Road                | Red Creek                               | Switala, Robert, PE               |
| Quaker Road to Sleight Road #13  | NOT filed and accepted 11/18/21  | High | 5/10/2017 |  |  |     | Satisfactory  | Completed | NYR11C280 | Yes             | Bitka       | Mary    | 716-831-7206 | mary.bitka@nationalgrid.com         | 991 Quaker Road            | Erie Canal                              | John Morgan                       |
| Hidden Woods Section 1           | Administratively Ended           |      |           |  |  | n/a | Never Started | NYR10P139 |           | Yes Admin Ended | Fabbio      | Peter   | 585-742-2283 | pfabbio@rochester.rr.com            | Wayneport Road             | Tributary to the Erie Canal             | BME ASSOCIATES                    |
| PREMIER PACKAGING                | NOT filed and accepted 9/1/18    | Low  | n/a       |  |  | n/a | Completed     | NYR11B659 |           | Yes             | MARTIN      | KEVIN   | 315-986-0000 | kevinmartin@izzo.com                | 1635 COMMONS PARKWAY       | LOCAL DRAINAGE CREEK/SWALE WHICH DRAINS | AEY ENGINEERING DPC               |
| Parkwood Heights Section 3       | NOT filed and accepted. 11/15/18 | High | n/a       |  |  | n/a | Completed     | NYR10D103 |           | Yes             | Welker      | Mark    | 585-223-1500 | craigwelker@welkerproperty.com      | Woodsview Lane/Parkwood Dr | Ganaruga Creek                          | Marathon/Bob Brnkley 458-7770     |
| CHESTERWOOD SUBDIVISION          | NOT filed and accepted 9/13/17   | Low  | n/a       |  |  | n/a | Completed     | NYR10K642 |           | Yes             | DEHOLLANDER | SCOTT   | 585-259-9609 | DEHOLLANDER-DESIGN@ROCHESTER.RR.COM | PANNEL ROAD                | GANARGUA CREEK                          | DEHOLLANDER DESIGN INC.           |
| LAKEVIEW HEALTH SERVICES MACEDON | NOT filed and accepted 08/01/18  | High | 8/28/2017 |  |  | n/a | Completed     | NYR10Z941 |           | Yes             | MERRYMAN    | HARRY   | 315-789-5501 | hmerryman@lakeviewhs.org            | NYS ROUTE 31               | GANARGUA CREEK                          | BME ASSOCIATES                    |
| PROPOSED EXPRESS MART #363       | NOT filed and accepted 06/26/18  | Low  | n/a       |  |  | n/a | Completed     | NYR10V221 |           | Yes             | HYDE        | PATRICK | 315-446-0125 | pat@expressmart.com                 | 123 MAIN STREET            | GANARGUA CREEK VIA FEDERAL WETLANDS     | CARMINA WOOD MORRIS, PC           |
| TWILIGHT ON THE ERIE RV RESORT   | NOT filed and accepted 4/18/18   | Low  | n/a       |  |  | n/a | Completed     | NYR10V957 | 5         | Yes             | HEALD       | BARB    | 315-986-1499 | REDSLANDSCAPING@VERIZON.NET         | 997 NYS RTE 31             | NYS BARGE CANAL VIA EXISTING DRAINAGE   | T.Y. Lin Engineering - Bob Keefer |

# Town of Macedon's Construction Site Complaint Log

*Contact: Scott Allen for Construction Site Complaints*

| <b>Common Complaints include but are not limited to:</b><br>- Sediment laden runoff from site flowing into street, private property or waterbody<br>- Mud in the street<br>- Dust<br>- Trash or debris on adjacent property (including straw)<br>- Fuel or concrete wastes |                     |               |                                   |                |                   |                                      |
|--|---------------------|---------------|-----------------------------------|----------------|-------------------|--------------------------------------|
| DATE   | NATURE OF COMPLAINT | SITE LOCATION | CONTACT INFORMATION FOR FOLLOW UP | INPECTION DATE | FOLLOW UP ACTIONS | COMPLETION DATE OF FOLLOW UP ACTIONS |
|  |                     |               |                                   |                |                   |                                      |
|  |                     |               |                                   |                |                   |                                      |
|  |                     |               |                                   |                |                   |                                      |
|  |                     |               |                                   |                |                   |                                      |
|  |                     |               |                                   |                |                   |                                      |
|  |                     |               |                                   |                |                   |                                      |
|  |                     |               |                                   |                |                   |                                      |

## **APPENDIX J**

# **Post-Construction Stormwater Management Practice Inventory & Inspection Forms**

**(Inspection Reports Located in Separate Binder)**

# Post-Construction Inventory and Inspection Tracking

Updated By Kim Boyd: 03/25/23

| LATEST SUBMISSION DATE | #   | SPDES NUMBER                    | Latitude  | Longitude  | Which_P ermit | Terminated       | FINAL STABILIZATION DATE | TERMINATION SIGNATURE DATE | CONT _LAST  | CONT _FIRST | CONT_PHONE   | CONT_EMAIL                          | Engineerin g Drawings | GIS Control ID | Fac Name   |
|------------------------|-----|---------------------------------|-----------|------------|---------------|------------------|--------------------------|----------------------------|-------------|-------------|--------------|-------------------------------------|-----------------------|----------------|--|
| 02-Jan-08              | 7   | NYR10J920                       | 43.4153   | -77.212016 | 02-01         | TRUE             | 1/1/2008                 | 30-Jan-08                  | Etz Korn    | Michele     | 479-273-8483 | michele.etz Korn@wal-mart.com       | Yes                   | 14             | Wal-Mart Macedon #3842.00                            |
| 02-Jan-08              | 7   | NYR10J920                       | 43.4153   | -77.212016 | 02-01         | TRUE             | 1/1/2008                 | 30-Jan-08                  | Etz Korn    | Michele     | 479-273-8483 | michele.etz Korn@wal-mart.com       | Yes                   | 14a            | Wal-Mart Macedon #3842.00                            |
| 22-Dec-14              | 4a  | NYR10H200, NYR10K926, NYR10Q399 | 43.7368   | -77.202184 | 02-01         | TRUE, TRUE, TRUE | 10/1/2011                | 04-Nov-11                  | Leenhouts   | Jeff        | 585-262-6210 | jeff@homeleasing.net                | Yes                   | 21             | Pheasant Run Subdivision (South - Sect. 1)           |
| 22-Dec-14              | 4b  | NYR11A356                       | 43.7368   | -77.202184 | 02-01         | FALSE            | 10/1/2011                | 04-Nov-11                  | Leenhouts   | Jeff        | 585-262-6210 | jeff@homeleasing.net                | Yes                   | 22             | Pheasant Run Subdivision (North)                     |
| 20-Sep-12              | 14  | NYR10L340, NYR10L503, NYR10L754 | 43.314275 | -76.737388 | 02-01         | TRUE             | 9/1/2007                 | 19-Oct-07                  | Bronstein   | Ron         | 716-941-5766 | paradigmdev@earthlink.net           | Yes                   | 19             | Shoppes at Macedon, NY (Lowes Building)              |
|                        | 8   | NYR10K642                       | 43.22166  | -77.22815  | 02-01         | TRUE             | Unknown                  | Unknown                    | Dehollander | Scott       | 585-569-9609 | dehollander-design@rochester.rr.com | No                    | 25             | Chesterwood Subdivision                              |
|                        | 32A | NYR10Z941                       | 43.068    | -77.2832   | 15-002        | TRUE             | 1/8/2017                 |                            | Merryman    | Harry       | 315-789-5501 | hmerryman@lakeviewhs.org            | Yes                   | 1              | Lakeview Health Services Macedon                     |
| 20-Oct-03              | 32B | NYR10Z941                       | 43.068    | -77.2832   | 15-002        | TRUE             | 1/8/2017                 |                            | Merryman    | Harry       | 315-789-5501 | hmerryman@lakeviewhs.org            | Yes                   | 2              | Lakeview Health Services Macedon                     |
|                        | 1   | NYR10D103, NYR10K670            | 43.34343  | -77.184173 | 02-01         | FALSE, TRUE      |                          |                            | Welker      | Mark        | 585-223-1500 | markwelker@welkerproperty.com       | Yes                   | 3              | Parkwood Heights Section 3, The Cottages at Parkwood |
| 29-Jun-04              | 34  | n/a                             |           |            |               | n/a              | n/a                      |                            | n/a         | n/a         | n/a          | n/a                                 | Yes                   | 4              | Cedar Creek (Post Office)                            |
| 29-Jul-04              | 38  | n/a                             |           |            |               | n/a              | n/a                      |                            | n/a         | n/a         | n/a          | n/a                                 | Yes                   | 5              | CVS/Dunkin Donuts                                    |
| 15-Jun-05              | 36  | n/a                             |           |            |               | n/a              | n/a                      |                            | n/a         | n/a         | n/a          | n/a                                 | Yes                   | 6              | Prime Convenience                                    |
| 31-Oct-05              | 29  | NYR10V317                       | 43.35726  | -77.193979 | 10-001        | TRUE             | 11/1/2012                | 30-Nov-12                  | Young       | Michael     | 315-597-2188 | myoung@aeyenterprises.com           | Yes                   | 7              | AEY Office and Maintenance Shop                      |
| 06-Apr-06              | 35  | n/a                             |           |            |               | n/a              | n/a                      |                            | n/a         | n/a         | n/a          | n/a                                 | Sketch Only           | 8              | Izzo Golf  |
| 12-Apr-06              | 33A | NYR11B659                       | 43.0687   | -77.327    | 15-002        | TRUE             | 1/9/2018                 |                            | Martin      | Kevin       | 315-986-0000 | kevinmartin@izzo.com                | Yes                   | 9              | Premier Packaging aka Commons Mini Storage Units     |
| 28-Apr-06              | 33B | NYR11B659                       | 43.0687   | -77.327    | 15-002        | TRUE             | 1/9/2018                 |                            | Martin      | Kevin       | 315-986-0000 | kevinmartin@izzo.com                | Yes                   | 10             | Premier Packaging aka Commons Mini Storage Units     |
| 26-Jun-06              | 30A | NYR10V957                       | 43.43447  | -77.194363 | 10-001        | TRUE             |                          |                            | Heald       | Barb        | 315-986-1499 | redslandscape@verizon.net           | Yes                   | 11             | Twilight on the Erie RV Resort                       |
| 20-Jul-06              | 30A | NYR10V957                       | 43.43447  | -77.194363 | 10-001        | TRUE             |                          |                            | Heald       | Barb        | 315-986-1499 | redslandscape@verizon.net           | Yes                   | 12             | Twilight on the Erie RV Resort                       |
| 21-May-07              | 22  | NYR10R061                       | 43.4183   | -77.211206 | 08-001        | TRUE             | 9/1/2009                 | 02-Jan-15                  | Sullivan    | Lynn        | 585-697-5791 | lsullivan@abvi-goodwill.com         | Yes                   | 13             | ABVI-Goodwill  |
| 28-Jan-08              | 37B | n/a                             |           |            |               | n/a              | n/a                      |                            | n/a         | n/a         | n/a          | n/a                                 | Yes                   | 15             | Autozone   |
| 20-Apr-09              | 37C | n/a                             |           |            |               | n/a              | n/a                      |                            | n/a         | n/a         | n/a          | n/a                                 | Yes                   | 16             | Autozone   |

Post-Construction Inventory and Inspection Tracking

|                              |     |                      |           |            |        |           |            |           |            |         |              |                           |                                   |     |  |
|------------------------------|-----|----------------------|-----------|------------|--------|-----------|------------|-----------|------------|---------|--------------|---------------------------|-----------------------------------|-----|--|
| 28-Sep-10                    | 37A | n/a                  |           |            |        | n/a       | n/a        |           | n/a        | n/a     | n/a          | n/a                       | Yes                               | 17  | Autozone                                 |
| 16-Apr-12                    | 17  | NYR10M852            | 43.35403  | -77.213608 | 02-01  | TRUE      | 9/30/2007  | 22-May-08 |            |         | 315-946-4871 | TKime@Lyonsbank.com       | Yes                               | 18  | Lyons National Branch - Macedon Branch   |
|                              | 18  | NYR10P016            | 43.54645  | -77.221247 | 02-01  | FALSE     |            | Open      | Cedruly    | Ron     | 585-359-9903 |                           | Yes                               | 20  | Fairport- Macedon Mini Storage           |
| 24-Sep-15                    | 39  | n/a                  |           |            |        | n/a       | n/a        |           | n/a        | n/a     | n/a          | n/a                       | Yes                               | 23  | Evergreen Hills                          |
| 12-Jan-17                    | 5   | NYR10H488            | 43.321414 | -76.699452 | 02-01  | TRUE      | 12/30/2004 | 07-Oct-05 | LeFrois    | Richard | 585-334-1122 |                           | Yes                               | 24  | Constellation Energy                     |
| 13-Jul-21                    |     | NYR11I473            | 430303.01 | -771853.76 | 20-001 |           |            | Open      | Cerone     | Steve   | 585-230-1057 | scerone3@mac.com          | Yes                               | TBD | Liberty Hollow                           |
| 10-Aug-21                    |     | NYR11I581            | 43.035209 | -772134.86 | 20-001 |           |            | Open      | Mehta      | Jett    | 585-248-2440 | jmehta@indusuhg.com       | Yes                               | TBD | KFC/Microtel                             |
| 03-Jun-22                    |     | NYR11J817            |           |            | 20-001 | n/a       | n/a        | Open      | Van Bortel | Mary    | 315-333-2627 |                           | Yes                               | TBD | Van Bortel Chevrolet Inc.                |
| Needs Additional Research    | 3   | NYR10G234            | 43.119745 | -77.317797 | 02-01  | TRUE      | 9/1/2004   | 30-Jun-15 |            |         |              |                           | Needs to be researched and mapped |     | Spoon Exhibits                           |
|                              | 6   | NYR10J019, NYR10V221 | 43.0693   | -77.2969   | 02-01  | TRUE/TRUE | 7/10/1905  | 11-Mar-13 | Hyde       | Patrick | 315-446-0125 | pat@expressmart.com       | Needs to be researched and mapped |     | Proposed Express Market #363             |
|                              | 19  | NYR10P141            | 43.064998 | -77.35174  | 02-01  | TRUE      | 7/1/2009   | 08-Oct-09 | Hill       | Brad    | 901-685-2300 | bhill@spectragroupinc.com | Needs to be researched and mapped |     | Macedon Marketplace                      |
|                              | 25  | NYR10T183            | 43.45675  | -77.173315 | 10-001 | TRUE      | 12/1/2011  | 01-Dec-11 | Komarek    | Andrew  | 315-986-8090 | akomarek@ankom.com        | Needs to be researched and mapped |     | Kairos LLC                               |
| Identified As Another Agency | 10  | NYR10K681            | 43.455    | -77.182289 | 02-01  | TRUE      | 9/7/2006   | 12-Sep-06 | Ferguson   | Hal     | 315-597-3401 | hal.ferguson@palmacsd.org |                                   |     | Macedon Elementary School                |
|                              | 11  | NYR10K786            | 43.4383   | -77.175379 | 02-01  | TRUE      | 9/1/2008   | 08-Dec-09 | Brady      | James   | 315-946-5600 | jbrady@co.wayne.ny.us     |                                   |     | Erie St over Ganargua Creek PIN 4753.62  |
|                              | 13  | NYR10L209            | 43.048428 | -77.277527 | 02-01  | TRUE      | 8/1/2012   | 09-Dec-14 | Brady      | James   | 315-946-5600 | JBrady@co.wayne.ny.us     |                                   |     | Alderman Road Reconstruction             |
|                              | 31  | NYR10Y802            | 43.076815 | -77.319875 | 10-001 | TRUE      | 10/1/2016  | 11-Oct-16 | Befley     | Geoff   | 585-272-3366 | Thomas.Martin@dot.ny.gov  |                                   |     | PIN494099 Canandaigua Rd over Erie Canal |



# Post-Construction Inventory and Inspection Tracking

| Location   | Type of Practice                         | Wetland Type (N/A), USACE, NYSDEC, DEC Buffer  | Receiving Waterbody                      | Ownership Private / Public | Responsible Party for Maintenance | Maintenance Agreement Type & Status               | Number | Date of Installation or Signed Plans | Location of Documentation of O&M Requirements | Frequency of Inspection per O&M Plan | Inspection Date 2018-2019 | Inspection Date 2019-2020 |
|--|--|--|--|----------------------------|-----------------------------------|---|--------|--------------------------------------|---|--------------------------------------|---------------------------|---------------------------|
| 425 NYS Route 31                                 | Pond: Stormwater Pond                    | USACE & DEC stream - no wetlands               | fed. Reg. wetland to swale to Erie Canal | Town of Macedon            | Town of Macedon                   | Town Owned Land                                   | 7      | 2005                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/20/2019                 |
| 425 NYS Route 31                                 | Pond: Stormwater Pond                    | USACE & DEC stream - no wetlands               | fed. Reg. wetland to swale to Erie Canal | Town of Macedon            | Town of Macedon                   | Town Owned Land                                   | 7      | 2005                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/20/2019                 |
| Peacock Circle Pheasant Run Subdivision          | Pond: Stormwater Pond                    | N/A  | Wetland #ON-47                           | Town of Macedon            | Town of Macedon                   | Town Owned Land                                   | 4a     | 2001                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 11/25/2019                |
| 3282 Spragbrook Circle, Pheasant Run Subdivision | Other: Bioretention                      | N/A  | Wetland #ON-47                           | Town of Macedon            | Town of Macedon                   | Maintenance Easements to be acquired prior to NOT | 4b     | 2015                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 11/25/2019                |
| NW Quadrant of SR 31 and Macedon Pkwy.           | Pond: Wet Pond, Multiple systems         | USACE & DEC stream - no wetlands               | Tributary to Erie Canal                  | Town of Macedon            | Town of Macedon                   | Maintenance Easements to be acquired              | 14     | 2006                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/21/2019                 |
| Chesterwood Drive/Pannel Road                    | Wet Pond Extended Detention              | N/A  | Ganargua Creek                           | Town of Macedon            | Town of Macedon                   | Maintenance Easements to be acquired              | 14     | Unknown                              |   | Annual Added 2022                    | n/a                       | n/a                       |
| 1950 NYS Route 31                                | Pond: Stormwater Pond                    | N/A  | Ganargua Creek                           | Private                    | Site Property Owner               | TBD   | 32A    | 2016                                 | Drawings Scanned                              | Annual                               | 7/31/2018                 | 5/20/2019                 |
| 1950 NYS Route 31                                | Other: Bioretention                      | N/A  | Ganargua Creek                           | Private                    | Site Property Owner               | TBD   | 32B    | 2016                                 | Drawings Scanned                              | Annual                               | 7/31/2018                 | 5/20/2019                 |
| Woodsview Lane/Parkwood Dr                       | Pond: Stormwater Pond                    | USACE pond, in DEC endangered animal zone - no | Ganargua Creek                           | Private                    | Site Property Owner               | TBD   | 1      | 1998                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/20/2019                 |
| 1475 Canandaigua Road                            | Pond: Detention Pond                     | in DEC endangered animal zone - no wetlands    | Ganargua Creek                           | Private                    | Site Property Owner               | TBD   | 34     | 1991                                 | Drawings Scanned                              | Annual                               | 7/31/2018                 | 5/20/2019                 |
| 1215/1231 NYS Route 31                           | Pond: Stormwater Pond                    | in DEC Check Zone                              | Ganargua Creek                           | Private                    | Site Property Owner               | TBD   | 38     | 2003                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/20/2019                 |
| 1241 NYS Route 31                                | Infiltration Basin                       | in DEC Check Zone                              | Ganargua Creek                           | Private                    | Site Property Owner               | TBD   | 36     | 2007                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/20/2019                 |
| 1607 Commons Parkway                             | Pond: Wet Pond Extended Detention        | N/A  | Ganargua Creek                           | Private                    | AEY Development LLC               | TBD   | 29     | 2012                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/20/2019                 |
| 1635 Commons Parkway                             | Pond: Stormwater Pond                    | N/A  | Ganargua Creek                           | Private                    | Site Property Owner               | TBD   | 35     | ??                                   | No Drawings just an Ariel                     | Annual                               | 7/30/2018                 | 5/20/2019                 |
| 1635 Commons Parkway                             | Other: Bioretention                      | N/A  | Ganargua Creek                           | Private                    | JNA LLC                           | TBD   | 33A    | 2017                                 | Drawings Scanned                              | Annual                               | 7/31/2018                 | 5/20/2019                 |
| 1635 Commons Parkway                             | Pond: Stormwater Pond                    | in DEC Check Zone                              | Ganargua Creek                           | Private                    | JNA LLC                           | TBD   | 33B    | 2017                                 | Drawings Scanned                              | Annual                               | 7/31/2018                 | 5/20/2019                 |
| 997 NYS Route 31                                 | Pond: Stormwater Pond #2                 | N/A  | NYS Barge Canal Via Existing Drainage    | Private                    | TJK Properties LLC                | TBD   | 30B    | 2014                                 | Drawings Scanned                              | Annual                               | 7/31/2018                 | 5/20/2019                 |
| 997 NYS Route 31                                 | Pond: Stormwater Pond #1                 | in DEC Check Zone                              | NYS Barge Canal Via Existing Drainage    | Private                    | TJK Properties LLC                | TBD   | 30A    | 2014                                 | Drawings Scanned                              | Annual                               | 7/31/2018                 | 5/20/2019                 |
| 1635 North Wilson Road                           | Pond: Wet Extended Detention, Dry Swale, | N/A  | Erie Canal                               | Private                    | ABVI-Goodwill                     | TBD   | 22     | 2006                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/20/2019                 |
| 344 NYS Route 31                                 | Other: Bioretention                      | N/A  | Minor Tribs to Barge Canal               | Private                    | Site Property Owner               | TBD   | 37B    | 2015                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/21/2019                 |
| 344 NYS Route 31                                 | Other: Bioretention                      | N/A  | Minor Tribs to Barge Canal               | Private                    | Site Property Owner               | TBD   | 37C    | 2015                                 | Drawings Scanned                              | Annual                               | 7/30/2018                 | 5/21/2019                 |

# Post-Construction Inventory and Inspection Tracking

Updated By Kim Boyd: 03/25/23

|                                 |  |                   |   |                 |   |     |     |      |                     |        |           |            |
|---------------------------------|--|-------------------|---|-----------------|---|-----|-----|------|---------------------|--------|-----------|------------|
| 344 NYS Route 31                | Infiltration Basin                     | N/A               | Minor Tribs to Barge Canal                    | Private         | Site Property Owner                           | TBD | 37A | 2015 | Drawings Scanned    | Annual | 7/30/2018 | 5/21/2019  |
| 359 NYS Route 31                | Pond: Wet Pond                         | N/A               | Erie Canal Tributary                          | Private         | Lyons National Bank - Macedon Branch          | TBD | 17  | 2007 | Drawings Scanned    | Annual | 7/30/2018 | 5/21/2019  |
| 155 Macedon Center Road         | Pond: Stormwater Pond                  | in DEC Check Zone | Unnamed Tributaries to Wetlands               | Private         | Fairport - Macedon Mini Storage, LLC Fairport | TBD | 18  | 2007 | Drawings Scanned    | Annual | 7/31/2018 | 5/21/2019  |
| Gananda Parkway                 | Other: Dissipation Device (3)          | N/A               | Red Creek and Tribs                           | TBD             | TBD   | TBD | 39  | 1996 | Drawings Scanned    | Annual | 7/31/2019 | 11/25/2019 |
| 1255 Reserarch Forest (Lot R1B) | Pond: Stormwater Pond                  | N/A               | Black Creek                                   | Private         | Owner   | TBD | 5   | 2004 | Drawings Scanned    | Annual | 7/31/2018 | 5/21/2019  |
| 1315 Canandaigua Road           | P2 Wet Pond                            |                   | Ganargua Creek                                | Private         | Owner   | TBD |     | 2022 |                     | Annual | n/a       | n/a        |
| 362 State Route 31              | Infiltration Basin                     |                   | Minor Tribs to Barge Canal                    | Private         | Owner   | TBD |     | 2022 |                     | Annual | n/a       | n/a        |
| 1338 Pittsford-Palmyra Road     | Bioretention, Pond                     | NA                | Wetland Federal Jurisdiction & Ganargua Creek | Private         | Owner   | TBD |     | 2022 |                     | Annual | n/a       | n/a        |
| Research Forest                 | Stormwater Pond                        |                   | Erie Canal                                    | Emailed Scott   |   |     | 3   |      |                     |        |           |            |
| 123 East Main Street            | Need to Research                       |                   | Ganargua Creek via Federal Wetlands           | TBD             | REROB, LLC                                    |     | 6   |      |                     |        |           |            |
| NYS Route 31 @ Wilson Road      | Wet Pond Extended Detention, Dry Swale |                   | Erie Canal                                    | Town of Macedon | Town of Macedon                               |     | 19  |      | Might be same as 22 |        |           |            |
| 2052 O'Neil Road                | Pocket Pond                            |                   | Federal Wetland                               | Private         | Owner   |     | 25  |      |                     |        |           |            |
| 4 West Street                   | Micropool Extended Detention           |                   | Ganargua Creek                                | Private         | Palmyra-Macedon Central School District       |     | 10  |      |                     |        |           |            |
| Erie Street                     | Dry Swale                              |                   | Ganargua Creek                                | Wayne County    | Wayne County Highway Department               |     | 11  |      |                     |        |           |            |
| Alderman Road                   | Wet Swale                              |                   | Ganargua Creek                                | Wayne County    | Wayne County                                  |     | 13  |      |                     |        |           |            |
| Canandaigua Road                | Dry Swale                              |                   | Erie Canal and Tributary to Ganargua Creek    | NYS DOT         | NYS DOT                                       |     | 31  |      |                     |        |           |            |

# Post-Construction Inventory and Inspection Tracking

| <u>Inspection Date 2020-2021</u> | <u>Inspection Results 2020-2021</u> | <u>Corrective Actions Needed 2020-2021</u>  | <u>Status of Corrective Action 2020-2021</u> | <u>Inspection Date 2021-2022</u> | <u>Inspection Date 2022-2023</u> | <u>Inspection Results 2022-2023</u> | <u>Correction Actions Needed 2022-2023</u>                                 | <u>Corrective Actions Completed 2022-2023</u>       | <u>Projected Date of Next Inspection</u> |
|----------------------------------|-------------------------------------|---|--|----------------------------------|----------------------------------|-------------------------------------|--|---|--|
| 3/4/2021                         | Satisfactory                        | None  | n/a  | n/a                              | 5/12/2022                        | Satisfactory                        | None   | n/a   | Spring 2023                              |
| 3/4/2021                         | Satisfactory                        | None  | n/a  | n/a                              | 5/12/2022                        | Satisfactory                        | None   | n/a   | Spring 2023                              |
| 3/8/2021                         | Satisfactory                        | None  | n/a  | n/a                              | 10/28/2022                       | Some actions needed                 | Remove trash and inflatable at outlet pipe                                 | Trash and inflatable plug removed 12/20/22          | Spring 2023                              |
| 3/8/2021                         | Some repairs needed                 | Adjacent construction not complete. Bio is fully vegetated and functioning but trees are growing near cleanout. | n/a  | n/a                              | 5/12/2022                        | Some repairs needed                 | Monitor for adjacent building and cut back trees adjacent to the clean out | Removed trees. 12/20/22                             | Spring 2023                              |
| 3/4/2021                         | Satisfactory                        | None  | n/a  | n/a                              | 5/12/2022                        | Some repairs needed                 | Clear off grate and add an end section and stone riprap below pipe.        | Waiting on dry conditions to perform work 3/25/2023 | Spring 2023                              |
| n/a                              | n/a                                 | n/a   | n/a  | n/a                              | 10/28/2028                       | Satisfactory                        | None   | n/a   | Spring 2023                              |
| 3/8/2021                         | Satisfactory                        | None  | n/a  | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/8/2021                         | Satisfactory                        | None  | n/a  | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/5/2021                         | Satisfactory                        | None  | n/a  | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/5/2021                         | Unsatisfactory                      | Remove debris (tires), unbury inlet   | Follow up                                    | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/5/2021                         | Unsatisfactory                      | Add stone riprap below inlet  | Follow up                                    | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/5/2021                         | Unsatisfactory                      | Add stone riprap below inlet structure  | Follow up                                    | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/9/2021                         | Satisfactory                        | Recommend reinspecting in late  | Follow up                                    | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/5/2021                         | Unsatisfactory                      | Recommend adding topsoil and seed in  | Follow up                                    | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/5/2021                         | Unsatisfactory                      | Install silt fence adjacent to  | Follow up                                    | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/5/2021                         | Satisfactory                        | None  | n/a  | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/8/2021                         | Unsatisfactory                      | Add stone riprap to eroded swales,  | Follow up                                    | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/8/2021                         | Satisfactory                        | None  | n/a  | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/4/2021                         | Unsatisfactory                      | Remove cart and trash from facility   | Follow up                                    | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/9/2021                         | Satisfactory                        | None  | n/a  | n/a                              |                                  |                                     |  |   | TBD                                      |
| 3/9/2021                         | Satisfactory                        | None  | n/a  | n/a                              |                                  |                                     |  |   | TBD                                      |

# Post-Construction Inventory and Inspection Tracking

|          |                |                                    |           |     |  |  |  |  |      |
|----------|----------------|------------------------------------|-----------|-----|--|--|--|--|------|
| 3/9/2021 | Satisfactory   | None                               | n/a       | n/a |  |  |  |  | TBD  |
| 3/4/2021 | Unsatisfactory | Remove trash and clean out two end |           | n/a |  |  |  |  | TBD  |
| 3/5/2021 | Satisfactory   | None                               | n/a       | n/a |  |  |  |  | TBD  |
| 3/5/2021 | Satisfactory   | Remove trash. Monitor tree         |           | n/a |  |  |  |  | 2022 |
| 3/8/2021 | Unsatisfactory | Erosion and Tree removal           | Follow up | n/a |  |  |  |  | TBD  |
| n/a      | n/a            | n/a                                | n/a       | n/a |  |  |  |  | TBD  |
| n/a      | n/a            | n/a                                | n/a       | n/a |  |  |  |  | TBD  |
| n/a      | n/a            | n/a                                | n/a       | n/a |  |  |  |  | TBD  |
|          |                |                                    |           |     |  |  |  |  |      |
|          |                |                                    |           |     |  |  |  |  |      |
|          |                |                                    |           |     |  |  |  |  |      |
|          |                |                                    |           |     |  |  |  |  |      |
|          |                |                                    |           |     |  |  |  |  |      |
|          |                |                                    |           |     |  |  |  |  |      |
|          |                |                                    |           |     |  |  |  |  |      |

**APPENDIX K**  
**BMP Summary Sheets**

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Stormwater System Maintenance**

**BMP Title:**

## Catch Basin/Inlet Structures

**BMP Description:**

- Staff regularly inspects the storm drain system when working in an area of concern.
- Any deterioration threatening structural integrity should be immediately repaired.
- Catch basins should be cleaned before exceeding 50% of sump capacity. Cleaning frequently should be scheduled as needed to meet this standard.
- Store any collected waste appropriately away from inlets or streams. If waste is collected by vactor, dump wastes at the bermed facility across from the Highway Barns.

**Measurable Goals:**

- Document approximate quantity (tons or cubic yards) of material cleaned from structures.
- Document frequency of scheduled cleanings.
- Clean catch basins, inlets and other conveyance structures in high pollution load areas before the wet season to remove accumulated sediment and debris.
- Conduct inspections more frequently during wet season for problem areas where sediment or trash accumulates more often.
- Keep accurate logs of the number of catch basins cleaned and record the amount of waste collected.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name/Title: Chris Countryman, Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

Email: townofmacedon@yahoo.com

Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Solid Waste Management**

**BMP Title:**

## Chemical/Hazardous Waste

**BMP Description:**

- Store hazardous materials and wastes in covered containers protected from vandalism, and in compliance with fire and hazardous waste codes.
- Place hazardous waste containers in secondary containment as necessary.
- Hazardous waste is to be collected, removed, and disposed of only at authorized disposal areas.
- Hazardous materials are recycled with Safety-Kleen, including oil filters.
- Used oil is incinerated on site.

**Measurable Goals:**

- Continue training Highway Department employees.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Solid Waste Management**

**BMP Title:**

## **Illegal Dumping and Litter Control**

**BMP Description:**

- Mobile "No Dumping" signs are posted in areas where dumping has previously occurred.
- Litter receptacles are available in busy, high pedestrian traffic areas of the community at park facilities, and at community events.
- Covered litter receptacles are cleaned out once a week to prevent spillage.
- Illicit discharge tracking spreadsheets are located with the Building & Zoning Clerk.

**Measurable Goals:**

- Identify number of sites where illegal dumping occurs.
- Train municipal employees to notify the Building & Zoning Clerk in order to track incidents.

No dumping signs were posted at the Macedon Cemetery in the 2019-2020 Permit Year and the Highway Department noted a decrease in dumping.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

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Date Last Reviewed: 06/28/22



# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Parks and Open Space Maintenance**

**BMP Title:**

## Landscape Maintenance

**BMP Description:**

- Use mechanical methods of vegetation removal whenever possible.
- Avoid loosening the soil when removing weeds, and use mulch when soils are exposed.
- Collect lawn and grass clippings, pruning waste, tree trimmings and weeds, and compost or dispose of at the facility across from the Highway Barn.
- Consider planting native vegetation where feasible.
- The Town does not use fertilizers or pesticides. Transitions Landscaping may fertilize some areas. If a pesticide is needed, then a third party contractor is utilized, this is RARP.
- Avoid placing landscape waste around storm drain inlets.
- The Town does not irrigate any areas which reduces runoff.

**Measurable Goals:**

- Document fertilizers or pesticides utilized by third party contractors.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Stormwater System Maintenance**

**BMP Title:**

## Open Channel, Ditch Maintenance

**BMP Description:**

- If ditch scraping is necessary, do it in patches with vegetated strips left down slope to capture sediments.
- Use seed and straw immediately after scraping.
- Seed and straw early in the season to allow sufficient growing time.
- Do not seed immediately before a rain.

**Measurable Goals:**

- Approximate length of open drainage ditches maintained with enhanced implementation of erosion control practices in ditch (e.g. hydroseeding).

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Municipal Building Maintenance**

**BMP Title:**

## Outdoor Container Storage

**BMP Description:**

- Minimize outdoor container storage.
- Use covered dumpsters for waste containers.
- Place tight fitting lids on all containers.
- Raise containers off the ground with provisions for spill control and secondary containment.
- Contain the material in such a way that if a leak or spill occurs, the contents will not drain to the storm drain or other waters.
- Current outdoor container storage is limited to metals. Metals are covered.

**Measurable Goals:**

- Inspect outdoor containers for leaks.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name:** NA

**Category of Municipal Operations:** Parks and Open Space Maintenance

**BMP Title:**

## Outdoor Storage of Raw Materials

**BMP Description:**

- Store all materials inside. If this is not feasible, then all outside storage areas should be covered with a roof and enclosed to prevent storm water contact.
- Cover and contain stockpiles of raw materials while not in use to prevent storm water from running into the covered piles.
- If stockpiles are too large to be covered and contained, implement erosion control practices at the perimeter of the site.
- Keep liquids in a designated area on a paved impervious surface with secondary containment.
- Keep outdoor storage containers in good condition, and in a clean and dry area.
- Secure drums stored in an area to prevent accidental spillage or stealing.
- Store chemicals, drums, or bagged materials in secondary containers if applicable.

**Measurable Goals:**

- Monitor outdoor storage area for runoff.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Parks and Open Space Maintenance**

**BMP Title:**

## **Pet Waste Collection**

**BMP Description:**

- Access municipal parks and open space areas to determine locations with excessive amounts of pet waste.
- Prioritize problem areas based upon quantity of pet waste and proximity to waterbodies.
- Maintain pet waste signs or bag stations as necessary.

**Measurable Goals:**

- Continue to replenish pet waste bag stations on an as needed basis.
- Six Pet Waste Stations have been installed as of 04/27/20.
- Two additional Pet Waste Stations installed as of 04/22/21.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Winter Road Maintenance**

**BMP Title:**

## Road Salt Application

**BMP Description:**

- Salt spreaders are calibrated twice a year (at a minimum), to ensure proper application.
- Only apply the amount of salt/sand mixture needed to get the job done.
- Follow the proper application guidelines.
- Consider temperature when determining volume of salt/sand mix to apply.
- Clean up 'trackout' after a storm event around the storage area.
- Wash waters from trucks used for salting and sanding drain to an oil/water separator and a dry well.
- Salt is stored properly under cover and is located away from areas of flooding.
- Use diversion berms to minimize water runoff from storage areas.

**Measurable Goals:**

- All deicing materials have been stored under cover.
- Application components have been tested, calibrated, and maintained at regular intervals. Trucks are calibrated in the fall and spot checked throughout the winter season.
- Sensible salting practices are used at Quaker Road East and Creek Road.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Highway Department is now using Magic Minus Zero Liquid Deicer
- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

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Department: Highway Department

Phone: 315-986-7852 Ext. 102

Email: townofmacedon@yahoo.com

Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Street Maintenance**

**BMP Title: Roadway Patching, Resurfacing and Surface Sealing**

**BMP Description:**

- Patching, resurfacing and sealing are to be scheduled for dry weather.
- Material stockpiles are to be kept away from streets, gutter areas, storm drain inlets or waterways.
- Preheating, transfer or loading of hot bituminous material is to be done away from drainage systems or waterways. This typically occurs at the plant.
- Excess material is to be prevented from entering streets or storm inlets.
- There shall be a designated area for cleanup and proper disposal of excess material.
- The area worked is typically swept within 48 hours to remove any debris from entering the storm drainage system.

**Measurable Goals:**

- Train municipal employees.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Septic System Management**

**BMP Title:**

## Septic System Management

**BMP Description:**

- Divert stormwater runoff from roof drains away from septic system.
- Divert groundwater and/or sump pump discharges away from septic system.
- Prevent growth of vegetation such as woody plants from growing on top of the system.
- Annually visually inspect surface area for breakout.

**Measurable Goals:**

- Document number of septic systems:
  - (1) at the Bullis Park Concession
  - (1) at the Highway Barn
- Document service dates for each system:
  - Bullis Park: typically once every 3 to 4 years
  - Highway Barn: annually in the fall

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

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Department: Highway Department  
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Date Last Reviewed: 06/28/22



# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Municipal Building Maintenance**

**BMP Title:**

## Spill Prevention, Control & Cleanup

**BMP Description:**

- Move material handling indoors, under cover, or away from storm drains or sensitive water bodies, if possible.
- Properly label all containers so that if a spill or leak occurs, the material is contained.
- Berm storage areas so that if a spill or leak occurs, the material is contained.
- Cover outside storage areas either with a permanent structure or a seasonal one so that rain cannot contact materials.
- Check containers often for leaks or spills, and replace deteriorating containers with ones in good condition.
- Store, contain, and transfer liquid materials in such a manner that if the contents spilled, they would not discharge or be washed into the storm drain, surface waters, or groundwater.
- Place drip pans or absorbent materials beneath all mounted taps and all potential drip and spill locations during the filling and unloading of containers.
- For field programs, only transport the minimum amount of material needed for the daily activities and transfer materials between containers at a municipal yard where leaks and spills are easier to control.
- If paved, sweep and clean storage areas monthly. Do not hose down area unless water is being collected and disposed properly.
- Install a spill control device in any catch basins that collect runoff from areas storing materials that separate and float on water.
- Protect catch basins while a conducting field activity so if a spill does occur, the material is contained.
- Utilize Emergency Spill Kit located on the upper level of the Highway Barn.

**Measurable Goals:**

- Annual train municipal employees on Spill Prevention, Control & Cleanup
- Document and report spills as required per the SOP #3

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

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Email: townofmacedon@yahoo.com

Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Stormwater System Maintenance**

**BMP Title:**

## Storm Sewer Conveyance System

**BMP Description:**

- Locate reaches of storm sewers with deposit problems and develop a flushing schedule that keeps the pipe clear of excessive buildup.
- Collect flushed effluent by vacator or pump to the sanitary sewer.
- During routine maintenance, field staff should look for evidence of illegal discharges or illicit connections. Any signs or spills, dumping or illicit connections should be followed up according to the illicit discharge program.

**Measurable Goals:**

- Document length of storm drain pipe cleaned or repaired.
- Document number of outfalls cleaned.
- Document upgrades or technology improvements implemented in overall system.
- Staff training or continuing education activities.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Stormwater System Maintenance**

**BMP Title:**

## Street Sweeping and Cleaning

**BMP Description:**

- A consistent sweeping schedule is to be maintained. The Redbook is followed.
- Street cleaning is only to be performed during dry weather if possible.
- Street sweeping uses minimal amount of water required for dust control.
- Sweepers are to be operated at manufacturer requested optimal speed level to increase effectiveness.
- Accurate logs of the number of curb-miles swept and the amount of waste collected are to be kept.
- Do not store swept material along the side of the street or near a storm drain inlet.
- Debris storage is to be kept to a minimum during the wet season. Piles will be contained by a berm or covered.
- Sweeping debris is currently disposed of at the Highway Facility in a bermed area.

**Measurable Goals:**

- Approximate quantity (tons or cubic yards) of debris cleaned from streets, sidewalks and parking lots.
- Continue employee training or continuing education activities related to policies and procedures.
- If contaminants are suspected, continue disposing sweeping debris and dirt at the landfill.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name/Title: Chris Countryman, Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

Email: townofmacedon@yahoo.com

Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Street Maintenance**

**BMP Title:**

## Unpaved Roads and Trails

**BMP Description:**

- Stabilize exposed soils to prevent soil from eroding during rain events. This is particularly important on steep slopes. A straw mulcher is typically used to spread straw mulch.
- Roadside areas with exposed soils are stabilized with the seed and straw. Native seeds should be used.
- If vegetation cannot be established immediately, apply temporary erosion control mats/blankets, straw or gravel as appropriate.
- Where steep slopes occur or major erosion issues are noted, the Town may utilize stone rip rap or sand bags for sediment control.

**Measurable Goals:**

- Continue training municipal employees.
- Document persistent areas of concern - the Town has one unpaved road (Pond Road) and few trails.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Vehicle and Fleet Maintenance**

**BMP Title:**

## Vehicle and Equipment Cleaning

**BMP Description:**

- Majority of vehicles and equipment are washed inside the building and wash waters are directed to an oil/water separator and then to a holding tank.
- Wash areas are designed to properly collect and dispose of wash water when engine cleaning is conducted and when chemical additives, solvents, or degreasers are used.
- If washing must occur outside, use the designated paved wash area.
- Detergents are prohibited in the outdoor wash area.
- Employees will utilize a non-high-pressure hose to rinse off vehicles and equipment.
- Employees will utilize a sediment collection device to prevent excess sediment and debris from entering the oil/water separator.
- Employees will shovel or sweep up and properly dispose of sediment and debris daily into a designated bin that is disposed of at the High Acres Landfill.
- Vehicle and equipment are prohibited from being washed during rain events.
- The oil/water separator is inspected on a quarterly basis.
- If equipment is suspected of holding contaminated materials, the equipment will be cleaned using an indoor wash bay where wash waters are directed to a holding tank.

**Measurable Goals:**

- Continue training employees on policies, procedures, BMPs and stormwater management.
- Continue using biodegradable, phosphate-free detergents for washing vehicles in indoor wash areas only.
- Stormwater system is scheduled to be piped to the sanitary sewer system within the next year.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- A dry well was installed to accept outdoor wash area waters to prevent wash waters from entering the storm drain system.
- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

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Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Vehicle and Fleet Maintenance**

**BMP Title:**

## Vehicle and Equipment Fueling

**BMP Description:**

- Vehicle and Equipment Fueling occurs at the Gananda Bus Garage which is not owned or operated by the Town of Macedon.
- Spot clean leaks and drips routinely. Leaks are not cleaned up until the absorbent is picked up and disposed of properly.
- Report leaking vehicles to fleet maintenance.

**Measurable Goals:**

- Continue employee training.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

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Department: Highway Department

Phone: 315-986-7852 Ext. 102

Email: townofmacedon@yahoo.com

Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Vehicle and Fleet Maintenance**

**BMP Title:**

## Vehicle and Equipment Repair

**BMP Description:**

- Whenever feasible, move maintenance and repair activities indoors.
- Store idle equipment containing fluids under cover.
- Avoid hosing down work areas, but if work areas are washed, collect the water and direct to floor drains tied to the oil/water separator and holding tank.
- Designate a special area, with no connections to the storm drain, to drain motor fluids.
- Collect leaking or dripping fluids in drip pans or containers, and drain all fluids immediately.
- Promptly transfer used fluids to proper waste or recycling drums.
- Keep equipment clean, don't allow excess grease and oil buildup.
- If temporary work is being done outside, use a tarp, ground cloth, or drip pans to capture all spills and drips and dispose of properly.
- Regularly inspect vehicles and equipment for leaks and repair immediately.

**Measurable Goals:**

- Post signs to indicate storm drains and sinks are not to receive hazardous wastes.
- Plans are in place to decommission the Waste Water Treatment Plan adjacent to the Village DPW. Once the plant is decommissioned, the Town plans to explore using the facility as an indoor wash bay for vehicles and equipment.
- Connect storm and sanitary to the proposed sanitary sewer system.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name/Title: Chris Countryman, Superintendent of Highways

Department: Highway Department

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Email: townofmacedon@yahoo.com

Date Last Reviewed: 06/28/22

# BMP Summary Sheet

**Department Name: Highway Department**

**Category of Municipal Operations: Solid Waste Management**

**BMP Title:**

## Waste Collection

**BMP Description:**

- Regularly inspect solid waste containers (dumpsters & garbage cans) for structural damage. Damaged containers are to be repaired or replaced as necessary.
- Containers must be closed tightly when not in use.
- Waste containers should never be filled with washout water or any other liquid.
- Only appropriate solid wastes are to be added to waste containers. Certain wastes such as hazardous wastes, appliances, fluorescent lamps, pesticides, etc. may not be disposed of in solid waste containers.
- Trash storage bins are covered.
- e-Waste is covered and stored on a pallet.

**Measurable Goals:**

- Train municipal employees.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name/Title: Chris Countryman, Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

Email: townofmacedon@yahoo.com

Date Last Reviewed: 06/28/22



# BMP Summary Sheet

**Department Name: Highway Department/Town Hall**

**Category of Municipal Operations: Solid Waste Management**

**BMP Title:**

## Waste Reduction and Recycling

**BMP Description:**

- Wastes are recycled whenever possible. Antifreeze (Deckman Oil), waste oil (burned on site) and lead acid batteries (Interstate Batteries) are recycled. Materials that can not be reused or recycled should be disposed of properly.
- Recycling bins for newspapers, metal cans, plastic bottles and other recyclable household solid wastes are provided at public facilities.
- The Town Hall utilizes Waste Management for paper product recycling. The Highway Department utilizes K&D Disposal for cardboard products. Cans and plastic bottles are recycled by employees of both facilities.

**Measurable Goals:**

- Train municipal employees.
- E-waste collection events continue.
- Shredding events continue.

