New York State Department of Transportation
Stormwater Management Program Plan
(SWMP Plan)

June 2013
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INTRODUCTION

The New York State Department of Transportation (NYSDOT) is an executive agency of the State of New York acting by and through the Commissioner of Transportation. NYSDOT is primarily charged with operating and maintaining the state highways and state bridges, and it has general and special powers and duties more fully described in Article 2 of the Highway Law as well as those general functions, powers and duties more fully described in Article 2 of the Transportation Law. It is the mission of NYSDOT to ensure that those who live, work and travel in New York State have a safe, efficient, balanced and environmentally sound transportation system.

A. Regulatory Background

On December 8, 1999, United States Environmental Protection Agency (EPA) issued a Final Rule that expanded the federal stormwater program, now known as Phase II of the National Pollutant Discharge Elimination System (NPDES). This Final Rule charged authorized state environmental agencies with developing general permits for stormwater discharges associated with construction activities, and for small Municipal Separate Storm Sewer Systems (MS4s), including state transportation agencies.

On January 8, 2003, the New York State Department of Environmental Conservation (NYSDEC) issued a general permit for MS4s, entitled SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems, General Permit Number GP-02-02. This general permit was reauthorized on April 15, 2008 with general permit number GP-0-08-002, and again on May 1, 2010 with general permit number GP-0-10-002.

The current MS4 General Permit, No. GP-0-10-002, is applicable to operators of small MS4s, either located in urbanized areas or otherwise designated by the agency. The term "MS4" is defined as a system of conveyances that is (i) owned by a state, city, town, village, or other public entity that discharges to waters of the United States; (ii) designed or used to collect or convey stormwater; (iii) not a combined sewer; and (iv) not part of a sewage treatment plant. Generally, all MS4s within an area are automatically designated if the population of that area is at least 50,000 and has an overall population density of at least 1,000 people per square mile based on the 2000 Census.

NYSDEC has identified criteria by which MS4s are regulated in “Final Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (MS4s)”, (January 2003, revised May 2010).

There are many classifications of public highways and bridges within the state of New York, e.g., State highways, State thruways, parkways, county and town roads, not all of which are under the jurisdiction of NYSDOT nor the responsibility of NYSDOT to construct or maintain. In association with those public highways and bridges that are under NYSDOT jurisdiction, NYSDOT owns and operates regulated small MS4s and is considered a regulated “Non-traditional” MS4 within the Designated Urbanized Areas under DEC’s MS4 general permit.
DOT obtained coverage under DEC's initial MS4 general permit by submitting a Notice of Intent (NOI) on March 10, 2003, a copy of which is attached hereto as Appendix A. The initial 2003 permit specified that the permittee needed to establish and implement a "stormwater management program (SWMP) . . . in accordance with the terms of th[e] permit;" i.e., there was no requirement that the "program" be memorialized in a documentary "plan" format. NYSDOT has had such a SWMP in place since 2003.

Permit coverage was automatically extended for General Permit GP-0-08-002 (GP-0-08-002, Part I.A.); NYSDOT received a letter from NYSDEC dated May 1, 2008 that reiterates this fact, a copy of which is attached hereto as Appendix B. GP-0-10-002 granted authorization for “Covered Entities” (having previous coverage under GP-0-08-002) for 180 days. NYSDEC public noticed NYSDOT’s 2010 Annual Report in the August 18, 2010 edition of the Environmental Notice Bulletin (ENB).

An important requirement of both the 2008 and 2010 Permits is the establishment of a SWMP Plan -- a written document that specifies how the regulated operator is maintaining its MS4 and otherwise meeting the requirements of the permit. This document satisfies this requirement.

B. Regulated Areas

Stormwater runoff from State-owned highways, roadsides, rest areas, and maintenance yards constitutes a potential source of pollutants to the surface and ground waters of the State. This management plan describes the program implemented by NYSDOT to protect water quality while fulfilling its mission to ensure its customers – those who live, work and travel in New York State – have a safe, efficient, balanced, and environmentally sound transportation system.