**Timeline/Implementation Schedule:**

- 2016-2017 Implemented
- 2017-2022 Permit Years - Continue Implementation

**Specific Components and Notes:**

- Employee training completed: 12/05/17, 02/26/19, 03/03/20, 03/05/21, 02/22/22

**Responsible Party for this BMP:**

*Indicate who specifically is responsible for the implementation and monitoring of this BMP. This should be the individual who is actively involved with the BMP.*

Name/Title: Chris Countryman, Superintendent of Highways

Department: Highway Department

Phone: 315-986-7852 Ext. 102

Email: townofmacedon@yahoo.com

Date Last Reviewed: 06/28/22

# **APPENDIX L**

## **Municipal Facilities Inventory & Inspection Forms**

**(Inspection Reports Located in Separate Binder)**

Town of Macedon's Inventory of Municipally Owned Facilities

Last update 05/10/23

| Inventory of Municipally Owned Facilities          | Address / Location  | Tax ID Number                    | Acreage | Within MS4 Regulated Area | Facility Priority | SIC Code | Latitude      | Longitude     | Receiving Water (Per USGS Stream Stats) | Facility Contact Name | Facility Contact Number | SWPPP Status | SWPPP Location | Sections of Municipal Facility/Operation Assessment Form To Complete   | Type of Activities Present on Site  | Pollutants of Concern  | Inspection Date     | Inspection Date | Planned Inspection Date |
|--|---|----------------------------------|---------|---------------------------|-------------------|----------|---------------|---------------|---|-----------------------|-------------------------|--------------|----------------|--|---|--|---------------------|-----------------|-------------------------|
| <b>Town of Macedon Governmental Function</b>       |   |                                  |         |                           |                   |          |               |               |   |                       |                         |              |                |  |   |  |                     |                 |                         |
| Fmr. Village Hall                                  | 81 Main Street  | 62111-08-863886                  | 0.1     | Y                         | Low               | n/a      | 43° 4'6.92"N  | 77°18'1.31"W  | Ganargua Creek                          | Scott Allen           | 315-986-5932            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Office Use (currently vacant except Town Fire Marshal office) Bid. not ADA compliant                            | Parking Lots: Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt   | 9/14/2017           | 10/22/2020      | 2023-2024               |
| Highway Department                                 | 2067 O'Neil Road  | 62112-00-926356                  | 28.8    | N                         | High              | n/a      | 43° 4'58.10"N | 77°17'46.17"W | Red Creek Trib.                         | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Vehicle and Equipment Areas, Vehicle/Equipment Maintenance, Salt Storage, Fluids Management, Lead-Acid Batteries, Spill Prevention and Control, General Material Storage Areas, Stormwater Management, Erosion and Sediment Controls, and Observations of Stormwater Discharges from the site | Town Highway Dept (shared w/ Gananda School)  | Nutrients (Phosphorus), D.O./Oxygen Demand, Silt/Sediment, Bacteria, Heavy Metals, Oils, Grease, Salt                                    | 10/4/2017           | 10/22/2020      | 2023-2024               |
| Public Safety Building                             | 1620 North Wayneport Road   | 61111-00-255825                  | 1.92    | Y                         | Low               | n/a      | 43° 3'59.17"N | 77°21'37.61"W | Erie Canal                              |                       |                         | n/a          | n/a            | Good Housekeeping, Stormwater Management, Erosion and Sediment Controls, Observations of Stormwater Discharges from the site   | Police and Ambulance Base   | Parking Lots: Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt   | 9/12/2017           | 10/22/2020      | 2023-2024               |
| Town Hall / Library Complex                        | 30 and 32 Main Street   | 62111-07-674851                  | 6.29    | Y                         | Low               | n/a      | 43° 4'1.18"N  | 77°18'27.11"W | Ganargua Creek                          | Scott Allen           | 315-986-5932            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Town Hall and Library Complex   | Parking Lots: Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt   | 6/12/2017           | 10/22/2020      | 2023-2024               |
| Building & Grounds                                 | 135 Main Street   | 63111-05-100891                  | 15.92   | Y                         | Low               | n/a      | 43° 4'9.11"N  | 77°17'29.49"W | Ganargua Creek                          | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Vehicle and Equipment Areas, Vehicle/Equipment Maintenance, Fluids Management, Spill Prevention and Control, Stormwater Management, Erosion and Sediment Controls, and Observations of Stormwater Discharges from the site  | Minor Equipment Maintenance   | Parking Lots: Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt   | 10/4/2017           | 10/22/2020      | 2023-2024               |
| <b>Parks and Recreation Facilities</b>             |   |                                  |         |                           |                   |          |               |               |   |                       |                         |              |                |  |   |  |                     |                 |                         |
| Bullis Park  | 1777 Canandaigua Road   | 62112-00-254043                  | 61.1    | Y                         | Low               | n/a      | 43° 4'16.80"N | 77°19'13.49"W | Erie Canal                              | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Park, including playground, fields, concession/bathrooms, two pavilions, parking lots, pet waste stations, etc. | Pet Waste (Bacteria, Pathogens), Suspended Solids/ Parking Lots: Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt, Floatable Trash | 6/30/2017           | 6/17/2020       | 2023-2024               |
| Bullis Park Annex                                  | off the end of Commons Parkway                                    | 62111-00-170971                  | 30.65   | Y                         | Low               | n/a      | 43° 4'6.61"N  | 77°19'26.60"W | Erie Canal                              | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Designated Walking and Hiking Trail System / Mature Woods (abuts Bullis Park)                                   | Pet Waste (Bacteria, Pathogens), Suspended Solids  | 6/30/2017           | 6/12/2020       | 2023-2024               |
| Fmr. Village Wells Parcel                          | off the end of Commons Parkway                                    | 62111-00-235931                  | 8.38    | Y                         | Low               | n/a      | 43° 4'6.61"N  | 77°19'26.60"W | Erie Canal                              | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Bulls Park  | Pet Waste (Bacteria, Pathogens), Suspended Solids  | 6/30/2017           | 6/12/2020       | 2023-2024               |
| Gravino Park                                       | 135 Main Street   | 63111-05-100891                  | 15.92   | Y                         | Low               | n/a      | 43° 4'11.30"N | 77°17'32.78"W | Ganargua Creek                          | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Park, including playground, fields, concession/bathrooms, one pavilion, parking lot, etc.                       | Pet Waste (Bacteria, Pathogens), Suspended Solids/ Parking Lots: Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt, Floatable Trash | 7/17/2017           | 6/17/2020       | 2023-2024               |
| Bickford Park                                      | SE Corner Bickford and Center Street                              | 62111-08-838937                  | 0.34    | Y                         | Low               | n/a      | 43° 4'11.79"N | 77°18'4.89"W  | Ganargua Creek                          | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Pocket Park with Gazebo   | Pet Waste (Bacteria, Pathogens), Suspended Solids/ Parking Lots: Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt, Floatable Trash | 6/30/2017           | 6/12/2020       | 2023-2024               |
| Canal Park   | Park Adjacent to Lock 30  | 62112-20-840048                  | 12.25   | Y                         | Low               | n/a      | 43° 4'21.07"N | 77°18'6.89"W  | Erie Canal                              | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | State Canal Land under use and occupancy permit to the Town of Macedon  | Pet Waste (Bacteria, Pathogens), Suspended Solids/ Parking Lots: Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt, Floatable Trash | 6/30/2017           | 6/17/2020       | 2023-2024               |
| Old Erie Square                                    | 109 Main (SE corner old Erie/31)                                  | 62111-08-901907                  | 0.11    | Y                         | Low               | n/a      | 43° 4'8.86"N  | 77°17'55.82"W | Ganargua Creek                          | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Pavillion with picnic tables  | Pet Waste (Bacteria, Pathogens), Suspended Solids  | 6/21/2017           | 6/12/2020       | 2023-2024               |
| <b>Public Parking Lots</b>                         |   |                                  |         |                           |                   |          |               |               |   |                       |                         |              |                |  |   |  |                     |                 |                         |
| 106 Main   | Between 106 and 108 Main  | 62111-08-899936                  | 0.46    | Y                         | Low               | n/a      | 43° 4'11.74"N | 77°17'55.79"W | Ganargua Creek                          | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Public Parking Lot / Access Driveways   | Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt, Floatable Trash  | 6/21/2017           | 6/12/2020       | 2023-2024               |
| Behind Florist at 100 Main                         | Rear of 100 Main  | 62111-08-875920                  | 0.24    | Y                         | Low               | n/a      | 43° 4'10.06"N | 77°17'58.98"W | Ganargua Creek                          | Chris Countryman      | 315-986-7852            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Public Parking Lot  | Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt, Floatable Trash  | 6/21/2017           | 6/12/2020       | 2023-2024               |
| <b>Cemeteries</b>                                  |   |                                  |         |                           |                   |          |               |               |   |                       |                         |              |                |  |   |  |                     |                 |                         |
| Erie Street Cemetery aka Macedon Cemete            | West side of Erie St., south of Ganargua Creek                    | 62111-08-884781                  | 16.84   | N                         | Low               | n/a      | 43° 3'53.48"N | 77°17'58.43"W | Ganargua Creek                          |                       |                         | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Cemetery (active)   | Nutrients, Bacteria, Pathogens   | 6/21/2017           | 6/25/2020       | 2023-2024               |
| Macedon Center Cemetery                            | Between 1208 and 1232 Route 31F                                   | 62112-06-357813                  | 0.87    | N                         | Low               | n/a      | 43° 5'38.51"N | 77°19'11.12"W | Red Creek Trib.                         |                       |                         | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Cemetery (not active)   | Nutrients, Bacteria, Pathogens   | 6/30/2017           | 6/15/2020       | 2023-2024               |
| Walworth Road Cemetery                             | Behind 1565 Walworth Road   | 63111-00-928756                  | 0.48    | N                         | Low               | n/a      | 43° 3'54.32"N | 77°15'36.45"W | Erie Canal                              |                       |                         | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Cemetery (not active)   | Nutrients, Bacteria, Pathogens   | 6/30/2017           | 6/17/2020       | 2023-2024               |
| Wayneport Road Cemetery                            | West side just south of Quaker                                    | 61112-00-219524                  | 0.46    | N                         | Low               | n/a      | 43° 5'8.02"N  | 77°21'42.53"W | Erie Canal                              |                       |                         | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Cemetery (not active)   | Nutrients, Bacteria, Pathogens   | 6/30/2017           | 6/12/2020       | 2023-2024               |
| <b>Sanitary Pump Stations and Treatment Plant</b>  |   |                                  |         |                           |                   |          |               |               |   |                       |                         |              |                |  |   |  |                     |                 |                         |
| Cedar Creek Pump Station                           | behind 1503 Canandaigua Road                                      | n/a                              |         | N                         | Low               | n/a      | 43° 3'36.36"N | 77°19'21.93"W | Ganargua Creek Trib.                    | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Removing from inspection schedule due to lack of source of pollutants  | 9/14/2017           | 6/12/2020       | n/a                     |
| Chase Bank Pump Station                            | 1900 NYS Route 31   | n/a                              |         | Y                         | Low               | n/a      | 43° 4'11.74"N | 77°17'17.74"W | Erie Canal                              | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Removing from inspection schedule due to lack of source of pollutants  | 7/6/2017            | 6/17/2020       | n/a                     |
| Commons Parkway Pump Station                       | behind 1641 Commons Parkway                                       | n/a                              |         | Y                         | Low               | n/a      | 43° 4'6.39"N  | 77°19'27.37"W | Ganargua Creek Trib.                    | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Removing from inspection schedule due to lack of source of pollutants  | 6/30/2017           | 6/12/2020       | n/a                     |
| East Park Drive Pump Station                       | across from 1657 East Park Drive                                  | n/a                              |         | Y                         | Low               | n/a      | 43° 4'2.78"N  | 77°21'47.56"W | Erie Canal Trib.                        | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Removing from inspection schedule due to lack of source of pollutants  | 7/7/2017            | 6/12/2020       | n/a                     |
| Lakeview Pump Station                              | 1936 NYS Route 31   | n/a                              |         | Y                         | Low               | n/a      | 43° 4'6.79"N  | 77°17'1.04"W  | Erie Canal                              | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Removing from inspection schedule due to lack of source of pollutants  | 7/6/2017            | 6/17/2020       | n/a                     |
| Marina Pump Station                                | 1125 Marina Drive   | n/a                              |         | Y                         | Low               | n/a      | 43° 4'35.05"N | 77°19'24.64"  | NYS Barge Canal                         | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Removing from inspection schedule due to lack of source of pollutants  | 6/30/2017           | 6/17/2020       | n/a                     |
| Peacock Circle Pump Station                        | 3158 Peacock Circle   | n/a                              |         | N                         | Low               | n/a      | 43° 7'6.26"N  | 77°20'24.66"W | Black Creek Trib.                       | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by Walworth Sewer Department   | Removing from inspection schedule due to lack of source of pollutants  | 7/7/2017            | 6/15/2020       | n/a                     |
| Waste Water Treatment Plant                        | 135 Main Street   | 63111-05-123918                  | 4.2     | Y                         | High              | n/a      | 43° 4'9.67"N  | 77°17'26.63"W | Ganargua Creek                          | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Heavy Metals, Oil, Grease, BOD, Suspended Solids, Salt, Floatables, Bacteria, Pathogens  | 11/7/2018           | 3/1/2022        | 2025-2026               |
| <b>Water Storage Tanks</b>                         |   |                                  |         |                           |                   |          |               |               |   |                       |                         |              |                |  |   |  |                     |                 |                         |
| Bunker Hill  | End of Bunker Hill Drive  | 61110-07-552907                  | 1.15    | Y                         | Low               | n/a      | 43° 2'29.46"N | 77°20'57.30"W | Ganargua Creek Trib.                    | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Removing from inspection schedule due to lack of source of pollutants  | 6/30/2017           | 6/25/2020       | n/a                     |
| Erie Street (Water Storage Tank Removed)           | located at Erie St. Cemetery Hill                                 | 62111-08-884781                  | 16.84   | N                         | Low               | n/a      | 43° 3'56.90"N | 77°18'0.19"W  | Ganargua Creek Trib.                    | n/a                   |                         | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Tank has been removed. 06-25-20   | Removing from inspection schedule due to lack of source of pollutants  | 6/21/2017           | n/a             | n/a                     |
| Macedon Center                                     | adjacent to 1386 NYS Route 31F                                    | 62112-00-580777                  | 0.96    | N                         | Low               | n/a      | 43° 5'34.43"N | 77°18'39.06"W | Red Creek Trib.                         | Jerry Locey           | 315-310-5016            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Observations of Stormwater Discharges from the site  | Maintained by WCWSA   | Removing from inspection schedule due to lack of source of pollutants  | 7/7/2017            | 6/15/2020       | n/a                     |
| <b>Town Owned Stormwater Management Facilities</b> |   |                                  |         |                           |                   |          |               |               |   |                       |                         |              |                |  |   |  |                     |                 |                         |
| Pheasant Run South                                 | South end of Peacock Circle                                       | 61113-12-824676                  | 5.71    | N                         | Low               | n/a      | 43° 7'3.56"N  | 77°20'22.18"W | Black Creek Trib.                       | Scott Allen           | 315-986-5932            | n/a          | n/a            | See Pond & Wetland SMP Level 2 Inspection Checklist  | Regional Pond   | Bacteria, Pathogens, D.O./Oxygen Demand, Nutrients, Floatable Trash, Salt, Heavy Metals, Oils, Grease                                    | 7/30/2018, 03/08/21 | 10/28/2022      | 2022-2023               |
| Pheasant Run North Bioretention Area               | 3282 Spragbrook Circle  | 61113-08-822897                  | 0.01    | N                         | Low               | n/a      | 43° 12.36"N   | 77°33'97.74"W | Black Creek Trib.                       | Scott Allen           | 315-986-5932            |              |                | See Level 2 SMP Checklist  | Bioretention Area   | Nutrients  | 7/30/2018, 03/08/21 | 5/12/2022       | 2022-2023               |
| Wal-Mart (2 ponds)                                 | Small and large ponds east of Wal-Mart and north of Sampson Drive | 61111-00-401823                  | 10.84   | Y                         | Low               | n/a      | 43° 3'59.53"N | 77°21'20.05"W | Erie Canal Trib.                        | Scott Allen           | 315-986-5932            | n/a          | n/a            | See Pond & Wetland SMP Level 2 Inspection Checklist  | Regional Pond   | Bacteria, Pathogens, D.O./Oxygen Demand, Nutrients, Floatable Trash, Salt, Heavy Metals, Oils, Grease                                    | 7/30/2018, 03/04/21 | 5/12/2022       | 2022-2023               |
| Chesterwood Subdivision #5                         | 135 Pannell Road  | 61110-00-036751, 61110-00-020764 | 0.31    | N                         | Low               | n/a      | 43° 0'38.00"N | 77°36'80.00"W | Erie Canal Trib.                        | Scott Allen           | 315-986-5932            | n/a          | n/a            | See Pond & Wetland SMP Level 2 Inspection Checklist  | Stormwater Management Pond for small subdivision  | Bacteria, Pathogens, D.O./Oxygen Demand, Nutrients, Floatable Trash, Salt, Heavy Metals, Oils, Grease                                    | n/a                 | 10/28/2022      | 2022-2023               |
| <b>Miscellaneous Vacant Land</b>                   |   |                                  |         |                           |                   |          |               |               |   |                       |                         |              |                |  |   |  |                     |                 |                         |
| Both sides of Erie St. north of creek              |   | 62111-08-948888                  | 2.86    | Y                         | Low               | n/a      | 43° 4'6.51"N  | 77°17'15.46"W | Ganargua Creek Trib.                    | Scott Allen           | 315-986-5932            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Erosion and Sediment Controls, Observations of Stormwater Discharges from the site   | Undeveloped wooded floodplain   | Bacteria, Pathogens, Invasive Species  | 7/7/2017            | 6/25/2020       | 2023-2024               |
| Former Gravel Pit Quaker Road                      | 2400 Quaker Road  | 63111-00-784703                  | 20.26   | N                         | Low               | n/a      | 43° 3'46.40"N | 77°15'51.60"W | NYS Barge Canal                         | Scott Allen           | 315-986-5932            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Erosion and Sediment Controls, Observations of Stormwater Discharges from the site   | Reclaimed Gravel Pit - discussions underway to allow Pal-Mac Youth Baseball long term lease                     | Bacteria, Pathogens, Invasive Species  | 7/7/2017            | 6/17/2020       | 2023-2024               |
| Old "Race", east of Race Street                    | East of end of Race Street  | 62111-08-832849                  | 0.55    | Y                         | Low               | n/a      | 43° 3'59.16"N | 77°18'8.86"W  | Mud Creek                               | Scott Allen           | 315-986-5932            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Erosion and Sediment Controls, Observations of Stormwater Discharges from the site   | Undeveloped woods   | Bacteria, Pathogens, Invasive Species  | 7/19/2017           | 6/15/2020       | 2023-2024               |
| Wayneport Road Lot                                 | West side just south of Canal                                     | 61112-00-226108                  | 0.5     | Y                         | Low               | n/a      | 43° 4'27.05"N | 77°21'42.12"W | NYS Barge Canal                         | Scott Allen           | 315-986-5932            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Erosion and Sediment Controls, Observations of Stormwater Discharges from the site   | Vacant - donated to town by Fairport Yacht Club - possible future canoe launch or pocket park                   | Bacteria, Pathogens, Invasive Species  | 7/7/2017            | 6/12/2020       | 2023-2024               |
| West of Kemp Drive /North of 31                    |   | 62111-06-447793                  | 12.6    | Y                         | Low               | n/a      | 43° 3'54.13"N | 77°18'51.39"W | Ganargua Creek Trib.                    | Scott Allen           | 315-986-5932            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Erosion and Sediment Controls, Observations of Stormwater Discharges from the site   | Contains former trolley bed and large wetland area  | Bacteria, Pathogens, Invasive Species, Nutrients   | 7/7/2017            | 6/12/2020       | 2023-2024               |
| End of Poplar Street                               | End of Poplar Street  | 62111-07-723764                  | 2.6     | Y                         | Low               | n/a      | 43° 3'55.45"N | 77°18'18.71"W | Mud Creek                               | Scott Allen           | 315-986-5932            | n/a          | n/a            | Good Housekeeping, Stormwater Management, Erosion and Sediment Controls, Observations of Stormwater Discharges from the site   | Undeveloped woods   | Bacteria, Pathogens, Invasive Species  | 7/19/2017           | 6/15/2020       | 2023-2024               |

**APPENDIX M**  
**Standard Operating Procedures**  
**(SOPs)**





## INDEX

SOP #1 Dry & Wet Weather Outfall Inspections

SOP #2 Catch Basin Cleaning and Inspection Program

SOP #3 Spill Response and Cleanup Procedures

SOP #4 Fuel and Oil Handling Procedures

SOP #5 Oil/Water Separator Maintenance

SOP #6 Locating Illicit Discharges

SOP #7 Water Quality Screening in the Field

SOP #8 Stormwater Pollution Prevention and Good Housekeeping

SOP #9 Minimizing the Spread of Alien Invasive Species

SOP #10 SWPPP Review, Construction Site Inspection, Enforcement & Project Close Out

SOP #11 Inspecting Post-Construction Controls & Enforcement



*These Standard Operating Procedures have been modified and customized for the Town of Macedon from a template provided by the Ontario-Wayne Stormwater Coalition. Some SOPs have been excluded since they did not pertain to the Town of Macedon's facilities or operations.*

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### **Introduction:**

Outfalls from an engineered storm drain system can be in the form of pipes or ditches. It is important to inspect and document water quality from these outfalls under both dry weather and wet weather conditions. This SOP discusses both dry and wet weather inspection objectives.

During a dry weather period, it is anticipated that minimal flow from stormwater outfalls will be observed. Therefore, dry weather inspections aim to characterize any/all flow observed during a dry weather period and identify potential source(s) of an illicit discharge through qualitative testing.

Wet weather inspections aim to describe and evaluate the first flush of stormwater discharged from an outfall during a storm, representing the maximum pollutant load managed by receiving water.

### **Definition of Dry Weather Inspections**

A dry weather period is a time interval during which less than 0.1 inch of rain is observed across a minimum of 72 hours. Unlike wet weather sampling, dry weather inspections are not intended to capture a “first flush” of stormwater discharge, rather they are intended to identify any/all discharges from a stormwater outfall during a period without recorded rainfall. The objective of inspections during a dry weather period is to characterize observed discharges and facilitate detection of illicit discharges.

### **Definition of Wet Weather Inspections**

A storm is considered a representative wet weather event if greater than 0.1 inch of rain falls and occurs at least 72 hours after the previously measurable (greater than 0.1 inch of rainfall) storm event. In some watersheds, based on the amount of impervious surface present, increased discharge from an outfall may not result from 0.1 inch of rain. An understanding of how outfalls respond to different events will develop as the inspection process proceeds over several months, allowing the inspectors to refine an approach for inspections.

Ideally, the evaluation and any samples collected should occur within the first 30 minutes of discharge to reflect the first flush or maximum pollutant load.

Typical practice is to prepare for a wet weather inspection event when weather forecasts show a 40% chance of rain or greater. If the inspector intends to collect analytical samples, coordination with the laboratory for bottle ware and for sample drop-off needs to occur in advance.

### **Visual Condition Assessment**

The attached Outfall Reconnaissance Inventory/Sample Collection Field Sheet is a tool to assist in documenting observations related to both the quantitative and qualitative characteristics of any/all flows conveyed by the structure during a dry or wet period.

For any visual observation of pollution in a stormwater outfall discharge, an investigation into the pollution source should occur, but the following are often true:

1. Foam: indicator of upstream vehicle washing activities, or an illicit discharge.
2. Oil sheen: result of a leak or spill.

3. Cloudiness: indicator of suspended solids such as dust, ash, powdered chemicals and ground up materials.
4. Color or odor: Indicator of raw materials, chemicals, or sewage.
5. Excessive sediment: indicator of disturbed earth of other unpaved areas lacking adequate erosion control measures.
6. Sanitary waste and optical enhancers (fluorescent dyes added to laundry detergent and some toilet paper): indicators of illicit discharge.
7. Orange staining: indicator of high mineral concentrations.

Many of these observations are indicators of an illicit discharge. Examples of illicit discharges include: cross-connections of sewer services to engineered storm drain systems; leaking septic systems; intentional discharge of pollutants to catch basins; combined sewer overflows; connected floor drains; and sump pumps connected to the system (under some circumstances). Additional guidelines for illicit discharge investigations are included in SOP #6, "Locating Illicit Discharges".

The Outfall Reconnaissance Inventory/Sample Collection Field Sheet includes fields where these and other specific observations can be noted. The inspector shall indicate the presence of a specific water quality indicator or parameter by check marking the appropriate "Yes" in Section 4, if physical Indicators are present in flowing outfalls. If "Yes" is checked then note the "Indicator", "Description" and "Relative Severity Index" (1-3). If "No" is checked, then skip to Section 5.

The inspector shall indicate the presence of a specific water quality indicator or parameter by check marking "Yes" in Section 5, if physical indicators are present that are not related to flow. If "Yes" is checked, then note the "Indicator", "Description", and "Comments". If "No" is checked, then skip to Section 6.

In Section 6, checkmark the overall outfall characterization: "Unlikely", "Potential", "Suspect", or "Obvious". If a sample is required, complete Section 7 (See below under Measuring Water Quality and Analytical Sample Collection).

### **Conditional and Qualitative Considerations**

Although many of the parameters listed above are considered to be indicators of illicit discharge, the presence of a parameter is not absolute evidence of an illicit discharge. Some of these indicators may occur naturally. Orange staining may be the result of naturally occurring iron, and unrelated to pollution. Foam can be formed when the physical characteristics of water are altered by the presence of organic materials. Foam is typically found in waters with high organic content such as bog lakes, streams that originate from bog lakes, productive lakes, wetlands, or woody areas. To determine the difference between natural foam and foam cause by pollution, consider the following:

1. Wind direction or turbulence: natural foam occurrences on the beach coincide with onshore winds. Often, foam can be found along a shoreline and/or on open waters during windy days. Natural occurrences in rivers can be found downstream of a turbulent site.
2. Proximity to a potential pollution source: some entities (e.g. textile industry, paper production facilities, oil industries, and fire-fighting activities) work with materials that cause foaming in water. If these materials are released to a water body in large quantities, they can cause foaming. The presence of silt in water, such as from a construction site, can cause foam.
3. Feeling: natural foam is typically persistent, light, not slimy to the touch.
4. Presence of decomposing plants or organic material in the water.

Some of the indicators can have multiple causes or sources. For example, both bacteria and petroleum can create a sheen on the water surface. The source of the sheen can be differentiated by disturbing it,



such as with a pole. A sheen caused by oil will remain intact and move in a swirl pattern; a sheen caused by bacteria will separate and appear “blocky”. Bacterial or naturally occurring sheens are usually silver or relatively dull in color and will break up into a number of small patches of sheen. The cause may be presence of iron, decomposition of organic material or presence of certain bacteria. Bacterial sheen is not a pollutant but should be noted.

Optical enhancers at high concentrations are sometimes visible to the naked eye as a bluish-purple haze in the water. However, due to physiological variation of the human eye, not all inspectors may be able to identify the presence of these materials, and quantitative testing is the preferred method to confirm the presence of these compounds. Optical enhancers are typically detected through the use of clean, white cotton pads placed within the discharge for several days, dried, and viewed under a fluorometer. If the cotton pad fluoresces, optical enhancers are assumed to be present. The magnitude of the fluorescence, as measured in fluorescent units, can be used to correlate the concentration of optical enhancers in water to other samples collected locally.

### **Measuring Water Quality**

Based on the results of the Physical Indicators in Sections 4 & 5, it may be necessary to collect additional data about water quality. Water quality samples can be in the form of screening using field test kits and instrumentation, or by discrete analytical samples processed by a laboratory. Information on selecting and using field test kits and instrumentation is included in SOP #7, “Water Quality Screening in the Field.” The Inspection Survey also provides values for what can be considered an appropriate benchmark for a variety of parameters that can be evaluated in the field. If the results of screening using field test kits indicate that the outfall’s water quality exceeds the benchmarks provided, collection of discrete analytical samples should be considered.

### **Analytical Sample Collection**

Sample collection methods may vary based on specific outfall limitations but shall follow accepted test procedures. A discrete manual or grab sample can classify water at a distinct point in time. These samples are easily collected and used primarily when the water quality of the discharge is expected to be homogeneous, or unchanging, in nature. A flow-weighted composite sample will classify water quality over a measured period of time. These samples are used when the water quality of the discharge is expected to be heterogeneous, or fluctuating, in nature. Grab samples are common for both dry and wet weather outfall inspections due to the time-sensitive nature of the process. Protocols for collecting a grab sample shall include:

1. Do not eat, drink or smoke during sample collection and processing.
2. Do not collect or process samples near a running vehicle.
3. Do not park vehicles in the immediate sample collection area, including both running and non-running vehicles.
4. Always wear clean, powder-free nitrile gloves when handling sample containers and lids.
5. Never touch the inside surface of a sample container or lid, even with gloved hands.
6. Never allow the inner surface of a sample container or lid to be contacted by any material other than the sample water.
7. Collect samples while facing upstream and so as not to disturb water or sediments in the outfall pipe or ditch.
8. Do not overfill sample containers, and do not dump out any liquid. Liquids are often added to sample containers intentionally by the analytical laboratory as a preservative or for pH adjustment.
9. Slowly lower the bottle into the water to avoid bottom disturbance and stirring up sediment.
10. Do not allow any object or material to fall into or contact the collected water sample.

11. Do not allow rainwater to drip from rain gear or other surfaces into sample containers.
12. Replace and tighten sample container lids immediately after sample collection.
13. Accurately label the sample with the time and location.
14. Document on the Outfall Reconnaissance Inventory/Sample Collection Field Sheet that analytical samples were collected, specify parameters, and note the sample time in the Notes in Section 1. This creates a reference point for samples.

### **Analytical Sample Quality Control and Assurance**

Upon completion of successful sample collection, the samples may be sent or delivered to an appropriate laboratory for analytical testing. Quality control and assurance are important to ensuring accurate analytical test results. Sample preservation is required to prevent contaminate degradation between sampling and analysis, and holding time should be minimized. Prompt laboratory analysis allows the laboratory to review the data and if analytical problems are found, re-analyze the affected samples within the holding times.

Chain of custody forms are designed to provide sample submittal information and document transfers of sample custody. The forms are typically provided by the laboratory and must be completed by the field sampling personnel for each sample submitted to the lab for analysis. The document must be signed by both the person releasing the sample and the person receiving the sample every time the sample changes hands.

The sampling personnel shall keep one copy of the form and send the remaining copies to the laboratory with the samples. Custody seals, which are dated, signed and affixed to the sample container, may be used if the samples are shipped in a cooler via courier or commercial overnight shipping.

### **Attachment**

Outfall Reconnaissance Inventory/Sample Collection Field Sheet

### **Related Standard Operating Procedures**

1. SOP #6, Locating Illicit Discharges
2. SOP #7, Water Quality Screening in the Field

# OUTFALL RECONNAISSANCE INVENTORY/ SAMPLE COLLECTION FIELD SHEET

## Section 1: Background Data

|   |                 |  |                |
|---|-----------------|--|----------------|
| Subwatershed:                                     |                 | Outfall ID:                            |                |
| Today's date:                                     |                 | Time (Military):                       |                |
| Investigators:                                    |                 | Form completed by:                     |                |
| Temperature (°F):                                 | Rainfall (in.): | Last 24 hours:                         | Last 48 hours: |
| Latitude:   | Longitude:      | GPS Unit:                              | GPS LMK #:     |
| Camera:   |                 | Photo #s:                              |                |
| Land Use in Drainage Area (Check all that apply): |                 |  |                |
| <input type="checkbox"/> Industrial               |                 | <input type="checkbox"/> Open Space    |                |
| <input type="checkbox"/> Ultra-Urban Residential  |                 | <input type="checkbox"/> Institutional |                |
| <input type="checkbox"/> Suburban Residential     |                 | Other: _____                           |                |
| <input type="checkbox"/> Commercial               |                 | Known Industries: _____                |                |
| Notes (e.g., origin of outfall, if known):        |                 |  |                |

## Section 2: Outfall Description

| LOCATION                               | MATERIAL   | SHAPE   | DIMENSIONS (IN.)  | SUBMERGED   |
|--|--|---|---|---|
| <input type="checkbox"/> Closed Pipe   | <input type="checkbox"/> RCP <input type="checkbox"/> CMP<br><input type="checkbox"/> PVC <input type="checkbox"/> HDPE<br><input type="checkbox"/> Steel<br><input type="checkbox"/> Other: _____ | <input type="checkbox"/> Circular <input type="checkbox"/> Single<br><input type="checkbox"/> Elliptical <input type="checkbox"/> Double<br><input type="checkbox"/> Box <input type="checkbox"/> Triple<br><input type="checkbox"/> Other: _____ | Diameter/Dimensions:<br>_____                           | In Water:<br><input type="checkbox"/> No<br><input type="checkbox"/> Partially<br><input type="checkbox"/> Fully<br><br>With Sediment:<br><input type="checkbox"/> No<br><input type="checkbox"/> Partially<br><input type="checkbox"/> Fully |
| <input type="checkbox"/> Open drainage | <input type="checkbox"/> Concrete<br><input type="checkbox"/> Earthen<br><input type="checkbox"/> rip-rap<br><input type="checkbox"/> Other: _____   | <input type="checkbox"/> Trapezoid<br><input type="checkbox"/> Parabolic<br><input type="checkbox"/> Other: _____   | Depth: _____<br>Top Width: _____<br>Bottom Width: _____ |   |
| <input type="checkbox"/> In-Stream     | <b>(applicable when collecting samples)</b>  |   |   |   |
| Flow Present?                          | <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If No, Skip to Section 5</i>   |   |   |   |
| Flow Description (If present)          | <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial  |   |   |   |

## Section 3: Quantitative Characterization

| FIELD DATA FOR FLOWING OUTFALLS  |                 |             |                  |              |
|----------------------------------|-----------------|-------------|------------------|--------------|
| PARAMETER                        | RESULT          | UNIT        | EQUIPMENT        |              |
| <input type="checkbox"/> Flow #1 | Volume          |             | Liter            | Bottle       |
|                                  | Time to fill    |             | Sec              |              |
| <input type="checkbox"/> Flow #2 | Flow depth      |             | In               | Tape measure |
|                                  | Flow width      | ____' ____" | Ft, In           | Tape measure |
|                                  | Measured length | ____' ____" | Ft, In           | Tape measure |
|                                  | Time of travel  |             | S                | Stop watch   |
| Temperature                      |                 | °F          | Thermometer      |              |
| pH                               |                 | pH Units    | Test strip/Probe |              |
| Ammonia                          |                 | mg/L        | Test strip       |              |

## Outfall Reconnaissance Inventory Field Sheet

### Section 4: Physical Indicators for Flowing Outfalls Only

Are Any Physical Indicators Present in the flow?  Yes  No *(If No, Skip to Section 5)*

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

### Section 5: Physical Indicators for Both Flowing and Non-Flowing Outfalls

Are physical indicators that are not related to flow present?  Yes  No *(If No, Skip to Section 6)*

| INDICATOR           | CHECK if Present         | DESCRIPTION   | COMMENTS |
|---------------------|--------------------------|---|----------|
| Outfall Damage      | <input type="checkbox"/> | <input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint<br><input type="checkbox"/> Corrosion  |          |
| Deposits/Stains     | <input type="checkbox"/> | <input type="checkbox"/> Oily <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other:   |          |
| Abnormal Vegetation | <input type="checkbox"/> | <input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited   |          |
| Poor pool quality   | <input type="checkbox"/> | <input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen<br><input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other: |          |
| Pipe benthic growth | <input type="checkbox"/> | <input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other:   |          |

### Section 6: Overall Outfall Characterization

|   |
|---|
| <input type="checkbox"/> Unlikely <input type="checkbox"/> Potential (presence of two or more indicators) <input type="checkbox"/> Suspect (one or more indicators with a severity of 3) <input type="checkbox"/> Obvious |
|---|

### Section 7: Data Collection

|                                |                               |  |
|--------------------------------|-------------------------------|--|
| 1. Sample for the lab?         | <input type="checkbox"/> Yes  | <input type="checkbox"/> No  |
| 2. If yes, collected from:     | <input type="checkbox"/> Flow | <input type="checkbox"/> Pool  |
| 3. Intermittent flow trap set? | <input type="checkbox"/> Yes  | <input type="checkbox"/> No      If Yes, type: <input type="checkbox"/> OBM <input type="checkbox"/> Caulk dam |

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



**Introduction:**

Catch basins help minimize flooding and protect water quality by removing trash, sediment, decaying debris, and other solids from stormwater runoff. These materials are retained in a sump below the invert of the outlet pipe. Catch basin cleaning reduces foul odors, prevents clogs in the storm drain system, and reduces the loading of suspended solids, nutrients, and bacteria to receiving waters. A Five

(5) year cleaning and inspection program has been established. During these cycles, data can be gathered related to the condition of the physical basin structure; its frame and grate, and the quality of stormwater conveyed by the structure.

**Application:**

This procedure applies to all municipally owned catch basins in the Town of Macedon. Catch basins in the Town of Macedon that have been labeled “priority catch basins for inspection and cleaning” are cleaned and inspected more often. A list of these priority catch basins is included on the next page.

**Schedule:**

The annual catch basin cleaning schedule will utilize the attached Quadrant Map with Voting Districts as a general guide.

| DISTRICT | SCHEDULED YEAR | SCHEDULED YEAR |
|----------|----------------|----------------|
| 1        | 2023-2024      | 2028-2029      |
| 2 & 3    | 2024-2025      | 2029-2030      |
| 4A       | 2025-2026      | 2030-2031      |
| 4B       | 2026-2027      | 2031-2032      |
| 5        | 2027-2028      | 2032-2033      |

**Procedures:**

Step 1: Catch basin inspection cleaning procedures should address both the grate opening and the basin’s sump. Document any and all observations about the condition of the catch basin structure, condition of the grate, condition of pipe inverts in the catch basin, and water quality on the inspection form on GIS via the Highway Tablet. Procedures for using the Highway Tablet are kept in the Highway Superintendents Office.

Step 2: Catch Basin repair and cleaning reports can be generated from the GIS system and documents located at the Highway Superintendents Office.

Step 3: Highway Department staff periodically clean catch basins based on the reports generated from the catch basin inspections. Catch basin cleanings are currently disposed of at the at the Town of Macedon Highway Garage in a self-contained bin. All materials including hazardous pollutants if suspected, are then taken to the Waste Management High Acres Landfill for proper disposal.

Step 4: Highway Department staff also periodically completes repairs to the catch basins, grates, and pipe inverts based on GIS reports from the catch basin inspections.

Step 5: All inspections, cleanings, and repair records for the Town of Macedon, are kept at the Highway Garage, in the Highway Superintendents Office, and on the GIS System

### **Catch Basin Inventory**

The Town of Macedon is currently mapping the stormwater system within the urbanized area of the MS4. The catch basin inventory includes the location, type of catch basin, street address, receiving waterbody, amount of debris present, type of debris, structure material, elevation of rim, depth in feet, and the number, size, and material of pipes flowing into and out of the structure.

### **Town of Macedon Priority Catch Basins for Inspection and Cleaning**

- Catch Basin NE Corner of Wiedrick Rd & 350/31F Intersection
- Catch Basin SW Corner of Wilson Rd & Lexington Drive
- Pintail Subdivision – 2 Catch Basins Located Just South of the Macedon/Walworth Line
- Sherwood Drive Subdivision 2 Catch Basins Located on the Curve
- 4 Railroad Ave. Catch Basin @ Driveway and on Lapham Street
- Bickford Street Southside – From Railroad Ave. to Erie Street
- 3010 Kittering Road Catch Basin & Culvert Heavy Flooding from Fields at Times

### **Attachment:**

MS4 Quadrant Map CB Cleanings  
Catch Basin Inspection Form



# MS4 Quadrant Map for Catch Basin Cleanings

1

2

4A

5

Macedon

Genesee Creek

4B

3

Wayne

Wayne

Wayne





**Introduction:**

Municipalities are responsible for any contaminant spill or release that occurs on property they own or operate. Particular areas of concern include any facilities that use or store chemicals, fuel oil or hazardous waste, including schools, garages, DPW/DOT yards, and landfills.

Implementation of proper spill response and cleanup procedures can help to mitigate the effects of a contaminant release.

**Responding to a Spill**

In the event of a spill, follow these spill response and cleanup procedures:

1. Notify a member of the facility's Pollution Prevention Team, the facility supervisor, and/or the facility safety officer.
2. Assess the contaminant release site for potential safety issues and for direction of flow.
3. With proper training and personal protective equipment, complete the following:
  - a. Stop the contaminant release.
  - b. Contain the contaminant release through the use of spill containment berms or absorbents
  - c. Protect all drains and/or catch basins with the use of absorbents, booms, berms or drain covers.
  - d. Clean up the spill.
  - e. Dispose of all contaminated products in accordance with applicable federal, state and local regulations.
    - i. Products contaminated with petroleum shall be handled and disposed of according to NYS DEC guidelines: <http://www.dec.ny.gov/regulations/30902.html#Hazardous>
    - ii. Waste oil contaminated products:
      1. Perform the "one drop" test to ensure absorbents do not contain enough oil to be considered hazardous. Wring absorbents through a paint filter. If doing so does not generate one drop of oil, the materials are not hazardous.
      2. If absorbents pass the "one drop" test they may be discarded in the trash, unless contaminated with another hazardous waste.
        - a. It is acceptable to mix the following fluids and handle them as waste oil:
          - ii. Waste Motor Oil
          - iii. Hydraulic Fluid
          - iv. Power Steering Fluid
          - v. Transmission Fluid
          - vi. Brake Fluid
          - vii. Gear Oil

- b. Do not mix the following materials with waste oil, store each separately:
  - i. Gasoline
  - ii. Antifreeze
  - iii. Brake and Carburetor Cleaners
  - iv. Cleaning Solvents
  - v. Other Hazardous Wastes
3. If absorbents do not pass the “one drop” test they should be placed in separate metal containers with tight fittings lids, labeled “Oily Waste Absorbents Only”.
4. If you need assistance containing and/or cleaning up the spill, or preventing it from discharging to a surface water (or an engineered storm drain system), contact your local fire department:

|                         |              |
|-------------------------|--------------|
| Macedon – West Walworth | 315-986-2241 |
| Macedon Center          | 315-986-4736 |
| Macedon Volunteer       | 315-986-4700 |

*In the case of an emergency call 911.*

**Region 8 DEC Spill Response Unit must be contacted (585-226-5433) if a hazardous waste spill is detected. All petroleum spills that occur within New York State must be reported to the NYS Spill Hotline (1-800-457-7362) within 2 hours of discovery except spills which meet all of the following criteria:**

1. The quantity is known to be less than 5 gallons.
2. The spill is contained and under the control of the spiller.
3. The spill has not and will not reach the state’s water or any land.
4. The spill is cleaned up within 2 hours of discovery.

A spill is considered to have not impacted land if it occurs on a paved surface such as asphalt or concrete. A spill in dirt or gravel parking lot is considered to have impacted land and is reportable. Consider also whether the spill may have occurred on areas of pervious pavement.

**National Response Center (1-800-424-8802)** The National Response Center is the sole federal point for reporting all hazardous substances releases and oil spills that trigger federal notification requirements under several laws. For information on EPA Discharge of Oil Regulations: <http://www.epa.gov/emergencies/content/lawsregs/sheenovr.htm>

### **Procedures for Reporting Spill Response**

When contacting emergency response personnel or a regulatory agency, or when reporting the contaminant release, be prepared to provide the following information:

- a. Your name and the phone number you are calling from.
- b. The exact address and location of the contaminant release.
- c. Specifics of release, including:
  - a. What was released
  - b. How much was released, which may include:
    - i. Pounds

- ii. Gallons
  - iii. Number of containers.
- d. Where was the release sent/what was contaminated, addressing:
- a. Pavement
  - b. Soil
  - c. Drains
  - d. Catch Basins
  - e. Water Bodies
  - f. Public Street
  - g. Public Sidewalk.
- e. The concentration of the released contaminant.
- f. What/who caused the release.
- g. Is the release being contained and/or cleaned up, or is the response complete?
- h. Type and amount of petroleum stored on site, if any.
- i. Characteristics of contaminant container, including:
- a. Tanks
  - b. Pipes
  - c. Valves.

#### **Maintenance and Prevention Guidance**

Prevention of spills is preferable to even the best response and cleanup. To mitigate the effects of a contaminant release, provide proper maintenance and inspection at each facility.

To protect against contaminant release adhere to the following guidance:

1. Ensure all employees are properly trained to respond in the case of a spill, understand the nature and properties of the contaminant and understand the spill control materials and personnel safety equipment. Maintain training records of current personnel on site and retain training records of former personnel for at least three years from the date last worked at the facility.
2. Provide yearly maintenance and inspection at all municipal facilities, paying particular attention to underground storage tanks. Maintain maintenance and inspection records on site.
3. Implement good management practices where chemicals and hazardous wastes are stored.
  - a. Ensure storage in closed containers inside a building and on an impervious surface.
  - b. If storage cannot be provided inside, ensure secondary containment for 110 percent of the maximum volume of the storage container.
  - c. Locate storage areas near maintenance areas to decrease the distance required for transfer.
  - d. Provide accurate labels, MSDS information and warnings for all stored materials.
  - e. Regularly inspect storage areas for leaks.

- f. Ensure secure storage locations, preventing access by untrained or unauthorized persons.
  - g. Maintain accurate records of stored materials.
4. Replace traditional hazardous materials such as pesticides and cleansers with non-hazardous products such as bio-lubricants which can reduce response costs in the case of a spill.
  5. Maintain an Oil and Grease Spill Response Kit with the following materials, at a minimum, at the Highway Barn and former Village DPW:
    - a. 6.5 gallon bucket with screw top lid and handle
    - b. 10 gallons of sand
    - c. 200 pounds of quick-drying absorbent
    - d. Drain covers
    - e. Spill containment berms
    - f. (4) 3' absorbent socks
    - g. (16) 16" x 18" absorbent pads
    - h. Goggles
    - i. Nitrile gloves
    - j. Disposable bags to dispose of used materials
    - k. Laminated contact list

### **Attachments**

Spill Response and Cleanup Contact List(s)

### **Related Standard Operating Procedures**

SOP #4, Fuel and Oil Handling Procedures

## Spill Response and Cleanup Contact List

### **Facility: Highway Barn**

Chris Countryman (Facility Supervisor/Safety Officer): 315-310-1483

Scott Allen (Stormwater Management Program Coordinator): 315-374-1288

Macedon Volunteer Fire Department: 315-986-4700

NYS Spill Hotline: 800-457-7362

National Response Center: 800-424-8802

EPA Oil Information Hotline: 800-424-9346

EPA Pesticide Hotline: 800-858-7378

## Spill Response and Cleanup Contact List

### **Facility: Former Village DPW**

Chris Countryman (Facility Supervisor/Safety Officer): 315-310-1483

Scott Allen (Stormwater Management Program Coordinator): 315-374-1288

Macedon Volunteer Fire Department: 315-986-4700

NYS Spill Hotline: 800-457-7362

National Response Center: 800-424-8802

EPA Oil Information Hotline: 800-424-9346

EPA Pesticide Hotline: 800-858-7378

**Introduction:**

Spills, leaks, and overfilling can occur during handling of fuels and petroleum-based materials, even in small volumes, representing a potential source of stormwater pollution. This Standard Operating Procedure addresses a variety of ways by which fuels and petroleum-based materials can be delivered, as well as steps to be taken when petroleum products (such as waste oil) are loaded onto vehicles for offsite disposal or recycling. Delivery, unloading, and loading of waste oils are hereafter referred to as “handling”.

For the Town of Macedon, all vehicle and equipment fueling occurs at the Gananda Central School District Bus Garage. At times, personnel may also fill single or multiple 5 gallon gas cans at the garage and then later top off equipment in the field.

Personnel responsible for handling fueling operations at the gas pump or in the field shall ensure that the following procedures are observed:

1. There is no smoking while fuel handling is in process or underway.
2. Sources of flame are kept away while fuel handling is being completed. This includes smoking, lighting matches, carrying any flame, or carrying a lighted cigar, pipe, or cigarette.
3. No tools are to be used that could damage fuel or oil containers
4. Catch basins and drain manholes are adequately protected.
5. No flammable liquid shall be unloaded from any motor vehicle while the engine is operating, unless the engine of the motor vehicle is required to be used for the operation of a pump.
6. Local traffic does not interfere with fuel transfer operations.
7. The attending persons should watch for any leaks or spills
  - a. Any small leaks or spills should be immediately stopped, and spilled materials absorbed and disposed of properly. Refer to SOP #3, “Spill Response and Cleanup Procedures”, for examples of spill cleanup and response materials.
  - b. In the event of a large spill or one that discharges to surface waters or an engineered storm drain system, the facility representative or responsible party shall activate the Stormwater Pollution Prevention Plan (SWPPP) and report the incident as specified within.

**Delivery by Bulk (Tanker) Truck** – not applicable to the Town of Macedon

**Delivery of Drummed Materials** – not applicable to the Town of Macedon

**Removal of Waste Oil from the Facility** – not applicable to the Town of Macedon, waste oil is burned onsite.

**Related Standard Operating Procedures**

1. SOP #3, Spill Response and Cleanup

**Introduction:**

Oil/water separators (OWS), also known as gas/oil separators, are structural devices intended to provide pretreatment of floor drain water from industrial and garage facilities. An OWS allows oils (and substances lighter than water) to be intercepted and removed for disposal before entering the sanitary sewer system. Substances

heavier than water settle into sludge at the bottom of the unit. The remaining water passes through the unit into the sanitary sewer system.

OWS units are generally required where petroleum-based products, wastes containing petroleum, or oily and/or flammable materials are used, produced, or stored. OWS units should not be used to manage stormwater or flow from vehicle washing facilities. High flow rates through an OWS will reduce the structure's ability to separate materials. Detergents and solvents can emulsify oil and grease, allowing the particles to enter the sewer, so these should not be disposed of in drains entering the OWS.

The Town of Macedon maintains one oil/water separator located at the Highway Barn. The Town utilizes Safety-Kleen to remove and properly dispose of wastes when necessary.

**General OWS Maintenance Requirements**

1. Each OWS at a facility may receive different materials in different quantities, so the cleanout schedule may not be the same.
2. Employees performing inspections of an OWS must be properly trained and be familiar with the maintenance of that specific structure, since function can vary based on design. Third-party firms may be utilized to perform annual inspections.
3. Do not drain petroleum, oil, or lubricants directly to an OWS. The structures are designed to manage these materials at low and medium concentrations in sanitary sewage, not as slug loads.
4. Do not drain antifreeze, degreasers, detergents, fuels, alcohols, solvents, coolant, or paint to the OWS.
5. Separator compartment covers should be tightly sealed to ensure floor drainage only enters the first compartment of the OWS.
6. Drains should be kept free of debris and sediment to the maximum extent practicable.
7. Spill cleanup materials should be maintained in the area served by the OWS. For more information on spill cleanup and response materials, refer to SOP #3, "Spill Response and Cleanup Procedures". Daily inspection of an OWS should include a visual examination of the area served by the OWS for evidence of spills or leaks.

**Weekly inspections of an OWS should include the following:**

1. Visually examine the area served by the OWS for evidence of spills or leaks.
2. Inspect the point of discharge (i.e., sewer manhole) for evidence of petroleum bypassing the OWS.
3. Inspect drains for any signs of unauthorized substances entering the OWS.
4. Examine the OWS for signs of leaks or any malfunction.



### **Annual inspections of an OWS should include the following:**

1. Complete tasks noted as appropriate for daily and weekly inspection.
2. Complete the Annual OWS Inspection Checklist, attached, during the inspection.
3. Take the following measurements to benchmark function of the OWS:
  - a. Distance from rim of access cover to bottom of structure
  - b. Distance from rim of access cover to top of sludge layer
  - c. Depth of sludge layer ( $C = A - B$ )
  - d. Distance from rim of access cover to the oil/water interface
  - e. Distance from rim of access cover to the top of the liquid surface
  - f. Depth of oil layer ( $F = D - E$ )

### **OWS Cleaning Procedures**

Cleaning of the OWS is required when there has been a spill to the OWS that exceeds ten gallons of oil, one gallon of detergent or solvent, or any material prohibited by the owner of the sanitary sewer. Cleaning is also required when the levels of accumulated sludge and/or oil meet the manufacturer's recommended levels for cleaning. This will vary based on the manufacturer of the OWS. See attached Manufactures specifications.

If the manufacturer's recommendations are unknown, the following guidelines are appropriate for determining when to clean:

1. When sludge accumulates to 25% of the wetted height of the separator compartment; **or**
2. When oil accumulates to 5% of the wetted height of the separator compartment; **or**
3. When 75% of the retention capacity of the OWS is filled.

Cleaning should be performed a minimum of once per year. The Town of Macedon utilizes Safety-Kleen to remove materials and properly dispose of materials.

### **Documentation of Cleaning and Service**

The operator of the premises where the OWS is located shall maintain a log describing the date and type of all inspections, service and maintenance performed in connection with the Separator. Documentation shall include the identity of the inspector (or the identity of the person or entity that performed the service and/or maintenance). Records shall also document the amount of residue removed from the OWS each time it was cleaned, and how removed materials were disposed. This documentation shall be maintained for a minimum of six years.

### **Attachments**

Annual OWS Inspection Checklist

### **Related Standard Operating Procedures**

1. SOP #3, Spill Response and Cleanup Procedures

**OIL/WATER SEPARATOR (OWS)  
ANNUAL INSPECTION CHECKLIST**

**Highway Barn**

OWS Location: \_\_\_\_\_

Inspected by: \_\_\_\_\_

Date: \_\_\_\_\_

|                   |   |     |    |
|-------------------|---|-----|----|
| Visual Inspection | Are there any signs of spills or leaks in the general area? | Yes | No |
|                   | Is there any evidence of petroleum bypassing the OWS?       | Yes | No |
|                   | Are there any unauthorized substances entering the OWS?     | Yes | No |
|                   | Does the OWS exhibit any signs of leaks or malfunctions?    | Yes | No |

If you answered “yes” to any of the above questions, further inspection, repair, and/or cleaning may be necessary.

|              |         |  |  |
|--------------|---------|--|--|
| Measurements | A       | Distance from rim of access cover to bottom of structure           |  |
|              | B       | Distance from rim of access cover to top of sludge layer           |  |
|              | C = A-B | Depth of sludge layer  |  |
|              | D       | Distance from rim of access cover to the oil/water interface       |  |
|              | E       | Distance from rim of access cover to the top of the liquid surface |  |
|              | F = D-E | Depth of oil layer   |  |

If the values for “C” and/or “F” are greater than those in the manufacturer’s recommendations, the OWS must be cleaned by a licensed OWS maintenance company.



### **Introduction:**

An “illicit discharge” is any discharge to an engineered storm drain system that is not composed entirely of stormwater unless the discharge is defined as an allowable non-stormwater discharge under the New York State GP-0-15-003 Municipal Separate Storm Sewer Permit.

Illicit discharges may enter the engineered storm drain system through direct or indirect connections, such as: cross-connections of sewer services to engineered storm drain systems; leaking septic systems; intentional discharge of pollutants to catch basins; combined sewer overflows; connected floor drains; and sump pumps connected to the system (under some circumstances).

Illicit discharges can contribute high levels of pollutants, such as heavy metals, toxics, oil, grease, solvents, nutrients, and pathogens to receiving streams.

Illicit discharges can be located by several methods, including routine dry weather outfall inspections and catch basin inspections, which are described in detail in SOP #1, “Dry & Wet Weather Outfall Inspections” and SOP #2, “Catch Basin Inspection and Cleaning”, respectively, as well as from citizen reports.

The Town of Macedon has the legal authority in place, per the requirements of the NYS MS4 permit, to prohibit the connection of non-stormwater discharges into the storm drain system, see Town Code Chapter 250 - Article 1. Illicit Discharges and Connections to prohibit illicit discharges and implement enforcement procedures and actions as needed. Also see Town Code Chapter 250-14 for Enforcement: penalties for offenses. In the Town of Macedon, the Code Enforcement Officer is responsible for provision under this SOP.

### **Identifying Illicit Discharges**

The following are often indicators of an illicit discharge from a stormwater outfall:

1. Foam: indicator of upstream vehicle washing activities, or an illicit discharge.
2. Oil sheen: result of a leak or spill.
3. Cloudiness: indicator of suspended solids such as dust, ash, powdered chemicals and ground up materials.
4. Color or odor: Indicator of raw materials, chemicals, or sewage.
5. Excessive sediment: indicator of disturbed earth of other unpaved areas lacking adequate erosion control measures.
6. Sanitary waste and optical enhancers (fluorescent dyes added to laundry detergent): indicator of the cross-connection of a sewer service.
7. Orange staining: indicator of high mineral concentrations.

Both bacteria and petroleum can create a sheen on the water surface. The source of the sheen can be differentiated by disturbing it, such as with a pole. A sheen caused by oil will remain intact and move in a swirl pattern; a sheen caused by bacteria will separate and appear “blocky”. Bacterial sheen is not a pollutant but should be noted.

## **Citizen Call in Reports**

Reports by residents and other users of a water body can be effective tools in identifying the presence of illicit discharges. The Town of Macedon has published an illicit discharge “hotline” on their website and Facebook page. The Town Clerk and the Highway Superintendent’s secretary have also received training in how to manage and report these calls.

The Town of Macedon educates municipal employees and the general public through publications such as the Macedon Messenger on how to help identify the signs of illicit discharges and to report such incidents.

When a call is received about a suspected illicit discharge, the attached Illicit Discharge Complaint Log shall be used to document the appropriate information. Subsequent steps for taking action to trace, document, and eliminate the illicit discharge are described in the following sections.

Potential illicit discharges reported by citizens should be reviewed on an annual basis to locate patterns of illicit discharges, identify high-priority catchments, and evaluate the call-in inspection program.

## **Tracking Illicit Discharges**

Whenever an illicit discharge is suspected, regardless of how it was identified, the attached Illicit Discharge Complaint Log should be completed for tracking purposes. The Complaint Log has been provided to the Town Clerk and to the Highway Department Secretary. Complaints logged in by the Town Clerk are given to the Code Enforcement Officer/Stormwater Management Program Coordinator and complaints logged in by the Highway Department Secretary are given to the Highway Superintendent. Complaints shall be promptly investigated.

If the presence of an illicit discharge is confirmed by the authority, but its source is unidentified, then the following procedures should be used to determine the source of the illicit discharge:

1. Review and consider information collected when illicit discharge was initially identified, for example, the time of day and the weather conditions for the previous 72 hours. Also consider and review past reports or investigations of similar illicit discharges in the area.
2. Obtain storm drain mapping for the area of the reported illicit discharge. If possible, use a tracking system that can be linked to your system map, such as GIS.
3. Complete the Illicit Discharge Incident Tracking Sheet, see attached. Document current conditions at the location of the observed illicit discharge point, including odors, water appearance, estimated flow, presence of floatables, and other pertinent information. Photograph relevant evidence.
4. If there continues to be evidence of the illicit discharge, collect water quality data using the methods described in SOP #7, “Water Quality Screening in the Field”. This may include using field test kits or instrumentation, or collecting analytical samples for full laboratory analysis.
5. Move upstream from the point of observation to identify the source of the discharge, using the system mapping to determine infrastructure, tributary pipes, and drainage areas that contribute. At each point, survey the general area and surrounding properties to identify potential sources of the illicit discharge. Document observations at each point on the IDDE Incident Tracking Sheet as well as with photographs.
6. Continue this process until the illicit discharge is no longer observed, which will define the boundaries of the likely source. For example, if the illicit discharge is present in catch basin but not at the next upstream catch basin, the source of the illicit discharge is between these two structures. If the source of the illicit discharge could not be determined by this survey, consider using dye testing, smoke testing, or closed-circuit television inspection (CCTV) to locate the illicit discharge

## **Dye Testing**

Dye testing is used to confirm a suspected illicit connection to a storm drain system. Prior to testing, permission to access the site should be obtained. Dye is discharged into the suspected fixture, and nearby storm drain structures and sanitary sewer manholes observed for presence of the dye. Each fixture, such as sinks, toilets, and sump pumps, should be tested separately. A third-party contractor may be required to perform this testing activity.

## **Smoke Testing**

Smoke testing is a useful method of locating the source of illicit discharges when there is no obvious potential source. Smoke testing is an appropriate tracing technique for short sections of pipe and for pipes with small diameters. Smoke added to the storm drain system will emerge in connected locations. A third-party contractor may be required to perform this testing activity.

## **Closed Circuit Television Inspection (CCTV)**

Televised video inspection can be used to locate illicit connections and infiltration from sanitary sewers. In CCTV, cameras are used to record the interior of the storm drain pipes. They can be manually pushed with a stiff cable or guided remotely on treads or wheels. A third-party contractor may be required to perform this testing activity.

If the source is located, follow steps for removing the illicit discharge. Document repairs, new sanitary sewer connections, and other corrective actions required to accomplish this objective. If the source still cannot be located, add the pipe segment to a future inspection program. This process is demonstrated in a flowchart on the last page of this SOP.

## **Removing Illicit Discharges**

Proper removal of an illicit discharge will ensure it does not recur. Refer to Table 6-1, attached, for examples of the notification process.

In any scenario, conduct a follow up inspection to confirm that the illicit discharge has been removed.

Suspend access to the storm drain system if an “imminent and substantial danger” exists or if there is a threat of serious physical harm to humans or the environment.

## **Enforcement Response Plan (ERP) for Illicit Discharges**

The ERP provides guidance to staff following a complaint or discovery of an illicit discharge. Per Town Code 250-14 Enforcement; penalties for offenses when the municipality discovers an illicit discharge the following steps should occur:

1. Contact owner verbally to inform them of the illicit discharge.
2. If issue is corrected immediately, confirm correction.
3. If issue cannot be corrected immediately, issue a written Notice of Violation with a schedule for correction.
4. Confirm correction or issue a fine if not corrected.
5. And/or conduct remediation and back charge the owner.

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

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

### **Enforcement Tracking**

The enforcement case documentation must include, at a minimum, the following:

- a) Name of the owner/operator of the facility or site of the violation;
- b) Location of the *stormwater* source (i.e., construction project, industrial facility);
- c) Description of the violation;
- d) Required schedule for returning to compliance;
- e) Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
- f) Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations);
- g) Any referrals to different departments or agencies; and
- h) Date violation was resolved.

**Common Stormwater Pollutants, Sources and Impacts**

| <b>Pollutant</b>                                   | <b>Sources</b>  | <b>Impacts</b>   |
|--|---|--|
| Sediment   | Construction sites; eroding streambanks and lakeshore; winter sand and salt application; vehicle/boat washing, agricultural practices.  | Destruction of plant and fish habitat, transportation of attached oils, nutrients and pollutants; increased maintenance costs.                   |
| Nutrients:<br>(Phosphorus, nitrogen)               | Fertilizers, malfunctioning septic systems, livestock, bird and pet waste; vehicle/boat washing, grey water, decaying grass and leaves, sewer overflows or leaks, leaking trash containers. | Increased potential for nuisance or toxic algae blooms; increased potential for low levels of dissolved oxygen which can kill aquatic organisms. |
| Hydrocarbons<br>(Polycyclic Aromatic Hydrocarbons) | Vehicle and equipment leaks, vehicle and equipment emissions, pesticides, fuel spills, equipment cleaning, improper fuel storage and disposal.  | Toxic at low levels.   |
| Heavy Metals                                       | Vehicle brake and tire wear; vehicle/equipment exhaust/ batteries; galvanized metal; paint and wood preservatives; batteries' fuels; pesticides; cleaners.                                  | Toxic at low levels; drinking water contamination.   |
| Pathogens  | Livestock, bird and pet wastes; malfunctioning septic systems, sewer overflows or leakage.  | Risk to human health; closure of beaches and swimming areas, drinking water contamination.   |
| Toxic Chemicals                                    | Heavy metals; PAHs; pesticides, dioxins; PCBs; spills, wear, illegal discharges and leaks.  | Toxic at low levels.   |
| Debris/Litter                                      | Improper waste disposal and storage, fishing gear, leaking rubbish containers, cigarette butts; littering.  | Potential risk to human and aquatic life.  |

**Table 6-1**

**Notification and Removal Procedures for Illicit Discharges into the Municipal Separate Storm Sewer System**

| <b>Financially Responsible</b> | <b>Source Identified</b>  | <b>Enforcement Authority</b>  | <b>Procedure to Follow</b>  |
|--------------------------------|---|---|---|
| Private Property Owner         | One-time illicit discharge (e.g. spill, dumping, etc.)  | Code Enforcement Officer/Stormwater Management Program Coordinator        | 1. Contact owner verbally.<br>2. If issue is corrected immediately, confirm correction.   |
| Private Property Owner         | Intermittent or continuous discharge from a legal connection  | Code Enforcement Officer/Stormwater Management Program Coordinator        | 3. If issue cannot be corrected immediately, issue a written Notice of Violation with a schedule for correction.<br>4. Confirm correction or issue a fine if not corrected.<br>5. And/or conduct remediation and back charge the owner. |
| Private Property Owner         | Intermittent or continuous illicit discharge from an illegal connection or indirect connection (e.g. infiltration or failed onsite wastewater treatment system) | Code Enforcement Officer/Stormwater Management Program Coordinator        | Notify enforcement authority.   |
| Exempt 3 <sup>rd</sup> Party   | Any   | Code Enforcement Officer/Stormwater Management Program Coordinator, USEPA | Notify exempt 3 <sup>rd</sup> party and USEPA of illicit discharge.   |

**Attachment**

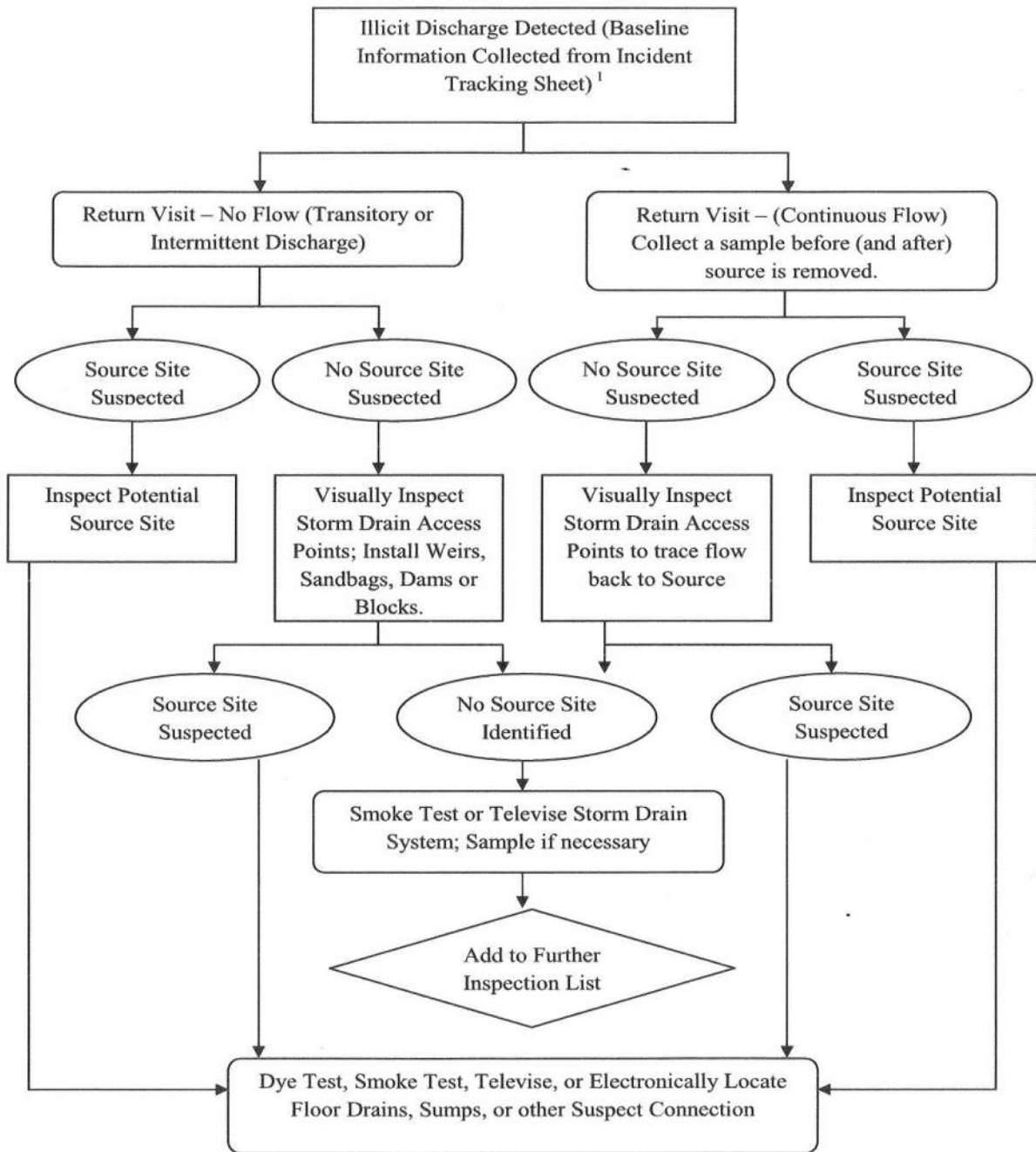
- IDDE Flowchart
- Illicit Discharge Complaint Log
- Illicit Discharge Incident Tracking Sheet

**Related Standard Operating Procedures**

- 1. SOP #1, Dry & Wet Weather Outfall Inspection



# IDDE FLOWCHART



# Illicit Discharge Complaint /Tracking Log

*Contact: Scott Allen for Illicit Discharge Complaints*

*See reverse side for examples of illicit discharges*

| DATE OF COMPLAINT/<br>VIOLATION | OWNER NAME AND CONTACT<br>INFORMATION | LOCATION/ADDRESS OF<br>DISCHARGE/VIOLATION | DESCRIPTION OF DISCHARGE/<br>VIOLATION | ENFORCEMENT RESPONSE TYPE<br>(VERBAL, WRITTEN NOV,<br>CITATION, BACK CHARGE) | SHEDULE FOR COMPLIANCE<br>(DATES) | REFERAL TO OTHER<br>DEPARTMENTS OR OUTSIDE<br>AGENCIES | RESOLUTION DATE |
|---------------------------------|---------------------------------------|--|--|--|-----------------------------------|--|-----------------|
|                                 |                                       |  |  |  |                                   |  |                 |
|                                 |                                       |  |  |  |                                   |  |                 |
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|                                 |                                       |  |  |  |                                   |  |                 |
|                                 |                                       |  |  |  |                                   |  |                 |

# Illicit Discharge Complaint /Tracking Log

## **Examples of Illicit Discharges includes dumping materials into streets, ditches, catch basins, waterbodies, etc.:**

- Lawn clippings
- Trash, litter and debris
- Pet waste
- Soil and sediment
- *Chlorinated* pool discharges
- Motor vehicle oils
- Antifreeze
- Soapy wash waters (excludes individual residential car washes, see below)
- Paint
- Failed septic systems
- Cooking grease or oil

## **Examples of Exempt Discharges Include:**

- Water line flushing or other potable water sources
- Landscape irrigation or lawn watering
- Existing diverted stream flows
- Rising groundwater
- Uncontaminated groundwater infiltration to storm drains
- Uncontaminated pumped groundwater
- Foundation or footing drains
- Crawl space or basement sump pumps
- Air-conditioning condensate
- Irrigation water
- Springs
- Water from individual residential car washing
- Natural riparian habitat or wetland flows
- Dechlorinated swimming pool discharges,
- Residential street wash water
- Water from fire-fighting activities
- Any other water source not containing pollutants

## Illicit Discharge Incident Tracking Sheet

|   |  |   |  |
|---|--|---|--|
| Incident ID:  |  |   |  |
| Responder Information ( for citizen reported issues)                                      |  |   |  |
| Call Taken By:  |  | Call Date:  |  |
| Call Time:  |  | Precipitation (inches ) in<br>Past 24-48 hours                      |  |
| Observer Information  |  |   |  |
| Date and Time of Observation:   |  | Observed During Regular Maintenance or<br>Inspections?    Yes    No |  |
| Caller Contact Information /Municipal Employee Information:                               |  |   |  |
| Observation Location (complete one or more below)   |  |   |  |
| Latitude and Longitude:   |  |   |  |
| Stream Address or Outfall #:  |  |   |  |
| Closest Street Address:   |  |   |  |
| Nearby Landmark:  |  |   |  |
| Primary Location Description  |  | Secondary Location Description                                      |  |
| Stream Corridor (in or adjacent to stream)  |  | Outfall   | In-Stream Flow    Along Banks                              |
| Upland Area (not adjacent to stream)  |  | Near Storm<br>Drain   | Near other water source:<br>stormwater pond, wetland, etc. |
| Narrative description of location:  |  |   |  |
| Upland Problem indicator Description  |  |   |  |
| Dumping   | Oil/Solvents/chemicals                   | Sewage  |  |
| Detergent, suds, etc.   | Other:                                   |   |  |
| Stream Corridor Problem Indicator Description   |  |   |  |
| Odor  | None                                     | Sewage  | Rancid/Sour    Petroleum                                   |
|   | Sulfide<br>Natural gas                   | Others: Describe in " Narrative Section"                            |  |
| Appearance  | Normal                                   | Oil Sheen   | Cloudy    Foam   |
|   | Optical enhancers                        | Discolored  |  |
|   | Other: Describe in " Narrative Section"  |   |  |
| Floatables  | None                                     | Sewage  | Algae    Trash/debris                                      |
|   | Other : Describe in " Narrative Section" |   |  |
| Narrative description of problem indicators:  |  |   |  |
| Suspected sources: (Name, personal or vehicle description, license late #, address, etc.) |  |   |  |

**Introduction:**

Outfalls from an engineered storm drain system can be in the form of pipes or ditches. Under current and pending regulations, it is important to inspect and document water quality within the MS4 system under both dry and wet weather conditions. SOP #1, “Dry & Wet Weather Outfall Inspections” cover the objectives of these activities and how water quality parameters can be collected during both types of inspections. SOP #2, “Catch Basin Inspection and Cleaning”, describes how this operation and maintenance activity can serve as an additional opportunity to collect water quality data.

SOP #1 included detailed information on how to collect discrete analytical samples to be processed by a laboratory. In contrast, this SOP addresses screening-level measurements that can be collected at outfalls, catch basins, receiving waters, or other water bodies. The measurements can be collected with field test kits or with portable meters.

Water quality screening data collected in this manner can feed into an illicit discharge detection and elimination investigation, like the process described in SOP #6, “Locating Illicit Discharges”.

**Visual Condition Assessment**

SOP #1 and SOP #2 describe a Visual Condition Assessment to collect observations related to the quality of stormwater conveyed by an engineered storm drain system. These observations may include such visual evidence and/or potential pollutants as:

- Foaming (detergents)
- Discoloration
- Evidence of sanitary waste
- Optical enhancers (fluorescent dyes added to laundry detergent); and
- Turbidity

If a Visual Condition Assessment indicates the presence of these pollutants, it may be necessary to quantify the extent of each, and gather data on other parameters that cannot be visually observed but can be measured using field kits or meters. These parameters include:

- Ammonia
- Chloride (present in treated drinking water but not groundwater)
- Conductivity
- Fluoride
- Hardness
- pH
- Potassium

**Field Kits and Sampling Methods Available**

In recent drafts of new MS4 Permits, U.S. EPA has identified several test kits that are acceptable for use in the field, and other regulatory agencies have also completed similar reviews. The following table shows field test kits and portable meters that can be used for screening parameters.

**Table 7-1  
Field Measurements Test Kits and Instrumentation**

| Analyte or Parameter        | Instrumentation<br>(Portable meter)  | Field Test Kit  |
|-----------------------------|--|---|
| Ammonia                     | CHEMetrics™ V-2000<br>Colorimeter<br>Hach™ DR/890 Colorimeter<br>Hach™ Pocket Colorimeter™ II    | CHEMetrics™ K-1410<br>CHEMetrics™ K-1510<br>(series) Hach™ NI-SA<br>Hach™ Ammonia Test Strips                   |
| Bacteria                    | Bacteria field test kits require 24-hour window  |   |
| Boron                       | N/A  | Hanna™ HI 38074<br>Taylor™ K-1541   |
| Chloride                    | CHEMetrics™ V-2000<br>Colorimeter<br>Hach™ Pocket Colorimeter™ II<br>LaMotte™ DC1200 Colorimeter | CHEMetrics™ K-2002 through K-2070<br>Hach™ CDS-DT<br>Hach™ Chloride QuanTab® Test                               |
| Color                       |  | Hach™ ColorDisc   |
| Conductivity                | CHEMetrics™ I-1200   | N/A   |
| Detergents<br>(Surfactants) | CHEMetrics™ I-2017   | CHEMetrics™ K-9400 and K-9404<br>Hach™ DE-2   |
| Fluoride                    | CHEMetrics™ V-2000<br>Colorimeter<br>Hach™ Pocket Colorimeter™ II                                | N/A   |
| Hardness                    | N/A  | CHEMetrics™ K-1705 and K-1710<br>CHEMetrics™ K-4502 through K-4530<br>Hach™ HA-DT<br>Hach™ Hardness Test Strips |
| Optical enhancers           | Field tests still under development  |   |
| pH                          | CHEMetrics™ I-1000   | Hach™ 17J through 17N<br>Hach™ pH Test Strips   |
| Potassium                   | Horiba™ Cardy C-131  | LaMotte™ 3138 KIW   |
| Turbidity                   | CHEMetrics™ I-1300   | N/A   |

For US EPA surface water sampling guidance: <http://www.ert.org/products/2013.PDF>

Each field test kit will include instructions specific to that test kit, and most kits are available in configurations that detect different ranges of the parameter. For example, the CHEMetrics™ detergents kit K-9400 shown above detects concentrations of 0 to 3 milligrams per liter (mg/L) while the K-9404 kit detects concentrations of 0 to 1,400 mg/L.

The table below shows values identified by the U.S. EPA and the Center for Watershed Protection as typical screening values for select parameters. These represent the typical concentration (or value) of each parameter expected to be found in stormwater. Screening values that exceed these benchmarks may be indicative of pollution and/or illicit discharges.

**Table 7-2**  
Benchmark Field Measurements for Select Parameters

| Analyte or Parameter     | Benchmark   |
|--------------------------|-------------|
| Ammonia                  | >0.5 mg/L   |
| Conductivity             | >2,000      |
| Detergents (Surfactants) | > 0.25 mg/L |
| Fluoride                 | >0.25 mg/L  |
| pH                       | <5          |
| Potassium                | >20 mg/L    |

If and when water quality screening samples, whether using field test kits or portable meters, exceed these benchmark concentrations, the inspector should consider collecting analytical samples for laboratory analysis.

### Advantages and Disadvantages of Field Testing

Field test kits can be convenient for use as a screening tool, initial purchase costs are low \$5.00 for the kits and the costs are far less than full analyses at a laboratory. However, some disadvantages of this screening method include:

- Limited shelf life
- Labor cost associated with inspector's time
- Generation of wastes, including glass vials and used reagent
- Steps and processes for each kit can vary widely, resulting in errors
- Trained staff are required in order to effectively utilize kits
- Not all kits are accepted by all regulatory agencies
- Limited useful detection range

Portable instrumentation such as the colorimeters shown in Table SOP 8-1 have the benefit of providing accurate readings, measure to low detection limits, and can be purchased pre-programmed to measure concentrations of most parameters required. Disadvantages of portable instrumentation include:

- High initial purchase cost
- Requirement for ongoing calibration and maintenance
- Individual probes require periodic replacement
- Specific storage requirements to maintain calibration
- Trained staff are required in order to effectively utilize meters

### Related Standard Operating Procedures

1. SOP #1, Dry & Wet Weather Outfall Inspection
2. SOP #2, Catch Basin Cleaning and Inspection
3. SOP #6, Locating Illicit Discharges

#### Attached:

**Water Quality Screening Form**



**WATER QUALITY SCREENING FORM**

|                          |                  |                         |                    |
|--------------------------|------------------|-------------------------|--------------------|
| Outfall Identification   |                  |                         |                    |
| Outfall Location         |                  |                         |                    |
| Inspector's Name         |                  |                         |                    |
| Date of Inspection       |                  | Date of Last Inspection |                    |
| Start Time               |                  | End Time                |                    |
| Type of Inspection       | Regular          | Pre-Storm Event         | During Storm Event |
| Most Recent Storm Event: | Post-Storm Event |                         |                    |

**FIELD WATER QUALITY SCREENING RESULTS**

| Sample Parameter         | Field Test Kit or Portable Instrument Meter | Benchmark                 | Field Screening Result | Full Analytical Required? |    |
|--------------------------|---|---------------------------|------------------------|---------------------------|----|
|                          |   |                           |                        | Yes                       | No |
| Ammonia                  |   | > 0.5 mg/L                |                        | Yes                       | No |
| Boron                    |   | > 0.35 mg/L               |                        | Yes                       | No |
| Chloride                 |   | 230 mg/L                  |                        | Yes                       | No |
| Color                    |   | > 500 units               |                        | Yes                       | No |
| Specific Conductance     |   | > 2,000 µS/cm             |                        | Yes                       | No |
| Detergents & Surfactants |   | > 0.25 mg/L               |                        | Yes                       | No |
| Fluoride                 |   | > 0.25 mg/L               |                        | Yes                       | No |
| Hardness                 |   | < 10 mg/L or > 2,000 mg/L |                        | Yes                       | No |
| pH                       |   | < 5                       |                        | Yes                       | No |
| Potassium                |   | > 20 mg/L                 |                        | Yes                       | No |
| Turbidity                |   | > 1,000 NTU               |                        | Yes                       | No |

References: *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments*, Center for Watershed Protection and Robert Pitt of University of Alabama, 2004, p. 134, Table 45.  
 –Env-Ws 1703.21 Water Quality Criteria for Toxic Substances, State of New Hampshire Department Surface Water Quality Regulations.– Appendix I –  
 Field Measurements, Benchmarks and Instrumentation, Draft Massachusetts North Coastal Small MS4

**FULL ANALYTICAL TESTING WATER QUALITY RESULTS**

| Sample Parameter           | Analytical Test Method                             | Sample Collection (Time/Date) | Testing Lab | Analytical Test Result |
|----------------------------|--|-------------------------------|-------------|------------------------|
| Ammonia                    | EPA 350.2/SM4500-NH3C                              |                               |             |                        |
| Bacteria                   | E coli: 1103.1; 1603<br>Enterococcus: 1106.1; 1600 |                               |             |                        |
| Boron                      | EPA 212.3  |                               |             |                        |
| Chloride                   | EPA 9251   |                               |             |                        |
| Color                      | EPA 110.2  |                               |             |                        |
| Specific Conductance       | SM 2510B   |                               |             |                        |
| Detergents and Surfactants | EPA 425.1/SM5540C                                  |                               |             |                        |
| Fluoride                   | EPA 300.0  |                               |             |                        |
| Hardness                   | EPA 130.1/SM 2340B                                 |                               |             |                        |
| Optical Enhancers          | N/A *  |                               |             |                        |
| pH                         | EPA 150.1/SM 4500H                                 |                               |             |                        |
| Potassium                  | EPA 200.7  |                               |             |                        |
| Turbidity                  | SM 2130B   |                               |             |                        |

- There is presently no US EPA Standard Method for analysis of optical enhances. Typically, sample pads are described as with "Present or Not Present" for fluorescing dye when exposed to UV light or a fluorometer.

**Introduction:**

Municipalities conduct numerous activities that can pose a threat to water quality if practices and procedures are not in place to prevent pollutants from entering the Municipal Separate Storm Sewer System (MS4). In-house employee training programs are established to teach employees about stormwater management, potential sources of stormwater contaminants in the workplace and Best Management Practices (BMPs).

**Applicability**

In accordance with the New York State Department of Environmental Conservation's SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) –Permit No. GP-0-15-003, covered entities must *"...include[s] an employee pollution prevention and good housekeeping training program and ensure[s] that staff receive and utilize training."*

**Employee Training**

Municipal employees who are educated about the link between their work and stormwater quality can assist in reducing the amount of stormwater pollution conveyed into receiving waters. In order for municipal pollution prevention and good housekeeping programs to be successful, employees must be trained in measures to incorporate pollution prevention and good housekeeping practices into their everyday activities.

Municipal employees shall be provided with specific information about the actions they can take to prevent or reduce stormwater pollution. The Employee Training Program Table presents a range of training topics that shall be provided to each municipality. If employees are unfamiliar with the requirements of the SPDES Permit, a general training session is a good opportunity for education.

The most effective pollution prevention and good housekeeping training programs provide appropriate information to appropriate employees. For example: employees responsible for maintaining fleet vehicles should be trained in proper management of fuels, and employees responsible for oil/water separators should be trained in inspection and proper waste disposal.

A variety of methods may be used to educate municipal employees about stormwater pollution prevention and good housekeeping practices, including

- Brochures
- Workshops
- Employee meetings
- Training sessions and programs offered through Ontario County Soil and Water Conservation District and Wayne County Soil and Water Conservation District
- Videos
- Walkthroughs with checklists
- Workplace posters
- Field training programs

An effective program ensures that institutional knowledge about pollution prevention and good housekeeping practices is maintained over time. A tracking system such as the attached Employee Training Form identifies the trainings completed on an annual basis, as well as the municipal staff members who have attended the trainings. Tracking this information is critical to ensure the effectiveness of the pollution prevention and good housekeeping employee training program.

**Attachments**

Municipal Employee Training Program Table

Municipal Employee Training Tracking Form

**Municipal Employee Training Program Table**

| <b>Municipal Operation</b>   | <b>Employees</b>  | <b>Topics / Procedures</b>  |
|--|---|---|
| Municipal Building Maintenance                                       | Stormwater Management Program Coordinator (SMO)<br>Highway Superintendent<br>Department of Public Works<br>Employees        | Outdoor Container Storage;<br>Plaza & Sidewalk Cleaning;<br>Spill Prevention Control & Cleanup; Oil/Water Separator Maintenance   |
| Parks & Open Space Maintenance                                       | SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees  | Landscape Maintenance<br>Pet Waste Collection   |
| Post-Construction Stormwater Management                              | Planning Board Officials<br>SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees                        | Post-Construction Stormwater BMP Maintenance;<br><i>See "Maintenance Guidance for Stormwater Management Practices"</i>  |
| Septic System Maintenance  | SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees  | Prevent improperly treated wastewaters from septic systems  |
| Solid Waste Management   | SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees  | Chemical/Hazardous Waste; Illegal Dumping & Litter Control; Waste Collection; Waste Reduction & Recycling   |
| Stormwater System Maintenance  | SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees  | Catch Basin Inspection & Cleaning; Spill Response & Cleanup Procedures; Open Channel, Ditch Maintenance; Storm Sewer Conveyance System  |
| Street Maintenance   | SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees  | Graffiti Removal; Unpaved Roads & Trails; Roadway Patching, Resurfacing and Surface Sealing; Street Sweeping & Cleaning; Winter Road Maintenance; Spill Response & Cleanup Procedures |
| Vehicle, Equipment Maintenance and Maintenance Facilities Procedures | SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees  | Vehicle & Equipment Cleaning;<br>Vehicle & Equipment Fueling;<br>Vehicle & Equipment Repair   |
| Illicit Discharge Detection & Elimination                            | SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees, Town Clerk  | Detecting illicit discharges<br>Reporting illicit discharges  |
| General Stormwater Awareness   | Municipal Officials<br>Planning Board Officials<br>SMO<br>Highway Superintendent<br>Department of Public Works<br>Employees | MS4 program requirements including minimum control measures; Goal of MS4 programs; Principles of stormwater management and maintenance  |

**DATE OF TRAINING:** \_\_\_\_\_

**TRAINER:** \_\_\_\_\_

**DEPARTMENT(S):** Highway Department

*Employee training program covers BMPs and SOPs as described in the Municipal Employee Training Program Table. Attach the program sign-in sheet..*

| <b>Topic</b>   | <b>Check Mark Topic's Covered</b> | <b>Participants (Targeted audience)</b> |
|--|-----------------------------------|---|
| Municipal Building Maintenance                                       |                                   | <b>Highway Department</b>               |
| Parks & Open Space Maintenance                                       |                                   | <b>Highway Department</b>               |
| Post-Construction Stormwater Management                              |                                   | <b>Highway Department</b>               |
| Septic System Maintenance  |                                   | <b>Highway Department</b>               |
| Solid Waste Management   |                                   | <b>Highway Department</b>               |
| Stormwater System Maintenance  |                                   | <b>Highway Department</b>               |
| Street Maintenance   |                                   | <b>Highway Department</b>               |
| Vehicle, Equipment Maintenance and Maintenance Facilities Procedures |                                   | <b>Highway Department</b>               |
| Illicit Discharge Detection & Elimination                            |                                   | <b>Highway Department</b>               |
| General Stormwater Awareness   |                                   | <b>Highway Department</b>               |

**Introduction:**

Regulatory information prohibiting the transportation of invasive aquatic plants, animals, and many weeds can be found on the NYS DEC Regulations website under 6 NYCRR Chapter V - Resource Management Services; Subchapter C: Invasive Species, Part 575: Prohibited and Regulated Invasive Species and Part 576: Aquatic

Invasive Species Spread Prevention. <http://www.dec.ny.gov/regs/2490.html>

Alien Invasive Species (AIS) are non-native species that can cause harm to the environment, the economy or to human health. Invasive species are one of the greatest threats to New York's biodiversity. They cause or contribute to:

- Habitat degradation and loss
- Loss of native fish, wildlife and tree species
- Loss of recreational opportunities and income
- Crop damage and disease in humans and livestock
- Property damage

The goal of this SOP is to minimize the risk of spreading any organisms, within or between field sites as a result of fieldwork, reconnaissance activities or other operations. For a list and photos of common aquatic invasive species in NY, visit the following website:

<http://www.dec.ny.gov/animals/50272.html>

**AQUATIC USE EQUIPMENT CLEANING**

All equipment that contacts water, sediment, plants or the ground during site access, reconnaissance and sample collection should be cleaned after that contact. Equipment includes but is not limited to: wading boots or shoes, samplers, ropes, nets, boats, canoes, kayaks, trailers, vehicles, anchors, chains, water and sediment grab samplers, cables, probes, multi-probes, flow measuring or gaging devices and others. Felt-sole waders – waders with any sort of fibrous surface affixed to the sole – require decontamination because of their ability to trap and hold mud, vegetation and moisture.

The following may be required, depending upon the equipment used in sampling and the decontamination method being used:

- A clean water supply free of mud and debris
- Scrub brushes and bucket
- Hose adapters for flushing outboard boat motors
- Hand tools for attaching hoses or taking apart equipment if necessary

If decontamination is required:

- Treatment chemicals as indicated (See Appendix A);
- Means of containing and transporting and applying chemicals
- Thermometer to monitor temperature if using hot water for decontamination
- Means to monitor treatment times
- Adequate supply of hot water if using for decontamination

**Procedures:**

**Prior to Conducting Field Work and during Field Work**, determine if the activity is located within an area of known invasive species presence. The following website: [www.nyimainvasives.org](http://www.nyimainvasives.org) is a resource that may assist in that determination. Handbooks identifying invasive organisms should be available to all personnel.

Decontamination will be needed for all equipment that contacts aquatic sediment, aquatic vegetation and fish. Use equipment that can be easily inspected and cleaned to both avoid spreading invasive species and reduce time spent cleaning. If possible, bring extra sets of field equipment in case cleaning and decontamination (if required) can't be accomplished before arrival at a new sampling site.

Wading gear has been implicated in the spread of New Zealand mudsnails, *Didymosphenia geminata* (aka. Didymo or "Rock Snot") and fish and amphibian diseases. To the extent possible consider using non-felt soles and boot-foot waders.

**Conduct Field Activities to Minimize Contact between Equipment and Potential Sources of Invasive Species, Particularly Aquatic Plants, Sediment and Fish:**

- Sample from least to most contaminated areas (e.g. upstream to downstream or areas of less weed growth to dense weed growth).
- Minimize wading and avoid running watercraft into sediment.
- Avoid getting plants, sediment and fish inside watercraft or sampling gear.
- Use a catch pan under dredges, etc., to keep potential AIS off boat decks and out of bilges.
- Avoid driving or walking through areas of mud and high weed growth.

**After Field Work**

- Inspect, clean and drain all equipment that contacted (terrestrial or aquatic) soil, vegetation or water.
- Remove any visible vertebrates, invertebrates, plants, algae or sediment.
- If necessary, use a scrub brush to remove debris and rinse with clean water.
- Drain all water in bilges, samplers or other equipment that could hold water from the site.
- Flush areas that can't be seen with clean water until the rinse water is clean.

Complete the initial treatment (scrubbing and rinsing) before leaving the sampling site, if possible. If cleaning after leaving the field site, ensure that no debris will leave the equipment and potentially spread invasive species during transit or cleaning. Acceptable wash sites include DOT facilities, commercial car wash businesses, or other facilities provided with drains that do not lead to surface waters.

Decontaminate felt sole waders and, in areas of concern, equipment that contacted aquatic sediment, aquatic vegetation or fish.

Wipe smooth-surfaced sampling equipment that can be easily and fully wiped down until dry. The equipment must be smooth enough that no cracks or crevices could harbor a sand-grain-sized juvenile New Zealand mudsnail.

Use one of the decontamination treatments from Table 9-1 for all other equipment.



Decontamination treatments should take place where the procedure can be carried out effectively and safely. Wash and rinse water must not drain to surface water and all chemicals must be disposed of to a sanitary sewer.

### **Equipment Storage**

Store gear in a manner to facilitate drying. Store boots and waders on a drying rack. Open hatches and leave out drain plugs on watercraft.

### **Watercraft Check Points**

- Clean and remove all visible plants, animals, fish and mud from the watercraft, trailer or equipment. Dispose of removed material in a trash container on land.
- Drain water from bilge, live wells, ballast tanks and any other location with water before leaving launch.
- Dry anything that comes into contact with water. A drying time of at least five days is recommended.
- Never release plants, fish or other animals into a waterway unless they came from that waterway.

### **CONSTRUCTION AND RESTORATION PROJECTS AIS AVOIDANCE AND EQUIPMENT CLEANING**

Prevention is the least expensive and most effective way to halt the spread of invasive weeds. Preventing the establishment or spread of weeds relies upon:

- Educating workers about the importance of managing weeds on an on-going basis
- Properly identifying weed species
- Avoiding or treating existing weed populations
- Incorporating measures into projects that prevent weed seeds or plant parts from establishing new or larger populations

### **Procedures**

1. Provide training to staff on identification of AIS, the importance of weed control and measures to minimize their spread.
2. Remind staff that weed seeds readily spread via clothing and boots (and could infest their own home property by that means.)
3. Road maintenance programs should include monitoring and treatment for AIS.
4. Minimize ground disturbing activities.
5. Identify and remove existing AIS in project areas prior to activities to avoid contaminating construction/earth moving equipment.
6. Avoid moving weed-infested gravel, rock and other fill material to relatively weed-free locations.
7. Gravel and fill should come from weed-free locations. Inspect gravel pits and fill sources to identify weed-free sources.
8. Use only certified weed-free straw and mulch for erosion control. Consider the use of weed-free fiber roll barriers or sediment logs in sensitive areas
9. Clean off-road equipment (power or high-pressure cleaning) of all mud, soil and plant parts before moving into relatively weed-free areas.
10. Keep active road construction/maintenance sites that are in relatively weed-free areas closed to vehicles not involved with construction/ maintenance.