FIGURE INT-1 - NYSDOT Regions
NYSDOT is comprised of eleven regional offices statewide, shown in Figure INT-1.

NYSDOT is considered a Regulated “Non-traditional” MS4 within the boundaries of the Designated Urbanized Areas (DUAs) in New York State. These areas are determined by criteria established by NYSDEC. 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 Census. There are also areas that have been additionally designated based on other criteria, which can be found on the NYSDEC website at http://www.dec.ny.gov/docs/water_pdf/ms4gpdescrit.pdf. A map showing the locations of the DUAs is shown on Figure INT-2. Approximately 3614 centerline miles (approximately 14,000 lane miles) of NYSDOT owned highways are located within the DUAs. The distribution of these highway segments is shown in Table INT-1.

FIGURE INT-2 - Map of New York State showing the Designated Urbanized Areas
### TABLE INT-1 – Distribution of DOT Owned Highways within DUAs

<table>
<thead>
<tr>
<th>DOT Region</th>
<th>Estimated DOT Owned Highway (centerline) Miles in Region&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Estimated DOT Owned Highway (centerline) Miles within DUA</th>
<th>% within DUA</th>
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<tr>
<td>11</td>
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<td>141</td>
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</tr>
</tbody>
</table>

<sup>1</sup> From DOT 2006 Highway Mileage Summary

### C. Minimum Control Measures

Regulated MS4s are required to develop a Stormwater Management Program (SWMP) Plan that includes six Minimum Control Measures:

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

The requirements with respect to each Minimum Control Measure for "Non-traditional" MS4s, such as NYSDOT, are specified in Parts VIII and IX (pages 49-86) of DEC's current permit, a copy of which is attached hereto as Appendix C. The sections in this management plan are organized in the same order as the control measures specified in DEC's permit. Additionally, to aid in understanding NYSDOT’s SWMP and SWMP Plan, the requirements for each control measure are summarized from the general permit prior to the discussion of NYSDOT's implementation of each such measure.

By acceptance of NYSDOT’s Notice of Intent in 2003, NYSDEC acknowledged NYSDOT’s Stormwater Management Program by granting NYSDOT coverage under DEC’s MS4 general permit. This acknowledgment is memorialized in a letter from DEC Bureau of Permits dated February 26, 2004, a copy of which is attached hereto as Appendix D.
D. Stormwater Management Program Plan Coordination and Implementation

NYSDOT’s Stormwater Management Program is coordinated in the Office of Environment. Although the Chief Engineer is designated as the signatory authority in the Municipal Compliance Certification, the Director of the Environmental Science Bureau in the Office of Environment is the designated “Local Stormwater Public Contact.” NYSDOT’s Stormwater Management Program Coordinator is also located in the Office of Environment.

The Stormwater Management Program is implemented by various functional groups within NYSDOT:

- The Office of Design is responsible for developing and maintaining design standards, which are used by designers in the Main Office and eleven regional offices to design transportation projects that include appropriate stormwater management.
- The Office of Construction is responsible for developing inspection standards and protocols to ensure that construction sites are maintained to protect water quality and constructed to ensure long term stormwater mitigation.
- The Office of Operations is responsible for maintaining the transportation system, including the drainage system, and operations facilities by implementing appropriate pollution prevention measures.
- The Office of Environment and the Regional Environmental/Landscape Architecture Units support these other offices to develop and maintain procedures and improve quality control.

The activities undertaken by these different functional groups are discussed in greater detail in subsequent sections of this document.