11. Wash, or using an air compressor, blow clean all vehicles (including tires and undercarriage) that may have entered weed-infested areas prior to entering un-infested areas of a job site.
12. Quickly treat individual plants or small infestations before they become established, produce seed or are able to spread.

**After project is complete:**

1. Revegetate or otherwise prevent the establishment of weeds in project area through monitoring and post-activity weed treatment.
2. Revegetate using soil components and mulches obtained from non-weed infested sources.
3. Revegetate using plant materials that have a high likelihood of survival.
4. Utilize seed and other plant materials that have been certified as AIS-free and have a weed content of 0.05 % or less.

**Attachment:**

Table 9-1 Decontamination Treatment Options, Aquatic AIS

**Table 9-1 – Decontamination Treatment Options, Aquatic AIS:**

Decontamination employs chemicals, freezing, drying, or hot water. While chemical treatments can be used, they are not generally recommended for most equipment, boats, and trailers. The effects of chemical treatments on some equipment have yet to be researched. Several of the chemicals contain ammonia compounds that could contaminate ammonia samples. Also, chemical treatments need to address safe and environmentally sound storage, handling, and disposal of the chemicals.

The treatment options listed in this table utilize temperature (heat or cold) or chemicals to ensure that contaminants such as New Zealand mudsnails that may have been missed during the initial treatment will be killed. At this time, hot water or drying are the recommended treatments for large equipment such as boats and boat trailers.

| Treatment                 | Concentration or temperature      | Exposure Time   | Comments  |
|---------------------------|-----------------------------------|---|---|
| Hot water wash or soak    | 140° F (60° C)                    | 5 minutes for felt soled boots and nets, 5 seconds for all other            | Ensure all parts of the equipment reach temperature for the full exposure time  |
| Hot water wash or soak    | 120°F (49° C)                     | 10 minutes for felt soled boots and nets, 5 minutes for all other equipment | Ensure all parts of the equipment reach temperature for the full exposure time  |
| Cold                      | 24° F (-4°C)                      | 4 hours minimum   | Time starts after equipment reaches indicated temperature   |
| Drying                    | Low humidity, in sunlight is best | 48 hours  | Time starts after equipment is thoroughly dry   |
| Formula 409 All-Purpose   | 100% (full strength)              | 10 minutes  | Follow proper procedures for storage and handling.  |
| Sparquat 256 <sup>2</sup> | 3.1% or higher                    | 10 minutes  | Follow proper procedures for storage and handling   |
| Quat 128                  | 4.60%                             | 10 minutes  | Follow proper procedures for storage and handling   |
| Hydrogen Peroxide         | 30,000 ppm (3%)                   | 15 minutes  | Spray on until soaked, keep damp for contact time (cover or place gear in a dry bag)  |
| Virkon Aquatic®           | 2%                                | 20 minutes  | Must soak (not spray on). Follow proper procedures for storage and handling. Rinse gear after soak to prolong life. Solution degrades, lasts up to 7 days, best if mixed fresh. |

**Introduction:**

Construction sites that lack adequate stormwater controls can contribute a significant amount of sediment to nearby bodies of water. The 2015 New York State MS4 Permit requires that permittees develop, implement and enforce a program to “reduce pollutants in any storm water runoff to the MS4” from construction activities of a certain size. The MS4 Permit established that permittees must implement this requirement for proposed construction activities involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land.

This Standard Operating Procedure (SOP) describes the Town of Macedon’s procedures for SWPPP Review, Pre-Construction Oversight, Construction Site Inspections, Enforcement Response Plan, and Project Close Out Procedures and Requirements.

**SWPPP Review:**

The Town of Macedon contracts SWPPP review to third party contractors, who are identified in the SWMPP. The third-party contractors must:

1. Review the SWPPP for the conformance with the requirements of the most current SPDES General Permit for Stormwater Associated with Construction Activities;
2. Prioritize projects as a high priority if the proposed project:
  - a. directly discharges to an impaired waterbody as listed in Appendix E of the GP,
  - b. directly discharges to a stream classified with a (T) or Trout Spawning (TS), designation,
  - c. will disturb >5 acres of soil at any one time,
  - d. will include soil disturbance within 100 feet of any lake or pond,
  - e. is within 50 feet of any rivers or streams (perennial or seasonal),
  - f. directly discharges to State or Federal designated wetlands.
3. If the proposed site disturbance is greater than 5 acres:
  - a. request submission of a completed “SPDES General Permit Construction Site > 5-Acre Waiver Approval Request Form”,
  - b. request a specific phasing plan that defines the maximum disturbed area per phase and shows required cuts and fills that demonstrate the disturbance is required,
  - c. show consideration of the total area disturbed in each phase of construction, topography of the site and offsite conditions, existing areas of concern, protection of natural resources, time of year of disturbance, and a stabilization plan.
4. Prioritize projects as low priority if the proposed project does not meet the requirements of #2;
5. Document the SWPPP review using a SWPPP review checklist and provide the checklist to the Town of Macedon;
6. Sign the MS4 SWPPP Acceptance Form and forward the signed form to the Stormwater Management Program Coordinator (SMPC). The SMPC will then sign the MS4 Acceptance Form and forward the document to the owner/operator or their designated Engineer.

The SMPC will request at least two copies of the SWPPP. One copy will be forwarded to the third-party contractor responsible for reviewing the document and one will be placed at the Public Library for public access and review. After receiving the SWPPP, the SMPC will announce the receipt and location of the SWPPP at the following Town Board meeting to allow for the public to review and make comments.

Notification of the SWPPP will also be made on Facebook and the Town of Macedon's MS4 website page.

**Pre-Construction Oversight:**

Prior to site disturbances, the SMPC or representative will meet with the owner/operator and general contractor to review the Pre-Construction Oversight Checklist, see attached checklist. During this meeting, the SMPC will verify contractors and subcontractors selected by the owner/operator of the construction activity have identified at least one individual that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity. The SMPC will also review the MS4 oversight inspection process and expectations for compliance.

**Construction Site Inspections:**

The construction site stormwater control program applies to proposed construction activities involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land. The construction site stormwater control program applies to the owners/operators who are listed on the Notice of Intent and to the contractors and subcontractors working onsite.

The Town of Macedon contracts construction site inspections to third party contractors, who are identified in the SWMP. The third-party contractors should:

1. Inspect high priority sites at least once every 30 days during active earthwork disturbances;
2. Inspect low priority sites at least once during active construction and at a minimum once a year while active construction occurs;
3. Document all inspections using an inspection form to include digital photos that clearly show the condition of all practices that have been identified as needing corrective actions;
4. If corrective actions are necessary, conduct a follow-up inspection to confirm corrective actions are completed within identified timeframes and include photos of the corrected condition;
5. Forward inspection reports to the SMPC, owner/operator, and general contractor.

**Enforcement Response Plan (ERP) for Construction Site Inspections:**

The ERP provides guidance to staff following a complaint or construction site inspection. It is critical that the inspector maintain complete and accurate records of inspections and correspondence and communicate with the property owner or representative to support future enforcement.

If determined during the review of a construction site inspection or in response to a complaint that a construction site is non-compliant with the Town of Macedon's Town Code Chapters 113 & 135, the inspector or SMPC may begin enforcement procedures. Upon observing or becoming aware of a deficiency, the inspector or SMPC will follow a procedure of progressive actions to ensure compliance by the property owner. The actions are as follows:

1. The inspector/SMPC will email the Owner/Operator an inspection report and summary of observed deficiencies at least once every 30 days for high priority sites and at least once a quarter for low priority sites.
2. Depending upon the severity of the corrective action, the inspector/SMPC may issue a written Notice of Violation stating that the verbal notification was not acted upon. As per §113-8, the Notice of Violation shall contain:

- a. The name and address of the landowner, developer or applicant;
  - b. The address, when available, or a description of the building, structure or land upon which the violation is occurring;
  - c. A statement specifying the nature of the violation;
  - d. A description of the remedial measures necessary to bring the land development activity into compliance with §135-43 and a time schedule for the completion of such remedial action;
  - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
  - f. A statement that the determination of the violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.
3. Stop-work orders. The Town of Macedon may issue a stop-work order for violations of §113 & 135-43. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Macedon confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failures to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in §135-43 and §113.
  4. Penalties. See §113-8 (D) for penalty amounts.
  5. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of §135-43 or §113, the SMPC may prevent the occupancy of said building or land.
  6. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Macedon may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
  7. The Town of Macedon may require any person undertaking land development activities regulated by §135-43 and §113 to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or Stormwater Management Practice maintenance performed by the Town of Macedon or performed by a third party for the Town of Macedon.

#### **Project Close Out Procedures & Requirements:**

1. Final Inspection. Prior to authorizing the NOT, a final inspection is to be completed by the Town of Macedon with the contractor to ensure that all construction is completed per the approved plans, the site is fully stabilized, and all post-construction control measures are operational.
2. Easements & Agreements. All easement and right-of-way descriptions, maps, deed(s), and stormwater maintenance agreements are to be provided to the Town of Macedon, reviewed, and approved by Town Staff and accepted by the Town Board.

3. As-Built Requirements. Per Town Code Chapter 255-7 Construction Inspection All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
4. Notice of Termination (NOT). The NOT is to be completed by the Owner of the permit and forwarded to the Town of Macedon for approval. The as-built survey and stormwater maintenance agreement must be completed prior to sign off by the SMPC. The NOT to be forwarded to the NYSDEC by the Owner or the Owner's representative.

### **Attachments**

Stormwater Pollution Prevention Plan Review Checklist

SPDES General Permit Construction Site > 5-Acre Waiver Approval Request Form

Pre-Construction Oversight Checklist

Construction Site Inspection Report for SPDES MS4 General Permit GP-0-15-00

Stormwater Maintenance Agreement (TBD)



**Introduction:** Best Management Practices (BMPs) are policies, procedures and structures designed to reduce stormwater pollution, prevent contaminant discharges to natural water bodies, and reduce stormwater facility maintenance costs. Constructed BMPs are permanent site features designed to treat stormwater before infiltration to the subsurface or discharge to a surface water body.

Municipal post-construction controls are to be inspected annually either in the Spring or in the Fall. This Standard Operating Procedure provides a general summary of inspection procedures for five common constructed BMPs, including:

1. Stormwater Ponds/Wetlands
2. Infiltration Trenches
3. Sand/Organic Filters
4. Bioretention Areas
5. Open Channels

For inspection forms see the most current Maintenance Guidance Stormwater Management Practices (SMPs) produced by the Department of Environmental Conservation (March 31, 2017).

- 1. Stormwater Ponds/Wetlands** – Stormwater Ponds are intended to treat stormwater quality through the removal of sediments and soluble pollutants. A permanent pool of water allows sediments to settle and removes the soluble pollutants, including some metals and nutrients. Additional dry storage is required to control peak discharges during large storm events. If properly designed and maintained, stormwater ponds can add fire protection, wildlife habitat and aesthetic values to a property. Stormwater wetlands maximize the pollutant removal from stormwater through the use of wetland vegetation uptake, retention and settling. Stormwater wetlands must be used in conjunction with other BMPs, such as sediment forebays.

*General Inspection and Maintenance* - Regular inspection and maintenance are important to prevent premature failure of Stormwater Ponds/Wetlands. To ensure proper operation, stormwater pond outfalls should be inspected for evidence of clogging or excessive outfall releases. Potential problems to investigate include erosion within the basin and banks, damage to the emergency spillway, tree growth on the embankment, sediment accumulation around the outlet and the emergence of invasive species. Should any of these problems be encountered, perform repairs immediately.

- 2. Infiltration Trenches** - Infiltration trenches are designed to contain stormwater quantity and provide groundwater recharge. Pollution prevention and pretreatment are required to ensure that contaminated stormwater is not infiltrated. Infiltration trenches reduce local flooding and preserve the natural water balance of the site; however, high failure rates often occur due to improper siting, inadequate pretreatment, poor design, and lack of maintenance.



*General Inspection and Maintenance* - Regular inspection and maintenance are important to prevent premature failure of infiltration trenches. To ensure proper operation, infiltration inflow and outflow pipes should be inspected for evidence of clogging or excessive debris. Sediment traps and forebays should be inspected for excessive sediment accumulation. Potential problems to investigate include erosion within the trench and banks, damage to the emergency spillway, tree growth on the embankment, sediment accumulation in the trench, and the emergence of invasive species. Should any of these problems be encountered, perform repairs immediately.

- 3. Sand/Organic Filters** – Sand and organic filters, also known as filtration basins, are intended for quality control rather than quantity control. These filters improve water quality by removing pollutants through a filtering media and settling pollutants on top of the sand bed and/or in a pretreatment basin. Pretreatment is required to prevent filter media from clogging. Runoff from the filters is typically discharged to another BMP for additional treatment.

*General Inspection and Maintenance* - If properly maintained, sand and organic filters have a long design life. Maintenance requirements include raking the sand and removing sediment, trash and debris from the surface of the BMP. Over time, fine sediments will penetrate deep into the sand and require replacement of several inches or the entire sand layer. Discolored sand is an indicator of the presence of fine sediments, suggesting that replacement of the sand should occur.

- 4. Bioretention Areas** – Bioretention areas are shallow depressions filled with permeable soil, topped with a layer of mulch and planted with dense native vegetation. There are two types of bioretention cells:

1. Filtering bioretention area: areas that are designed solely as an organic filter.
2. Exfiltration bioretention area: areas that are configured to recharge groundwater in addition to acting as a filter.

*General Inspection and Maintenance* - Regular inspection and maintenance are important to prevent premature failure of bioretention areas. Regular inspection and maintenance of pretreatment devices and bioretention cells for sediment buildup, structural damage and standing water can extend the life of the soil media.

- 5. Open Channels** – Dry swales are explicitly designed to detain and promote the filtration of stormwater runoff into the soil media. Wet swales are designed to retain water or intercept groundwater for quality treatment.

*General Inspection and Maintenance* - Regular inspection and maintenance are important to prevent premature failure of open channels. Sediment build-up within the bottom of the channel or filter strip is removed when 25% of the original water quality volume has been exceeded. Vegetation in dry swales is mowed as required during the growing season to maintain grass heights in the 4 to 6-inch range.

### **Inspection Procedures for MS4 Owned Post-Construction Facilities:**

#### **Qualifications, Inspection Criteria, and Forms:**

Prior to conducting any inspections refer to the applicable chapter for Level 2 and Level 3 Inspections of the Maintenance Guidance SMPs developed by the NYSDEC. Level 2 Inspection Checklists will be used on an annual basis to assess the Town's Municipally Owned Post-Construction Facilities. Level 2 inspections are conducted by Qualified Inspectors from a third-party contractor, who are identified in the

SWMPP. Qualified Inspectors have completed training on SMP inspection, operation, and maintenance. If a Level 2 inspector encounters a problem where a Qualified Professional is needed to re-design certain components of the post-construction facility or a contractor is needed to undertake serious repairs (as identified on the Level 2 checklist), the Town’s Professional Engineer, also the Stormwater Management Program Coordination (SMPC) will be notified. The Professional Engineer will utilize the Level 3 Inspection Checklist to assess the post-construction facility.

**Equipment:**

Level 2 and Level 3 inspections may involve gaining access to private property. Consequently, identification may be needed for these inspections. A list of recommended items to take in the field is provided in the table below.

**What to Take in the Field for a Level 2 or Level 3 Inspection:**

|  |  |
|--|--|
| Safety equipment: safety vest, steel-toe shoes, traffic cones if working near traffic, etc.                            | Approved plan and as-built (record drawing) if available                 |
| Records of previous inspections if available   | Engineering scale  |
| Hand level and pocket rod if needed to measure relative elevations   | Flashlight to look into underdrain cleanouts and/or manholes             |
| Several copies of SMP checklist if paper forms are used or iPad if available   | Clipboard and pencils if paper forms are used                            |
| Dry erase white board and marker (optional) to include in photos to keep track of SMP tracking # in municipal database | Letter on municipal letterhead granting access and/or agency photo badge |
| Pipe wrench to open underdrain clean-out caps  | Digital camera or iPad   |
| Manhole puller   | 100' measuring tape  |
| Shovel & wheelbarrow   | Bug spray  |

**Completing the Checklist:**

Utilizing the applicable Inspection Checklist, input the following information: SMP ID #, SMP Owner, Private/Public, SMP Location, Party Responsible for Maintenance, System Type, Type of Site, Inspection Date, Inspection Time, Inspector, and Date of Last Inspection. Note your observations on the checklist. If any unacceptable condition exists, mark the appropriate check box and complete the Notes section of the form, fully describing the condition. The inspector will also photograph the deficiency and attach photos to the inspection report. Notify the SMPC if any unacceptable condition exists or if a Level 3 inspection is necessary.

**Maintenance Follow Up:**

If any deficiencies are noted, the SMPC or Qualified Inspector will add the deficiency to a work order spreadsheet. The spreadsheet and a copy of the inspection report will be given to the Superintendent of Highways. The Superintendent of Highways will schedule the work to be completed within 90 days of receiving the work order. Upon work completion, the Superintendent of Highways will notify the SMPC that the work has been completed and the SMPC will schedule a follow up inspection to verify completion of work. If repairs are excessive and cannot be completed within 90 days, the Superintendent of Highways and the SMPC will create a schedule to include acquisition of funding or materials for repairs. The schedule *should* not exceed one calendar year.

**Inspection Procedures for Privately Owned Post-Construction Facilities:**

The Town of Macedon intends to explore issuing written notification to private owners of post-construction facilities requiring property owners to obtain an Engineer Certified Inspection report including photos of facilities and recommended maintenance.

**Enforcement Response Plan (ERP) for Privately Owned Post-Construction Facilities:**

The ERP provides guidance to staff following a complaint or post-construction facility inspection. It is critical that the inspector maintain complete and accurate records of inspections and correspondence and communicate with the property owner or representative to support future enforcement.

If determined during the review of an Engineer's Certified Inspection report or in response to a complaint that a post-construction facility is non-compliant with the Town of Macedon's Town Code Chapters 113 & 135, the SMPC or Qualified Inspector may begin enforcement procedures. Upon observing or becoming aware of a deficiency, the inspector or SMPC will follow a procedure of progressive actions to ensure compliance by the property owner. The actions are as follows:

1. The SMPC or Qualified Inspector will verbally notify the property owner of the observed deficiency and will ask for corrective action. The SMPC or Qualified Inspector will provide a copy of an inspection report with photos to the property owner detailing the deficiency(ies) and notifying the property owner that a follow-up inspection will occur within 90 days.
2. If the corrective action has not been corrected or sufficiently initiated within 90 days, the SMPC or Qualified Inspector may issue a written notice of violation stating that the verbal notification was not acted upon. The written notice shall also set forth a deadline within which such corrective action must be completed. The notice will also advise that, should the violator fail to conduct the corrective action within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.
3. Any person receiving a notice of violation may appeal the determination of the SMPC or Qualified Inspector to the Macedon Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision.

**Attachment**

- SMP Level 1 Inspection Checklist
- SMP Level 2 Inspection Checklist
- SMP Level 3 Inspection Checklist



**Introduction:**

Catch basins help minimize flooding and protect water quality by removing trash, sediment, decaying debris, and other solids from stormwater runoff. These materials are retained in a sump below the invert of the outlet pipe. Catch basin cleaning reduces foul odors, prevents clogs in the storm drain system, and reduces the loading of suspended solids, nutrients, and bacteria to receiving waters. A Five

(5) year cleaning and inspection program has been established. During these cycles, data can be gathered related to the condition of the physical basin structure; its frame and grate, and the quality of stormwater conveyed by the structure.

**Application:**

This procedure applies to all municipally owned catch basins in the Town of Macedon. Catch basins in the Town of Macedon that have been labeled “priority catch basins for inspection and cleaning” are cleaned and inspected more often. A list of these priority catch basins is included on the next page.

**Schedule:**

The annual catch basin cleaning schedule will utilize the attached Quadrant Map with Voting Districts as a general guide.

| DISTRICT | SCHEDULED YEAR | SCHEDULED YEAR |
|----------|----------------|----------------|
| 1        | 2023-2024      | 2028-2029      |
| 2 & 3    | 2024-2025      | 2029-2030      |
| 4A       | 2025-2026      | 2030-2031      |
| 4B       | 2026-2027      | 2031-2032      |
| 5        | 2027-2028      | 2032-2033      |

**Procedures:**

Step 1: Catch basin inspection cleaning procedures should address both the grate opening and the basin’s sump. Document any and all observations about the condition of the catch basin structure, condition of the grate, condition of pipe inverts in the catch basin, and water quality on the inspection form on GIS via the Highway Tablet. Procedures for using the Highway Tablet are kept in the Highway Superintendents Office.

Step 2: Catch Basin repair and cleaning reports can be generated from the GIS system and documents located at the Highway Superintendents Office.

Step 3: Highway Department staff periodically clean catch basins based on the reports generated from the catch basin inspections. Catch basin cleanings are currently disposed of at the at the Town of Macedon Highway Garage in a self-contained bin. All materials including hazardous pollutants if suspected, are then taken to the Waste Management High Acres Landfill for proper disposal.

Step 4: Highway Department staff also periodically completes repairs to the catch basins, grates, and pipe inverts based on GIS reports from the catch basin inspections.

Step 5: All inspections, cleanings, and repair records for the Town of Macedon, are kept at the Highway Garage, in the Highway Superintendents Office, and on the GIS System

### **Catch Basin Inventory**

The Town of Macedon is currently mapping the stormwater system within the urbanized area of the MS4. The catch basin inventory includes the location, type of catch basin, street address, receiving waterbody, amount of debris present, type of debris, structure material, elevation of rim, depth in feet, and the number, size, and material of pipes flowing into and out of the structure.

### **Town of Macedon Priority Catch Basins for Inspection and Cleaning**

- Catch Basin NE Corner of Wiedrick Rd & 350/31F Intersection
- Catch Basin SW Corner of Wilson Rd & Lexington Drive
- Pintail Subdivision – 2 Catch Basins Located Just South of the Macedon/Walworth Line
- Sherwood Drive Subdivision 2 Catch Basins Located on the Curve
- 4 Railroad Ave. Catch Basin @ Driveway and on Lapham Street
- Bickford Street Southside – From Railroad Ave. to Erie Street
- 3010 Kittering Road Catch Basin & Culvert Heavy Flooding from Fields at Times

### **Attachment:**

MS4 Quadrant Map CB Cleanings  
Catch Basin Inspection Form



# MS4 Quadrant Map for Catch Basin Cleanings

1

2

4A

5

Macedon

Genesee Creek

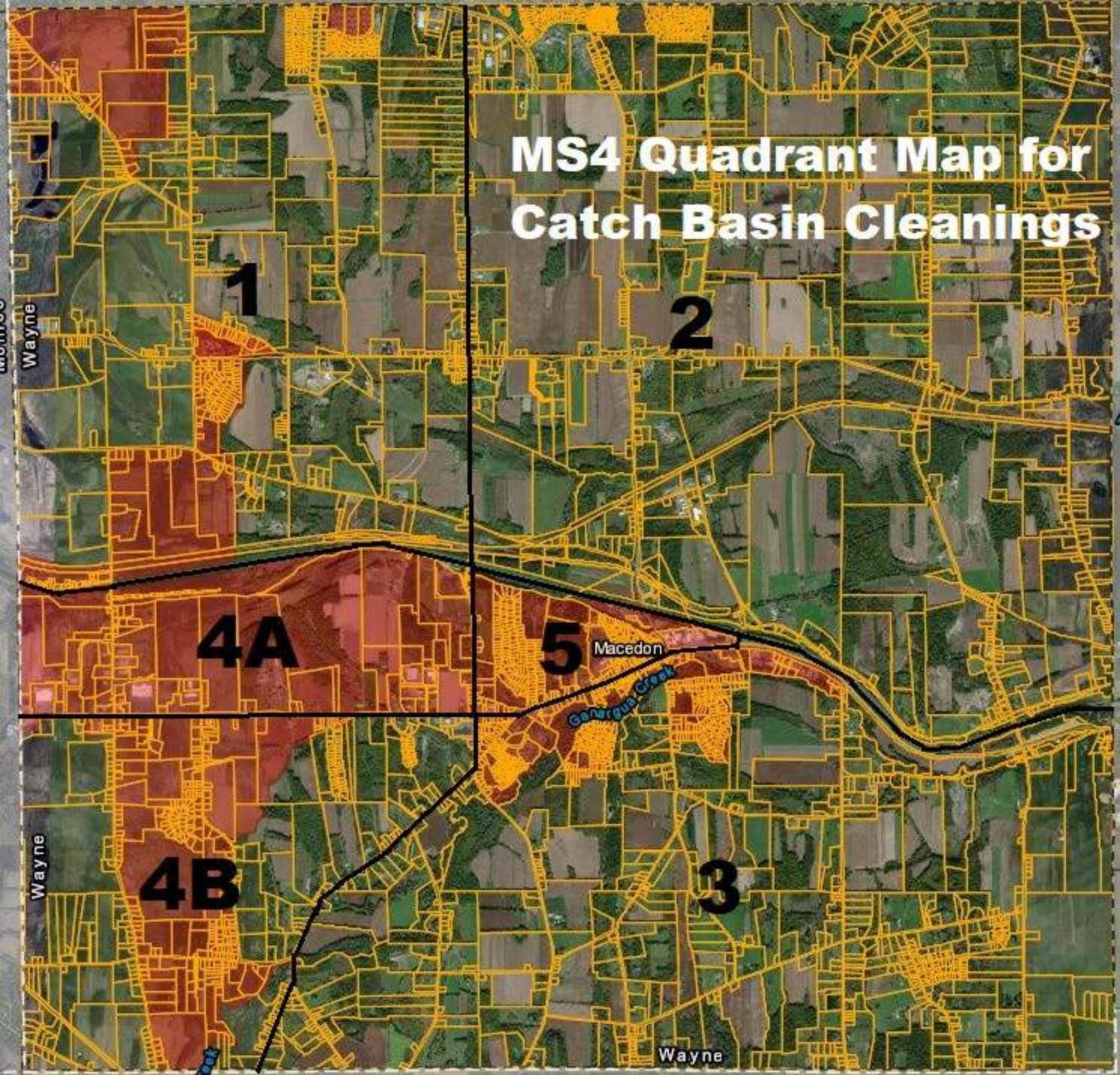
4B

3

Wayne

Wayne

Wayne





## **APPENDIX N**

# **NYS DEC SPDES General Permit for Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4s)**





Department of  
Environmental  
Conservation

FINAL  
PERMIT  
for  
NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION  
SPDES GENERAL PERMIT  
for  
STORMWATER DISCHARGES  
from  
**MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**  
Permit No. GP-0-24-001

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

Issuance Date: December 13, 2023

Effective Date: January 3, 2024

Expiration Date: January 2, 2029

Scott Sheeley

Chief Permit Administrator

A handwritten signature in blue ink that reads "Scott E. Sheeley".

DECEMBER 13, 2023

Authorized Signature

Date

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

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**NOTE**

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

**Part I. Permit Coverage and Limitations****A. Permit Authorization**

This *SPDES* general permit authorizes the *discharge* of *stormwater* from small *MS4s*.

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

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

2. This *SPDES* general permit contains terms and conditions specific for each of the following types of *MS4 Operators* that are authorized to *discharge* under this *SPDES* general permit, in accordance with Part I.A.1:
  - a. *Traditional Land Use Control MS4 Operators*;
  - b. *Traditional Non-land Use Control MS4 Operators*; and
  - c. *Non-traditional MS4 Operators*.

The minimum control measures (MCMs) for *traditional land use MS4 Operators* are listed in Part VI. The MCMs for *traditional non-land use control MS4 Operators* and *non-traditional MS4 Operators* are listed in Part VII. Part III.B, Part VIII, and Part IX. list additional requirements for all *MS4 Operators' MS4s discharging* to impaired waters.

3. *Non-stormwater discharges* through outfalls listed in Part 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) 750-1.2(a)(29)(vi) and 40 CFR 122.34(b)(3)(ii), are authorized by this *SPDES* general permit provided they do not violate Environmental Conservation Law (ECL) Section 17-0501. If the *Department* or *MS4 Operator* determines that one or more of the *discharges* are in violation of ECL Section 17-0501, the identified *discharges* are illicit and the *MS4 Operator* must eliminate such *discharges* by following the *illicit discharge* MCM requirements found in Part VI.C. or Part VII.C, depending on the *MS4 Operator* type.

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

## B. Exemption and Limitations on Coverage

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

## Part II. Obtaining Permit Coverage

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

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

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

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

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

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

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

#### B. Electronic Submission Waiver

1. *MS4 Operators* must submit all NOIs electronically unless the *MS4 Operator* has received a waiver from the Department based on one of the following conditions:
  - a. If the *MS4 Operator* is physically located in a geographical area (i.e., zip code or census tract) that is identified as under-served for broadband internet

<sup>1</sup> In this SPDES general permit, days refer to calendar days.



- access in the most recent report from the Federal Communications Commission; or
- b. If the *MS4 Operator* has limitations regarding available computer access or computer capability.
2. If an *MS4 Operator* wishes to obtain a waiver from submitting an NOI electronically, the *MS4 Operator* must submit a request using the Application for Electronic Submittal Waiver to the *Department* at the following address:  
 NYS DEC Bureau of Water Compliance  
 MS4 NOTICE OF INTENT WAIVER  
 625 Broadway, 4th Floor  
 Albany, New York 12233-3505
  3. A waiver may only be considered granted once the *MS4 Operator* receives written confirmation from the *Department*.
  4. *MS4 Operators* must document the eNOI waiver in the *SWMP Plan* (Part IV.B.), if applicable.
- C. *MS4 Operators* who submit a complete NOI are authorized to *discharge stormwater* under the terms and conditions of this *SPDES* general permit.
1. NOI Content  
 The NOI shall include:
    - a. Legal name and address of the *MS4 Operator*;
    - b. Receiving waterbodies; and
    - c. *Municipal Separate Storm Sewer System (MS4)* NPDES Permit-Related Information of 40 CFR Part 127 Appendix A.

## Part III. Special Conditions

### A. Discharge Compliance with Water Quality Standards

1. The *MS4 Operator* must implement the required controls contained in Part III. through Part IX. of this *SPDES* general permit. The *Department* expects that compliance with the terms and conditions of this *SPDES* general permit will assure *MS4 discharges* meet applicable *water quality standards*.
2. It shall be a violation of the ECL for any *discharge* authorized by this *SPDES* general permit to either cause or contribute to a violation of *water quality standards* as contained in 6 NYCRR 700-705.
3. The *MS4 Operator* must take all necessary actions to ensure *discharges* comply with the terms and conditions of this *SPDES* general permit. If at any time an *MS4 Operator* becomes aware (e.g., through self-monitoring or by notification from the *Department*) that a *discharge* causes or contributes to the violation of an applicable *water quality standard*, the *MS4 Operator* must implement corrective

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

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

## B. Water Quality Improvement Strategies for Impaired Waters

### 1. List of Impaired Waters (Appendix C)

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

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

For *MS4 Operators* discharging to waters within a *total maximum daily load (TMDL)* watershed that does not specify a *pollutant* load reduction necessary for *MS4s* and listed in Appendix C, the *MS4 Operator* must implement the enhanced *BMP* requirements of Part VIII. for the applicable *pollutant* of concern of the *TMDL*.

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

| <b>Table 2. Pollutant Specific BMPs for Impaired Waters listed in Appendix C</b> |                             |
|--|-----------------------------|
| <b>POC</b>   | <b>Part VIII. Reference</b> |
| Phosphorus   | A                           |
| Silt/Sediment  | B                           |
| Pathogens  | C                           |
| Nitrogen   | D                           |
| Floatables   | E                           |

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

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

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

| Table 3. Approved TMDL Watersheds with MS4 Contribution   |            |                    |
|---|------------|--------------------|
| TMDL  | POC        | Part IX. Reference |
| Phase II Phosphorus TMDLs for Reservoirs in the NYC Watershed, June 2000  | Phosphorus | A                  |
| Total Maximum Daily Load (TMDL) for Phosphorus in Lake Carmel, October 2016   |            |                    |
| Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake, March 2015   |            |                    |
| Impaired Waters Restoration Plan for Greenwood Lake – Total Maximum Daily Load for Total Phosphorus, September 2005   | Phosphorus | B                  |
| Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012  |            |                    |
| Total Maximum Daily Load (TMDL) for Phosphorus in Lake Oscawana, September 2008   |            |                    |
| None  | Pathogen   | C                  |
| TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries, September 2007 | Nitrogen   | D                  |

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

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

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

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

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

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

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

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

### A. Administrative

#### 1. Alternative Implementation Options

- a. *MS4 Operators* may utilize other entities or the resources of those entities to assist with any portion of the *SWMP* development, implementation, or enforcement. These entities may consist of other *MS4 Operators*, an *RSE*, a Coalition of *MS4 Operators*, other public entities (e.g., non-*MS4 Operators*), or a private third-party contractor. If the *MS4 Operator* is relying upon another entity for compliance with any portion of this *SPDES* general permit, there must be an agreement in place that:
  - i. Is legally binding;
  - ii. Is documented in writing;
  - iii. Is signed and dated by all parties including a certification statement that explains that the *MS4 Operator* is responsible for compliance with this *SPDES* general permit;
  - iv. Identifies the activities that the entity will be responsible for including the particular MCM, the location and type of work;
  - v. Includes the name, address, and telephone number of the contact person representing the entity;
  - vi. Is kept up-to-date and part of the *SWMP Plan*; and
  - vii. Is retained by each party for the duration of the permit term.

- b. In the *SWMP Plan*, the *MS4 Operator* must *develop* and maintain an inventory of entities assisting in permit implementation that includes the following information:
  - i. Name of entity performing permit implementation; and
  - ii. Permit requirement being implemented performed by entity.
- c. Irrespective of any agreements, each party remains legally responsible for obtaining its own permit coverage, for filing the *NOI*, and satisfying all requirements of this *SPDES* general permit for its own *discharges*.
- d. Within thirty (30) days signing, alternative implementation agreements (Part IV.A.1.) must be documented in the *SWMP Plan* (Part IV.B.).
- e. Annually review and update any alternative implementation agreements in the *SWMP Plan*, as necessary.

## 2. Staffing plan/Organizational chart

Individual *SWMP* components may be *developed*, implemented, or enforced by different titles associated with the *MS4 Operator*, or other entities as described in Part IV.A.1. Within six (6) months of the EDC, the *MS4 Operator* must *develop* a written staffing plan/organizational chart which includes job titles and other entities as identified in Part IV.A.1, and the roles and responsibilities for each corresponding to the required elements of the *SWMP*. The staffing plan must describe how information will be communicated and coordinated among all those with identified responsibilities. All staffing plan/organization charts must be documented in the *SWMP Plan* (Part IV.B.).

## B. *SWMP Plan*

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

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

### 1. Stormwater Program Coordinator

On the *NOI*, the *MS4 Operator* must designate a *Stormwater Program Coordinator* who must be knowledgeable in the principles and practices of *stormwater* management, the requirements of this *SPDES* general permit, and the *SWMP*. The *Stormwater Program Coordinator* oversees the *development*, implementation, and enforcement of the *SWMP*; coordinates all elements of the

*SWMP* to ensure compliance with this *SPDES* general permit; and *develops* and submits the Annual Report (Part V.B.2.). The name, title, and contact information of the *Stormwater* Program Coordinator must be documented in the *SWMP Plan*.

## 2. Availability of *SWMP Plan*

- a. Within six (6) months of the EDC, the *MS4 Operator* must make the current *SWMP Plan*, and documentation associated with the implementation of the *SWMP Plan*, available during normal business hours to the *MS4 Operator's* management and staff responsible for implementation as well as the *Department* and United States Environmental Protection Agency (USEPA) staff.<sup>2</sup> The completion of this permit requirement must be documented in the *SWMP Plan*.
- b. Within six (6) months of the EDC, the *MS4 Operator* must make a copy of the current *SWMP Plan* available for public inspection during normal business hours at a location that is accessible to the public or on a public website. The location of the *SWMP Plan* must be kept current. The completion of this permit requirement must be documented in the *SWMP Plan*.

## 3. Timeframes for *SWMP Plan* Development or Updates

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

## C. Minimum Control Measures (MCMs)

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

### *MS4 Operators* subject to Part VI.

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

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

### *MS4 Operators* subject to Part VII.

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

<sup>2</sup> Part X.F. contains the duty for the *MS4 Operator* to provide information.



**MS4 Operators subject to Part VIII.**

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

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

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

**MS4 Operators subject to Part IX.**

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

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

**D. Mapping**

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

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

- d. MS4 infrastructure (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit that were subject to Part IX.A. or Part IX.D.), including:
- i. Conveyance system
    - a) Type (closed pipe or open drainage);
    - b) Conveyance description for closed pipes (material, shape, dimensions);
    - c) Conveyance description for open drainage (channel/ditch lining material, shape, dimensions); and
    - d) Direction of flow;
  - ii. Culvert crossings (location and dimensions)
  - iii. Stormwater structures
    - a) Type (drop inlet, *catch basin*, or manhole); and
    - b) Number of connections to *catch basins*, and manholes;
- e. Basemap information:
- i. *Automatically*<sup>3</sup> and *additionally designated areas* (based on criterion 3 of Additional Designation Criteria in Appendix B);<sup>4</sup>
  - ii. Names and location of all *surface waters of the State*, including:
    - a) Waterbody classification;<sup>5</sup>
    - b) Waterbody Inventory/Priority Waterbodies List (WI/PWL);<sup>6</sup>
      - i) Impairment status; and
      - ii) *POC*, if applicable;
    - c) *TMDL* watershed areas;<sup>7</sup>
  - iii. Land use, including:
    - a) Industrial;
    - b) Residential;
    - c) Commercial;
    - d) Open space; and
    - e) Institutional;
  - iv. Roads; and
  - v. Topography.<sup>8</sup>
2. The comprehensive system mapping must be updated with the data collected for each phase of mapping within the timeframe for each phase as outlined below:
- a. Phase I: Within three (3) years of the EDC, the comprehensive system mapping must include the following information:

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<sup>3</sup>Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.

<sup>4</sup>Utilizing the Stormwater Interactive Map on the Department's website.

<sup>5</sup>Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.

<sup>6</sup>Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.

<sup>7</sup>Utilizing the Stormwater Interactive Map on the Department's website.

<sup>8</sup> Utilizing USGS Quadrangle Map or finer.



- i. Monitoring locations, with associated prioritization (Part VI.C.1.d. or Part VII.C.1.d, depending on the *MS4 Operator* type);
  - ii. Preliminary *storm-sewershed* boundaries (for newly designated *MS4 Operators*);
  - iii. Focus areas (Part VI.A.1.a. or Part VII.A.1.a, depending on the *MS4 Operator* type);
  - iv. *Publicly owned/operated* post-construction *stormwater management practices (SMPs)* (Part VI.E.3. or Part VII.E.3, depending on the *MS4 Operator* type). The *publicly owned/operated* post-construction *SMPs* subject to this requirement are in the *automatically designated area* or an *additionally designated area* subject to Criterion 1, 2, or 3 of the Additional Designation Criteria (Appendix B); and
  - v. *Municipal facilities*, with associated prioritization (Part VI.F.2.c. or Part VII.F.2.c, depending on the *MS4 Operator* type).
- b. Phase II: Within five (5) years of the EDC, the comprehensive system mapping must include the following information:
- i. *MS4* infrastructure, including:
    - a) Conveyance system
      - i) Type (closed pipe or open drainage); and
      - ii) Direction of flow;<sup>9</sup>
    - b) *Stormwater* structures
      - i) Type (drop inlet, *catch basin*, or manhole); and
      - ii) Number of connections to and from drop inlets, *catch basins*, and manholes;
  - ii. *Privately owned/operated* post-construction *SMPs* which *discharge* to the *MS4* (Part VI.E.2.). The *privately owned/operated* post-construction *SMPs* subject to this requirement are in the *automatically designated area* or an *additionally designated area* subject to Criterion 1, 2, or 3 of the Additional Designation Criteria (Appendix B).
    - a) If the location of the privately-owned post-construction *SMPs* cannot be determined without accessing the private property, the *MS4 Operator* must map the location of the property that the post-construction *SMP* is located on using street address or tax parcel.

## E. Legal Authority

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

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

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<sup>9</sup> Direction of flow can be a written description or indicated as an arrow on the feature.

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

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

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

- b) Post-construction *SMPs* as required by CGP meet the *sizing criteria* specified in the New York State Stormwater Management Design Manual, January 2015 (NYS SWMDM 2015), and performance criteria, or equivalent, including Operation & Maintenance Plans for long term maintenance;
- c) Construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, all of which may cause adverse impacts to water quality; and
- d) Receive and collect information related to compliance with the approved SWPPP including verification of maintenance of post-construction *SMPs* (if conducted by private entities).

## F. Enforcement Measures & Tracking

### 1. Enforcement Response Plan

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

- a. The ERP must describe how the *MS4 Operator* will use the following types of enforcement responses or combination of responses:
  - i. Verbal warnings;
  - ii. Written notices;
  - iii. Citations (and associated fines);
  - iv. Stop work orders;
  - v. Withholding of plan approvals or other authorizations affecting the ability to *discharge* to the *MS4*; and
  - vi. Additional measures, supported in local legal authorities, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials to correct violations.
- b. Enforcement responses are based on the type, magnitude, and duration of the violation, effect of the violation on the receiving water, compliance history of the operator, and good faith of the operator in compliance efforts.

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

## 2. Enforcement Tracking

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

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

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

### A. Recordkeeping

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

### B. Reporting

#### 1. Report Submittal

- a. Reports must be submitted electronically to the *Department* using the forms located on the Department's website (<http://www.dec.ny.gov/>).
- b. Electronic Submission Waiver
  - ii. *MS4 Operators* must submit all reports electronically unless the *MS4 Operator* has received a waiver from the *Department* based on one of the following conditions:

- a) If the *MS4 Operator* is physically located in a geographical area (i.e., zip code or census tract) that is identified as under-served for broadband internet access in the most recent report from the Federal Communications Commission; or
  - b) If the *MS4 Operator* has limitations regarding available computer access or computer capability.
- iii. If an *MS4 Operator* wishes to obtain a waiver from submitting a report electronically, the *MS4 Operator* must submit a request using the Application for Electronic Submittal Waiver to the *Department* at the following address:
- NYS DEC Bureau of Water Compliance  
MS4 NOTICE OF INTENT WAIVER  
625 Broadway 4th Floor  
Albany, New York 12233-3505
- iv. A waiver may only be considered granted once the *MS4 Operator* receives written confirmation from the *Department*.
- v. *MS4 Operators* must document the electronic submission waiver in the *SWMP Plan*, if applicable.

## 2. Annual Reports

- a. Annually, *MS4 Operators* must submit an Annual Report to the *Department* using the form provided by the *Department*. The completion of this permit requirement must be documented in the *SWMP Plan*.
- b. The reporting period for the Annual Report is January 3 of the current year to January 2 of the following year (Reporting Year).
- c. For *MS4 Operators* continuing coverage, the Annual Report must be submitted to the *Department* by April 1 of the year following the end of the Reporting Year.
- d. For newly designated *MS4 Operators*, if authorization to discharge is granted:
  - i. Before September 30, the first Annual Report must be submitted by April 1 of the year following the end of the Reporting Year; or
  - ii. After September 30, the first Annual Report must be submitted by April 1 following their first complete Reporting Year.

## 3. Interim Progress Certifications

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

- b. *MS4 Operators* located within the watersheds listed in Table 3 must include additional information to identify the activities that have been performed during the reporting period to demonstrate progress made by the *MS4 Operator* towards completion of the reduction requirements, prescribed in Part IX.
- c. An Interim Progress Certification for the period of January 3 through June 30 of the same year must be submitted to the *Department* by October 1 of the same year. An Interim Progress Certification for the period of July 1 through January 2 of the following year must be submitted to the *Department* by April 1 of the following year along with the Annual Report. Submission of the Annual Report is not a substitute for submission of the Interim Progress Certification.

#### 4. Shared Annual Reporting

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

- a. The shared Annual Report must outline and explain group activities, but also include the tasks performed by each individual *MS4 Operator*.
- b. On or before the reporting deadline, April 1, each *MS4 Operator* within the group, must sign the certification section of the Annual Report to take responsibility for the information in the Annual Report, which includes specific endorsement or acceptance of both the shared Annual Report information and Annual Report information on behalf of the individual *MS4 Operator*.

#### 5. Certification

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

#### 6. Annual Report and Interim Progress Certification Content

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

- a. The status of compliance with permit requirements;
- b. Information documented in the *SWMP Plan*, as specified throughout this *SPDES* general permit; and
- c. A certification statement in accordance with 40 CFR 122.22(d).

### C. *SWMP* Evaluation

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

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

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

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

### A. MCM1 – Public Education and Outreach Program

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

#### 1. Development

##### a. Focus Areas

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

- i. Areas *discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a));
- ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.c. for *MS4 Operators* continuing coverage and Part IV.D.2.a.ii. for newly designated *MS4 Operators*);
- iii. *TMDL* watersheds (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));
- iv. Areas with *construction activities*;
- v. Areas with on-site wastewater systems (subject to Part VIII. or Part IX. requirements);
- vi. Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.e.iii.);
- vii. *Stormwater hotspots*; and
- viii. Areas with *illicit discharges*.

##### b. Target Audiences and Associated *Pollutant* Generating Activities

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



- i. Residents;
- ii. Commercial:<sup>10</sup> Business owners and staff;
- iii. Institutions:<sup>11</sup> Managers, staff, and students;
- iv. Construction: Developers, contractors, and design professionals;
- v. Industrial:<sup>12</sup> Owners and staff; and
- vi. *MS4 Operator's municipal* staff.

#### c. Education and Outreach Topics

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

#### d. *Illicit Discharge* Education

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

- i. What types of *discharges* are allowable (Part I.A.3.);
- ii. What is an *illicit discharge* and why is it prohibited (Part VI.C.);
- iii. The environmental hazards associated with *illicit discharges* and improper disposal of waste;
- iv. Proper handling and disposal practices for the most common behaviors within the community (e.g., septic care, car washing, household hazardous waste, swimming pool draining, or other activities resulting in *illicit discharges* to the *MS4*); and
- v. How to report *illicit discharges* they may observe (Part VI.C.1.a.).

## 2. Implementation and Frequency

### a. Distribution Method of Educational Messages

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

- i. Printed materials (e.g., mail inserts, brochures, and newsletters);
- ii. Electronic materials (e.g., websites, email listservs);

<sup>10</sup> Business, retail stores, and restaurants.

<sup>11</sup> Hospitals, churches, colleges, and schools.

<sup>12</sup> Factories, recyclers, auto-salvage, and mines.

- iii. Mass media (e.g., newspapers, public service announcements on radio or cable);
- iv. Workshops or focus groups;
- v. Displays in public areas (e.g., town halls, library, parks); or
- vi. Social Media (e.g., Facebook, Twitter, blogs).

#### b. Frequency

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

- i. Deliver an educational message to each target audience(s) (Part VI.A.1.b.) for each focus area(s) (Part VI.A.1.a.) based on the defined education and outreach topic(s) (Part VI.A.1.c.); and
- ii. Document the completion of this requirement in the *SWMP Plan*.