E. Objectives of the Stormwater Management Program Plan (SWMP) Plan

The purpose of this SWMP Plan is to document NYSDOT’s statewide Stormwater Management Program which, in turn, is intended to reduce the discharge of pollutants from State-owned highways and facilities to the maximum extent practicable (MEP). This SWMP Plan intends to meet this objective by, among other things:

- Providing the public with information regarding DOT’s development and implementation of stormwater pollution prevention activities conducted statewide, and other activities conducted within the boundaries of DUAs;
- Describing NYSDOT’s efforts to date to protect the environment, while maintaining the safety of the traveling public;
- Emphasizing NYSDOT’s efforts to prevent erosion and control the transport of sediment from earth disturbances during construction and maintenance activities;
- Explaining the specific measures NYSDOT has taken to implement the strategies during the planning, design, construction and maintenance of projects to control the discharge of pollutants; and
- Discussing the status of various research efforts and the development of new programs that are otherwise required by NYSDEC’s current general permit.
The needs for improvement of the NYSDOT SWMP are identified within this Plan as “Measurable Goals” are discussed in this Plan, and are also listed for each Minimum Control Measure at the end of each section. NYSDOT will frequently reassess its SWMP; accordingly, this Plan will be revisited on an annual basis and revised as necessary.

Attached as Appendix E is a copy of the latest Final Annual Report submitted by NYSDOT. It includes the “Required SWMP Reporting” items as listed in the current SPDES General Permit for MS4s (GP-0-10-002, Part VIII, pages 49-67).
I. Minimum Control Measure No. 1: Public Education and Outreach

Permit Requirement

For this Minimum Control Measure, permittees are required to identify pollutants of concern, waterbodies of concern, geographic areas of concern, and its target audience for its Public Education and Outreach Program. Additionally, permittees are required to develop these programs to inform the public about the sources and impacts of stormwater on waterbodies, and the steps the public can take to reduce pollutants in stormwater. Permittees are required to periodically assess and modify its measurable goals, and to select and implement appropriate education and outreach activities to ensure the reduction of all POCs in stormwater discharges to the Maximum Extent Practicable (MEP).

Specific requirements can be found in the SPDES MS4 General Permit, attached as Appendix C. Part VIII of the general permit applies to the regulated areas in all of the Designated Urbanized Areas, whereas Part IX (sections A through D) applies to the TMDL watersheds. Additional information about NYSDOT’s Stormwater Management Program in the TMDL watersheds can be found in Section V of this Plan.

NYSDOT Public Education and Outreach Plan

An integral component of any stormwater management program is an active effort to reach out to the public to educate as many stakeholders and interested parties as possible regarding the science and status of stormwater issues that are part of NYSDOT’s operations. An informed and knowledgeable community is crucial to the success of a stormwater management program as it will ensure greater support and compliance as the public, and NYSDOT, become aware of expectations. To this end, NYSDOT has developed several strategies and programs to convey information on stormwater and NYSDOT’s efforts to implement a Stormwater Management Program.

As stated previously in the Introduction, NYSDOT is a regulated Non-traditional MS4 in the Designated Urbanized Areas (as shown in Figure INT-2).

NYSDEC and the nearly 500 Regulated MS4s in New York State have targeted education and outreach efforts to municipal operations and property owners and homeowners in their respective jurisdictions. NYSDOT directs its education and outreach to its staff, consultants and contractors, local Departments of Public Works, and the public that is affected by the transportation system, specifically the travelling public and property owners along the highways owned and maintained by the State. Accordingly, the issues highlighted in these efforts are focused on transportation infrastructure operation and maintenance.

NYSDOT has identified pollutants of concern (POCs) as well as waterbodies and geographic areas of concern. These are discussed in Section V of this Plan.

The activities described below form a program that addresses stormwater issues and NYSDOT’s management program within a structured outreach plan. This Plan includes training and
presentations, special events, printed materials, outreach via the internet, partnering with interested and involved organizations and agencies, and quality control of operations through the Highway Work Permit Program. The effectiveness of these programs is assessed continuously, and the measurable goals are recorded and modified in NYSDOT’s Annual Reports. These programs and activities are appropriate for the role that outreach and education play in NYSDOT’s efforts to reduce the discharge of pollutants to the state’s waterbodies. Measurable goals have been identified for this Minimum Control Measure, and are listed at the end of this section.