#### c. Updates to the Public Education and Outreach Program

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

- i. Review and update the focus areas, target audiences, and/or education and outreach topics; and
- ii. Document the completion of this requirement in the *SWMP Plan*.

## B. MCM 2 - Public Involvement/Participation

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

### 1. Public Involvement/Participation

- a. Annually, the *MS4 Operator* must provide an opportunity for public involvement/participation in the development and implementation of the *SWMP*. The *MS4 Operator* must document the public involvement/participation opportunities in the *SWMP Plan*. The opportunities for public involvement/participation are as follows:
  - i. Citizen advisory group on *stormwater* management;
  - ii. Public hearings or meetings;
  - iii. Citizen volunteers to educate other individuals about the *SWMP*;
  - iv. Coordination with other pre-existing public involvement/participation opportunities;

- v. Reporting concerns about activities or behaviors observed; or
  - vi. Stewardship activities.
- b. Annually, the *MS4 Operator* must inform the public of the opportunity (Part VI.B.1.a.) for their involvement/participation in the development and implementation of the *SWMP* and how they can become involved. The *MS4 Operator* must document the method for distribution of this information in the *SWMP Plan*. The methods for distribution are as follows:
- i. Public notice;
  - ii. Printed materials (e.g., mail inserts, brochures and newsletters);
  - iii. Electronic materials (e.g., websites, email listservs);
  - iv. Mass media (e.g., newspapers, public service announcements on radio or cable);
  - v. Workshops or focus groups;
  - vi. Displays in public areas (e.g., town halls, library, parks); or
  - vii. Social Media (e.g., Facebook, Twitter, blogs).
- c. Within six (6) months of the EDC, the *MS4 Operator* must identify a local point of contact to receive and respond to public concerns regarding *stormwater* management and compliance with permit requirements. The name or title of this individual, with contact information, must be published on public outreach and public participation materials and documented in the *SWMP Plan*.

## 2. Public Notice and Input Requirements

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

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

### b. Public Notice and Input Requirements for Draft Annual Report

- i. Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the draft Annual Report. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by either:
  - a) Presentation of the draft Annual Report at a regular meeting of an existing board (e.g., administrative, planning, zoning) or a separate meeting specifically for *stormwater*, as designated by the *MS4* or if requested by the public. The public must have the ability to ask

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

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

c. Consideration of Public Input

- i. Annually, the *MS4 Operator* must include a summary of comments received on the *SWMP Plan* and draft Annual Report in the *SWMP Plan*.
- ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update the *SWMP Plan*, where appropriate, based on the public input received.

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

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

#### 1. *Illicit Discharge Detection*

a. Public Reporting of *Illicit Discharges*

- i. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report *illicit discharges*.
- ii. Within thirty (30) days of an *illicit discharge*, the *MS4 Operator* must document each report of an *illicit discharge* in the *SWMP Plan* with the following information:
  - a) Date of the report;
  - b) Location of the *illicit discharge*;
  - c) Nature of the *illicit discharge*;
  - d) Follow up actions taken or needed (including response times); and
  - e) Inspection outcomes and any enforcement taken.

b. Monitoring Locations

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

- i. *MS4 outfalls*;<sup>13</sup>

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<sup>13</sup> *MS4 outfalls* can be found at a *municipal facility*.

- ii. *Interconnections*;<sup>14</sup> and
- iii. *Municipal facility intraconnections*.<sup>15</sup>

c. **Monitoring Locations Inventory**

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

- a) Inventory information for *MS4 outfalls*

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

- b) Inventory information for *interconnections*

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

- c) Inventory information for *municipal facility intraconnections*

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

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<sup>14</sup> *Interconnections* can be found at a *municipal facility*.

<sup>15</sup> *Municipal facility intraconnections* can be found only at a *municipal facility*.

<sup>16</sup> The information included in the inventory is collected during inspections on the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) unless otherwise specified by the permit conditions.

<sup>17</sup> This information is collected as part of the *municipal facility* inventory.

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

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

#### d. Monitoring Locations Prioritization

- i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize monitoring locations which are included in the monitoring locations inventory (Part VI.C.1.c.) as follows:
  - a) High priority monitoring locations include monitoring locations:
    - i) At a high priority *municipal facility*, as defined in Part VI.F.2.c;
    - ii) *Discharging* to impaired waters (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.e.ii.b));
    - iii) *Discharging* within a TMDL watershed (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));
    - iv) *Discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a)); and/or
    - v) Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.
  - b) All other monitoring locations are considered low priority.
- ii. Within thirty (30) days of when a monitoring location is constructed or the *MS4 Operator* discovers it, the *MS4 Operator* must prioritize those monitoring locations; and
- iii. Annually, after the initial prioritization (Part VI.C.1.d.i.), the *MS4 Operator* must update the monitoring location prioritization in the inventory (Part VI.C.1.c.) based on information gathered as part of the monitoring location inspection and sampling program (Part VI.C.1.e.). The completion of this permit requirement must be documented in the *SWMP Plan*.

#### e. Monitoring Locations Inspection and Sampling Program

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

- i. The monitoring locations inspection and sampling procedures including:

- a) During *dry weather*,<sup>18</sup> one (1) inspection of each monitoring location identified in the inventory (Part VI.C.1.c.) every five (5) years following the most recent inspection;
- b) Documentation of all monitoring location inspections, including any sampling results, using the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) or an equivalent form containing the same information and include the completed monitoring location inspections and sampling results in the *SWMP Plan* (e.g., the completed Monitoring Locations Inspection and Sampling Field Sheets);
- c) Provisions to sample all monitoring locations which had inspections which resulted in a *suspect or obvious illicit discharge* characterization. The sampling requirement is based on the number and severity of *physical indicators present in the flow* to better inform track down procedures (Part VI.C.2.). If the source of the *illicit discharge* is clear and discernable (e.g., sewage), sampling is not necessary;
- d) Sampling may be done with field test kits or field instrumentation that are sufficiently sensitive to detect the parameter below the sampling action level used<sup>19</sup> and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;
- e) Provisions to initiate, or cause to initiate,<sup>20</sup> track down procedures (Part VI.C.2.a.), in accordance with the timeframes specified in Part VI.C.2.a.iii, for monitoring locations with an overall characterization<sup>21</sup> as *suspect illicit discharge* or *obvious illicit discharge* or that exceed any sampling action level used;
- f) Provisions to re-inspect the monitoring location within thirty (30) days of initial inspection if there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges*, utilizing techniques described in Chapter 12.6 of the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) or equivalent.
  - i) If those same physical indicators persist, the *MS4 Operator* must initiate *illicit discharge* track down procedures (Part VI.C.2.a.).

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<sup>18</sup> MS4 Operators can reference the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) for other factors to consider when determining when to conduct monitoring location inspection and sampling.

<sup>19</sup> Refer to Chapter 12 of the CWP 2004 for parameters, sampling action levels, and procedures.

<sup>20</sup> If track down is conducted by individuals or entities other than those conducting the monitoring locations inspections.

<sup>21</sup> Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

- ii. The training provisions for the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.).
  - a) If new staff are added, training on the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling procedures;
  - b) For existing staff, training on the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling and once every five (5) years, thereafter; and
  - c) If the monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) are updated (Part VI.C.1.e.iv.), training on the updates must be given to all staff prior to conducting monitoring locations inspections and sampling.
- iii. The names, titles, and contact information for the individuals who have received monitoring locations inspection and sampling procedures training and update annually; and
- iv. Annually, by April 1, the *MS4 Operator* must:
  - a) Review and update the monitoring location inspection and sampling procedures (Part VI.C.1.e.i.) based on monitoring location inspection results (e.g., trends, patterns, areas with *illicit discharges*, and common problems); and
  - b) Document the completion of this requirement in the *SWMP Plan*.

## 2. *Illicit Discharge Track Down Program*

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

- a. The *illicit discharge* track down procedures including:
  - i. Procedures as described in Chapter 13 of CWP 2004 or equivalent;
  - ii. Steps taken for *illicit discharge* track down procedures;
  - iii. The following timeframes to initiate *illicit discharge* track down:
    - a) Within twenty-four (24) hours of discovery, the *MS4 Operator* must initiate track down procedures for flowing *MS4* monitoring locations with *obvious illicit discharges*;<sup>22</sup>

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



- b) Within two (2) hours of discovery, the *MS4 Operator* must initiate track down procedures for *obvious illicit discharges* of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes and report orally or electronically to the Regional Water Engineer and local health department; and
  - c) Within five (5) days of discovery, the *MS4 Operator* must initiate track down procedures for *suspect illicit discharges*.
- b. The training provisions for the *MS4 Operator's illicit discharge* track down procedures (Part VI.C.2.a.).
- i. If new staff are added, training on the *MS4 Operator's illicit discharge* track down procedures (Part VI.C.2.a.) must be given prior to conducting *illicit discharge* track downs;
  - ii. For existing staff, training on the *MS4 Operator's illicit discharge* track down procedures (Part VI.C.2.a.) must be given prior to *conducting illicit discharge* track downs and once every five (5) years, thereafter; and
  - iii. If the *illicit discharge* track down procedures (Part VI.C.2.a.) are updated (Part VI.C.2.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* track downs.
- c. The names, titles, and contact information for the individuals who have received *illicit discharge* track down procedures training and update annually; and
- d. Annually, by April 1, the *MS4 Operator* must:
- i. Review and update the *illicit discharge* track down procedures (Part VI.C.2.a.); and
  - ii. Document the completion of this requirement in the *SWMP Plan*.

### 3. *Illicit Discharge Elimination Program*

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

- a. The *illicit discharge* elimination procedures including:
  - i. Provisions for escalating enforcement and tracking, both consistent with the ERP required in Part IV.F. of this *SPDES* general permit;
  - ii. Provisions to confirm the corrective actions have been taken;
  - iii. Steps taken for *illicit discharge* elimination procedures; and
  - iv. The following timeframes for *illicit discharge* elimination:
    - a) Within twenty-four (24) hours of identification of an *illicit discharge* that has a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*;

- b) Within five (5) days of identification of an *illicit discharge* that does not have a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*; and
  - c) Where elimination of an *illicit discharge* within the specified timeframes (Part VI.C.3.a.iv.) is not possible, the *MS4 Operator* must notify the Regional Water Engineer.
- b. The training provisions for the *MS4 Operator's illicit discharge* elimination procedures (Part VI.C.3.a.).
    - i. If new staff are added, training on the *MS4 Operator's illicit discharge* elimination procedures (Part VI.C.3.a.) must be given prior to conducting *illicit discharge* eliminations;
    - ii. For existing staff, training on the *MS4 Operator's illicit discharge* elimination procedures (Part VI.C.3.a.) must be given prior to conducting *illicit discharge* eliminations and once every five (5) years, thereafter; and
    - iii. If the *illicit discharge* elimination procedures (Part VI.C.3.a.) are updated (Part VI.C.3.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* eliminations.
  - c. The names, titles, and contact information for the individuals who have received *illicit discharge* elimination procedures training and update annually; and
  - d. Annually, by April 1, the *MS4 Operator* must:
    - i. Review and update the *illicit discharge* elimination procedures (Part VI.C.3.a.); and
    - ii. Document the completion of this requirement in the *SWMP Plan*.

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

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

##### **1. Applicable Construction Activities/Projects/Sites**

- a. The construction site *stormwater* runoff control program must address *stormwater* runoff to the *MS4* from sites with *construction activities* that:
  - i. Result in a total land disturbance of greater than or equal to one acre; or

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

- ii. Disturb less than one acre if part of a larger common plan of development or sale.
- b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP:
  - i. The *MS4 Operator* must ensure compliance with the CGP; and
  - ii. The additional requirements for construction oversight described in Part VI.D.6 through Part VI.D.9 are not required.

## 2. Public Reporting of Construction Site Complaints

- a. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report complaints related to construction *stormwater* activity.
- b. The *MS4 Operator* must document reports of construction site complaints in the *SWMP Plan* with the following information:
  - i. Date of the report;
  - ii. Location of the construction site;
  - iii. Nature of complaint;
  - iv. Follow up actions taken or needed; and
  - v. Inspection outcomes and any enforcement taken.

## 3. Construction Oversight Program

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

- a. The construction oversight procedures including:
  - i. When the construction site *stormwater* control program applies (Part VI.D.1.);
  - ii. What types of *construction activity* require a SWPPP;
  - iii. The procedures for submission of SWPPPs;
  - iv. SWPPP review requirements (Part VI.D.6.)
  - v. Pre-construction oversight requirements (Part VI.D.7.)
  - vi. Construction site inspection requirements (Part VI.D.8.);
  - vii. Construction site close-out requirements (Part VI.D.9.);
  - viii. Enforcement process/expectations for compliance; and
  - ix. Other procedures associated with the control of *stormwater* runoff from applicable *construction activities*.

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

#### 4. Construction Site Inventory & Inspection Tracking

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

- ix. Current status of the construction site/project (i.e., active, temporarily shut down, complete<sup>24</sup>).
- b. Annually, the *MS4 Operator* must update the inventory if construction projects are approved or completed.

## 5. Construction Site Prioritization

- a. Within one (1) year of the EDC, the *MS4 Operator* must prioritize all construction sites which are included in the construction site inventory (Part VI.D.4.) as follows:
  - i. High priority construction sites include construction sites:
    - a) With a direct conveyance (e.g., channel, ditch, storm sewer) to a *surface water of the State* that is:
      - i) Listed in Appendix C with silt/sediment, phosphorus, or nitrogen as the POC;
      - ii) Classified as AA-S, AA, or A (mapped in accordance with Part IV.D.1.e.ii.a)); or
      - iii) Classified with a trout (T) or trout spawning (TS) designation (mapped in accordance with Part IV.D.1.e.ii.a));
    - b) With greater than five (5) acres of disturbed earth at any one time;
    - c) With earth disturbance within one hundred (100) feet of any lake or pond (mapped in accordance with Part IV.D.1.e.ii.b)); and/or
    - d) Within fifty (50) feet of any rivers or streams (mapped in accordance with Part IV.D.1.e.ii.b));
  - ii. All other construction sites are considered low priority.
- b. Within thirty (30) days of when a construction site becomes active, the *MS4 Operator* must prioritize those construction sites; and
- c. Annually, after the initial prioritization (Part VI.D.5.a.), the *MS4 Operator* must update the construction site prioritization in the inventory (Part VI.D.4.a.) based on information gathered as part of the construction oversight program (Part VI.D.3.). The completion of this permit requirement must be documented in the *SWMP Plan*.
  - i. If the prioritization of the construction site changes priority based on information gathered as part of the construction oversight program, the *MS4 Operator* must comply with the requirements that apply to that prioritization.

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

## 6. SWPPP Review

The *MS4 Operator* must:

- a. Ensure individual(s), responsible for reviewing SWPPPs for acceptance, receive:
  - i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be completed within three (3) years of the EDC and every three (3) years thereafter.
  - ii. Document the completion of this requirement in the *SWMP Plan*.
- b. Ensure SWPPP reviewers receive this training (Part VI.D.6.a.) prior to conducting SWPPP reviews for acceptance.
  - i. Individuals without these trainings cannot review SWPPPs for acceptance.
  - ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.
- c. Ensure individuals responsible for reviewing SWPPPs review all SWPPPs for applicable *construction activities* (Part VI.D.1.) and for conformance with the requirements of the CGP, including:
  - i. Erosion and sediment controls must be reviewed for conformance with the NYS E&SC 2016, or equivalent;
  - ii. Individuals responsible for review of post-construction *SMPs* must be *qualified professionals* or under the supervision of a *qualified professional*; and
  - iii. Post-construction *SMPs* must be reviewed for conformance with the NYS SWMDM 2015 or equivalent, including:
    - a) All post-construction *SMPs* must meet the *sizing criteria* contained in the CGP and NYS SWMDM 2015.
    - b) Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.
    - c) The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction *SMP*. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.
- d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VI.D.6.a.
- e. In the *SWMP Plan*, document the SWPPP review including the information found in Part III.B. of the CGP;
- f. Prioritize new *construction activities* (Part VI.D.5.a.); and

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

## 7. Pre-Construction Meeting

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

- a. Confirm the approved project has received, or will receive<sup>26</sup>, coverage under the CGP or an individual *SPDES* permit;
- b. Verify contractors and subcontractors selected by the owner/operator of the *construction activity* have identified at least one individual that has received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP and Part VI.D.3.d; and
- c. Review the construction oversight program (Part VI.D.3.) and expectations for compliance.

## 8. Construction Site Inspections

The *MS4 Operator* must:

- a. Ensure individuals(s), responsible for construction site inspections, receive:
  - i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be complete, within three (3) years of the EDC and every three (3) years thereafter.
  - ii. Document the completion of this requirement in the *SWMP Plan*.
- b. Ensure all *MS4 Construction Site Inspectors* receive this training prior to conducting construction site inspections.
  - i. Individuals without these trainings cannot inspect construction sites.
  - ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.

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<sup>25</sup> The *MS4 SWPPP Acceptance Form* can be found on the *Department's* website.

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



- c. Annually inspect all sites with *construction activity* identified in the inventory (Part VI.D.4.) during active construction after the pre-construction meeting (Part VI.D.7.), or sooner if deficiencies are noted that require attention.
  - i. Follow up to construction site inspections must confirm corrective actions are completed within timeframes established by the CGP and the *MS4 Operator's ERP* (Part IV.F.1.).
- d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VI.D.8.a.
- e. Document all inspections using the Construction Site Inspection Report Form (Appendix D) or an equivalent form containing the same information. The *MS4 Operator* must include the completed Construction Site Inspection Reports in the *SWMP Plan*.

## 9. Construction Site Close-out

- a. The *MS4 Operator* must ensure a final construction site inspection is conducted and documentation of the final construction site inspection must be maintained in the *SWMP Plan*. The final construction site inspection must be documented using the Construction Site Inspection Report Form (Appendix D), or an equivalent form containing the same information, or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.
- b. The Notice of Termination (NOT)<sup>27</sup> must be signed by the *MS4 Operator* as required by the CGP for projects determined to be complete. The NOT must be signed in accordance with Part X.J.

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

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

### 1. Applicable Post-Construction *SMPs*

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

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

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<sup>27</sup> The NOT can be found on the Department's website.



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

## 2. Post-Construction *SMP* Inventory & Inspection Tracking<sup>28</sup>

- a. The *MS4 Operators* continuing coverage must:
  - i. Maintain the inventory from previous iterations of this *SPDES* general permit for post-construction *SMPs* installed after March 10, 2003; and
  - ii. *Develop* the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs*:
    - a) As they are approved or discovered; or
    - b) After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VI.D.9.b.).
- b. The newly designated *MS4 Operators* must *develop* and maintain the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs*:
  - i. As they are approved or discovered; or
  - ii. After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VI.D.9.b.).
- c. Annually, the *MS4 Operator* must update the inventory of post-construction *SMPs* to include the post-construction *SMPs* in Part VI.E.2.a. and Part VI.E.2.b.
- d. Within five (5) years of the EDC, the following information must be included in the inventory either by using the *MS4 Operator* maintenance records or by verification of maintenance records provided by the owner of the post-construction *SMP*:
  - i. Street address or tax parcel;
  - ii. Type;<sup>29</sup>
  - iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
  - iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
  - v. Date of installation (if available) or discovery;
  - vi. Ownership;
  - vii. Responsible party for maintenance;

<sup>28</sup> Post-construction *SMPs* can be found at a *municipal facility*.

<sup>29</sup> Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

- viii. Contact information for party responsible for maintenance;
  - ix. Location of documentation depicting O&M requirements and legal agreements for post-construction *SMP*;
  - x. Frequency for inspection of post-construction *SMP*, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP (Part VI.D.6.);
  - xi. Reason for installation (e.g., new development, redevelopment, *retrofit*, flood control), if known;
  - xii. Date of last inspection;
  - xiii. Inspection results; and
  - xiv. Any corrective actions identified and completed.
- e. *MS4 Operators* must document the inventory of post-construction *SMPs* in the *SWMP Plan*.

### 3. SWPPP Review

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

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

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

- a. The post-construction *SMP* inspection and maintenance procedures including:
  - i. Provisions to ensure that each post-construction *SMP* identified in the post-construction *SMP* inventory (Part VI.E.2.) is inspected at the frequency specified in the NYS DEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP (Part VI.D.6.), if available;
  - a) The *MS4 Operator* can only accept Level 1 inspections (NYS DEC Maintenance Guidance 2017) by private owners inspecting post-construction *SMPs*.
  - ii. Documentation of post-construction *SMP* inspections using the Post-Construction *SMP* Inspection Checklist<sup>30</sup> or an equivalent form containing the same information. The *MS4 Operator* must include the completed

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

- post-construction *SMP* inspections (i.e., the completed Post-Construction *SMP* Inspection Checklist) in the *SWMP Plan*;
- iii. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction *SMP* inspection; and
  - iv. Provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete.
- b. The training provisions for the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.).
- i. If new staff are added, training on the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance;
  - ii. For existing staff, training on the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance and once every five (5) years, thereafter; and
  - iii. If the post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) are updated (Part VI.E.4.d.), training on the updates must be given to all staff prior to conducting post-construction *SMP* inspection and maintenance.
- c. The names, titles, and contact information for the individuals who have received post-construction *SMP* inspection and maintenance procedures training and update annually; and
- d. Annually, by April 1, the *MS4 Operator* must:
- i. Review and update the post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.); and
  - ii. Document the completion of this requirement in the *SWMP Plan*.

## F. MCM 6 – Pollution Prevention and Good Housekeeping

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

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

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

#### a. Minimize Exposure

- i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, unless not technologically possible or not economically practicable and achievable in light of best industry practices, including areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following *BMPs*:
  - a) Locate materials and activities inside or protect them with storm resistant coverings;
  - b) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
  - c) Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems;
  - d) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the *discharge* of *pollutants*;
  - e) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
  - f) Use spill/overflow protection equipment;
  - g) Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also captures any overspray;
  - h) Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks; and/or
  - i) Minimize exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners).
- ii. *No Exposure Certification for High Priority Municipal Facilities*

- a) *Municipal facilities* may qualify for *No Exposure Certification* (Appendix D) when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.
- b) High priority *municipal facilities* (Part VI.F.2.c.i.a)) with uncovered parking areas for vehicles awaiting maintenance may be considered a low priority *municipal facility* (Part VI.F.2.c.i.c)) if only routine maintenance is performed inside and all other *no exposure* criteria are met.
- c) *Municipal facilities* accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the *No Exposure Certification*.
- d) *Municipal facilities* must maintain the *No Exposure Certification* and document in the *SWMP Plan*. The *No Exposure Certification* ceases to apply when activities or materials become exposed.

b. Follow a Preventive Maintenance Program

- i. Implement a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all fueling areas, vehicles and equipment and systems to prevent leaks, spills and other releases. This includes:
  - a) Performing inspections and preventive maintenance of *stormwater* drainage, source controls, treatment systems, and plant equipment and systems;
  - b) Maintaining non-structural *BMPs* (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas); and
  - c) Ensure vehicle washwater is not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where washwater is collected to be recycled or *discharged* to the sanitary sewer (Part I.B.2.d.).
- ii. Routine maintenance must be performed to ensure *BMPs* are operating properly.
- iii. When a *BMP* is not functioning to its designed effectiveness and needs repair or replacement:
  - a) Maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of *stormwater* controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable; and
  - b) Interim measures must be taken to prevent or minimize the *discharge* of *pollutants* until the final repair or replacement is implemented,

including cleaning up any contaminated surfaces so that the material will not be *discharged* during subsequent storm events.

c. **Spill Prevention and Response Procedures**

- i. Minimize the potential for leaks, spills and other releases that may be exposed to *stormwater* and *develop* plans for effective response to such spills if or when they occur. At a minimum, the *MS4 Operator* must:
  - a) Store materials in appropriate containers;
  - b) Label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - c) Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the *discharge of pollutants* from these areas;
  - d) *Develop* procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
  - e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;
  - f) *Develop* procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the *stormwater* pollution prevention team (Part VI.F.2.d.i.a)). Any spills must be reported in accordance with 6 NYCRR 750-2.7; and
  - g) Following any spill or release, the *MS4 Operator* must evaluate the adequacy of the *BMPs* identified in the *municipal facility* specific SWPPP. If the *BMPs* are inadequate, the SWPPP must be updated to identify new *BMPs* that will prevent reoccurrence and improve the emergency response to such releases.
- ii. Measures for cleaning up spills or leaks must be consistent with applicable petroleum bulk storage, chemical bulk storage, or hazardous waste management regulations at 6 NYCRR Parts 596-599, 613 and 370-373.
- iii. This *SPDES* general permit does not relieve the *MS4 Operator* of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances. Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

#### d. Erosion and Sediment Controls<sup>31</sup>

- i. Stabilize exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation.
- ii. The *MS4 Operator* must consider:
  - a) Structural and/or non-structural controls found in the NYS E&SC 2016;
  - b) Areas that, due to topography, land disturbance (e.g., construction), or other factors, have potential for significant soil erosion;
  - c) Whether structural, vegetative, and/or stabilization *BMPs* are needed to limit erosion;
  - d) Whether velocity dissipation devices (or equivalent measures) are needed at *discharge* locations and along the length of any channel to provide a non-erosive flow velocity from the structure to a water course; and
  - e) Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (50) feet of a *surface water of the State*.

#### e. Manage Vegetated Areas and Open Space on *Municipal Property*

- i. Maintain vegetated areas on *MS4 Operator* owned/operated property and right of ways:
  - a) Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction;
  - b) Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting);
  - c) Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted; and
  - d) Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the *MS4*.

#### f. Salt<sup>32</sup> Storage Piles or Pile Containing Salt

Enclose or cover storage piles of salt, or piles containing salt, used for deicing or maintenance of paved surfaces, except during loading, unloading, and handling. Implement appropriate measures (e.g., good housekeeping, routine sweeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

<sup>31</sup> The use of the term "controls" in Part VI.F.1.d. aligns with the use of the term "controls" in the CGP.

<sup>32</sup> For purposes of this *SPDES* general permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.



### g. Waste, Garbage, and Floatable Debris

- i. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that *discharges* have a control (e.g., secondary containment, treatment); and
- ii. Keep exposed areas free of waste, garbage, and debris or intercept them before they are *discharged*:
  - a) Manage trash containers at parks and open space (scheduled cleanings; sufficient number);
  - b) Pick up trash and debris on *MS4 Operator* owned/operated property and rights of way; and
  - c) Clean out *catch basins* within the appropriate timeframes (Part VI.F.3.c.iii.).

### h. Alternative Implementation Options

When alternative implementation options (Part IV.A.1.) are utilized, require the parties performing *municipal operations* as contracted services, including but not limited to street sweeping, snow removal, and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed.

## 2. Municipal Facilities<sup>33</sup>

### a. Municipal Facility Program

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal facility* program. The *municipal facility* program must be documented in the *SWMP Plan* specifying:

- i. The *municipal facility* procedures including:
  - a) The *BMPs* (Part VI.F.1.) incorporated into the *municipal facility* program;
  - b) The high priority *municipal facility* requirements (Part VI.F.2.d.) as applied to the specific *municipal facility*; and
  - c) The low priority *municipal facility* requirements (Part VI.F.2.e.) as applied to the specific *municipal facility*.
- ii. The training provisions for the *MS4 Operator's municipal facility* procedures (Part VI.F.2.a.i.).
  - a) If new staff are added, training on the *MS4 Operator's municipal facility* procedures (Part VI.F.2.a.i.) must be given prior to conducting *municipal facility* procedures;
  - b) For existing staff, training on the *MS4 Operator's municipal facility* procedures (Part VI.F.2.a.i.) must be given prior to conducting

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<sup>33</sup> *Municipal facilities* that have coverage under a separate *SPDES* permit (either individual or MSGP) must comply with the terms and conditions of that permit and the requirements set forth in this Part are not applicable.



*municipal facility* procedures and once every five (5) years, thereafter; and

- c) If the *municipal facility* procedures (Part VI.F.2.a.i.) are updated (Part VI.F.2.a.iv.), training on the updates must be given to all staff prior to conducting *municipal facility* procedures.
- iii. The names, titles, and contact information for the individuals who have received *municipal facility* training and update annually; and
- iv. Annually, by April 1, the *MS4 Operator* must:
  - a) Review and update the *municipal facility* procedures (Part VI.F.2.a.i.); and
  - b) Document the completion of this requirement in the *SWMP Plan*.

**b. *Municipal Facility Inventory***

- i. Within two (2) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all *municipal facilities* in the *SWMP Plan*. The following information must be included in the inventory:
  - a) Name of *municipal facility*;
  - b) Street address;
  - c) Type of *municipal facility*;
  - d) Prioritization (high or low) (Part VI.F.2.c.);
  - e) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a) );
  - f) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
  - g) Contact information;
  - h) Responsible department;
  - i) Location of SWPPP (if high priority; when completed);
  - j) Type of activities present on site;
  - k) Size of facility (acres);
  - l) Date of last assessment;
  - m) *BMPs* identified; and
  - n) Projected date of next comprehensive site assessment (Part VI.F.2.d.ii.c) or Part VI.F.2.e.ii.c), depending on the *municipal facility* prioritization (Part VI.F.2.c.)).
- ii. Annually, the *MS4 Operator* must update the inventory if new *municipal facilities* are added.

### c. *Municipal Facility Prioritization*

- i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize all known *municipal* facilities as follows:
  - a) High priority *municipal facilities* include *municipal* facilities that have one or more of the following on site and exposed to *stormwater*:
    - i) Storage of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris;
    - ii) Fueling stations; and/or
    - iii) Vehicle or equipment maintenance/repair.
  - b) Low priority *municipal facilities* include any *municipal* facilities that do not meet the criteria for a high priority (Part VI.F.2.c.i.a)) *municipal facility*.
  - c) High priority *municipal facilities* (Part IV.F.2.c.i.a)) which qualify for a *No Exposure Certification* (Part VI.F.1.a.ii.) are low priority *municipal* facilities.
- ii. Within thirty (30) days of when a *municipal facility* is added to the inventory, the *MS4 Operator* must prioritize those *municipal* facilities; and
- iii. Annually, after the initial prioritization (Part VI.F.2.c.i.), the *MS4 Operator* must update the *municipal facility* prioritization in the inventory (Part VI.F.2.b.i.) based on information gathered as part of the *municipal facility* program (Part VI.F.2.a.), including cases where a *No Exposure Certification* (Part VI.F.1.a.ii.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

### d. High Priority *Municipal Facility* Requirements

#### i. *Municipal Facility Specific SWPPP*

Within five (5) years of the EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VI.F.2.c.i.a)) and retain a copy of the *municipal facility* specific SWPPP on site of the respective *municipal facility*. The SWPPP must contain:

#### a) *Stormwater* Pollution Prevention Team

The *municipal facility* specific SWPPP must identify the individuals (by name and/or title) and their role/responsibilities in *developing*, implementing, maintaining, and revising the *municipal facility* specific SWPPP. The activities and responsibilities of the team must address all aspects of the *municipal facility* specific SWPPP.

#### b) General Site Description

A written description of the nature of the activities occurring at the *municipal facility* with a potential to *discharge pollutants*, type of

*pollutants* expected, and location of key features as detailed in the site map (Part VI.F.2.d.i.e)).

c) Summary of potential *pollutant* sources

The *municipal facility* specific SWPPP must identify each area at the *municipal facility* where materials or activities are exposed to *stormwater* or from which authorized *non-stormwater discharges* (Part I.A.3.) originate, including any potential *pollutant* sources for which the *municipal facility* has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.

- i) Materials or activities include: machinery; raw materials; intermediate products; byproducts; final products or waste products; and, material handling activities which includes storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product or waste product.
- ii) For each separate area identified, the description must include:
  - (a) Activities - A list of the activities occurring in the area (e.g., material storage, equipment fueling and cleaning);
  - (b) Pollutants - A list of the associated *pollutant(s)* for each activity. The *pollutant(s)* list must include all materials that are exposed to *stormwater*, and
  - (c) Potential for presence in *stormwater* - For each area of the *municipal facility* that generates *stormwater discharges*, a prediction of the direction of flow, and the likelihood of the activity to contaminate the *stormwater discharge*. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced or *discharged*, the likelihood of contact with *stormwater*, and history of leaks or spills of toxic or hazardous *pollutants*.

d) Spills and Releases

For areas that are exposed to precipitation or that otherwise drain to a *stormwater* conveyance to be covered under this *SPDES* general permit, the *municipal facility* specific SWPPP must include a list of spills or releases<sup>34</sup> of petroleum and hazardous substances or other *pollutants*, including unauthorized *non-stormwater discharges*, that may adversely affect water quality that occurred during the last three-year period. The list must be updated when spills or releases occur.

e) Site Map

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<sup>34</sup> This may also include releases of petroleum or hazardous substances that are not in excess of reporting quantities but which may still cause or contribute to significant water quality impairment.

The *municipal facility* specific SWPPP must include a site map identifying the following, as applicable:

- i) Property boundaries and size in acres;
- ii) Location and extent of significant structures (including materials shelters), and impervious surfaces;
- iii) Monitoring locations (mapped in accordance with Part IV.D.2.a.i.) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;
- iv) Location of all post-construction *SMPs* (mapped in accordance with Part IV.D.2.a.iv.) and *MS4* infrastructure (mapped in accordance with Part IV.D.2.b.i.);
- v) Locations of *discharges* authorized under other *SPDES* permits;
- vi) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;
- vii) Locations of haul and access roads;
- viii) Rail cars and tracks;
- ix) Arrows showing direction of *stormwater* flow;
- x) Location of all receiving waters in the immediate vicinity of the *municipal facility*, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them (mapped in accordance with Part IV.D.1.e.ii.);
- xi) Locations where *stormwater* flows have significant potential to cause erosion;
- xii) Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the *municipal facility*; and
- xiii) Locations of the following areas where such areas are exposed to precipitation or *stormwater*:
  - (a) Fueling stations;
  - (b) Vehicle and equipment maintenance and/or cleaning areas;
  - (c) Loading/unloading areas;
  - (d) Locations used for the treatment, storage or disposal of wastes;
  - (e) Liquid storage tanks;
  - (f) Processing and storage areas;
  - (g) Locations where significant materials, fuel or chemicals are stored and transferred;
  - (h) Locations where vehicles and/or machinery are stored when not in use
  - (i) Transfer areas for substances in bulk;

- (j) Location and description of non-*stormwater discharges* (Part I.A.3.);
- (k) Locations where spills<sup>35</sup> or leaks have occurred; and
- (l) Locations of all existing structural *BMPs*.

f) *Stormwater Best Management Practices (BMPs)*

The *municipal facility* specific SWPPP must document the location and type of *BMPs* implemented at the *municipal facility* (Part VI.F.1.). The *municipal facility* specific SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments

The *municipal facility* specific SWPPP must include a schedule for completing and recording results of routine and comprehensive site assessments (Part VI.F.2.d.ii.c)).

ii. *Municipal Facility Assessments*

a) Wet Weather Visual Monitoring

- i) Once every five (5) years, the *MS4 Operator* must conduct wet weather visual monitoring of the monitoring locations (Part VI.C.1.b.) and other sites of *stormwater* leaving the site that are *discharging stormwater* from fueling areas, storage areas, vehicle and equipment maintenance/fueling areas, material handling areas and similar potential *pollutant* generating areas (Part VI.F.2.d.i.e)xiii)).
  - (a) All samples must be collected from *discharges* resulting from a *qualifying storm event*. The storm event must be documented using the Storm Event Data Form (Appendix D) and kept with the *municipal facility* specific SWPPP. The sample must be taken during the first thirty (30) minutes (or as soon as practical, but not to exceed one hour) of the *discharge* at the monitoring location.
  - (b) No analytical tests are required to be performed on the samples for the purpose of meeting the visual monitoring requirements.
  - (c) The visual examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and any other obvious indicators of *stormwater* pollution.
  - (d) The visual examination of the sample must be conducted in a well-lit area.

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<sup>35</sup> A spill includes: any spill of a hazardous substance that must be reported in accordance with 6 NYCRR 597.4 and any spill of petroleum that must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

- (e) Where practicable, the same individual should carry out the collection and examination of *discharges* for the entire permit term for consistency.
- (f) The *MS4 Operator* must document the visual examination using the Visual Monitoring Form (Appendix D) and keep it with the *municipal facility* specific SWPPP to record:
  - (i) Monitoring location ID;
  - (ii) Examination date and time;
  - (iii) Personnel conducting the examination;
  - (iv) Nature of the *discharge* (runoff or snowmelt);
  - (v) Visual quality of the *stormwater discharge* including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of *stormwater* pollution; and
  - (vi) Probable sources of any observed *stormwater* contamination.
  - (vii) Corrective and follow up actions – If the visual examination indicates the presence of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of *stormwater* pollution, the *MS4 Operator* must, at minimum, complete and document the following actions:
    - (1) Evaluate the facility for potential sources;
    - (2) Remedy the problems identified;
    - (3) Revise the *municipal facility* specific SWPPP; and
    - (4) Perform an additional visual inspection during the first *qualifying storm event* following implementation of the corrective action. If the first *qualifying storm event* does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.
- b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VI.C.1.e.).
- c) Comprehensive Site Assessments
  - i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* as identified in the inventory (Part VI.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing

the same information, and document in the *municipal facility* specific SWPPP and *SWMP Plan* that:

- (a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;
- (b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or
- (c) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

#### e. Low Priority *Municipal Facility* Requirements

- i. The *MS4 Operator* must identify procedures outlining *BMPs* for the types of activities that occur at the low priority *municipal* facilities as described in Part VI.F.1. A *municipal facility* specific SWPPP is not required.
- ii. *Municipal Facility* Assessments
  - a) Low priority *municipal* facilities are not required to conduct wet weather visual monitoring.
  - b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VI.C.1.e.).
  - c) Comprehensive Site Assessments
    - i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* as identified in the inventory (Part VI.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *SWMP Plan* that:
      - (a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;
      - (b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which

has a reasonable likelihood of adversely affecting human health or the environment;

- (i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or
- (c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

### 3. **Municipal Operations & Maintenance**

#### a. *Municipal Operations Program*

*Municipal operations* are: street and bridge maintenance; winter road maintenance; *MS4* maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; or hydrologic habitat modification.

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal operations* program. The *municipal operations* program must be documented in the *SWMP Plan* specifying:

- i. The *municipal operations* procedures including:
  - a) The *BMPs* (Part VI.F.1.) incorporated into the *municipal operations* program;
  - b) The *municipal operations* corrective actions requirements (Part VI.F.3.b.);
  - c) *Catch basin* inspection and maintenance requirements (Part VI.F.3.c.);
  - d) Roads, bridges, parking lots, and right of way maintenance requirements (Part VI.F.3.d.); and
  - e) All other *municipal operations* maintenance requirements.
- ii. The training provisions for the *MS4 Operator's municipal operations* procedures (Part VI.F.3.a.i.).
  - a) If new staff are added, training on the *MS4 Operator's municipal operations* procedures (Part VI.F.3.a.i.) must be given prior to conducting *municipal operations* procedures;



- b) For existing staff, training on the *MS4 Operator's municipal operations* procedures (Part VI.F.3.a.i.) must be given prior to conducting *municipal operations* procedures and once every five (5) years, thereafter; and
  - c) If the *municipal operations* procedures (Part VI.F.3.a.i.) are updated (Part VI.F.3.a.iv.), training on the updates must be given to all staff prior to conducting *municipal operations* procedures.
- iii. The names, titles, and contact information for the individuals who have received *municipal operations* training and update annually; and
  - iv. Annually, by April 1, the *MS4 Operator* must:
    - a) Review and update the *municipal operations* procedures (Part VI.F.3.a.i.); and
    - c) Document the completion of this requirement in the *SWMP Plan*.

#### b. *Municipal Operations Corrective Actions*

- i. For *municipal operations*, *MS4 Operators* must either:
  - a) Ensure compliance with the terms and conditions of this *SPDES* general permit; or
  - b) Implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of this *SPDES* general permit:
    - i) Within twenty-four (24) hours of discovery for situations that have a reasonable likelihood of adversely affecting human health or the environment;
    - ii) Initiated within seven (7) days of inspection and completed within thirty (30) days of inspection for situations that do not have a reasonable likelihood of adversely affecting human health or the environment; and
    - iii) For corrective actions that require special funding or construction that will take longer than thirty (30) days to complete, a schedule must be prepared that specifies interim milestones that will ensure compliance in the shortest reasonable time.

#### c. *Catch Basin Inspection and Maintenance*

Within three (3) years of the EDC, the *MS4 Operator* must:

- i. Identify when *catch basin* inspection is needed with consideration for:
  - a) Areas with *construction activities* (mapped in accordance with Part IV.D.2.a.iii.);
  - b) Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.d.iii.);

- c) Recurring or history of issues; or
  - d) Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.
- ii. Inventory *catch basin* inspection information including:
- a) Date of inspection;
  - b) Approximate level of trash, sediment, and/or debris captured at time of clean-out (no trash, sediment, and/or debris, <50% of the depth of the *sump*, >50% of the depth of the *sump*);
  - c) Depth of structure;
  - d) Depth of *sump*; and
  - e) Date of clean out, if applicable (Part VI.F.3.c.iii.).
- iii. Based on inspection results, clean out *catch basins* within the following timeframes:
- a) Within six (6) months after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris exceeding 50% of the depth of the *sump* as a result of a *catch basin* inspection must be cleaned out;
  - b) Within one (1) year after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris at less than 50% of the depth of the *sump* as a result of a *catch basin* inspection must be cleaned out; and
  - c) MS4 Operators are not required to clean out *catch basins* if the *catch basins* are operating properly and:
    - i. There is no trash, sediment, and/or debris in the *catch basin*; or
    - ii. The *sump* depth of the *catch basin* is less than or equal to two (2) feet.
- iv. Properly manage (handling and disposal) materials removed from *catch basins* during clean out so that:
- a) Water removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*;
  - b) Material removed from *catch basins* is disposed of in accordance with any applicable environmental laws and regulations; and
  - c) Material removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*.
- v. Determine if there are signs/evidence of *illicit discharges* and procedures for referral/follow-up if *illicit discharges* are encountered.

#### d. Roads, Bridges, Parking Lots, & Right of Way Maintenance

##### i. Sweeping

Within six (6) months of the EDC, the *MS4 Operator* must *develop* and implement procedures for sweeping and/or cleaning *municipal* streets, bridges, parking lots, and right of ways owned/operated by the *MS4 Operator*. The procedures and completion of permit requirements must be documented in the *SWMP Plan* specifying:

- a) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding). This requirement is not applicable to:
  - i) Uncurbed roads with no *catch basins*;
  - ii) High-speed limited access highways; or
  - iii) Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept. This requirement is not applicable to:
  - i) Uncurbed roads with no *catch basins*;
  - ii) High-speed limited access highways; or
  - iii) Roads defined as interstates, freeways and expressways, or arterials by the USDOT 2013.

##### ii. Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VI.F.1.), the *MS4 Operator* must implement the following provisions:

- a) Pave, mark, and seal in dry conditions;
- b) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce the potential discharge of pollutants to the *MS4* or *surface waters of the State*;
- c) Restrict the use of herbicides/pesticide application to roadside vegetation; and
- d) Contain *pollutants* associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris).

##### iii. Winter Road Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VI.F.1.), the *MS4 Operator* must implement the following provisions:

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

- b) Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.<sup>36</sup>

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<sup>36</sup> The Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal can be found on the Department's website.

## Part VII. Minimum Control Measures (MCMs) for *Traditional Non-Land Use Control & Non-Traditional MS4 Operators*

In addition to the requirements contained in Part I. through Part V, *traditional non-land use* and *non-traditional MS4 Operators* must comply with the MCMs contained in this Part. These *MS4 Operators* should consider their public to be:

- Employees (i.e., staff, faculty);
- User population/visitors;
- Students;
- Tenants; and
- Contractors & developers working for *MS4 Operator*.

### A. MCM1 – Public Education and Outreach Program

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

#### 1. Development

##### a. Focus Areas

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

- i. Areas *discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a));
- ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.c. for *MS4 Operators* continuing coverage and Part IV.D.2.a.ii. for newly designated *MS4 Operators*);
- iii. *TMDL* watersheds (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));
- iv. Areas with *construction activities*;
- v. Areas with on-site wastewater systems (subject to Part VIII. or Part IX. requirements);
- vi. Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.e.iii.);
- vii. *Stormwater hotspots*; and
- viii. Areas with *illicit discharges*.

### b. Target Audiences and Associated *Pollutant* Generating Activities

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

- i. Residents;
- ii. Commercial:<sup>37</sup> Business owners and staff;
- iii. Institutions:<sup>38</sup> Managers, staff, and students;
- iv. Construction: Developers, contractors, and design professionals;
- v. Industrial:<sup>39</sup> Owners and staff; and
- vi. *MS4 Operator's municipal* staff.

### c. Education and Outreach Topics

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

### e. *Illicit Discharge* Education

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

- i. What types of *discharges* are allowable (Part I.A.3.);
- ii. What is an *illicit discharge* and why is it prohibited (Part VII.C.);
- iii. The environmental hazards associated with *illicit discharges* and improper disposal of waste;
- iv. Proper handling and disposal practices for the most common behaviors within the community (e.g., septic care, car washing, household hazardous waste, swimming pool draining, or other activities resulting in *illicit discharges* to the *MS4*); and
- v. How to report *illicit discharges* they may observe (Part VII.C.1.a.).

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<sup>37</sup> Business, retail stores, and restaurants.

<sup>38</sup> Hospitals, churches, colleges, and schools.

<sup>39</sup> Factories, recyclers, auto-salvage, and mines.

## 2. Implementation and Frequency

### a. Distribution Method of Educational Messages

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

- i. Printed materials (e.g., mail inserts, brochures, and newsletters);
- ii. Electronic materials (e.g., websites, email listservs);
- iii. Mass media (e.g., newspapers, public service announcements on radio or cable);
- iv. Workshops or focus groups;
- v. Displays in public areas (e.g., town halls, library, parks); or
- vi. Social Media (e.g., Facebook, Twitter, blogs).

### b. Frequency

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

- i. Deliver an educational message to each target audience(s) (Part VII.A.1.b.) for each focus area(s) (Part VII.A.1.a.) based on the defined education and outreach topic(s) (Part VII.A.1.c.); and
- ii. Document the completion of this requirement in the *SWMP Plan*.

### c. Updates to the Public Education and Outreach Program

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

- i. Review and update the focus areas, target audiences, and/or education and outreach topics; and
- ii. Document the completion of this requirement in the *SWMP Plan*.

## B. MCM 2 - Public Involvement/Participation

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

### 1. Public Involvement/Participation

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

- i. Citizen advisory group on *stormwater* management;
  - ii. Public hearings or meetings;
  - iii. Citizen volunteers to educate other individuals about the *SWMP*;
  - iv. Coordination with other pre-existing public involvement/participation opportunities;
  - v. Reporting concerns about activities or behaviors observed; or
  - vi. Stewardship activities.
- b. Annually, the *MS4 Operator* must inform the public of the opportunity (Part VII.B.1.a.) for their involvement/participation in the development and implementation of the *SWMP* and how they can become involved. The *MS4 Operator* must document the method for distribution of this information in the *SWMP Plan*. The methods for distribution are as follows:
- i. Public notice;
  - ii. Printed materials (e.g., mail inserts, brochures and newsletters);
  - iii. Electronic materials (e.g., websites, email listservs);
  - iv. Mass media (e.g., newspapers, public service announcements on radio or cable);
  - v. Workshops or focus groups;
  - vi. Displays in public areas (e.g., town halls, library, parks); or
  - vii. Social Media (e.g., Facebook, Twitter, blogs).
- c. Within six (6) months of the EDC, the *MS4 Operator* must identify a local point of contact to receive and respond to public concerns regarding *stormwater* management and compliance with permit requirements. The name or title of this individual, with contact information, must be published on public outreach and public participation materials and documented in the *SWMP Plan*.

## 2. Public Notice and Input Requirements

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

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



## b. Public Notice and Input Requirements for Draft Annual Report

- i. Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the draft Annual Report. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by either:
  - a) Presentation of the draft Annual Report at a regular meeting of an existing board (e.g., administrative, planning, zoning) or a separate meeting specifically for *stormwater*, as designated by the *MS4* or if requested by the public. The public must have the ability to ask questions about and make comments on the draft annual report during that presentation; or
  - b) Posting of the draft Annual Report on a public website. The website must provide information on the timeframes and procedures to submit comments and/or request a meeting. However, if a public meeting is requested by two or more persons, the *MS4 Operator* must hold such a meeting.

## c. Consideration of Public Input

- i. Annually, the *MS4 Operator* must include a summary of comments received on the *SWMP Plan* and draft Annual Report in the *SWMP Plan*.
- ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update the *SWMP Plan*, where appropriate, based on the public input received.

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

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

### 1. *Illicit Discharge Detection*

#### a. Public Reporting of *Illicit Discharges*

- i. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report *illicit discharges*.
- ii. Within thirty (30) days of an *illicit discharge*, the *MS4 Operator* must document each report of an *illicit discharge* in the *SWMP Plan* with the following information:
  - a) Date of the report;
  - b) Location of the *illicit discharge*;
  - c) Nature of the *illicit discharge*;

- d) Follow up actions taken or needed (including response times); and
- e) Inspection outcomes and any enforcement taken.

#### b. Monitoring Locations

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

- i. *MS4 outfalls*;<sup>40</sup>
- ii. *Interconnections*;<sup>41</sup> and
- iii. *Municipal facility intraconnections*.<sup>42</sup>

#### c. Monitoring Locations Inventory

- i. Within three (3) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of the monitoring locations in the *SWMP Plan*. The following information must be included in the inventory:<sup>43</sup>

##### a) Inventory information for *MS4 outfalls*

- i) ID;
- ii) Prioritization (high or low) (Part VII.C.1.d.);
- iii) Type of monitoring location (Part VII.C.1.b.);
- iv) Name of *MS4 Operator's municipal facility*, if located at a *municipal facility*;<sup>44</sup>
- v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
- vi) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
- vii) Land use in drainage area;
- viii) Type of conveyance (open drainage or closed pipe);
- ix) Material;
- x) Shape;
- xi) Dimensions;
- xii) Submerged in water; and
- xiii) Submerged in sediment.

##### b) Inventory information for *interconnections*

- i) ID;
- ii) Prioritization (high or low) (Part VII.C.1.d.);
- iii) Type of monitoring location (Part VII.C.1.b.);
- iv) Name of *MS4 Operator* receiving *discharge* or private storm system;

<sup>40</sup> *MS4 outfalls* can be found at a *municipal facility*.

<sup>41</sup> *Interconnections* can be found at a *municipal facility*.

<sup>42</sup> *Municipal facility intraconnections* can be found only at a *municipal facility*.

<sup>43</sup> The information included in the inventory is collected during inspections on the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) unless otherwise specified by the permit conditions.

<sup>44</sup> This information is collected as part of the *municipal facility* inventory.

- v) Name of *MS4 Operator's municipal facility*, if located at a *municipal facility*; and
- vi) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

c) Inventory information for *municipal facility intraconnections*

- i) ID;
  - ii) Prioritization (high or low) (Part VII.C.1.d.);
  - iii) Type of monitoring location (Part VII.C.1.b.);
  - iv) Name of *MS4 Operator's municipal facility*; and
  - v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).
- ii. Annually, the *MS4 Operator* must update the inventory if monitoring locations are created or discovered.

d. Monitoring Locations Prioritization

- i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize monitoring locations which are included in the monitoring locations inventory (Part VII.C.1.c.) as follows:
  - a) High priority monitoring locations include monitoring locations:
    - vi) At a high priority *municipal facility*, as defined in Part VII.F.2.c;
    - vii) *Discharging* to impaired waters (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.e.ii.b));
    - viii) *Discharging* within a TMDL watershed (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));
    - ix) *Discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a)); and/or
    - x) Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.
  - b) All other monitoring locations are considered low priority.
- ii. Within thirty (30) days of when a monitoring location is constructed or the *MS4 Operator* discovers it, the *MS4 Operator* must prioritize those monitoring locations; and
- iii. Annually, after the initial prioritization (Part VII.C.1.d.i.), the *MS4 Operator* must update the monitoring location prioritization in the inventory (Part VII.C.1.c.) based on information gathered as part of the monitoring location inspection and sampling program (Part VII.C.1.e.). The completion of this permit requirement must be documented in the *SWMP Plan*.

### e. Monitoring Locations Inspection and Sampling Program

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

- i. The monitoring locations inspection and sampling procedures including:
  - a) During *dry weather*,<sup>45</sup> one (1) inspection of each monitoring location identified in the inventory (Part VII.C.1.c.) every five (5) years following the most recent inspection;
  - b) Documentation of all monitoring location inspections, including any sampling results, using the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) or an equivalent form containing the same information and include the completed monitoring location inspections and sampling results in the *SWMP Plan* (e.g., the completed Monitoring Locations Inspection and Sampling Field Sheets);
  - c) Provisions to sample all monitoring locations which had inspections which resulted in a *suspect* or *obvious illicit discharge* characterization. The sampling requirement is based on the number and severity of *physical indicators present in the flow* to better inform track down procedures (Part VII.C.2.). If the source of the *illicit discharge* is clear and discernable (e.g., sewage), sampling is not necessary;
  - d) Sampling may be done with field test kits or field instrumentation that are sufficiently sensitive to detect the parameter below the sampling action level used<sup>46</sup> and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;
  - e) Provisions to initiate, or cause to initiate,<sup>47</sup> track down procedures (Part VII.C.2.a.), in accordance with the timeframes specified in Part VII.C.2.a.iii, for monitoring locations with an overall characterization<sup>48</sup> as *suspect illicit discharge* or *obvious illicit discharge* or that exceed any sampling action level used;
  - f) Provisions to re-inspect the monitoring location within thirty (30) days of initial inspection if there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges*, utilizing techniques described in Chapter 12.6 of the Center for Watershed

<sup>45</sup> MS4 Operators can reference the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) for other factors to consider when determining when to conduct monitoring location inspection and sampling.

<sup>46</sup> Refer to Chapter 12 of the CWP 2004 for parameters, sampling action levels, and procedures.

<sup>47</sup> If track down is conducted by individuals or entities other than those conducting the monitoring locations inspections.

<sup>48</sup> Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

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

- i) If those same physical indicators persist, the *MS4 Operator* must initiate *illicit discharge* track down procedures (Part VII.C.2.a.).
- ii. The training provisions for the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.).
  - a) If new staff are added, training on the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling procedures;
  - b) For existing staff, training on the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling and once every five (5) years, thereafter; and
  - c) If the monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) are updated (Part VII.C.1.e.iv.), training on the updates must be given to all staff prior to conducting monitoring locations inspections and sampling.
- iii. The names, titles, and contact information for the individuals who have received monitoring locations inspection and sampling procedures training and update annually; and
- iv. Annually, by April 1, the *MS4 Operator* must:
  - a) Review and update the monitoring location inspection and sampling procedures (Part VII.C.1.e.i.) based on monitoring location inspection results (e.g., trends, patterns, areas with *illicit discharges*, and common problems); and
  - b) Document the completion of this requirement in the *SWMP Plan*.

## 2. *Illicit Discharge Track Down Program*

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

- a. The *illicit discharge* track down procedures including:
  - i. Procedures as described in Chapter 13 of CWP 2004 or equivalent;
  - ii. Steps taken for *illicit discharge* track down procedures;
  - iii. The following timeframes to initiate *illicit discharge* track down:

- a) Within twenty-four (24) hours of discovery, the *MS4 Operator* must initiate track down procedures for flowing *MS4* monitoring locations with *obvious illicit discharges*;<sup>49</sup>
  - b) Within two (2) hours of discovery, the *MS4 Operator* must initiate track down procedures for *obvious illicit discharges* of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes and report orally or electronically to the Regional Water Engineer and local health department; and
  - c) Within five (5) days of discovery, the *MS4 Operator* must initiate track down procedures for *suspect illicit discharges*.
- b. The training provisions for the *MS4 Operator's illicit discharge* track down procedures (Part VII.C.2.a.).
    - i. If new staff are added, training on the *MS4 Operator's illicit discharge* track down procedures (Part VII.C.2.a.) must be given prior to conducting *illicit discharge* track downs;
    - ii. For existing staff, training on the *MS4 Operator's illicit discharge* track down procedures (Part VII.C.2.a.) must be given prior to *conducting illicit discharge* track downs and once every five (5) years, thereafter; and
    - iii. If the *illicit discharge* track down procedures (Part VII.C.2.a.) are updated (Part VII.C.2.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* track downs.
  - c. The names, titles, and contact information for the individuals who have received *illicit discharge* track down procedures training and update annually; and
  - d. Annually, by April 1, the *MS4 Operator* must:
    - i. Review and update the *illicit discharge* track down procedures (Part VII.C.2.a.); and
    - ii. Document the completion of this requirement in the *SWMP Plan*.

### 3. *Illicit Discharge Elimination Program*

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

- a. The *illicit discharge* elimination procedures including:
  - i. Provisions for escalating enforcement and tracking, both consistent with the ERP required in Part IV.F. of this *SPDES* general permit;
  - ii. Provisions to confirm the corrective actions have been taken;

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<sup>49</sup> Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

- iii. Steps taken for *illicit discharge* elimination procedures; and
- iv. The following timeframes for *illicit discharge* elimination:
  - a) Within twenty-four (24) hours of identification of an *illicit discharge* that has a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*;
  - b) Within five (5) days of identification of an *illicit discharge* that does not have a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*; and
  - c) Where elimination of an *illicit discharge* within the specified timeframes (Part VII.C.3.a.iv.) is not possible, the *MS4 Operator* must notify the Regional Water Engineer.
- b. The training provisions for the *MS4 Operator's illicit discharge* elimination procedures (Part VII.C.3.a.).
  - i. If new staff are added, training on the *MS4 Operator's illicit discharge* elimination procedures (Part VII.C.3.a.) must be given prior to conducting *illicit discharge* eliminations;
  - ii. For existing staff, training on the *MS4 Operator's illicit discharge* elimination procedures (Part VII.C.3.a.) must be given prior to conducting *illicit discharge* eliminations and once every five (5) years, thereafter; and
  - iii. If the *illicit discharge* elimination procedures (Part VII.C.3.a.) are updated (Part VII.C.3.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* eliminations.
- c. The names, titles, and contact information for the individuals who have received *illicit discharge* elimination procedures training and update annually; and
- d. Annually, by April 1, the *MS4 Operator* must:
  - i. Review and update the *illicit discharge* elimination procedures (Part VII.C.3.a.); and
  - ii. Document the completion of this requirement in the *SWMP Plan*.

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

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure construction sites are effectively controlled. This MCM is designed to prevent *pollutants* from construction related activities,<sup>50</sup> as well as promote the proper planning and installation of post-construction *SMPs*.

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<sup>50</sup> Projects that comply with the terms and conditions of the CGP or an individual *SPDES* permit for *stormwater* for which they obtained coverage and local erosion and sediment control requirements are effectively controlled.



### 1. Applicable Construction Activities/Projects/Sites

- a. The construction site *stormwater* runoff control program must address *stormwater* runoff to the *MS4* from sites with *construction activities* permitted, approved, funded, or owned/operated by the *MS4 Operator* that:
  - i. Result in a total land disturbance of greater than or equal to one acre; or,
  - ii. Disturb less than one acre if part of a larger common plan of development or sale.
- b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP:
  - i. The *MS4 Operator* must ensure compliance with the CGP; and
  - ii. The additional requirements for construction oversight described in Part VII.D.6 through Part VII.D.9 are not required.

### 2. Public Reporting of Construction Site Complaints

- a. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report complaints related to construction *stormwater* activity.
- b. The *MS4 Operator* must document reports of construction site complaints in the *SWMP Plan* with the following information:
  - i. Date of the report;
  - ii. Location of the construction site;
  - iii. Nature of complaint;
  - iv. Follow up actions taken or needed; and
  - v. Inspection outcomes and any enforcement taken.

### 3. Construction Oversight Program

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

- a. The construction oversight procedures including:
  - i. When the construction site *stormwater* control program applies (Part VII.D.1.);
  - ii. What types of *construction activity* require a SWPPP;
  - iii. The procedures for submission of SWPPPs;
  - iv. SWPPP review requirements (Part VII.D.6.)
  - v. Pre-construction oversight requirements (Part VII.D.7.)



- vi. Construction site inspection requirements (Part VII.D.8.);
  - vii. Construction site close-out requirements (Part VII.D.9.);
  - viii. Enforcement process/expectations for compliance; and
  - ix. Other procedures associated with the control of *stormwater* runoff from applicable *construction activities*.
- b. The training provisions for the *MS4 Operator's* construction oversight procedures (Part VII.D.3.a.).
    - i. If new staff are added, training on the *MS4 Operator's* construction oversight procedures (Part VII.D.3.a.) must be given prior to conducting any construction oversight activities;
    - ii. For existing staff, training on the *MS4 Operator's* construction oversight procedures (Part VII.D.3.a.) must be given prior to conducting any construction oversight activities and once every five (5) years, thereafter; and
    - iii. If the construction oversight procedures (Part VII.D.3.a.) are updated (Part VII.D.3.a.), training on the updates must be given to all staff prior to conducting construction oversight.
  - c. The names, titles, and contact information for the individuals who have received construction oversight training and update annually;
  - d. Procedures to ensure those involved in the *construction activity* itself (e.g., contractor, subcontractor, *qualified inspector*, SWPPP reviewers) have received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity; and
  - e. Annually, by April 1, the *MS4 Operator* must:
    - i. Review and update the construction oversight procedures (Part VII.D.3.a.); and
    - ii. Document the completion of this requirement in the *SWMP Plan*.

#### 4. Construction Site Inventory & Inspection Tracking

- a. Within six (6) months of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all applicable construction sites (Part VII.D.1.a.) in the *SWMP Plan*. The following information must be included in the inventory:
  - i. Location of the construction site;
  - ii. Owner/operator contact information, if other than the *MS4 Operator*;
  - iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
  - iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

- v. Prioritization (high or low) (Part VII.D.5.);
  - vi. Construction project *SPDES* identification number;
  - vii. SWPPP approval date;
  - viii. Inspection history, including dates and ratings (satisfactory, marginal, or unsatisfactory, when available); and
  - ix. Current status of the construction site/project (i.e., active, temporarily shut down, complete<sup>51</sup>).
- b. Annually, the *MS4 Operator* must update the inventory if construction projects are approved or completed.

## 5. Construction Site Prioritization

- a. Within one (1) year of the EDC, the *MS4 Operator* must prioritize all construction sites which are included in the construction site inventory (Part VII.D.4.) as follows:
- i. High priority construction sites include construction sites:
    - a) With a direct conveyance (e.g., channel, ditch, storm sewer) to a *surface water of the State* that is:
      - i) Listed in Appendix C with silt/sediment, phosphorus, or nitrogen as the POC;
      - ii) Classified as AA-S, AA, or A (mapped in accordance with Part IV.D.1.e.ii.a)); or
      - iii) Classified with a trout (T) or trout spawning (TS) designation (mapped in accordance with Part IV.D.1.e.ii.a));
    - b) With greater than five (5) acres of disturbed earth at any one time;
    - c) With earth disturbance within one hundred (100) feet of any lake or pond (mapped in accordance with Part IV.D.1.e.ii.b)); and/or
    - d) Within fifty (50) feet of any rivers or streams (mapped in accordance with Part IV.D.1.e.ii.b));
  - ii. All other construction sites are considered low priority.
- b. Within thirty (30) days of when a construction site becomes active, the *MS4 Operator* must prioritize those construction sites; and
- c. Annually, after the initial prioritization (Part VII.D.5.a.), the *MS4 Operator* must update the construction site prioritization in the inventory (Part VII.D.4.a.) based on information gathered as part of the construction oversight program (Part VII.D.3.). The completion of this permit requirement must be documented in the *SWMP Plan*.

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

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

## 6. SWPPP Review

The *MS4 Operator* must:

- a. Ensure individual(s), responsible for reviewing SWPPPs for acceptance, receive:
  - i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be completed within three (3) years of the EDC and every three (3) years thereafter.
  - ii. Document the completion of this requirement in the *SWMP Plan*.
- b. Ensure SWPPP reviewers receive this training (Part VII.D.6.a.) prior to conducting SWPPP reviews for acceptance.
  - i. Individuals without these trainings cannot review SWPPPs for acceptance.
  - ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.
- c. Ensure individuals responsible for reviewing SWPPPs review all SWPPPs for applicable *construction activities* (Part VII.D.1.) and for conformance with the requirements of the CGP, including:
  - i. Erosion and sediment controls must be reviewed for conformance with the NYS E&SC 2016, or equivalent;
  - ii. Individuals responsible for review of post-construction *SMPs* must be *qualified professionals* or under the supervision of a *qualified professional*; and
  - iii. Post-construction *SMPs* must be reviewed for conformance with the NYS SWMDM 2015 or equivalent, including:
    - a) All post-construction *SMPs* must meet the *sizing criteria* contained in the CGP and NYS SWMDM 2015.
    - b) Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.
    - c) The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction *SMP*. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

- d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VII.D.6.a.
- e. In the *SWMP Plan*, document the SWPPP review including the information found in Part III.B. of the CGP;
- f. Prioritize new *construction activities* (Part VII.D.5.a.); and
- g. Notify construction site owner/operators that their SWPPP has been accepted using the *MS4 SWPPP Acceptance Form*<sup>52</sup> created by the *Department* and required by the CGP, signed in accordance with Part X.J.

## 7. Pre-Construction Meeting

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

- a. Confirm the approved project has received, or will receive<sup>53</sup>, coverage under the CGP or an individual *SPDES* permit;
- b. Verify contractors and subcontractors selected by the owner/operator of the *construction activity* have identified at least one individual that has received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP and Part VII.D.3.d; and
- c. Review the construction oversight program (Part VII.D.3.) and expectations for compliance.

## 8. Construction Site Inspections

The *MS4 Operator* must:

- a. Ensure individuals(s), responsible for construction site inspections, receive:
  - i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be complete, within three (3) years of the EDC and every three (3) years thereafter.
  - ii. Document the completion of this requirement in the *SWMP Plan*.

<sup>52</sup> The *MS4 SWPPP Acceptance Form* can be found on the Department's website.

<sup>53</sup> Preconstruction meetings may occur prior to the issuance of the *MS4 SWPPP Acceptance Form*, however, the *MS4 Operator* must confirm coverage under the CGP will be applied for by the construction site owner/operator prior to commencement of construction of *construction activities*.

- b. Ensure all *MS4* Construction Site Inspectors receive this training prior to conducting construction site inspections.
  - i. Individuals without these trainings cannot inspect construction sites.
  - ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.
- c. Annually inspect all sites with *construction activity* identified in the inventory (Part VII.D.4.) during active construction after the pre-construction meeting (Part VII.D.7.), or sooner if deficiencies are noted that require attention.
  - i. Follow up to construction site inspections must confirm corrective actions are completed within timeframes established by the CGP and the *MS4 Operator's ERP* (Part IV.F.1.).
- d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VII.D.8.a.
- e. Document all inspections using the Construction Site Inspection Report Form (Appendix D) or an equivalent form containing the same information. The *MS4 Operator* must include the completed Construction Site Inspection Reports in the *SWMP Plan*.

## 9. Construction Site Close-out

- a. The *MS4 Operator* must ensure a final construction site inspection is conducted and documentation of the final construction site inspection must be maintained in the *SWMP Plan*. The final construction site inspection must be documented using the Construction Site Inspection Report Form (Appendix D), or an equivalent form containing the same information, or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.
- b. The Notice of Termination (NOT)<sup>54</sup> must be signed by the *MS4 Operator* as required by the CGP for projects determined to be complete. The NOT must be signed in accordance with Part X.J.

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

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

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<sup>54</sup> The NOT can be found on the Department's website.

## 1. Applicable Post-Construction SMPs

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

- a. Post-construction *SMPs* that have been installed as part of any CGP covered construction site or individual *SPDES* permit (since March 10, 2003); and
- b. All new post-construction *SMPs* constructed as part of the construction site *stormwater* runoff control program (Part VII.D.).

## 2. Post-Construction *SMP* Inventory & Inspection Tracking<sup>55</sup>

- a. The *MS4 Operators* continuing coverage must:
  - i. Maintain the inventory from previous iterations of this *SPDES* general permit for post-construction *SMPs* installed after March 10, 2003; and
  - ii. *Develop* the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs*:
    - a) As they are approved or discovered; or
    - b) After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VII.D.9.b.).
- b. The newly designated *MS4 Operators* must *develop* and maintain the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs*:
  - i. As they are approved or discovered; or
  - ii. After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VII.D.9.b.).
- c. Annually, the *MS4 Operator* must update the inventory of post-construction *SMPs* to include the post-construction *SMPs* in Part VII.E.2.a. and Part VII.E.2.b.
- d. Within five (5) years of the EDC, the following information must be included in the inventory either by using the *MS4 Operator* maintenance records or by verification of maintenance records provided by the owner of the post-construction *SMP*:
  - i. Street address or tax parcel;
  - ii. Type;<sup>56</sup>
  - iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

<sup>55</sup> Post-construction *SMPs* can be found at a *municipal facility*.

<sup>56</sup> Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

- iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
  - v. Date of installation (if available) or discovery;
  - vi. Ownership;
  - vii. Responsible party for maintenance;
  - viii. Contact information for party responsible for maintenance;
  - ix. Location of documentation depicting O&M requirements and legal agreements for post-construction *SMP*;
  - x. Frequency for inspection of post-construction *SMP*, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP (Part VII.D.6.);
  - xi. Reason for installation (e.g., new development, redevelopment, *retrofit*, flood control), if known;
  - xii. Date of last inspection;
  - xiii. Inspection results; and
  - xiv. Any corrective actions identified and completed.
- e. *MS4 Operators* must document the inventory of post-construction *SMPs* in the *SWMP Plan*.

### 3. SWPPP Review

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

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

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

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



- ii. Documentation of post-construction *SMP* inspections using the Post-Construction *SMP* Inspection Checklist<sup>57</sup> or an equivalent form containing the same information. The *MS4 Operator* must include the completed post-construction *SMP* inspections (i.e., the completed Post-Construction *SMP* Inspection Checklist) in the *SWMP Plan*;
  - iii. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction *SMP* inspection; and
  - iv. Provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete.
- b. The training provisions for the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.).
- i. If new staff are added, training on the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance;
  - ii. For existing staff, training on the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance and once every five (5) years, thereafter; and
  - iii. If the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) are updated (Part VII.E.4.d.), training on the updates must be given to all staff prior to conducting post-construction *SMP* inspection and maintenance.
- c. The names, titles, and contact information for the individuals who have received post-construction *SMP* inspection and maintenance procedures training and update annually; and
- d. Annually, by April 1, the *MS4 Operator* must:
- i. Review and update the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.); and
  - ii. Document the completion of this requirement in the *SWMP Plan*.

## F. MCM 6 – Pollution Prevention and Good Housekeeping

The *MS4 Operator* must *develop* and implement a pollution prevention and good housekeeping program for *municipal facilities* and *municipal operations* to minimize

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<sup>57</sup> The *Department* developed checklist forms specific to each post-construction *SMP* designed to assist *MS4 Operators* in conducting inspections and maintenance activities of standard practices. The Post-Construction *SMP* Inspection Checklist, March 31, 2017, can be found on the *Department's* website.



*pollutant discharges*. This MCM is designed to ensure the *MS4 Operator's* own activities do not contribute *pollutants* to *surface waters of the State*.

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

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

#### a. Minimize Exposure

- i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, unless not technologically possible or not economically practicable and achievable in light of best industry practices, including areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following *BMPs*:
  - a) Locate materials and activities inside or protect them with storm resistant coverings;
  - b) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
  - c) Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems;
  - d) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the *discharge of pollutants*;
  - e) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
  - f) Use spill/overflow protection equipment;
  - g) Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also captures any overspray;
  - h) Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks; and/or
  - i) Minimize exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners).
- ii. *No Exposure Certification for High Priority Municipal Facilities*
  - a) *Municipal facilities* may qualify for *No Exposure Certification* (Appendix D) when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.

- b) High priority *municipal facilities* (Part VII.F.2.c.i.a)) with uncovered parking areas for vehicles awaiting maintenance may be considered a low priority *municipal facility* (Part VII.F.2.c.i.c)) if only routine maintenance is performed inside and all other no *exposure* criteria are met.
- c) *Municipal facilities* accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the *No Exposure Certification*.
- d) *Municipal facilities* must maintain the *No Exposure Certification* and document in the *SWMP Plan*. The *No Exposure Certification* ceases to apply when activities or materials become exposed.

#### b. Follow a Preventive Maintenance Program

- i. Implement a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all fueling areas, vehicles and equipment and systems to prevent leaks, spills and other releases. This includes:
  - a) Performing inspections and preventive maintenance of *stormwater* drainage, source controls, treatment systems, and plant equipment and systems;
  - b) Maintaining non-structural *BMPs* (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas); and
  - c) Ensure vehicle washwater is not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where washwater is collected to be recycled or *discharged* to the sanitary sewer (Part I.B.2.d.).
- ii. Routine maintenance must be performed to ensure *BMPs* are operating properly.
- iii. When a *BMP* is not functioning to its designed effectiveness and needs repair or replacement:
  - a) Maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of *stormwater* controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable; and
  - b) Interim measures must be taken to prevent or minimize the *discharge* of *pollutants* until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be *discharged* during subsequent storm events.

### c. Spill Prevention and Response Procedures

- i. Minimize the potential for leaks, spills and other releases that may be exposed to *stormwater* and *develop* plans for effective response to such spills if or when they occur. At a minimum, the *MS4 Operator* must:
  - a) Store materials in appropriate containers;
  - b) Label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - c) Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the *discharge* of *pollutants* from these areas;
  - d) *Develop* procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
  - e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;
  - f) *Develop* procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the *stormwater* pollution prevention team (Part VII.F.2.d.i.a)). Any spills must be reported in accordance with 6 NYCRR 750-2.7; and
  - g) Following any spill or release, the *MS4 Operator* must evaluate the adequacy of the *BMPs* identified in the *municipal facility* specific SWPPP. If the *BMPs* are inadequate, the SWPPP must be updated to identify new *BMPs* that will prevent reoccurrence and improve the emergency response to such releases.
- ii. Measures for cleaning up spills or leaks must be consistent with applicable petroleum bulk storage, chemical bulk storage, or hazardous waste management regulations at 6 NYCRR Parts 596-599, 613 and 370-373.
- iii. This *SPDES* general permit does not relieve the *MS4 Operator* of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances. Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

### d. Erosion and Sediment Controls<sup>58</sup>

- i. Stabilize exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation.

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<sup>58</sup> The use of the term “controls” in Part VII.F.1.d. aligns with the use of the term “controls” in the CGP.

- ii. The *MS4 Operator* must consider:
  - a) Structural and/or non-structural controls found in the NYS E&SC 2016;
  - b) Areas that, due to topography, land disturbance (e.g., construction), or other factors, have potential for significant soil erosion;
  - c) Whether structural, vegetative, and/or stabilization *BMPs* are needed to limit erosion;
  - d) Whether velocity dissipation devices (or equivalent measures) are needed at *discharge* locations and along the length of any channel to provide a non-erosive flow velocity from the structure to a water course; and
  - e) Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (50) feet of a *surface water of the State*.
- e. Manage Vegetated Areas and Open Space on *Municipal Property*
  - i. Maintain vegetated areas on *MS4 Operator* owned/operated property and right of ways:
    - a) Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction;
    - b) Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting);
    - c) Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted; and
    - d) Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the *MS4*.
- f. Salt<sup>59</sup> Storage Piles or Pile Containing Salt
 

Enclose or cover storage piles of salt, or piles containing salt, used for deicing or maintenance of paved surfaces, except during loading, unloading, and handling. Implement appropriate measures (e.g., good housekeeping, routine sweeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.
- g. Waste, Garbage, and Floatable Debris
  - i. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that *discharges* have a control (e.g., secondary containment, treatment); and

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<sup>59</sup> For purposes of this *SPDES* general permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

- ii. Keep exposed areas free of waste, garbage, and debris or intercept them before they are *discharged*:
  - a) Manage trash containers at parks and open space (scheduled cleanings; sufficient number);
  - b) Pick up trash and debris on *MS4 Operator* owned/operated property and rights of way; and
  - c) Clean out *catch basins* within the appropriate timeframes (Part VII.F.3.c.iii.).

#### h. Alternative Implementation Options

When alternative implementation options (Part IV.A.1.) are utilized, require the parties performing *municipal operations* as contracted services, including but not limited to street sweeping, snow removal, and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed.

## 2. Municipal Facilities<sup>60</sup>

### a. Municipal Facility Program

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal facility* program. The *municipal facility* program must be documented in the *SWMP Plan* specifying:

- i. The *municipal facility* procedures including:
  - a) The *BMPs* (Part VII.F.1.) incorporated into the *municipal facility* program;
  - b) The high priority *municipal facility* requirements (Part VII.F.2.d.) as applied to the specific *municipal facility*; and
  - c) The low priority *municipal facility* requirements (Part VII.F.2.e.) as applied to the specific *municipal facility*.
- ii. The training provisions for the *MS4 Operator's municipal facility* procedures (Part VII.F.2.a.i.).
  - a) If new staff are added, training on the *MS4 Operator's municipal facility* procedures (Part VII.F.2.a.i.) must be given prior to conducting *municipal facility* procedures;
  - b) For existing staff, training on the *MS4 Operator's municipal facility* procedures (Part VII.F.2.a.i.) must be given prior to conducting *municipal facility* procedures and once every five (5) years, thereafter; and

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<sup>60</sup> *Municipal facilities* that have coverage under a separate *SPDES* permit (either individual or MSGP) must comply with the terms and conditions of that permit and the requirements set forth in this Part are not applicable.

- c) If the *municipal facility* procedures (Part VII.F.2.a.i.) are updated (Part VII.F.2.a.iv.), training on the updates must be given to all staff prior to conducting *municipal facility* procedures.
- iii. The names, titles, and contact information for the individuals who have received *municipal facility* training and update annually; and
- iv. Annually, by April 1, the *MS4 Operator* must:
  - a) Review and update the *municipal facility* procedures (Part VII.F.2.a.i.); and
  - b) Document the completion of this requirement in the *SWMP Plan*.

#### b. *Municipal Facility Inventory*

- i. Within two (2) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all *municipal facilities* in the *SWMP Plan*. The following information must be included in the inventory:
  - a) Name of *municipal facility*;
  - b) Street address;
  - c) Type of *municipal facility*;
  - d) Prioritization (high or low) (Part VII.F.2.c.);
  - e) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
  - f) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
  - g) Contact information;
  - h) Responsible department;
  - i) Location of SWPPP (if high priority; when completed);
  - j) Type of activities present on site;
  - k) Size of facility (acres);
  - l) Date of last assessment;
  - m) *BMPs* identified; and
  - n) Projected date of next comprehensive site assessment (Part VII.F.2.d.ii.c) or Part VII.F.2.e.ii.c), depending on the *municipal facility* prioritization (Part VII.F.2.c.)).
- ii. Annually, the *MS4 Operator* must update the inventory if new *municipal facilities* are added.

#### c. *Municipal Facility Prioritization*

- i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize all known *municipal facilities* as follows:

- a) High priority *municipal* facilities include *municipal* facilities that have one or more of the following on site and exposed to *stormwater*:
  - i) Storage of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris;
  - ii) Fueling stations; and/or
  - iii) Vehicle or equipment maintenance/repair.
- b) Low priority *municipal* facilities include any *municipal* facilities that do not meet the criteria for a high priority (Part VII.F.2.c.i.a)) *municipal facility*.
- c) High priority *municipal* facilities (Part IV.F.2.c.i.a)) which qualify for a *No Exposure Certification* (Part VII.F.1.a.ii.) are low priority *municipal* facilities.
- ii. Within thirty (30) days of when a *municipal facility* is added to the inventory, the *MS4 Operator* must prioritize those *municipal* facilities; and
- iii. Annually, after the initial prioritization (Part VII.F.2.c.i.), the *MS4 Operator* must update the *municipal facility* prioritization in the inventory (Part VII.F.2.b.i.) based on information gathered as part of the *municipal facility* program (Part VII.F.2.a.), including cases where a *No Exposure Certification* (Part VII.F.1.a.ii.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

#### d. High Priority *Municipal Facility* Requirements

##### i. *Municipal Facility Specific SWPPP*

Within five (5) years of the EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VII.F.2.c.i.a)) and retain a copy of the *municipal facility* specific SWPPP on site of the respective *municipal facility*. The SWPPP must contain:

##### a) *Stormwater* Pollution Prevention Team

The *municipal facility* specific SWPPP must identify the individuals (by name and/or title) and their role/responsibilities in *developing*, implementing, maintaining, and revising the *municipal facility* specific SWPPP. The activities and responsibilities of the team must address all aspects of the *municipal facility* specific SWPPP.

##### b) General Site Description

A written description of the nature of the activities occurring at the *municipal facility* with a potential to *discharge pollutants*, type of *pollutants* expected, and location of key features as detailed in the site map (Part VII.F.2.d.i.e)).

##### c) Summary of potential *pollutant* sources



The *municipal facility* specific SWPPP must identify each area at the *municipal facility* where materials or activities are exposed to *stormwater* or from which authorized *non-stormwater discharges* (Part I.A.3.) originate, including any potential *pollutant* sources for which the *municipal facility* has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.

- i) Materials or activities include: machinery; raw materials; intermediate products; byproducts; final products or waste products; and material handling activities which includes storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product or waste product.
- ii) For each separate area identified, the description must include:
  - (a) Activities - A list of the activities occurring in the area (e.g., material storage, equipment fueling and cleaning);
  - (b) Pollutants - A list of the associated *pollutant(s)* for each activity. The *pollutant(s)* list must include all materials that are exposed to *stormwater*, and
  - (c) Potential for presence in *stormwater* - For each area of the *municipal facility* that generates *stormwater discharges*, a prediction of the direction of flow, and the likelihood of the activity to contaminate the *stormwater discharge*. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced or *discharged*, the likelihood of contact with *stormwater*, and history of leaks or spills of toxic or hazardous *pollutants*.

d) Spills and Releases

For areas that are exposed to precipitation or that otherwise drain to a *stormwater* conveyance to be covered under this *SPDES* general permit, the *municipal facility* specific SWPPP must include a list of spills or releases<sup>61</sup> of petroleum and hazardous substances or other *pollutants*, including unauthorized *non-stormwater discharges*, that may adversely affect water quality that occurred during the last three-year period. The list must be updated when spills or releases occur.

e) Site Map

The *municipal facility* specific SWPPP must include a site map identifying the following, as applicable:

- i) Property boundaries and size in acres;

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<sup>61</sup> This may also include releases of petroleum or hazardous substances that are not in excess of reporting quantities but which may still cause or contribute to significant water quality impairment.



- ii) Location and extent of significant structures (including materials shelters), and impervious surfaces;
- iii) Monitoring locations (mapped in accordance with Part IV.D.2.a.i.) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;
- iv) Location of all post-construction *SMPs* (mapped in accordance with Part IV.D.2.a.iv.) and *MS4* infrastructure (mapped in accordance with Part IV.D.2.b.i.);
- v) Locations of *discharges* authorized under other *SPDES* permits;
- vi) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;
- vii) Locations of haul and access roads;
- viii) Rail cars and tracks;
- ix) Arrows showing direction of *stormwater* flow;
- x) Location of all receiving waters in the immediate vicinity of the *municipal facility*, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them (mapped in accordance with Part IV.D.1.e.ii.);
- xi) Locations where *stormwater* flows have significant potential to cause erosion;
- xii) Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the *municipal facility*; and
- xiii) Locations of the following areas where such areas are exposed to precipitation or *stormwater*:
  - (a) Fueling stations;
  - (b) Vehicle and equipment maintenance and/or cleaning areas;
  - (c) Loading/unloading areas;
  - (d) Locations used for the treatment, storage or disposal of wastes;
  - (e) Liquid storage tanks;
  - (f) Processing and storage areas;
  - (g) Locations where significant materials, fuel or chemicals are stored and transferred;
  - (h) Locations where vehicles and/or machinery are stored when not in use
  - (i) Transfer areas for substances in bulk;
  - (j) Location and description of non-*stormwater discharges* (Part I.A.3.);

- (k) Locations where spills<sup>62</sup> or leaks have occurred; and
- (l) Locations of all existing structural *BMPs*.

f) *Stormwater Best Management Practices (BMPs)*

The *municipal facility* specific SWPPP must document the location and type of *BMPs* implemented at the *municipal facility* (Part VII.F.1). The *municipal facility* specific SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments

The *municipal facility* specific SWPPP must include a schedule for completing and recording results of routine and comprehensive site assessments (Part VII.F.2.d.ii.c)).

ii. *Municipal Facility Assessments*

a) Wet Weather Visual Monitoring

- i) Once every five (5) years, the *MS4 Operator* must conduct wet weather visual monitoring of the monitoring locations (Part VII.C.1.b.) and other sites of *stormwater* leaving the site that are *discharging stormwater* from fueling areas, storage areas, vehicle and equipment maintenance/fueling areas, material handling areas and similar potential *pollutant* generating areas (Part VII.F.2.d.i.e)xiii)).

- (a) All samples must be collected from *discharges* resulting from a *qualifying storm event*. The storm event must be documented using the Storm Event Data Form (Appendix D) and kept with the *municipal facility* specific SWPPP. The sample must be taken during the first thirty (30) minutes (or as soon as practical, but not to exceed one hour) of the *discharge* at the monitoring location.
- (b) No analytical tests are required to be performed on the samples for the purpose of meeting the visual monitoring requirements.
- (c) The visual examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and any other obvious indicators of *stormwater* pollution.
- (d) The visual examination of the sample must be conducted in a well-lit area.
- (e) Where practicable, the same individual should carry out the collection and examination of *discharges* for the entire permit term for consistency.

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<sup>62</sup> A spill includes: any spill of a hazardous substance that must be reported in accordance with 6 NYCRR 597.4 and any spill of petroleum that must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

- (f) The *MS4 Operator* must document the visual examination using the Visual Monitoring Form (Appendix D) and keep it with the *municipal facility* specific SWPPP to record:
  - (i) Monitoring location ID;
  - (ii) Examination date and time;
  - (iii) Personnel conducting the examination;
  - (iv) Nature of the *discharge* (runoff or snowmelt);
  - (v) Visual quality of the *stormwater discharge* including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of *stormwater* pollution; and
  - (vi) Probable sources of any observed *stormwater* contamination.
  - (vii) Corrective and follow up actions – If the visual examination indicates the presence of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of *stormwater* pollution, the *MS4 Operator* must, at minimum, complete and document the following actions:
    - (1) Evaluate the facility for potential sources;
    - (2) Remedy the problems identified;
    - (3) Revise the *municipal facility* specific SWPPP; and
    - (4) Perform an additional visual inspection during the first *qualifying storm event* following implementation of the corrective action. If the first *qualifying storm event* does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.
- b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VII.C.1.e.).
- c) Comprehensive Site Assessments
  - i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* as identified in the inventory (Part VII.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *municipal facility* specific SWPPP and *SWMP Plan* that:

- (a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;
- (b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or
- (c) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

#### e. Low Priority *Municipal Facility* Requirements

- i. The *MS4 Operator* must identify procedures outlining *BMPs* for the types of activities that occur at the low priority *municipal facilities* as described in Part VII.F.1. A *municipal facility* specific *SWPPP* is not required.
- ii. *Municipal Facility* Assessments
  - a) Low priority *municipal facilities* are not required to conduct wet weather visual monitoring.
  - b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VII.C.1.e.).
  - c) Comprehensive Site Assessments
    - i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* as identified in the inventory (Part VII.F.2.b.) using the *Municipal Facility Assessment Form* (Appendix D) or an equivalent form containing the same information, and document in the *SWMP Plan* that:
      - (a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;
      - (b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

- (i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or
- (c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

### 3. *Municipal Operations & Maintenance*

#### a. *Municipal Operations Program*

*Municipal operations* are: street and bridge maintenance; winter road maintenance; *MS4* maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; or hydrologic habitat modification.

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal operations* program. The *municipal operations* program must be documented in the *SWMP Plan* specifying:

- i. The *municipal operations* procedures including:
  - a) The *BMPs* (Part VII.F.1.) incorporated into the *municipal operations* program;
  - b) The *municipal operations* corrective actions requirements (Part VII.F.3.b.);
  - c) *Catch basin* inspection and maintenance requirements (Part VII.F.3.c.);
  - d) Roads, bridges, parking lots, and right of way maintenance requirements (Part VII.F.3.d.); and
  - e) All other *municipal operations* maintenance requirements.
- ii. The training provisions for the *MS4 Operator's municipal operations* procedures (Part VII.F.3.a.i.).
  - a) If new staff are added, training on the *MS4 Operator's municipal operations* procedures (Part VII.F.3.a.i.) must be given prior to conducting *municipal operations* procedures;
  - b) For existing staff, training on the *MS4 Operator's municipal operations* procedures (Part VII.F.3.a.i.) must be given prior to conducting

*municipal operations* procedures and once every five (5) years, thereafter; and

- c) If the *municipal operations* procedures (Part VII.F.3.a.i.) are updated (Part VII.F.3.a.iv.), training on the updates must be given to all staff prior to conducting *municipal operations* procedures.
- iii. The names, titles, and contact information for the individuals who have received *municipal operations* training and update annually; and
- iv. Annually, by April 1, the *MS4 Operator* must:
  - a) Review and update the *municipal operations* procedures (Part VII.F.3.a.i.); and
  - b) Document the completion of this requirement in the *SWMP Plan*.

#### b. *Municipal Operations Corrective Actions*

- i. For *municipal operations*, *MS4 Operators* must either:
  - a) Ensure compliance with the terms and conditions of this *SPDES* general permit; or
  - b) Implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of this *SPDES* general permit:
    - i) Within twenty-four (24) hours of discovery for situations that have a reasonable likelihood of adversely affecting human health or the environment;
    - ii) Initiated within seven (7) days of inspection and completed within thirty (30) days of inspection for situations that do not have a reasonable likelihood of adversely affecting human health or the environment; and
    - iii) For corrective actions that require special funding or construction that will take longer than thirty (30) days to complete, a schedule must be prepared that specifies interim milestones that will ensure compliance in the shortest reasonable time.

#### c. *Catch Basin Inspection and Maintenance*

Within three (3) years of the EDC, the *MS4 Operator* must:

- i. Identify when *catch basin* inspection is needed with consideration for:
  - a) Areas with *construction activities* (mapped in accordance with Part IV.D.2.a.iii.);
  - b) Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.d.iii.);
  - c) Recurring or history of issues; or

- d) Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.
- ii. Inventory *catch basin* inspection information including:
  - a) Date of inspection;
  - b) Approximate level of trash, sediment, and/or debris captured at time of clean-out (no trash, sediment, and/or debris, <50% of the depth of the *sump*, >50% of the depth of the *sump*);
  - c) Depth of structure;
  - d) Depth of *sump*; and
  - e) Date of clean out, if applicable (Part VII.F.3.c.iii.).
- iii. Based on inspection results, clean out *catch basins* within the following timeframes:
  - a) Within six (6) months after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris exceeding 50% of the depth of the *sump* as a result of a *catch basin* inspection must be cleaned out;
  - b) Within one (1) year after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris at less than 50% of the depth of the *sump* as a result of a *catch basin* inspection must be cleaned out; and
  - c) MS4 Operators are not required to clean out *catch basins* if the *catch basins* are operating properly and:
    - i. There is no trash, sediment, and/or debris in the *catch basin*; or
    - ii. The *sump* depth of the *catch basin* is less than or equal to two (2) feet.
- iv. Properly manage (handling and disposal) materials removed from *catch basins* during clean out so that:
  - a) Water removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*;
  - b) Material removed from *catch basins* is disposed of in accordance with any applicable environmental laws and regulations; and
  - c) Material removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*.
- v. Determine if there are signs/evidence of *illicit discharges* and procedures for referral/follow-up if *illicit discharges* are encountered.

#### d. Roads, Bridges, Parking Lots, & Right of Way Maintenance

##### i. Sweeping

Within six (6) months of the EDC, the *MS4 Operator* must *develop* and implement procedures for sweeping and/or cleaning *municipal* streets, bridges, parking lots, and right of ways owned/operated by the *MS4 Operator*. The procedures and completion of permit requirements must be documented in the *SWMP Plan* specifying:

- a) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding). This requirement is not applicable to:
  - i) Uncurbed roads with no *catch basins*;
  - ii) High-speed limited access highways; or
  - iii) Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept. This requirement is not applicable to:
  - i) Uncurbed roads with no *catch basins*;
  - ii) High-speed limited access highways; or
  - iii) Roads defined as interstates, freeways and expressways, or arterials by the USDOT 2013.

##### ii. Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VII.F.1.), the *MS4 Operator* must implement the following provisions:

- a) Pave, mark, and seal in dry conditions;
- b) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce the potential discharge of pollutants to the *MS4* or *surface waters of the State*;
- c) Restrict the use of herbicides/pesticide application to roadside vegetation; and
- d) Contain *pollutants* associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris).

##### iii. Winter Road Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VII.F.1.), the *MS4 Operator* must implement the following provisions:

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



- b) Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.<sup>63</sup>

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<sup>63</sup> The Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal can be found on the Department's website.

## Part VIII. Enhanced Requirements for Impaired Waters

Part VIII. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type. Part VIII. requirements apply in the *sewersheds* which *discharge* to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables (Appendix C). *MS4 outfalls* are in the *automatically designated area*. *ADA MS4 outfalls* are in the *additionally designated area* subject to Criterion 3 of the Additional Designation Criteria (Appendix B).

*MS4 Operator's* subject to Part VIII. that implement pollutant specific *BMPs* after the EDC but prior to *MS4* infrastructure and *sewershed* mapping can use those *BMPs* to satisfy the permit requirements in this section.

The Part VIII. requirements, applicable to the *POC*, must be incorporated in the *MS4 Operator's SWMP* and *SWMP Plan*.

### A. Pollutant Specific BMPs for Phosphorus

Part VIII.A. must be implemented for all phosphorus impaired waters listed in Appendix C.

#### 1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

- a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:
  - i. *MS4 outfall*; and
  - ii. *ADA MS4 outfall*.
- b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:
  - i. Retail and wholesale plant nurseries (including big box stores);
  - ii. Commercial lawn care facilities; and
  - iii. Golf courses.
- c. Within three (3) years of the EDC, *ADA MS4 outfalls*.

#### 2. Public Education and Outreach

- a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the *MS4 Operator's* local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

- b. Following the completion of Part VIII.A.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the *MS4 Operator* type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

### 3. Public Involvement/Participation

No additional requirements.

### 4. Illicit Discharge Detection and Elimination

Following the completion of Part VIII.A.1, within five (5) years of the EDC, the *MS4 Operator* must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the *MS4 Operator* type) the number of each item identified in Part VIII.A.1.b. for each associated *MS4 outfall*.