1. Classroom Education – NYSDOT routinely conducts classroom training on the topics of Stormwater Management and Erosion and Sediment Control, in sessions as brief as two hours to as long as two days in duration. Some classes are conducted by internal environmental or engineering staff to its employees and contractors as the needs arise.

   a. NHI Training – Formal classroom training is offered to NYSDOT on the topics of Stormwater Management and Erosion and Sediment Control by the National Highway Institute (NHI). These courses are designed specifically for transportation agencies, and are made available to all state DOTs.
      - Design and Implementation of Erosion and Sediment Control (NHI Course # 142054)
      - Water Quality Management of Highway Runoff (NHI Course # 142047) – NYSDOT assisted in the development of this course, and it includes specific NYSDOT project examples.

   b. New EIC and Office Engineer Training – The Office of Construction offers training to staff that will run field offices for construction projects. This training for Engineers-in-Charge (EICs) and Office Engineers includes awareness training sessions on Stormwater Management and Erosion and Sediment Control.

   c. Other Internal Training - Staff periodically conduct training for staff in the regional offices as requested, normally on the order of 1 to 4 hours in duration. For example, staff conducted a webinar on January 26, 2011 entitled “Overview of SPDES General Permit for Construction Activity (GP-0-10-001) and Changes to 2010 NYS Stormwater Management Design Manual”. Approximately 268 people attended the webinar.

2. DOT/AGC Technical Conference – NYSDOT and the Associated General Contractors of America, New York State Chapter (AGC) partner to hold a three-day technical conference during the first week of December. Environmental sessions for the NYSDOT contractors usually include awareness training on stormwater management permit requirements or the fundamentals of Erosion and Sediment Control design, inspection, and/or implementation.

Starting in 2009, NYSDOT has conducted 4-hour training endorsed by NYSDEC to contractors in order that they can become certified Trained Contractors as per SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001. Approximately 350 persons have been certified (or received refresher training) during this time.
3. **Public Presentations** – NYSDOT staff is frequently asked to make presentations to groups or organizations on the topics of Stormwater Management and Erosion and Sediment Control. Specific subjects include the following:
   a. Construction Site Management
   b. General Stormwater Management Information
   c. Household Hazardous Waste Disposal
   d. Illicit discharge Detection and Elimination
   e. Infrastructure Maintenance
   f. Smart Growth
   g. Storm Drain Marking
   h. Pesticide and Fertilizer Application
   i. Recycling
   j. Riparian Corridor Protection/Restoration
   k. Trash Management
   l. Vehicle Washing
   m. Water Conservation
   n. Wetland Protection
   o. Operation and Maintenance of Stormwater Management Practices
   p. Spill Prevention Control and Countermeasures (SPCC)
   q. Construction Site Management

The audiences include general public, contractors, and municipal employees. The venues include public meetings, tradeshows and conferences.

As part of its Public Education and Outreach Program, NYSDOT has created a "Phosphorus in the Onondaga Lake Watershed” poster that illustrates sources of phosphorus, the impacts of high phosphorus concentrations on the lake, and actions that the public can take to reduce phosphorus in the watershed. This poster is made available at public events, including the New York State Fair in Syracuse, and is on the NYSDOT Stormwater Webpage at [http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/PHOSPHORUS_POSTER.pdf](http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/PHOSPHORUS_POSTER.pdf)

4. **Events and Programs** – NYSDOT has implemented several programs to eliminate trash, debris, and chemicals from the roadside and within communities that otherwise would find its way to the state’s water resources.

   a. **Adopt-a-Highway** - The NYSDOT’s ‘Adopt-A-Highway’ program is an opportunity for the public to make a tangible contribution to community and roadside aesthetics by encouraging volunteer groups, organizations, businesses or individuals to adopt a segment of highway and pledge to keep them litter-free, thus helping to improve water quality. This program demonstrates the local public’s commitment to keeping highways clean and acts as a reminder to drivers and passengers who see the volunteers and the signs.

   NYSDOT’s Adopt-a-Highway Program is based on the "Don't Mess With Texas" Program, in which organizations and individuals volunteered to adopt sections of Texas highways and to remove roadside litter. As a result, taxpayers had cleaner highways; civic
organizations were involved in beneficial community projects; and, the State of Texas was able to accomplish something more than its limited resources traditionally would have allowed.