### 5. Construction Site Stormwater Runoff Control

For Following the completion of Part VIII.A.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

- a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or
- b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

*MS4 Operators* must document the construction site inspections in the *SWMP Plan*.

### 6. Post-Construction Stormwater Management

No additional requirements.

### 7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.A.1:

- a. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to phosphorus impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:
  - i. Uncurbed roads with no *catch basins*;

- ii. High-speed limited access highways; or
  - iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 8. Planned Upgrades to *Municipal Facilities in Sewersheds to Impaired Waters*

Incorporate, where feasible,<sup>64</sup> cost-effective runoff reduction techniques<sup>65</sup> during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

## B. Pollutant Specific BMPs for Silt/Sediment

Part VIII.B. must be implemented for all silt/sediment impaired waters listed in Appendix C.

### 1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

- a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewerheds* for each:
  - i. *MS4 outfall*; and
  - ii. *ADA MS4 outfall*.
- b. Within three (3) years of the EDC, facilities with *SPDES* permit coverage under the MSGP with *stormwater discharges* applicable under Sector C, E, L, or J with facility contact.
- c. Within three (3) years of the EDC, *ADA MS4 outfalls*.

<sup>64</sup> Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

<sup>65</sup> Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

## 2. Public Education and Outreach

- a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the *MS4 Operator's* local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- b. Following the completion of Part VIII.B.1, each year of active construction, the *MS4 Operator* must educate individuals involved in *construction activity* (e.g., contractor, subcontractor, qualified inspector, SWPPP reviewers) within the *sewershed* boundary on the use of post-construction *SMPs* that are intended to collect and separate silt and sediment debris from *stormwater* before *discharging* to waters of the State (e.g., sediment forebays) as detailed in the NYS SWMDM 2015. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 3. Public Involvement/Participation

No additional requirements.

## 4. Illicit Discharge Detection and Elimination

Following the completion of Part VIII.B.1, within five (5) years of the EDC, the *MS4 Operator* must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the *MS4 Operator* type) the number of each item identified in Part VIII.B.1.b. for each associated *MS4 outfall*.

## 5. Construction Site Stormwater Runoff Control

Following the completion of Part VIII.B.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

- a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or
- b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

*MS4 Operators* must document the construction site inspections in the *SWMP Plan*.

## 6. Post-Construction Stormwater Management

No additional requirements.

## 7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.B.1:

- a. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to silt/sediment impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:
  - i. Uncurbed roads with no *catch basins*;
  - ii. High-speed limited access highways; or
  - iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- b. For areas within the *sewershed* that are compacted, poorly drained, contain areas of exposed soil, or nutrient deficient, the *MS4 Operator* must:
  - i. Refer to Section 4 of the NYS E&SC 2016 for Soil Stabilization practices, and follow BMP procedures; and
  - ii. *Develop* and implement procedures for watering and maintenance of implemented BMPs appropriate to establish root and vegetative cover, utilizing products which provide critical support to vegetation and soil stabilization.

*MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

- c. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 8. Planned Upgrades to *Municipal Facilities in Sewersheds to Impaired Waters*

Incorporate, where feasible,<sup>66</sup> cost-effective runoff reduction techniques<sup>67</sup> during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

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<sup>66</sup> Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

<sup>67</sup> Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

## C. Pollutant Specific BMPs for Pathogens

Part VIII.C. must be implemented for all pathogen impaired waters listed in Appendix C.

### 1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

- a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:
  - i. *MS4 outfall*; and
  - ii. *ADA MS4 outfall*.
- b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:
  - i. Areas with a history of sanitary sewer overflows;
  - ii. Waterfowl congregation areas on *municipal* property or right of way;
  - iii. Areas where pets/domestic animals may frequent (i.e., public trails, dog parks, and zoos); and
  - iv. Waste disposal areas (e.g., active landfills, transfer stations).
- c. Within three (3) years of the EDC, *ADA MS4 outfalls*.

### 2. Public Education and Outreach

- a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the *MS4 Operator's* local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- b. Following the completion of Part VIII.C.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to pathogens to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the *MS4 Operator* type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

### 3. Public Involvement/Participation

No additional requirements.

#### 4. *Illicit Discharge Detection and Elimination*

Following the completion of Part VIII.C.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.C.1.b. for each associated *MS4 outfall*.

#### 5. *Construction Site Stormwater Runoff Control*

No additional requirements.

#### 6. *Post-Construction Stormwater Management*

No additional requirements.

#### 7. *Pollution Prevention and Good Housekeeping*

Following the completion of Part VIII.C.1:

##### a. *Infrastructure Maintenance*

- i. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to pathogen impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:
  - a) Uncurbed roads with no *catch basins*;
  - b) High-speed limited access highways; or
  - c) Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- ii. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

##### b. *Wildlife Control*

- i. Within six (6) months of the EDC, the *MS4 Operator* must identify *municipal facilities* with nuisance bird populations that have the potential to contribute pathogens (e.g., Canada Geese) and document those *municipal facilities* in the *SWMP Plan*.
- ii. Within six (6) months of the EDC, signage must be available at these municipal facilities, instructing the public not to feed wildlife. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- iii. Within six (6) months of the EDC, the *MS4 Operator* must remove accumulated trash and debris from *municipal* facilities when necessary to



eliminate potential food sources for wildlife. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

- iv. Within one (1) year of the EDC, *MS4 Operators* must evaluate the effectiveness of deterrents, population controls, and other measures that may reduce bird related pathogen contributions and document the results of the evaluation in the *SWMP Plan*.

#### c. *Animal Waste Control*

Within one (1) year of the EDC, the *MS4 Operator* must make dog waste receptacles available in areas where pets/domestic animals may frequent (e.g., public trails, dog parks). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

### 8. **Planned Upgrades to *Municipal Facilities in Sewersheds to Impaired Waters***

Incorporate, where feasible,<sup>68</sup> cost-effective runoff reduction techniques<sup>69</sup> during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

## D. **Pollutant Specific BMPs for Nitrogen**

Part VIII.D. must be implemented for all nitrogen impaired waters listed in Appendix C.

### 1. **Mapping**

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

- a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewerheds* for each:
  - i. *MS4 outfall*; and
  - ii. *ADA MS4 outfall*.
- b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:
  - i. Retail and wholesale plant nurseries (including big box stores);
  - ii. Commercial lawn care facilities; and

<sup>68</sup> Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

<sup>69</sup> Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

- iii. Golf courses.
- c. Within three (3) years of the EDC, *ADA MS4 outfalls*.

## 2. Public Education and Outreach

- a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the *MS4 Operator's* local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- b. Following the completion of Part VIII.D.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to nitrogen to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the *MS4 Operator* type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 3. Public Involvement/Participation

No additional requirements.

## 4. Illicit Discharge Detection and Elimination

Following the completion of Part VIII.D.1 , within five (5) years of the EDC, the *MS4 Operator* must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the *MS4 Operator* type) the number of each item identified in Part VIII.D.1.b for each associated *MS4 outfall*.

## 5. Construction Site Stormwater Runoff Control

Following the completion of Part VIII.D.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

- a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or
- b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

*MS4 Operators* must document the construction site inspections in the *SWMP Plan*.

## 6. Post-Construction Stormwater Management

No additional requirements.

## 7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.D.1:

- a. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to nitrogen impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:
  - i. Uncurbed roads with no *catch basins*;
  - ii. High-speed limited access highways; or
  - iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 8. Planned Upgrades to *Municipal Facilities in Sewersheds to Impaired Waters*

Incorporate, where feasible,<sup>70</sup> cost-effective runoff reduction techniques<sup>71</sup> during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

## E. Pollutant Specific BMPs for Floatables

Part VIII.E. must be implemented for all floatable impaired waters listed in Appendix C.

### 1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

- a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

<sup>70</sup> Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

<sup>71</sup> Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

- i. *MS4 outfall*; and
  - ii. *ADA MS4 outfall*.
- b. Within three (3) years of the EDC, *ADA MS4 outfalls*.

## 2. Public Education and Outreach

- a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the *MS4 Operator's* local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- b. Following the completion of Part VIII.E.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to floatables to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the *MS4 Operator* type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 3. Public Involvement/Participation

No additional requirements.

## 4. Illicit Discharge Detection and Elimination

No additional requirements.

## 5. Construction Site Stormwater Runoff Control

No additional requirements.

## 6. Post-Construction Stormwater Management

No additional requirements.

## 7. Pollution Prevention and Good Housekeeping

Following completion of Part VIII.E.1:

- a. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to floatables impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:
  - i. Uncurbed roads with no *catch basins*;
  - ii. High-speed limited access highways; or

- iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

#### **8. Planned Upgrades to *Municipal Facilities in Sewersheds to Impaired Waters***

Incorporate, where feasible,<sup>72</sup> cost-effective runoff reduction techniques<sup>73</sup> during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

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<sup>72</sup> Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

<sup>73</sup> Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

## Part IX. Watershed Improvement Strategy Requirements for TMDL Implementation

Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type. Part IX. requirements apply in the watersheds where the *Department* developed implementation plans for which USEPA has approved a TMDL (Table 3). Finalized TMDL implementation plans referenced in this Part are incorporated into and enforceable under this *SPDES* general permit.

*MS4 Operator's* subject to Part IX. that implement TMDL specific *BMPs* after the EDC but prior to *MS4* infrastructure and *sewershed* mapping can use those *BMPs* to satisfy the permit requirements in this section.

The Part IX. requirements must be incorporated in the *MS4 Operator's SWMP* and *SWMP Plan*.

### A. NYC East of Hudson Phosphorus Impaired Watershed *MS4s*

| <b>Table 4. Phosphorus Impaired Watershed(s)</b> |   |  |  |
|--|---|--|--|
| <b>Areas where requirements apply</b>            | <b>New York City East of Hudson (EOH)</b>   |  |  |
| EPA Approved TMDL                                | <i>Phase II Phosphorus TMDLs for Reservoirs in the NYC Watershed, June 2000</i>   | <i>Total Maximum Daily Load (TMDL) for Phosphorus in Lake Carmel, October 2016</i> | <i>Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake,<sup>2</sup> March 2015</i> |
| Implementation Plan                              | Croton Watershed Phase II TMDL Implementation Plan (January 2009)   |  |  |
| <i>POC</i>                                       | Phosphorus  |  |  |
| Area where requirements Apply                    | NYC EOH Watershed   |  |  |
| Achievement of <i>Pollutant Load Reduction</i>   | Continued <i>retrofit</i> implementation to achieve the pollutant load reduction specified in that Phase II Implementation Plan |  |  |

*MS4 Operators* located within the watersheds listed in Table 4 must *develop* and implement the following phosphorus-specific *BMPs* in addition to the Croton Watershed Phase II TMDL Implementation Plan (January 2009) and the applicable requirements in Part VI. or Part VII, depending on the *MS4 Operator* type.

## 1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

- a. Within three (3) years of the EDC, areas with potential to contribute phosphorus to the TMDL waterbody, which include:
  - i. Retail and wholesale plant nurseries (including big box stores);
  - ii. Commercial lawn care facilities;
  - iii. Golf courses;
  - iv. Commercial or industrial yard waste storage areas (e.g., yard waste composting and disposal areas); and
  - v. *MS4* infrastructure with a history of issues (e.g., clogged infrastructure, infiltration and inflow (I/I)).
- b. Within three (3) years of the EDC, the following information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):
  - i. Type;<sup>74</sup> and
  - ii. Ownership.

## 2. Public Education and Outreach on Stormwater Impacts

- a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the *MS4 Operator's* local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- b. Following the completion of Part IX.A.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus to the applicable target audiences within the TMDL watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the *MS4 Operator* type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 3. Public Involvement/Participation

No additional requirements.

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<sup>74</sup> Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).



#### 4. **Illicit Discharge Detection and Elimination**

##### a. Inventory of Potential Phosphorus Sources

Following the completion of Part IX.A.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part IX.A.1.a. for each associated *MS4 outfall*.

##### b. On-site wastewater systems

The *MS4 Operator* must *develop*, implement, and enforce a program that ensures on-site wastewater systems (i.e., septic tanks, cesspools, absorption fields or distribution systems) are properly operated and do not contribute *pollutants* to the *MS4*. To ensure this, the *MS4 Operator* must:

- i. Once every five (5) years, ensure that residential septic tanks/cesspools are pumped out and system components (i.e., septic tanks, cesspools and installed absorption field) are inspected;
- ii. Ensure the following information is collected and document the completion of this requirement in the *SWMP Plan*:
  - a) Individual performing inspection;
  - b) Inspection date;
  - c) Address;
  - d) Location of system on property; and
  - e) Evidence of failed systems.
- iii. Refer failures to the appropriate agency to ensure corrective actions are taken; and
- iv. Eliminate *illicit discharges* from on-site wastewater systems to the *MS4* in accordance with the time frames specified in Part VI.C.3. or Part VII.C.3, depending on the *MS4 Operator* type.

#### 5. **Construction Site Stormwater Runoff Control**

- a. The *MS4 Operator* must include construction projects that disturb between 5000 square feet (sf) and one (1) acre in the construction site runoff control program as described in Part VI.D. or Part VII.D, depending on the *MS4 Operator* type. Construction projects meeting this threshold are low priority construction sites.
- b. The legal authority used to satisfy Part IV.E.2.b. must include the following language:

“Land activity is defined as *construction activity* including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5000 sf and activities disturbing less



- than 5000 sf of total land area that are part of a *larger common plan of development or sale* and will occur under one plan.”
- c. High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).
    - i. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or
    - ii. If the *MS4 Operator* utilizes the *qualified inspector’s* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

*MS4 Operators* must document the construction site inspections in the *SWMP Plan*.

## 6. Post-Construction Stormwater Management

- a. The *MS4 Operator* must require the use of the Enhanced Phosphorus Removal design standards contained in Chapter 10 of the NYS SWMDM 2015 for all new development and redevelopment projects that disturb greater than or equal to one (1) acre and construction projects less than one acre that are part of a larger common plan of development or sale.
- b. The legal authority used to satisfy Part IV.E. must also meet the following provisions:
 

Land development activities requiring water quantity and quality controls (post-construction *stormwater* runoff controls) must include: “Single-family home construction located in the NYC East of Hudson watershed” and “Single-family residential subdivisions located in the NYC East of Hudson watershed.”
- c. Requirements for SWPPPs that include post-construction *stormwater* controls must include: “Post-construction *SMPs* in the SWPPP must be designed in conformance with Chapter 10 of the NYS SWMDM 2015 for Enhanced Phosphorus Removal Design Standards.”
- d. Performance Standards must include the following enhanced stabilization requirements: “For construction sites located in the NYC East of Hudson watershed, where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected must be in conformance with the NYS E&SC 2016.”
- e. Inspections of land development activities during construction must include requirements for a *qualified inspector* to conduct two (2) site inspections every seven (7) calendar days for single-family homes, and single-family residential, subdivisions within the NYC East of Hudson watersheds.

- f. *Retrofit* program
- i. All *MS4 Operators* identified within the Croton Watershed Phase II TMDL Implementation Plan, January 2009, must continue to implement the *retrofit* program according to the following schedule:
    - a) Within one (1) year of the EDC, the *MS4 Operator* must submit to the *Department* a *retrofit* plan that identifies the following:
      - i) Project name;
      - ii) Location;
      - iii) Proposed *retrofit* type;
      - iv) Anticipated date for construction;
      - v) Estimated phosphorus reduction (using the criteria in the Croton Watershed Phase II TMDL Implementation Plan, January 2009); and
      - vi) Estimated total phosphorus reduction for all projects demonstrating they will meet the reduction specified in the Croton Watershed Phase II TMDL Implementation Plan, January 2009.
    - b) Within five (5) years of the EDC, all *retrofit* projects must be constructed to achieve the five (5) year phosphorus reduction assigned to the *MS4 Operator*, as required by the Croton Watershed Phase II TMDL Implementation Plan, January 2009.
  - ii. Annually, by December 31, *MS4 Operators* (or *RSE* representing *MS4 Operators* as described in Part III.B.2.b.) must submit to the *Department* any changes made to the *retrofit* plan including the information in Part IX.A.6.e.i.
  - iii. *MS4 Operators* must document the retrofit program in the *SWMP Plan* specifying:
    - a) Progress on *retrofit* projects already commenced; and
    - b) Identification of *retrofit* projects for the upcoming construction season; and
    - c) Certification that completed retrofit projects have been constructed in accordance with the *retrofit* plans.

## 7. Pollution Prevention/Good Housekeeping

- a. Twice a year, once from March to August and once from September to February, all *catch basins* located in the TMDL watershed(s) must be inspected (Part VI.F.3.c. or Part VII.F.3.c, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

- b. Following the completion of Part IX.A.1, annually, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:
  - i. Uncurbed roads with no *catch basins*;
  - ii. High-speed limited access highways;
  - iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- c. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 8. Planned Upgrades to *Municipal Facilities* in Watersheds to Impaired Waters

Incorporate, where feasible,<sup>75</sup> cost-effective runoff reduction techniques<sup>76</sup> during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

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<sup>75</sup> Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

<sup>76</sup> Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

## B. Other Phosphorus Impaired Watershed MS4s

| <b>Table 5. Other Phosphorus Impaired Watersheds</b> |   |   |  |
|--|---|---|--|
| <b>Area where Requirements Apply</b>                 | <b>Greenwood Lake</b>   | <b>Onondaga Lake</b>  | <b>Oscawana Lake</b>   |
| EPA Approved TMDL                                    | <i>Impaired Waters Restoration Plan for Greenwood Lake – Total Maximum Daily Load for Total Phosphorus, Sept 2005</i> | <i>Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012</i> | <i>Total Maximum Daily Load (TMDL) for Phosphorus in Lake Oscawana, September 2008</i> |
| Implementation Plan                                  | Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019  | None  | None   |
| <i>POC</i>   | Phosphorus  |   |  |
| Achievement of <i>Pollutant</i> Load Reduction       | In accordance with Implementation Plan  | In accordance with approved TMDL  | In accordance with approved TMDL   |

*MS4 Operators* located in the watersheds listed in Table 5 must *develop* and implement the following phosphorus-specific *BMPs* in addition to the applicable Implementation Plan and applicable requirements in Part VI. or Part VII, depending on the *MS4 Operator* type:

### 1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

- a. Within three (3) years of the EDC, include areas with potential to contribute phosphorus to the TMDL waterbody, which include:
  - i. Retail and wholesale plant nurseries (including big box stores);
  - ii. Commercial lawn care facilities;
  - iii. Golf courses; and
  - iv. Commercial or industrial yard waste storage areas (e.g., yard waste composting and disposal areas).
- b. Within three (3) years of the EDC, include the following information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):

- i. Type<sup>77</sup>; and
- ii. Ownership.

## 2. Public Education and Outreach on Stormwater Impacts

- a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- b. Following the completion of Part IX.B.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus to the applicable target audiences within the TMDL watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- c. Twice a permit term, separated by a minimum of one (1) year, the *MS4 Operator* must educate residential on-site wastewater system users on the on-site wastewater inspection program described in Part IX.B.4.c and proper maintenance practices. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

## 3. Public Involvement/Participation

No additional requirements.

## 4. Illicit Discharge Detection and Elimination

### a. Inventory of Potential Phosphorus Sources

Following the completion of Part IX.B.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.B.1.a. for each associated MS4 outfall.

### b. On-site wastewater systems

The *MS4 Operator* (with the exclusion of *MS4 Operators* located in the Onondaga Lake watershed) must *develop*, implement, and enforce a program that ensures residential on-site wastewater systems (i.e., septic tanks,

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<sup>77</sup> Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

cesspools, absorption fields or distribution systems) are properly operated and do not contribute *pollutants* to the *MS4*. The *MS4 Operator* must:

- i. Once every five (5) years, ensure that residential septic tanks/cesspools are pumped out and system components (i.e., septic tanks, cesspools and installed absorption field) are inspected;
- ii. Ensure the following information is collected and document the completion of this requirement in the *SWMP Plan*:
  - a) Individual performing inspection;
  - b) Inspection date;
  - c) Address;
  - d) Location of system on property;
  - e) Inspection rating (pass/fail);
  - f) Evidence of failed systems;
- iii. Refer failures to the appropriate agency to ensure corrective actions are taken; and
- iv. Eliminate *illicit discharges* from on-site wastewater systems to the *MS4* in accordance with the time frames specified in Part VI.C.3. or Part VII.C.3, depending on the *MS4 Operator* type.

## 5. Construction Site Stormwater Runoff Control

High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

- a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or
- b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

*MS4 Operators* must document the construction site inspections in the *SWMP Plan*.

## 6. Post Construction Stormwater Management

- a. The *MS4 Operator* must require the use of the Enhanced Phosphorus Removal design standards contained in Chapter 10 of the NYS SWMDM 2015 for all new development and redevelopment projects within the listed watersheds.
- b. The legal authority used to satisfy Part IV.E.2.b. must also include the following language requiring the use of the Enhanced Phosphorus Removal

Design Standards in accordance with the NYS SWMDM 2015 for the applicable watershed:

“Land development activities requiring water quantity and quality controls (post-construction *stormwater* runoff controls) must include: “Single-family home construction located in the <insert watershed name> watershed” and “Single-family residential subdivisions located in the <insert watershed name> watershed.”

- c. Requirements for SWPPPs that include post-construction *stormwater* controls must include: “Post-construction *SMPs* in the SWPPP must be designed in conformance with the Enhanced Phosphorus Removal Design Standards in the NYS SWMDM 2015.”
- d. Performance Standards must include the following enhanced stabilization requirements: “Where soil disturbance activity has temporarily or permanently ceased, the construction site is located in the <*insert watershed name*> watershed, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected must be in conformance with the Erosion Control Manual.”
- e. Inspections of land development activities during construction must include requirements for a *qualified inspector* to conduct two (2) site inspections every seven (7) calendar days for single-family homes and subdivisions within the <*insert watershed name*> watersheds.
- f. *Retrofit* program
  - i. All *MS4 Operators* identified within the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019, must continue to implement the *retrofit* program according to the following schedule:
    - a) Within one (1) year of the EDC, the *MS4 Operator* must submit to the *Department* a *retrofit* plan that identifies the following:
      - i) Project name;
      - ii) Location;
      - iii) Proposed *retrofit* type;
      - iv) Anticipated date for construction;
      - v) Estimated phosphorus reduction (using the criteria in the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019); and
      - vi) Estimated total phosphorus reduction for all projects demonstrating they will meet the reduction specified in the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019.
    - b) Within five (5) years of the EDC, all *retrofit* projects must be constructed to achieve the five (5) year phosphorus reduction assigned

to the *MS4 Operator*, as required by the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019.

- ii. Annually, by December 31, *MS4 Operators* (or *RSE* representing *MS4 Operators* as described in Part III.B.2.b.) must submit to the *Department* any changes made to the *retrofit* plan including the information in Part IX.A.6.e.i.
- iii. *MS4 Operators* must document the retrofit program in the *SWMP Plan* specifying:
  - a) Progress on *retrofit* projects already commenced; and
  - b) Identification of *retrofit* projects for the upcoming construction season; and
  - c) Certification that completed retrofit projects have been constructed in accordance with the *retrofit* plans.

## 7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.B.1:

- a. Annually, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:
  - i. Uncurbed roads with no *catch basins*;
  - ii. High-speed limited access highways; or
  - iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- c. Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.



## 8. Planned Upgrades to *Municipal Facilities in Watersheds to Impaired Waters*

Incorporate, where feasible,<sup>78</sup> cost-effective runoff reduction techniques<sup>79</sup> during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

## C. Pathogen Impaired Watersheds *MS4s*

No Pathogen TMDL requirements.

## D. Nitrogen Impaired Watershed *MS4s*

| <b>Table 6. Nitrogen Impaired Watershed(s)</b> |   |
|--|---|
| <b>Area where Requirements Apply</b>           | <b>Peconic</b>  |
| EPA Approved TMDL                              | <i>TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries (September 2007)</i> |
| Implementation Plan                            | <i>TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries (September 2007)</i> |
| <i>POC</i>                                     | Nitrogen  |
| <i>Pollutant Load Reduction</i>                | In accordance with approved TMDL  |
| Waterbodies                                    | Terrys Creek & Tributaries  |
|  | Meetinghouse Creek  |
|  | Western Flanders Bay & Lower Sawmill Creek  |
|  | Lower Peconic River and tidal tributaries   |

<sup>78</sup> Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

<sup>79</sup> Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

*MS4 Operators* located in the watersheds listed in Table 6 must *develop* and implement the following nitrogen-specific *BMPs* in addition to the applicable Implementation Plan and applicable requirements in Part VI. or Part VII, depending on the *MS4 Operator* type:

## 1. Mapping

Within three (3) years of the EDC, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24000 or finer, the comprehensive system mapping (Part IV.D.) to include:

- a. Areas with potential to contribute nitrogen to the *TMDL* waterbody, which include:
  - i. Retail and wholesale plant nurseries (including big box stores);
  - ii. Commercial lawn care facilities;
  - iii. Golf courses; and
  - iv. Commercial or Industrial yard waste storage areas (e.g., yard waste composting and disposal areas).
- b. Information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):
  - i. Type;<sup>80</sup> and
  - ii. Ownership of *SMP*.

## 2. Public Education and Outreach on Stormwater Impacts

- a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the *MS4 Operator's* local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- b. Following the completion of Part IX.D.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to nitrogen to the applicable target audiences within the *TMDL* watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the *MS4 Operator* type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

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<sup>80</sup> Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

### 3. Public Involvement/Participation

No additional requirements.

### 4. Illicit Discharge Detection and Elimination

Following the completion of Part IX.D.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.D.1.a. for each associated MS4 outfall.

### 5. Construction Site Stormwater Runoff Control

High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

- a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or
- b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

*MS4 Operators* must document the construction site inspections in the *SWMP Plan*.

### 6. Post-Construction Stormwater Management

The *MS4 Operator* must ensure on-site retention of the 1-year storm or greater from new development or redevelopment projects using runoff reduction techniques<sup>81</sup> selected from the NYS SWMDM 2015.

### 7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.D.1:

- a. Annually, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:
  - i. Uncurbed roads with no *catch basins*;
  - ii. High-speed limited access highways; or
  - iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

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<sup>81</sup> Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

- b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.
- c. Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

#### **8. Planned Upgrades to *Municipal Facilities* in Watersheds to Impaired Waters**

Incorporate, where feasible,<sup>82</sup> cost-effective runoff reduction techniques<sup>68</sup> during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

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<sup>82</sup> Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

## Part X. Standard Permit Conditions

For the purposes of this *SPDES* general permit, examples of contractors and subcontractors include:

### A. Duty to Comply

The owner/operator, and all contractors or subcontractors, must comply with all terms and conditions of this *SPDES* general permit. Any non-compliance with the terms and conditions of this *SPDES* general permit constitutes a violation of the New York State Environmental Conservation Law, and its implementing regulations, and is grounds for enforcement action. Filing of a request for transfer or termination of coverage under this *SPDES* general permit, or a notification of planned changes or anticipated non-compliance, does not limit, diminish or stay compliance with any terms and conditions of this *SPDES* general permit.

### B. Need to Halt or Reduce Activity is Not a Defense

The necessity to halt or reduce the activity regulated by this *SPDES* general permit, in order to maintain compliance with the conditions of this *SPDES* general permit, shall not be a defense in an enforcement action.

### C. Penalties

There are substantial criminal, civil, and administrative penalties associated with violating the terms and conditions of this *SPDES* general permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

### D. False Statements

Any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this *SPDES* general permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished in accordance with New York State Environmental Conservation Law §71-1933 and or New York State Penal Law Articles 175 and 210.

### E. Reopener Clause

Upon issuance of this *SPDES* general permit, a determination has been made on the basis of a submitted Notice of Intent, plans, or other available information, that compliance with the specified general permit terms and conditions will reasonably protect classified water use and assure compliance with applicable *water quality standards*. Satisfaction of the conditions of this *SPDES* general permit notwithstanding, if operation pursuant to this *SPDES* general permit causes or contributes to a condition in contravention of State *water quality standards* or guidance values, or if the *Department* determines that a modification is necessary to prevent impairment of the best use of the waters or to assure maintenance of *water*

*quality standards* or compliance with other provisions of New York State Environmental Conservation Law Article 17 or the Clean Water Act, or any regulations adopted pursuant thereto, the *Department* may require such modification and the Commissioner may require abatement action to be taken by the owner/operator and may also prohibit such operation until the modification has been implemented.

## F. Duty to Mitigate

The owner/operator, and its contractors and subcontractors, shall take all reasonable steps to minimize or prevent any *discharge* in violation of this *SPDES* general permit which has a reasonable likelihood of adversely affecting human health or the environment.

## G. Requiring Another General Permit or Individual *SPDES* Permit

The *Department* may require any discharger authorized to *discharge* in accordance with this *SPDES* general permit to apply for and obtain an individual *SPDES* permit or apply for authorization to *discharge* in accordance with another general permit.

- (1) Cases where an individual *SPDES* permit or authorization to *discharge* in accordance with another general permit may be required include, but is not limited to the following:
- (i) the discharger is not in compliance with the conditions of this *SPDES* general permit or does not meet the criteria for coverage under this *SPDES* general permit;
  - (ii) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of *pollutants* applicable to the point source;
  - (iii) new effluent limitation guidelines or new source performance standards are promulgated that are applicable to point sources authorized to *discharge* in accordance with this *SPDES* general permit;
  - (iv) existing effluent limitation guidelines or new source performance standards that are applicable to point sources authorized to *discharge* in accordance with this *SPDES* general permit are modified;
  - (v) a water quality management plan containing requirements applicable to such point sources is approved by the *Department*;
  - (vi) circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this *SPDES* general permit, or either a temporary or permanent reduction or elimination of the authorized *discharge* is necessary;
  - (vii) the *discharge* is in violation of section 17-0501 of the New York State Environmental Conservation Law;
  - (viii) the *discharge(s)* is a significant contributor of *pollutants*. In making this determination, the *Department* may consider the following factors:

- (a) the location of the *discharge(s)* with respect to waters of New York State;
  - (b) the size of the *discharge(s)*;
  - (c) the quantity and nature of the *pollutants discharged* to waters of New York State; and
  - (d) other relevant factors including compliance with other provisions of New York State Environmental Conservation Law Article 17, or the Clean Water Act.
- (1) When the *Department* requires any discharger authorized by this *SPDES* general permit to apply for an individual *SPDES* permit as provided for in this subdivision, it shall notify the discharger in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner/operator to file the application for an individual *SPDES* permit, and a deadline, not sooner than 180 days from the owner/operator's receipt of the notification letter, whereby the authorization to discharge under this *SPDES* general permit shall be terminated. The *Department* may grant additional time upon demonstration, to the satisfaction of the Regional Water Engineer, that additional time to apply for an alternative authorization is necessary or where the *Department* has not provided a permit determination in accordance with 6 NYCRR Part 621.
- (2) When an individual *SPDES* permit is issued to a discharger authorized to *discharge* under this *SPDES* general permit for the same *discharge(s)*, this *SPDES* general permit authorization for outfalls authorized under the individual *SPDES* permit is automatically terminated on the effective date of the individual *SPDES* permit unless termination is earlier in accordance with 6 NYCRR Part 750.

## H. Duty to Provide Information

The owner/operator shall furnish to the *Department*, within five (5) business days, unless otherwise set forth by the *Department*, any information that the *Department* may request to determine whether cause exists to determine compliance with this *SPDES* general permit or to determine whether cause exists for requiring an individual *SPDES* permit in accordance with 6 NYCRR 750-1.211 (see G. Requiring Another General Permit or Individual Permit). The owner/operator shall make available to the *Department*, for inspection and copying, or furnish to the *Department* within 25 business days of receipt of a *Department* request for such information, any information retained in accordance with this *SPDES* general permit. Where the owner/operator becomes aware that it failed to submit any relevant facts on the Notice of Intent, or submitted incorrect information in a Notice of Intent or in any report to the *Department*, the owner/operator shall promptly submit such facts or corrected information to the *Department*.

## I. Extension

In the event a new *SPDES* general permit is not issued prior to the expiration of this *SPDES* general permit, and this *SPDES* general permit is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, then the owner/operator



with coverage under this *SPDES* general permit may continue to operate and *discharge* in accordance with the terms and conditions of this *SPDES* general permit until a new *SPDES* general permit is issued.

## J. Signatories and Certification

The Notice of Intent, Notice of Termination and reports required by this *SPDES* general permit shall be signed as provided in 40 CFR §122.22

- (a) All Notices of Intent and Notices of Termination shall be signed as follows:
- (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
    - (ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Notice of Intent or Notice of Termination requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: The *Department* does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR §122.22(a)(1)(i). The *Department* will presume that these responsible corporate officers have the requisite authority to sign the Notice of Intent or Notice of Termination unless the corporation has notified the *Department* to the contrary. Corporate procedures governing authority to sign a Notice of Intent or Notice of Termination may provide for assignment or delegation to applicable corporate positions under 40 CFR §122.22(a)(1)(ii) rather than to specific individuals.
  - (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
  - (3) For a *municipality*, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - (i) The chief executive officer of the agency, or
    - (ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).



- (b) All reports required by this *SPDES* general permit, and other information requested by the *Department* shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in (a);
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position.), and
  - (3) The written authorization is submitted to the *Department*.
- (c) Changes to authorization. If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or activity, a new authorization satisfying the requirements of (b) must be submitted to the *Department* prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) Certification. Any person signing a document under (a) or (b) shall make the following certification:
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*
- (e) Electronic reporting. If documents described in (a) or (b) are submitted electronically by or on behalf of the activity with coverage under this *SPDES* general permit, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR Part 3 (including, in all cases, subpart D to Part 3) (Cross-Media Electronic Reporting) and 40 CFR Part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

## K. Inspection & Entry

The owner/operator shall allow the *Department*, the USEPA Regional Administrator, the applicable county health department, or any authorized representatives of those entities, upon the presentation of credentials and other documents as may be required by law, to:

- (a) enter upon the owner/operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this *SPDES* general permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this *SPDES* general permit, including records required to be maintained for purposes of operation and maintenance;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this *SPDES* general permit;
- (d) sample or monitor at reasonable times, for the purposes of assuring *SPDES* general permit compliance or as otherwise authorized by the Clean Water Act or New York State Environmental Conservation Law, any substances or parameters at any location; and
- (e) enter upon the property of any contributor to the regulated facility or activity under authority of the owner/operator.

#### **L. Confidentiality of Information**

The following shall not be held confidential: this *SPDES* general permit, the fact sheet for this *SPDES* general permit, the name and address of any owner/operator, effluent data, the Notice of Intent, and information regarding the need to obtain an individual permit or an alternative general permit. This includes information submitted on forms themselves and any attachments used to supply information required by the forms (except information submitted on usage of substances). Upon the request of the owner/operator, the *Department* shall make determinations of confidentiality in accordance with 6 NYCRR Part 616, except as set forth in the previous sentence. Any information accorded confidential status shall be disclosed to the Regional Administrator upon his or her written request. Prior to disclosing such information to the Regional Administrator, the *Department* will notify the Regional Administrator of the confidential status of such information.

#### **M. Other Permits May Be Required**

Nothing in this *SPDES* general permit relieves the owner/operator from a requirement to obtain any other permits required by law.

#### **N. Property Rights**

Coverage under this *SPDES* general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining the assent of any other jurisdiction as required by law for the *discharge* authorized.

#### **O. Compliance with Interstate Standards**

If the activity covered by this *SPDES* general permit originates within the jurisdiction of an interstate water pollution control agency, then the activity must also comply

with any applicable effluent standards or *water quality standards* promulgated by that interstate agency and as set forth in this *SPDES* general permit for such activities.

#### **P. Oil & Hazardous Substance Liability**

Coverage under this *SPDES* general permit does not affect the imposition of responsibilities upon, or the institution of any legal action against, the owner or operator under section 311 of the Clean Water Act, which shall be in conformance with regulations promulgated pursuant to section 311 governing the applicability of section 311 of the Clean Water Act to *discharges* from facilities with NPDES permits, nor shall such issuance preclude the institution of any legal action or relieve the owner or operator from any responsibilities, liabilities, or penalties to which the owner or operator is or may be subject pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq. (CERCLA).

#### **Q. Severability**

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

## Appendix A. Acronyms and Definitions

### Acronym List

BMP – Best Management Practice

CFR – Code of Federal Regulations

CGP – SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001

CWA – Clean Water Act

ECL – Environmental Conservation Law

EDC – Effective Date of Coverage

EDP – Effective Date of the Permit

eNOI – Electronic Notice of Intent

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

ERP – Enforcement Response Plan

IDDE – Illicit Discharge Detection and Elimination

MCM – Minimum Control Measure

MS4 – Municipal Separate Storm Sewer System

MS4 GP – SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001

MSGP – SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001

NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System

NYCRR – New York Codes, Rules and Regulations

NYS DEC – New York State Department of Environmental Conservation

O&M – Operations and Maintenance

ORI – Outfall Reconnaissance Inventory

POC – Pollutant of Concern

RSE – Regional Stormwater Entity

SPDES – State Pollutant Discharge Elimination System

SMP – Stormwater Management Practice

SWMP – Stormwater Management Program

SWMP Plan – Stormwater Management Program Plan

SWPPP – Stormwater Pollution Prevention Plan

TMDL – Total Maximum Daily Load

USEPA – United States Environmental Protection Agency

## Definitions

All definitions in this section are solely for the purposes of this permit. If a word is not defined below, use it how it is commonly defined.

**Additionally Designated Areas** – those areas that meet the additional designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (*MS4s*), January 2010, revised January 2023 and found in Appendix B.

**Additionally Designated Area MS4 Outfall (ADA MS4 outfall)** – any point of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow, to impaired waters listed in Appendix C from an *MS4 Operator's MS4*. Areas of *sheet flow* which drain to impaired waters listed in Appendix C are not considered *ADA MS4 outfalls*.

**Automatically Designated Areas** – those areas served by *MS4s* that meet the automatic designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (*MS4s*), January 2010, revised January 2023 and found in Appendix B.

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

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

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

**Department** – the New York State *Department* of Environmental Conservation as well as meaning the *Department's* designated agent.

**Develop (Developed)** – for *MS4 Operators* continuing coverage, *develop* means to continue to implement their current SWMP and update the SWMP to comply with the permit requirement; for newly designated *MS4 Operators*, *develop* means to create that permit requirement.

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

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

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

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

**Industrial Activity** – the eleven (11) categories of industrial activities included in the definition of “*stormwater discharges* associated with industrial activity,” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

**Interconnection** – any point of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow, where the *MS4 Operator's MS4* is *discharging* to another *MS4* or private storm sewer system. Areas of *sheet flow* which drain to another *MS4* or private storm sewer system are not considered *interconnections*.

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

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

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

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

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

**Municipal (Municipally)** – a county, town, city, village, district corporation, special improvement district, sewer authority or agency thereof. Examples of other public entities that are included in this program include State University Campuses, federal and State prisons, State and federal hospitals, Dormitory Authorities, public housing authorities, school and other special districts.

**Municipal Facility** – an *MS4 Operator* owned and/or operated facility with the potential to *discharge* pollutants to the *MS4* and/or *surface water of the State* of the State.

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

**Municipal Operations (Operations)** – activities conducted by the *MS4 Operator* with the potential to discharge pollutants to the *MS4* and/or *surface water of the State*.

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

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

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

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

**Non-traditional MS4 Operators**– state, federal, county and other publicly owned properties such as state university campuses, prisons, office complexes, hospitals, military installations public housing authorities, school and other special districts.



**Obvious Illicit Discharge** –an *illicit discharge* from a flowing *MS4 outfall* that does not require sample collection for confirmation; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Outfall Characterization.

**Physical Indicator Present in the Flow** – a sensory indicator present in the *discharge* from *monitoring location* including odor, color, turbidity and floatables; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 4: Physical Indicators for Flowing Monitoring Locations Only.

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

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

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

**Privately Owned/Operated** – not owned/operated by the *MS4 Operator* or another *MS4 Operator*.

**Publicly Owned/Operated** – owned/operated by the *MS4 Operator*.

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

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct

supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other *Department* endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect must receive four (4) hours of training every three (3) years.

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

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

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

**Qualifying Storm Event** – a storm event with at least 0.1 inch of precipitation, providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived if the preceding measurable storm did not result in a *stormwater discharge* (e.g., a storm events in excess of 0.1 inches may not result in a *stormwater discharge* at some facilities), or if the *MS4 Operator* is able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

**Regional Stormwater Entity (RSE)** – an organization made up of multiple cooperating regulated and/or nonregulated entities located in the same geographical region of the State who share resources to improve overall *stormwater* management in their area.

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

**Sheet Flow** – *stormwater* runoff flowing in a thin layer over the ground surface.

**Sizing Criteria** – the criteria included in the CGP that are used to size post-construction *stormwater* management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), Overbank Flood (Qp), and Extreme Flood (Qf).

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

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

**Stormwater Hotspots** - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical *stormwater* runoff, based on monitoring studies. For further detail, see Section 4.11 of the NYS SWMDM 2015.

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

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

**Stormwater Management Program Plan (SWMP Plan)** – is used by the *MS4 Operator* to document and detail the activities and measures that will be implemented to meet the terms and conditions of this *SPDES* general permit. The *SWMP Plan* must be updated during the permit term as the *MS4 Operator's* activities are modified to meet permit conditions. The *SWMP Plan* can be hardcopy or digital.

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

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

**Surface Water(s) of the State** – must be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that

do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

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

**Suspect Illicit Discharge** – an *illicit discharge* from flowing monitoring locations with high severity (score of 3) on one or more physical indicators based on the relative severity index of physical indicators for flowing *MS4 outfalls* only; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Outfall Characterization.

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

**Traditional Land Use Control *MS4 Operators*** – a city, town, or village with land use control authority.

**Traditional Non-land Use Control *MS4 Operators*** – any county agency without land use control.

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

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

## Appendix B. Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (MS4s), January 2010, revised January 2023

The universe of small *municipal* separate storm sewer systems (MS4s) is quite large. However, only a sub-set of small MS4s, referred to as “regulated” small MS4s, are covered by the Federal *stormwater* regulations. A small MS4 can be designated as a regulated MS4 through *automatic designation* by the USEPA or by meeting designation criteria developed by the NPDES permitting authority, the New York State Department of Environmental Conservation (*Department*) in New York State.

### Automatic Designation Criteria Required by USEPA

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

### Additional Designation Criteria

The USEPA requires the *Department* to develop a set of criteria for *additionally designated areas*. The following criteria, using a combination of population and environmental factors, have been adopted to designate additional MS4s in NYS.

Criterion 1: *MS4s discharging* to waters for which an USEPA-approved Total Maximum Daily Load (TMDL) requires reduction of a *pollutant of concern* beyond what can be achieved with existing programs (and the area is not already covered under automatic designation).

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

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

## Appendix C. List of Impaired Waters

### NOTES FOR THE TABLE BELOW:

1. *MS4 Operators* must implement Part VIII.A. Pollutant Specific BMPs for Phosphorus for waterbodies with the pollutant listed as "phosphorus."
2. *MS4 Operators* must implement Part VIII.B. Pollutant Specific BMPs for Silt/Sediment for waterbodies with the pollutant listed as "silt/sediment."
3. *MS4 Operators* must implement Part VIII.C. Pollutant Specific BMPs for Pathogens for waterbodies with the pollutant listed as "pathogens" or "fecal coliform."
4. *MS4 Operators* must implement Part VIII.D. Pollutant Specific BMPs for Nitrogen for waterbodies with the pollutant listed as "nitrogen" or "ammonia."
5. *MS4 Operators* must implement Part VIII.E. Pollutant Specific BMPs for Floatables for waterbodies with the pollutant listed as "garbage & refuse," "oil/grease," or "oil & floating substances."

| County     | Waterbody Inventory/Priority Waterbody List Name (WI/PWL Number) | Pollutant        |
|------------|--|------------------|
| Albany     | Ann Lee (Shakers) Pond, Stump Pond (1201-0096)                   | Phosphorus       |
| Bronx      | Bronx River, Lower (1702-0006) 18                                | Fecal Coliform   |
| Bronx      | Bronx River, Lower (1702-0006) 18                                | Garbage & Refuse |
| Bronx      | Bronx River, Middle, and tribs (1702-0106) 18                    | Fecal Coliform   |
| Bronx      | Bronx River, Middle, and tribs (1702-0106) 18                    | Garbage & Refuse |
| Bronx      | Hutchinson River, Lower, and tribs (1702 0003) 18                | Garbage & Refuse |
| Bronx      | Long Island Sound, Western Portion (1702-0027)                   | Nitrogen         |
| Bronx      | Van Cortlandt Lake (1702-0008)                                   | Phosphorus       |
| Bronx      | Westchester Creek (1702-0012) 18                                 | Garbage & Refuse |
| Broome     | Minor Tribs to Lower Susquehanna (0603-0044)                     | Phosphorus       |
| Chautauqua | Chadakoin River and tribs (0202-0018)                            | Phosphorus       |
| Chautauqua | Lake Erie (Main Lake, South) (0105-0033)                         | Fecal Coliform   |
| Chautauqua | Lake Erie, Dunkirk Harbor (0105-0009)                            | Fecal Coliform   |
| Dutchess   | Fallkill Creek (1301-0087)                                       | Phosphorus       |
| Dutchess   | Wappingers Lake (1305-0001)                                      | Phosphorus       |
| Dutchess   | Wappingers Lake (1305-0001)                                      | Silt/Sediment    |
| Erie       | Delaware Park Pond (0101-0026)                                   | Phosphorus       |
| Erie       | Ellicott Creek, Lower, and tribs (0102-0018)                     | Phosphorus       |
| Erie       | Ellicott Creek, Lower, and tribs (0102-0018)                     | Silt/Sediment    |

|          |   |                      |
|----------|---|----------------------|
| Erie     | Green Lake (0101-0038)                              | Phosphorus           |
| Erie     | Lake Erie (Main Lake, North) (0104-0037)            | Fecal Coliform       |
| Erie     | Lake Erie (Northeast Shoreline) (0104-0036)         | Fecal Coliform       |
| Erie     | Rush Creek and tribs (0104-0018)                    | Fecal Coliform       |
| Erie     | Rush Creek and tribs (0104-0018)                    | Phosphorus           |
| Erie     | Scajaquada Creek, Lower, and tribs (0101-0023)      | Fecal Coliform       |
| Erie     | Scajaquada Creek, Lower, and tribs (0101-0023)      | Oils & Floating Sub. |
| Erie     | Scajaquada Creek, Lower, and tribs (0101-0023)      | Phosphorus           |
| Erie     | Scajaquada Creek, Middle, and tribs (0101-0033)     | Fecal Coliform       |
| Erie     | Scajaquada Creek, Middle, and tribs (0101-0033)     | Oils & Floating Sub. |
| Erie     | Scajaquada Creek, Middle, and tribs (0101-0033)     | Phosphorus           |
| Erie     | Scajaquada Creek, Upper, and tribs (0101-0034)      | Fecal Coliform       |
| Erie     | Scajaquada Creek, Upper, and tribs (0101-0034)      | Phosphorus           |
| Erie     | South Branch Smoke Cr, Lower, and tribs (0101-0036) | Phosphorus           |
| Erie     | South Branch Smoke Cr, Lower, and tribs (0101-0036) | Silt/Sediment        |
| Genesee  | Tonawanda Cr, Middle, Main Stem (0102-0002)         | Phosphorus           |
| Genesee  | Tonawanda Cr, Middle, Main Stem (0102-0006)         | Fecal Coliform       |
| Herkimer | Mohawk River, Main Stem (1201-0093)                 | Fecal Coliform       |
| Herkimer | Mohawk River, Main Stem (1201-0093)                 | Oils & Floating Sub. |
| Kings    | Coney Island Creek (1701-0008) 18                   | Fecal Coliform       |
| Kings    | Coney Island Creek (1701-0008) 18                   | Garbage & Refuse     |
| Kings    | Gowanus Canal (1701 0011) 18                        | Garbage & Refuse     |
| Kings    | Hendrix Creek (1701-0006) 18                        | Fecal Coliform       |
| Kings    | Hendrix Creek (1701-0006) 18                        | Garbage & Refuse     |
| Kings    | Hendrix Creek (1701-0006) 18                        | Nitrogen             |
| Kings    | Mill Basin and tidal tribs (1701 0178) 18           | Garbage & Refuse     |
| Kings    | Paerdegat Basin (1701-0363) 18                      | Garbage & Refuse     |
| Kings    | Prospect Park Lake (1701-0196)                      | Phosphorus           |
| Monroe   | Buck Pond (0301-0017)                               | Phosphorus           |
| Monroe   | Cranberry Pond (0301-0016)                          | Phosphorus           |

|        |  |                |
|--------|--|----------------|
| Monroe | Long Pond (0301-0015)                                | Phosphorus     |
| Monroe | Minor Tribs to Irondequoit Bay (0302-0038)           | Fecal Coliform |
| Monroe | Minor Tribs to Irondequoit Bay (0302-0038)           | Phosphorus     |
| Monroe | Rochester E–bayment - East (0302-0002)               | Fecal Coliform |
| Monroe | Rochester E–bayment - West (0301-0068)               | Fecal Coliform |
| Monroe | Thomas Creek/White Brook and tribs (0302-0023)       | Phosphorus     |
| Nassau | Beaver Lake (1702-0152)                              | Phosphorus     |
| Nassau | Camaans Pond (1701-0052)                             | Phosphorus     |
| Nassau | Cold Spring Harbor, and tidal tribs (1702-0018)      | Pathogens      |
| Nassau | Dosoris Pond (1702-0024)                             | Fecal Coliform |
| Nassau | East Bay (1701-0202)                                 | Fecal Coliform |
| Nassau | East Meadow Brook, Upper, and tribs (1701-0211)      | Silt/Sediment  |
| Nassau | East Rockaway Inlet (1701-0217)                      | Fecal Coliform |
| Nassau | Glen Cove Creek, Lower, and tribs (1702-0146)        | Fecal Coliform |
| Nassau | Glen Cove Creek, Lower, and tribs (1702-0146)        | Silt/Sediment  |
| Nassau | Grant Park Pond (1701-0054)                          | Phosphorus     |
| Nassau | Hempstead Bay (1701-0032)                            | Fecal Coliform |
| Nassau | Hempstead Harbor, north, and tidal tribs (1702-0022) | Pathogens      |
| Nassau | Hempstead Harbor, south, & tidal tribs (1702-0263)   | Fecal Coliform |
| Nassau | Hempstead Lake (1701-0015)                           | Phosphorus     |
| Nassau | Long Island Sound, Nassau County Waters (1702-0028)  | Fecal Coliform |
| Nassau | Long Island Sound, Nassau County Waters (1702-0028)  | Nitrogen       |
| Nassau | Manhasset Bay, and tidal tribs (1702-0021)           | Fecal Coliform |
| Nassau | Manhasset Bay, and tidal tribs (1702-0141)           | Fecal Coliform |
| Nassau | Massapequa Creek, Upper, and tribs (1701-0174)       | Fecal Coliform |
| Nassau | Massapequa Creek, Upper, and tribs (1701-0174)       | Phosphorus     |
| Nassau | Middle Bay (1701-0208)                               | Fecal Coliform |
| Nassau | Milburn/Parsonage Creeks, Upp, and tribs (1701-0212) | Phosphorus     |
| Nassau | Mill Neck Creek and tidal tribs (1702-0151)          | Pathogens      |
| Nassau | Oyster Bay Harbor (1702-0016)                        | Pathogens      |
| Nassau | Reynolds Channel, east (1701-0215)                   | Fecal Coliform |



|          |   |   |
|----------|---|---|
| Nassau   | Seafords/Seamans Creeks, Upper, and tribs (1701-0201) | Fecal Coliform                                |
| Nassau   | Shell Creek and Barnums Channel (1701-0213386)        | Fecal Coliform                                |
| Nassau   | South Oyster Bay (1701-0041)                          | Fecal Coliform                                |
| Nassau   | Tidal Tribs to Hempstead Bay (1701-0218)              | Fecal Coliform                                |
| Nassau   | Tidal Tribs to Hempstead Bay (1701-0218)              | Nitrogen                                      |
| Nassau   | Tidal Tribs to South Oyster Bay (1701-0200)           | Fecal Coliform                                |
| Nassau   | Tribes (fresh) to East Bay (1701-0204)                | Fecal Coliform                                |
| Nassau   | Tribes (fresh) to East Bay (1701-0204)                | Phosphorus                                    |
| Nassau   | Tribes (fresh) to East Bay (1701-0204)                | Silt/Sediment                                 |
| Nassau   | Tribes to Smith Pond/Halls Pond (1701-0221)           | Phosphorus                                    |
| Nassau   | Woodmere Channel (1701-0219)                          | Fecal Coliform                                |
| Nassau   | Woodmere Channel (1701-0219)                          | Nitrogen                                      |
| New York | East River, Lower (1702-0011) 18                      | Garbage & Refuse                              |
| New York | Harlem River (1702-0004) 18                           | Garbage & Refuse                              |
| New York | Harlem Meer (1702-0103)                               | Phosphorus                                    |
| New York | The Lake in Central Park (1702-0105)                  | Phosphorus                                    |
| Niagara  | Bergholtz Creek and tribs (0101-0004)                 | Fecal Coliform                                |
| Niagara  | Bergholtz Creek and tribs (0101-0004)                 | Phosphorus                                    |
| Niagara  | Hyde Park Lake (0101-0030)                            | Phosphorus                                    |
| Oneida   | Ballou, Nail Creeks (1201-0203)                       | Phosphorus                                    |
| Oneida   | Mohawk River, Main Stem (1201-0010)                   | Fecal Coliform                                |
| Oneida   | Mohawk River, Main Stem (1201-0094)                   | Fecal Coliform                                |
| Oneida   | Utica Harbor (1201-0228)                              | Fecal Coliform                                |
| Onondaga | Bloody Brook and tribs (0702 0006) 10                 | Fecal Coliform                                |
| Onondaga | Ley Creek and tribs (0702 0001) 10                    | Fecal Coliform                                |
| Onondaga | Ley Creek and tribs (0702-0001) 10                    | Ammonia (NH <sub>3</sub> )                    |
| Onondaga | Ley Creek and tribs (0702-0001) 10                    | Phosphorus                                    |
| Onondaga | Minor Tribs to Onondaga Lake (0702-0022) 10           | Nitrogen (NH <sub>3</sub> , NO <sub>2</sub> ) |
| Onondaga | Minor Tribs to Onondaga Lake (0702-0022) 10           | Phosphorus                                    |
| Onondaga | Minor Tribs to Onondaga Lake (0702-0022) 10           | Fecal Coliform                                |
| Onondaga | Onondaga Creek, Lower (0702-0023) 10                  | Ammonia (NH <sub>3</sub> )                    |
| Onondaga | Onondaga Creek, Lower (0702-0023) 10                  | Fecal Coliform                                |

|          |  |                  |
|----------|--|------------------|
| Onondaga | Onondaga Creek, Lower (0702-0023) 10                   | Phosphorus       |
| Onondaga | Onondaga Creek, Middle, and tribs (0702-0004) 10       | Fecal Coliform   |
| Onondaga | Onondaga Lake, Southern End (0702-0021) [10]           | Fecal Coliform   |
| Ontario  | Great Brook and minor tribs (0704-0034)                | Phosphorus 2     |
| Ontario  | Great Brook and minor tribs (0704-0034)                | Silt/Sediment    |
| Orange   | Greenwood Lake (1501-0001)                             | Phosphorus       |
| Orange   | Monhagen Brook and tribs (1306-0074)                   | Phosphorus       |
| Orange   | Orange Lake (1301-0008) [16]                           | Phosphorus       |
| Oswego   | Lake Neatahwanta (0701-0018)                           | Phosphorus       |
| Putnam   | Bog Brook Reservoir (1302-0041)                        | Phosphorus       |
| Putnam   | Boyd Corners Reservoir (1302-0045)                     | Phosphorus       |
| Putnam   | Croton Falls Reservoir (1302-0026)                     | Phosphorus       |
| Putnam   | Diverting Reservoir (1302-0046)                        | Phosphorus       |
| Putnam   | East Branch Reservoir (1302-0040)                      | Phosphorus       |
| Putnam   | Middle Branch Reservoir (1302-0009)                    | Phosphorus       |
| Putnam   | Oscawana Lake (1301-0035)                              | Phosphorus       |
| Putnam   | Palmer Lake (1302-0103)                                | Phosphorus       |
| Putnam   | West Branch Reservoir (1302-0022)                      | Phosphorus       |
| Queens   | Alley Creek/Little Neck Bay Trib (1702-0009) 18        | Fecal Coliform   |
| Queens   | Atlantic Ocean Coastline (1701-0014)                   | Fecal Coliform   |
| Queens   | Bergen Basin (1701-0009) 18                            | Fecal Coliform   |
| Queens   | Bergen Basin (1701-0009) 18                            | Garbage & Refuse |
| Queens   | Bergen Basin (1701-0009) 18                            | Nitrogen         |
| Queens   | East River, Upper (1702-0010) 18                       | Garbage & Refuse |
| Queens   | East River, Upper (1702-0032) 18                       | Garbage & Refuse |
| Queens   | Flushing Creek/Bay (1702 0005) 18                      | Garbage & Refuse |
| Queens   | Flushing Creek/Bay (1702-0005)                         | Nitrogen         |
| Queens   | Flushing Creek/Bay (1702-0005) 18                      | Fecal Coliform   |
| Queens   | Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18 | Fecal Coliform   |
| Queens   | Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18 | Garbage & Refuse |
| Queens   | Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18 | Nitrogen         |

|             |   |                  |
|-------------|---|------------------|
| Queens      | Kissena Lake (1702-0258)                              | Phosphorus       |
| Queens      | Little Neck Bay (1702-0029)                           | Fecal Coliform   |
| Queens      | Meadow Lake (1702-0030)                               | Phosphorus       |
| Queens      | Newtown Creek and tidal tribs (1702 0002) 18          | Garbage & Refuse |
| Queens      | Newtown Creek and tidal tribs (1702-0002) 18          | Fecal Coliform   |
| Queens      | Shellbank Basin (1701-0001) 18                        | Nitrogen         |
| Queens      | Spring Creek and tribs (1701-0361) 18                 | Garbage & Refuse |
| Queens      | Thurston Basin (1701-0152) 18                         | Fecal Coliform   |
| Queens      | Thurston Basin (1701-0152) 18                         | Garbage & Refuse |
| Queens      | Willow Lake (1702-0031)                               | Phosphorus       |
| Rensselaer  | Nassau Lake (1310-0001)                               | Phosphorus       |
| Richmond    | Arthur Kill, Class I, and minor tribs (1701 0010) 18  | Garbage & Refuse |
| Richmond    | Arthur Kill, Class SD, and minor tribs (1701-0182) 18 | Garbage & Refuse |
| Richmond    | Grassmere Lake/Bradys Pond (1701-0357)                | Phosphorus       |
| Richmond    | Kill Van Kull (1701 0184) 18                          | Garbage & Refuse |
| Richmond    | Newark Bay (1701 0183) 18                             | Garbage & Refuse |
| Richmond    | Raritan Bay, Class SA (1701-0002)                     | Fecal Coliform   |
| Rockland    | Congers Lake, Swartout Lake (1501-0019)               | Phosphorus       |
| Rockland    | Rockland Lake (1501-0021)                             | Phosphorus       |
| Rockland    | Sparkill Creek, Lower (1301-0088)                     | Fecal Coliform   |
| Saratoga    | Ballston Lake (1101-0036)                             | Phosphorus       |
| Saratoga    | Dwaas Kill and tribs (1101-0007)                      | Phosphorus       |
| Saratoga    | Dwaas Kill and tribs (1101-0007)                      | Silt/Sediment    |
| Saratoga    | Lake Lonely (1101-0034)                               | Phosphorus       |
| Saratoga    | Tribs to Lake Lonely (1101-0001)                      | Fecal Coliform   |
| Saratoga    | Tribs to Lake Lonely (1101-0001)                      | Phosphorus       |
| Schenectady | Collins Lake (1201-0077)                              | Phosphorus       |
| Schenectady | Duane Lake (1311-0006)                                | Phosphorus       |
| Schenectady | Mariaville Lake (1201-0113)                           | Phosphorus       |
| Suffolk     | Acabonack Harbor (1701-0047)                          | Pathogens        |
| Suffolk     | Agawam Lake (1701-0117)                               | Phosphorus       |
| Suffolk     | Beaverdam Creek and tribs (1701-0104)                 | Ammonia          |
| Suffolk     | Bellport Bay (1701-0320)                              | Pathogens        |

|         |  |                |
|---------|--|----------------|
| Suffolk | Big/Little Fresh Ponds (1701-0125)                   | Phosphorus     |
| Suffolk | Canaan Lake (1701-0018)                              | Phosphorus     |
| Suffolk | Canaan Lake (1701-0018)                              | Silt/Sediment  |
| Suffolk | Centerport Harbor (1702-0229)                        | Pathogens      |
| Suffolk | Conscience Bay and tidal tribs (1702-0091)           | Pathogens      |
| Suffolk | Flanders Bay, East/Center, and tribs (1701-0030)     | Pathogens      |
| Suffolk | Flanders Bay, West/Lower Sawmill Creek (1701-0254)   | Nitrogen       |
| Suffolk | Flanders Bay, West/Lower Sawmill Creek (1701-0254)   | Pathogens      |
| Suffolk | Flax Pond (1702-0240)                                | Fecal Coliform |
| Suffolk | Forge River, Lower and Cove (1701-0316)              | Fecal Coliform |
| Suffolk | Fresh Pond (1701-0241)                               | Phosphorus     |
| Suffolk | Goldsmith Inlet (1702-0026)                          | Pathogens      |
| Suffolk | Goose Creek (1701-0236)                              | Pathogens      |
| Suffolk | Great Cove (1701-0376)                               | Fecal Coliform |
| Suffolk | Great South Bay, East (1701-0039)                    | Nitrogen       |
| Suffolk | Great South Bay, Middle (1701-0040)                  | Nitrogen       |
| Suffolk | Great South Bay, West (1701-0173)                    | Nitrogen       |
| Suffolk | Hashamomuck Pond (1701-0162)                         | Pathogens      |
| Suffolk | Heady and Taylor Creeks and tribs (1701-0294)        | Pathogens      |
| Suffolk | Huntington Harbor (1702-0228)                        | Pathogens      |
| Suffolk | Lake Montauk (1701-0031)                             | Pathogens      |
| Suffolk | Lake Ronkonkoma (1701-0020)                          | Fecal Coliform |
| Suffolk | Lake Ronkonkoma (1701-0020)                          | Phosphorus     |
| Suffolk | Little Sebonac Creek (1701-0253)                     | Pathogens      |
| Suffolk | Long Island Sound, Suffolk Co, Central (1702-0265)   | Fecal Coliform |
| Suffolk | Mattituck Inlet/Cr, Low, and tidal tribs (1702-0020) | Pathogens      |
| Suffolk | Meetinghouse/Terrys Creeks and tribs (1701-0256)     | Pathogens      |
| Suffolk | Mill and Seven Ponds (1701-0113)                     | Phosphorus     |
| Suffolk | Millers Pond (1702-0013)                             | Phosphorus     |
| Suffolk | Moriches Bay, East (1701-0305)                       | Nitrogen       |
| Suffolk | Moriches Bay, West (1701-0038)                       | Nitrogen       |
| Suffolk | Mt Sinai Harbor and tidal tribs (1702-0019)          | Pathogens      |

|         |  |                |
|---------|--|----------------|
| Suffolk | Mud Creek, Upper, and tribs (1701-0101)              | Fecal Coliform |
| Suffolk | Narrow Bay (1701-0318)                               | Pathogens      |
| Suffolk | Nicoll Bay (1701-0375)                               | Fecal Coliform |
| Suffolk | North Sea Harbor and tribs (1701-0037)               | Pathogens      |
| Suffolk | Northport Harbor (1702-0230)                         | Pathogens      |
| Suffolk | Northwest Creek and tidal tribs (1701-0046)          | Pathogens      |
| Suffolk | Noyack Creek and tidal tribs (1701-0237)             | Pathogens      |
| Suffolk | Ogden Pond (1701-0302)                               | Pathogens      |
| Suffolk | Patchogue Bay (1701-0326)                            | Pathogens      |
| Suffolk | Peconic River, Lower, and tidal tribs (1701-0259)    | Nitrogen       |
| Suffolk | Peconic River, Lower, and tidal tribs (1701-0259)    | Pathogens      |
| Suffolk | Penniman Creek and tidal tribs (1701-0300)           | Pathogens      |
| Suffolk | Penny Pond, Wells and Smith Creeks (1701-0298)       | Pathogens      |
| Suffolk | Phillips Creek, Lower, and tidal tribs (1701-0299)   | Fecal Coliform |
| Suffolk | Port Jefferson Harbor, North, and tribs (1702-0015)  | Pathogens      |
| Suffolk | Quantuck Bay (1701-0042)                             | Pathogens      |
| Suffolk | Quantuck Bay (1701-0042)                             | Nitrogen       |
| Suffolk | Quantuck Canal/Moneybogue Bay (1701-0371)            | Pathogens      |
| Suffolk | Quogue Canal (1701-0301)                             | Fecal Coliform |
| Suffolk | Reeves Bay and tidal tribs (1701-0272)               | Pathogens      |
| Suffolk | Richmond Creek and tidal tribs (1701-0245)           | Pathogens      |
| Suffolk | Sag Harbor and Sag Harbor Cove (1701-0035)           | Pathogens      |
| Suffolk | Sebonac Cr/Bullhead Bay and tidal tribs (1701-0051)  | Pathogens      |
| Suffolk | Setauket Harbor (1702-0242)                          | Pathogens      |
| Suffolk | Shinnecock Bay and Inlet (1701 0033)                 | Nitrogen       |
| Suffolk | Stirling Creek and Basin (1701-0049)                 | Pathogens      |
| Suffolk | Stony Brook Harbor and West Meadow Creek (1702-0047) | Pathogens      |
| Suffolk | Tidal Tribs to Gr Peconic Bay, Northshr (1701-0247)  | Pathogens      |
| Suffolk | Tidal Tribs to West Moriches Bay (1701-0312)         | Fecal Coliform |
| Suffolk | Tidal Tribs to West Moriches Bay (1701-0312)         | Nitrogen       |
| Suffolk | Town/Jockey Creeks and tidal tribs (1701-0235)       | Pathogens      |
| Suffolk | Tuthill, Harts, Seatuck Coves (1701-0309)            | Pathogens      |
| Suffolk | Weesuck Creek and tidal tribs (1701-0111)            | Pathogens      |

|             |  |                |
|-------------|--|----------------|
| Suffolk     | West Creek and tidal tribs (1701-0246)               | Fecal Coliform |
| Suffolk     | Wooley Pond (1701-0048)                              | Pathogens      |
| Tompkins    | Cayuga Lake, Southern End (0705-0040)                | Phosphorus     |
| Tompkins    | Cayuga Lake, Southern End (0705-0040)                | Silt/Sediment  |
| Warren      | Hague Brook and tribs (1006-0006)                    | Silt/Sediment  |
| Warren      | Huddle/Finkle Brooks and tribs (1006-0003)           | Silt/Sediment  |
| Warren      | Indian Brook and tribs (1006-0002)                   | Silt/Sediment  |
| Warren      | Lake George (1006-0016) and tribs                    | Silt/Sediment  |
| Warren      | Tribs to Lake George, East Shore (1006-0020)         | Silt/Sediment  |
| Warren      | Tribs to Lake George, Lk. George Village (1006-0008) | Silt/Sediment  |
| Wayne       | Lake Ontario Shoreline, Central (0302-0044)          | Fecal Coliform |
| Westchester | Amawalk Reservoir (1302-0044)                        | Phosphorus     |
| Westchester | Bronx River, Upper, and tribs (1702-0107)            | Fecal Coliform |
| Westchester | Cross River Reservoir (1302-0005)                    | Phosphorus     |
| Westchester | Hutchinson River, Middle, and tribs (1702-0074)      | Fecal Coliform |
| Westchester | Hutchinson River, Middle, and tribs (1702-0074)      | Oil/Grease     |
| Westchester | Lake Katonah (1302-0136)                             | Phosphorus     |
| Westchester | Lake Lincolndale (1302-0089)                         | Phosphorus     |
| Westchester | Lake Meahagh (1301-0053)                             | Phosphorus     |
| Westchester | Lake Mohegan (1301-0149)                             | Phosphorus     |
| Westchester | Lake Shenorock (1302-0083)                           | Phosphorus     |
| Westchester | Larchmont Harbor (1702-0116)                         | Fecal Coliform |
| Westchester | Long Island Sound, Westchester Co Waters (1702-0001) | Fecal Coliform |
| Westchester | Long Island Sound, Westchester Co Waters (1702-0001) | Nitrogen       |
| Westchester | Mamaroneck Harbor (1702-0125)                        | Fecal Coliform |
| Westchester | Mamaroneck River, Lower (1702-0071)                  | Silt/Sediment  |
| Westchester | Mamaroneck River, Upp, & minor tribs (1702-0123)     | Silt/Sediment  |
| Westchester | Milton Harbor/Lower Blind Brook (1702-0063)          | Fecal Coliform |
| Westchester | Muscoot/Upper New Croton Reservoir (1302-0042)       | Phosphorus     |
| Westchester | New Croton Reservoir (1302-0010)                     | Phosphorus     |
| Westchester | New Rochelle Harbor (1702-0259)                      | Fecal Coliform |
| Westchester | Port Chester Harbor/Lower Byram River (1702-0260)    | Fecal Coliform |

|             |   |                |
|-------------|---|----------------|
| Westchester | Reservoir No.1/Lake Isle (1702-0075)          | Phosphorus     |
| Westchester | Saw Mill River (1301-0007)                    | Fecal Coliform |
| Westchester | Saw Mill River (1301-0007)                    | Phosphorus     |
| Westchester | Saw Mill River, Middle, and tribs (1301-0100) | Fecal Coliform |
| Westchester | Saw Mill River, Middle, and tribs (1301-0100) | Phosphorus     |
| Westchester | Sheldrake River (1702-0069)                   | Phosphorus     |
| Westchester | Sheldrake River (1702-0069)                   | Silt/Sediment  |
| Westchester | Silver Lake (1702-0040)                       | Phosphorus     |
| Westchester | Teatown Lake (1302-0150)                      | Phosphorus     |
| Westchester | Titicus Reservoir (1302-0035)                 | Phosphorus     |
| Westchester | Truesdale Lake (1302-0054)                    | Phosphorus     |
| Westchester | Wallace Pond (1301-0140)                      | Phosphorus     |

## Appendix D. Forms

Included in this section are the following documents, in order:

- Monitoring Locations Inspection and Sampling Field Sheet
- Construction Site Inspection Report Form
- No Exposure Certification
- Municipal Facility Assessment Form
- Storm Event Data Form
- Visual Monitoring Form



## Monitoring Locations Inspection and Sampling Field Sheet

### Section 1: Background Data

|   |                 |  |                |
|---|-----------------|--|----------------|
| Subwatershed:   |                 | Monitoring Location ID:  |                |
| Today's date:   |                 | Time (Military):   |                |
| Investigators:  |                 | Form completed by:   |                |
| Temperature (°F):   | Rainfall (in.): | Last 24 hours:   | Last 48 hours: |
| Latitude:   | Longitude:      | GPS Unit:  | GPS LMK #:     |
| Camera:   |                 | Photo #s:  |                |
| Land Use in Drainage Area (Check all that apply):   |                 |  |                |
| <input type="checkbox"/> Industrial<br><input type="checkbox"/> Ultra-Urban Residential<br><input type="checkbox"/> Suburban Residential<br><input type="checkbox"/> Commercial |                 | <input type="checkbox"/> Open Space<br><input type="checkbox"/> Institutional<br>Other: _____<br>Known Industries: _____ |                |
| Notes (e.g., origin, if known):   |                 |  |                |

### Section 2: Monitoring Location Description

| LOCATION                               | MATERIAL   | SHAPE   | DIMENSIONS (IN.)  | SUBMERGED   |
|--|--|---|---|---|
| <input type="checkbox"/> Closed Pipe   | <input type="checkbox"/> RCP <input type="checkbox"/> CMP<br><input type="checkbox"/> PVC <input type="checkbox"/> HDPE<br><input type="checkbox"/> Steel<br><input type="checkbox"/> Other: _____ | <input type="checkbox"/> Circular <input type="checkbox"/> Single<br><input type="checkbox"/> Elliptical <input type="checkbox"/> Double<br><input type="checkbox"/> Box <input type="checkbox"/> Triple<br><input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ | Diameter/Dimensions:<br>_____                           | In Water:<br><input type="checkbox"/> No<br><input type="checkbox"/> Partially<br><input type="checkbox"/> Fully<br><br>With Sediment:<br><input type="checkbox"/> No<br><input type="checkbox"/> Partially<br><input type="checkbox"/> Fully |
| <input type="checkbox"/> Open drainage | <input type="checkbox"/> Concrete<br><input type="checkbox"/> Earthen<br><input type="checkbox"/> Rip-Rap<br><input type="checkbox"/> Other: _____   | <input type="checkbox"/> Trapezoid<br><input type="checkbox"/> Parabolic<br><input type="checkbox"/> Other: _____   | Depth: _____<br>Top Width: _____<br>Bottom Width: _____ |   |
| <input type="checkbox"/> In-Stream     | (applicable when collecting samples)   |   |   |   |
| Flow Present?                          | <input type="checkbox"/> Yes <input type="checkbox"/> No   |   | <i>If No, Skip to Section 5</i>                         |   |
| Flow Description<br>(if present)       | <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial  |   |   |   |

### Section 3: Quantitative Characterization

| FIELD DATA FOR FLOWING MONITORING LOCATIONS |                 |             |           |                  |
|---|-----------------|-------------|-----------|------------------|
| PARAMETER                                   | RESULT          | UNIT        | EQUIPMENT |                  |
| <input type="checkbox"/> Flow #1            | Volume          |             | Liter     | Bottle           |
|   | Time to fill    |             | Sec       |                  |
| <input type="checkbox"/> Flow #2            | Flow depth      |             | In        | Tape measure     |
|   | Flow width      | ____' ____" | Ft, In    | Tape measure     |
|   | Measured length | ____' ____" | Ft, In    | Tape measure     |
|   | Time of travel  |             | S         | Stopwatch        |
| Temperature                                 |                 |             | °F        | Thermometer      |
| pH  |                 |             | pH Units  | Test strip/Probe |
| Ammonia                                     |                 |             | mg/L      | Test strip       |

## Monitoring Locations Inspection and Sampling Field Sheet

### Section 4: Physical Indicators for Flowing Monitoring Locations Only

Are Any Physical Indicators Present in the flow?  Yes  No (If No, Skip to Section 5)

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

### Section 5: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations

Are physical indicators that are not related to flow present?  Yes  No (If No, Skip to Section 6)

| INDICATOR                  | CHECK if Present         | DESCRIPTION   | COMMENTS |
|----------------------------|--------------------------|---|----------|
| Monitoring Location Damage | <input type="checkbox"/> | <input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint<br><input type="checkbox"/> Corrosion  |          |
| Deposits/Stains            | <input type="checkbox"/> | <input type="checkbox"/> Oily <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other:   |          |
| Abnormal Vegetation        | <input type="checkbox"/> | <input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited   |          |
| Poor pool quality          | <input type="checkbox"/> | <input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen<br><input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other: |          |
| Pipe benthic growth        | <input type="checkbox"/> | <input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other:   |          |

### Section 6: Overall Monitoring Location Characterization

|   |
|---|
| <input type="checkbox"/> Unlikely <input type="checkbox"/> Potential (presence of two or more indicators) <input type="checkbox"/> Suspect (one or more indicators with a severity of 3) <input type="checkbox"/> Obvious |
|---|

### Section 7: Data Collection


|                                |   |
|--------------------------------|---|
| 1. Sample for the lab?         | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| 2. If yes, collected from:     | <input type="checkbox"/> Flow <input type="checkbox"/> Pool   |
| 3. Intermittent flow trap set? | <input type="checkbox"/> Yes <input type="checkbox"/> No      If Yes, type: <input type="checkbox"/> OBM <input type="checkbox"/> Caulk dam |

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



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|   |   |   |            |
|---|---|---|------------|
|  Department of Environmental Conservation |   | <b>New York State Department of Environmental Conservation</b><br><b>Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001</b> |            |
| Project Name:   |   | Date:   |            |
| Project Location:   |   | Weather:  |            |
| Permit # (if any): <b>NYR</b>   | Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No   | Entry Time:   | Exit Time: |
| Name of SPDES Permittee:  | Inspection Type: <input type="checkbox"/> NOT <input type="checkbox"/> Complaint<br><input type="checkbox"/> Compliance <input type="checkbox"/> Referral | MS4 Operator Name:<br><br>MS4 Permit ID: NYR20A   |            |
| Phone Number(s):  |   |   |            |
| On-site Representative(s) and Company(s):   |   |   |            |

**SPDES Authority**

| Yes No N/A   | Citation                       |
|--|--------------------------------|
| 1. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the project have permit coverage?   | GP-0-20-001: I.A & II. B       |
| 2. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing? | GP-0-20-001: II.D.2            |
| 3. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing?     | GP-0-20-001: II.D.2            |
| 4. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is an up-to-date copy of the signed SWPPP retained at the construction site?                 | GP-0-20-001: II.D.2. & III.A.4 |
| 5. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the SPDES General Permit retained at the construction site?                     | GP-0-20-001: II.D.2            |
| 6. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the NOI accurately report the number of acres to be disturbed?                          | GP-0-20-001: II.B.4            |

**SWPPP Content**

| Yes No N/A   | Citation               |
|--|------------------------|
| 7. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP describe and identify the erosion and sediment control measures to be employed?                   | GP-0-20-001: III.B.1.e |
| 8. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures?                | GP-0-20-001: III.B.1.i |
| 9. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP describe and identify the stormwater management practices to be employed?                         | GP-0-20-001: III.B.2   |
| 10. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?                    | GP-0-20-001: III.A.6   |
| 11. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP identify at least one trained individual from each contractor(s) and subcontractor(s) companies? | GP-0-20-001: III.A.6   |
| 12. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP include all the necessary Contractor Certification Statements and signatures?                    | GP-0-20-001: III.A.6   |
| 13. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is the SWPPP signed by the permittee?   | GP-0-20-001: VII.H.2   |
| 14. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)?        | GP-0-20-001: III.A.3   |
| 15. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do the SMPs conform to the Enhanced Phosphorus Removal Standards (projects in TMDL watersheds)?                 | GP-0-20-001: III.B.3   |

**Recordkeeping**

| Yes No N/A  | Citation                             |
|---|--------------------------------------|
| 16. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are self-inspections performed as required by the permit (weekly, or twice weekly for >5 acres disturbed)? | GP-0-20-001:IV.C.2.a. & b            |
| 17. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are the self-inspections performed and signed by a qualified inspector and retained on site?               | GP-0-20-001:II.C.2.,IV.C.6 & VII.H.3 |
| 18. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do the qualified inspector's reports include the minimum reporting requirements?                           | GP-0-20-001: IV.C.4                  |
| 19. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do inspection reports identify corrective measures that have not been implemented or are recurring?        | GP-0-20-001: IV.C.5                  |



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**Visual Observations**

| <b>Yes No N/A</b>   | <b>Citation</b>                                  |
|---|--|
| 20. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are all erosion and sediment control measures installed properly?                                      | GP-0-20-001: VII.L                               |
| 21. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are all erosion and sediment control measures being maintained properly?                               | GP-0-20-001: IV.A.1                              |
| 22. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Was written authorization issued for any disturbance greater than 5 acres?                             | GP-0-20-001: II.D.3                              |
| 23. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Have stabilization measures been implemented in inactive areas per Permit (>5acres) or ESC Standard?   | GP-0-20-001: II.D.3.b & III.B.1.f                |
| 24. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are post-construction stormwater management practices constructed/installed correctly?                 | GP-0-20-001: III.B.2                             |
| 25. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal? | GP-0-20-001: V.A.2                               |
| 26. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Was there a discharge from the site on the day of inspection?  |  |
| 27. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is there evidence that a discharge caused or contributed to a violation of water quality standards?    | ECL 17-0501, 6 NYCRR 703.2 &<br>GP-0-20-001: I.D |

**Water Quality Observations**

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

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

Describe any other water quality standards or permit violations:



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Additional Comments:

Photographs attached

|  |                              |
|--|------------------------------|
| Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory |                              |
| Name/Agency of Lead Inspector:   | Signature of Lead Inspector: |
| Names/Agencies of Other Inspectors:  |                              |



**Department of  
Environmental  
Conservation**

**NO EXPOSURE CERTIFICATION**

**For High Priority Municipal Facilities  
in SPDES MS4 General Permit, GP-0-24-001**

The completed No Exposure Certification must be documented in the SWMP Plan.  
*Please do not submit this form to the Department unless requested.*

**I. Owner/Facility Information**

Owner/Operator Name:

Mailing Address:

City/State/Zip:

Contact Name:

Phone No.:

Facility Name:

Street Address:

City/State/Zip:

County:

Latitude:

Longitude:

**II. Exposure Checklist**

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) If you answer "Yes" to any of these questions (1) through (11), you are not eligible for no exposure.

YES

NO

|   |   |  |  |
|---|---|--|--|
| 1 | Using, storing or cleaning machinery or equipment, and areas where residuals from using, storing or cleaning machinery or equipment remain and are exposed to stormwater            |  |  |
| 2 | Materials or residuals on the ground or in stormwater inlets from spills/leaks  |  |  |
| 4 | Material handling equipment (except adequately maintained vehicles)   |  |  |
| 5 | Materials or products during loading/unloading or transporting activities   |  |  |
| 6 | Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants) |  |  |
| 7 | Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers  |  |  |
| 8 | Materials or products handled/stored on roads or railways owned or maintained by the discharger   |  |  |
| 9 | Waste material (except waste in covered, non-leaking containers [e.g., dumpster])   |  |  |

**III. Certification**

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

Printed Name:

Title/Position:

Signature:

Date:



**Department of  
Environmental  
Conservation**

**Municipal Facility Assessment Form  
For SPDES MS4 General Permit,  
GP-0-24-001**

Assessments must be conducted by a person with the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and evaluate the effectiveness of best management practices required by the SPDES MS4 General Permit (GP-0-24-001).

MS4 Permit ID:

MS4 Operator Name:

Facility Name:

Facility Type:

Date:

Weather Conditions:

Is stormwater runoff present during this assessment?     Yes    No

Comments:

| <b>General</b>           |   | <b>Yes</b>               | <b>No</b>                |
|--------------------------|---|--------------------------|--------------------------|
| 1                        | Is this a high priority municipal facility?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2                        | If this is a high priority municipal facility, does the facility qualify for a No Exposure Certification? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3                        | If this is a high priority municipal facility, is there a completed SWPPP available?                      | <input type="checkbox"/> | <input type="checkbox"/> |
| 4                        | Does the facility have any MS4 outfalls?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5                        | Does the facility have any interconnections?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6                        | Does the facility have any municipal facility intraconnections?   | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments:                |   |                          |                          |
| <b>Good Housekeeping</b> |   | <b>Yes</b>               | <b>No</b>                |
| 7                        | Are paved surfaces free of trash, sediment, and/or debris?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 8                        | Date the paved area was last swept or vacuumed.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 9                        | Do outdoor waste receptacles have covers?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 10                       | Are the waste receptacles emptied on a regular basis?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 11                       | Are there signs of leaks, contaminants or overfilling at the waste receptacle area?                       | <input type="checkbox"/> | <input type="checkbox"/> |
| 12                       | Are the following facility areas free of accumulated trash, sediment, debris, contaminants, and spills:   | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | - Salt storage areas  | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | - Container storage areas   | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | - Maintenance areas   | <input type="checkbox"/> | <input type="checkbox"/> |

|   |   |                                     |                          |           |
|---|---|-------------------------------------|--------------------------|-----------|
|   | - Staging areas   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
|   | - Material stockpile areas  | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| Comments:                                   |   |                                     |                          |           |
| <b><u>Vehicle and Equipment Areas</u></b>   |   | <input type="checkbox"/> <u>N/A</u> | <b>Yes</b>               | <b>No</b> |
| 13  | Are vehicle/equipment parked indoors or under a roof?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 14  | Are vehicles/equipment washed in only designated areas?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 15  | Are vehicles washed regularly to remove contamination and prevent them from polluting stormwater?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 16  | Is all wash water treated in an oil water separator prior to discharge?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 17  | Is all wash water managed so it does not enter the MS4?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| Comments                                    |   |                                     |                          |           |
| <b><u>Vehicle/Equipment Maintenance</u></b> |   | <input type="checkbox"/> <u>N/A</u> | <b>Yes</b>               | <b>No</b> |
| 18  | Is equipment stored under shelter or elevated and covered?  | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 19  | Are fluids drained over a drip pan or pad?  | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 20  | Are funnels or pumps used when transferring fluids?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 21  | Are waste rags and used absorbent pads disposed of properly?  | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 22  | Are any vehicles and/or equipment leaking fluids?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 23  | Are drip pans immediately placed under leaks?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 24  | Are materials, equipment, and activities located so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas)? | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 25  | Are vehicles inspected daily for leaks?   |                                     |                          |           |
| Comments:                                   |   |                                     |                          |           |
| <b><u>Fueling areas</u></b>                 |   | <input type="checkbox"/> <u>N/A</u> | <b>Yes</b>               | <b>No</b> |
| 26  | Is fueling performed under a canopy or roof?  | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 27  | Are spill cleanup materials available at the fueling area?  | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 28  | Are breakaway valves used on fueling hoses?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 29  | Is the fueling handle lock disconnected so the operator must attend the fueling?  | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 30  | Is stormwater runoff from fueling area treated in an oil/water separator?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 31  | Is the fueling automatic stop inspected regularly to ensure it is working properly?   | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| 32  | Are all fuel deliveries monitored?  | <input type="checkbox"/>            | <input type="checkbox"/> |           |
| Comments:                                   |   |                                     |                          |           |



| <b><u>Salt Storage Piles or Pile Containing Salt</u></b> |   | <input type="checkbox"/> <u>N/A</u> | <b>Yes</b>               | <b>No</b>                |
|--|---|-------------------------------------|--------------------------|--------------------------|
| 33   | Is salt stored in a salt storage building or under a roof?  |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 34   | Are controls in place to minimize spills while adding or removing material from the pile?                 |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 35   | Are salt spills cleaned up promptly?  |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 36   | Is overflow and tracked salt removed promptly from loading areas?   |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 37   | Is stormwater draining away from the salt pile directed to a vegetated filter area                        |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments:  |   |                                     |                          |                          |
| <b><u>Fluids Management</u></b>                          |   | <input type="checkbox"/> <u>N/A</u> | <b>Yes</b>               | <b>No</b>                |
| 38   | Are all drums and containers of fluids stored with proper cover and containment?                          |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 39   | Are fluids stored in appropriate containers and/or storage cabinets?                                      |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 40   | Are all fluids kept in original containers or labeled in a manner that describes the contents adequately? |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 41   | Are Material Safety Data Sheets (MSDS/SDS) readily available?   |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 42   | Are all containers that are stored free of leaks or deposits?   |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 43   | Are containers of product inspected regularly?  |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 44   | Is used oil and antifreeze stored indoors and/or on spill containment pallets?                            |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 45   | Is used oil and antifreeze properly disposed of or recycled?  |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments:  |   |                                     |                          |                          |
| <b><u>Lead Acid Batteries</u></b>                        |   | <input type="checkbox"/> <u>N/A</u> | <b>Yes</b>               | <b>No</b>                |
| 46   | Are lead-acid batteries stored indoors on spill containment pallets or in bins?                           |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 47   | Are intact batteries stored on an acid-resistant rack or tub?   |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 48   | Are cracked or leaking batteries stored in labeled, closed, leak-proof containers?                        |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 49   | Is the date each battery was placed in storage recorded?  |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 50   | Are batteries stacked more than 5 high?   |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 51   | Are batteries inspected regularly for leaks?  |                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments:  |   |                                     |                          |                          |
| <b><u>Spill Prevention and Response Procedures</u></b>   |   | <input type="checkbox"/> <u>N/A</u> | <b>Yes</b>               | <b>No</b>                |
| 52   | Are vehicles inspected daily for leaks?   |                                     | <input type="checkbox"/> | <input type="checkbox"/> |

|                                       |  |                                     |                          |
|---------------------------------------|--|-------------------------------------|--------------------------|
| 53                                    | Is spill control equipment and absorbents readily available?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| 54                                    | Are emergency phone numbers posted in conspicuous areas?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| 55                                    | Are spills contained and cleaned up immediately?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| Comments:                             |  |                                     |                          |
| <b>General Material Storage Areas</b> |  | <input type="checkbox"/> <u>N/A</u> |                          |
| 56                                    | Are leaking or damaged materials stored inside a building or another type of storm resistance shelter?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| 57                                    | Are all material stockpiles within containment structures (e.g., concrete barriers, earthen berms) or stored in a manner that does not allow discharge of impacted stormwater?                                 | <input type="checkbox"/>            | <input type="checkbox"/> |
| 58                                    | Are used fuel tanks and other scrap metal and parts drained of fluids and stored under cover?  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 59                                    | Are outdoor containers covered?  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 60                                    | Are piles of spoils, asphalt, debris, etc. stored under a roof or cover?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| 61                                    | Are spills of material or debris cleaned up promptly?  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 62                                    | Are used tire storage piles placed away from storm drains or conveyances?  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 63                                    | Are tires recycled frequently to keep the number of stored tires manageable?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| Comments:                             |  |                                     |                          |
| <b>Stormwater Management</b>          |  | <b>Yes</b>                          | <b>No</b>                |
| 64                                    | Are employees trained on the municipal facility procedures?  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 66                                    | Are BMPs and treatment structures working as designed?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| 67                                    | Are BMPs and treatment structures free from debris buildup or overgrown vegetation that may impair function?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| 68                                    | Catch basins should be cleaned in accordance with the timeframes listed in Part VI.F.3.c.iii. / Part VII.F.3.c.iii, depending on the MS4 Operator type. Based on this, do any catch basins need to be cleaned? | <input type="checkbox"/>            | <input type="checkbox"/> |
| 69                                    | Are berms, curbing or other methods used to divert and direct discharges adequate and in good condition?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| 70                                    | Are rooftop drains directed to areas away from pavement?   | <input type="checkbox"/>            | <input type="checkbox"/> |
| Comments:                             |  |                                     |                          |
| <b>Erosion and Sediment Controls</b>  |  | <b>Yes</b>                          | <b>No</b>                |
| 71                                    | Are soil stabilization measures (e.g., seed and mulch, rolled erosion control products) considered in areas that have the potential for significant soil erosion?  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 72                                    | Are natural buffers maintained around surface waters?  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 73                                    | Are flow velocity dissipation devices in place at monitoring locations and channel outlets (rock riprap, stone check dams, concrete baffles)?  | <input type="checkbox"/>            | <input type="checkbox"/> |
| 74                                    | Do controls conform to the NYS Standards and Specifications for Erosion and Sediment Control (2016), or equivalent?  | <input type="checkbox"/>            | <input type="checkbox"/> |

Comments:

**Corrective Actions and Comment**

Describe Inspection findings and if necessary, the corrective actions taken

|                     |  |       |  |
|---------------------|--|-------|--|
| Inspector Signature |  | Date: |  |
|---------------------|--|-------|--|



Department of Environmental Conservation

Storm Event Data Form for SPDES MS4 General Permit, GP-0-24-001

Do not submit this form to the Department; keep this form with the municipal facility's SWPPP and in the MS4 Operator's SWMP Plan.

Permit Number: [ ]

N Y R 2 0 A [ ] [ ] [ ] [ ]

Facility Name: [ ]

Contact First Name: [ ]

Contact Last Name: [ ]

Contact Phone: [ ]

Contact Email: [ ]

Storm Event Date: [ ]

Storm Duration (in hours): [ ]

Rainfall Measurement from Storm Event (in inches): [ ]

Date of Last Measurable Storm Event: [ ]

Duration Between Storm Event Sampled and End of Previous Measurable Storm (in hours): [ ]

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Facility Operator First Name (please print or type)

Facility Operator Last Name (please print or type)

/ /

[ ]

Date

Signature



# Visual Monitoring Form MS4 GP-0-24-001

All high priority municipal facilities covered under the MS4 GP-0-24-001 must perform Visual Monitoring twice a permit term, separated by a minimum of one (1) year. Please see the permit Part VI.F/VII.F for additional requirements. This form is part of the facilities records and should be retained onsite with the facility's Stormwater Pollution Prevention Plan. *Please do not submit this form to the Department.*

|                        |               |
|------------------------|---------------|
| MS4 Operator Permit ID | Facility Name |
|                        |               |

|                |                 |                  |
|----------------|-----------------|------------------|
| Outfall Number | Examiner's Name | Examiner's Title |
|                |                 |                  |

|                |                 |  |   |
|----------------|-----------------|--|---|
| Reporting Year | Rainfall Amount | Qualifying Storm?                                  | Runoff Source?  |
|                |                 | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Rainfall <input type="radio"/> Snowmelt |

|                     |                     |
|---------------------|---------------------|
| Date/Time Collected | Date/Time Examined  |
| /   /   :   AM / PM | /   /   :   AM / PM |

1. Does the stormwater appear to be colored? .....  Yes    No

If yes, describe

2. Is the stormwater clear or transparent? .....  Yes    No

If yes, which of the following best describes the clarity of the stormwater: .....  Clear    Milky    Opaque

3. Can you see a rainbow sheen effect on the water surface? .....  Yes    No

If yes, which best describes the sheen? .....  Rainbow Sheen    Floating Oil Globules

4. Does the sample have an odor? .....  Yes    No

If yes, describe

5. Is there something floating on the surface of the sample? .....  Yes  No

If yes, describe

6. Is there something suspended in the water column of the sample? .....  Yes  No

If yes, describe

7. Is there something settled on the bottom of the sample?.....  Yes  No

If yes, describe

8. Is there foam or material forming on the top of the sample surface?.....  Yes  No

If yes, describe

Detail any concerns, corrective actions taken and any other indicators of pollution present in the sample:

## Works Cited

- Center for Watershed Protection, Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004)
- New York State Department of Environmental Conservation, Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017)
- New York State Department of Environmental Conservation, Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, April 2006 (NYS DEC Model IDDE Local Law 2006)
- New York State Department of Environmental Conservation, Sample Local Law for Stormwater Management and Erosion & Sediment Control, March 2006 (NYS DEC Sample SM and E&SC Local Law 2006)
- New York State, Standards and Specifications for Erosion & Sediment Control, November 2016 (NYS E&SC 2016)
- New York State, Stormwater Management Design Manual, January 2015 (NYS SWMDM 2015)
- SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001 (MSGP)
- SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001 (CGP)
- SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001 (MS4 GP)
- United States Department of Transportation Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013 (USDOT 2013)