Legislation to formalize New York State's Adopt-A-Highway Program was passed in 1990 to encourage individuals or groups to clean up highway roadsides and to recognize those volunteers who do. Participation in the program also fosters a sense of community ownership of the roadway as well as a sense of pride in its appearance.

Adopters are asked to commit to picking up litter along the section of state highway, which is usually two miles long, at least four times a year for two years. Adopters may also mow the roadside or plant flowers and other -approved vegetation. NYSDOT collects and properly disposes of the litter the adopters have collected. Routine trash picked up along the ROW is considered non-hazardous waste and can be disposed of at municipal/commercial landfills or disposal facilities. Some wastes need special handling, including abandoned drums and containers, medical waste, and tires.

Currently, approximately 5,000 miles of New York State highway roadsides are adopted, and NYSDOT has 2,400 active Adopt-a-Highway agreements in place.


Another brochure, titled “A More Beautiful View”, can be found at http://www.dot.ny.gov/programs/brochures/litter-brochure. This brochure highlights the importance of removing litter from the state’s highways by providing these statistics:

- A glass bottle can take one million years to decompose
- An aluminum can, roughly 200-500 years
- A plastic jug, 70 years
- Disposable diaper, 10-20 years
- Candy wrapper, 1-3 months

NYSDOT intends to continue the Adopt-a-Highway Program, and is listed as a measurable goal at the end of this section.

b. CleanSweepNY Program - NYSDOT works together with NYSDEC in the CleanSweepNY Program to encourage individuals, businesses and institutions to reduce environmental risks in their communities by providing its maintenance facilities to ensure proper disposal of unwanted and/or obsolete pesticides and chemicals, including elemental mercury. By providing more convenient drop-off locations for these potentially harmful materials, NYSDOT helps keep them out of conventional waste streams and municipal landfills.

Some of these collection events are directed at agricultural and non-agricultural professional pesticide applicators, schools and business users such as golf courses,
cemeteries, and marinas. A recent event resulted in approximately 55,000 pounds of unwanted pesticides, school chemicals and mercury.

From the program’s inception in 2002, CleanSweepNY has collected and disposed of over 1,059,344 pounds of hazardous chemicals and more than 500 pounds of elemental mercury and collected approximately 2,250 pesticide containers for recycling that would have otherwise wound up in landfills.

The Fall 2010 CleanSweepNY collection event, held at the NYSDOT residencies in Potsdam, Lowville and Herkimer, resulted in over 43,912 pounds of hazardous chemicals collected for disposal, including over 58 pounds of toxic elemental mercury.

Additional information about CleanSweepNY can be found at http://www.cleansweepny.org/

c. "Spring Clean-Up” Events - NYSDOT has initiated Spring Clean-Up events on Long Island (formerly called "CLEAN (Create a LI Environmentally Aesthetic and Neat) Week") to remove litter and debris from Long Island’s major highways and to encourage drivers to stop littering. During these events, NYSDOT maintenance crews are out in full force on the major State highways on Long Island to remove debris and litter, control weeds, and mow roadsides.

Highway debris and litter pose safety, aesthetic, and health concerns for all who live, work, and travel on Long Island. NYSDOT faces increasingly more difficult and expensive challenges to keep up with removing litter from Long Island’s state roadways. Garbage strewn roadways are not only an ugly nuisance, they are dangerous as well. Bags and trash can catch fire or can block a motorist’s view if caught in the wind. Any discarded containers are potential breeding grounds for mosquitoes. In addition, roadside boxes become suspicious objects that threaten infrastructure security.

NYSDOT coordinates these events with law enforcement agencies, construction contractors, and the Adopt-A-Highway and Sponsor-A-Highway groups, and posts signs that help alert motorists to the extreme expense incurred to keep Long Island roadways clean.

Passing by crews at work may remind a driver that not only is litter unsightly, it costs taxpayers money to clean it up. It is estimated that removing litter and debris from Long Island roadways cost NYSDOT Region 10 on Long Island approximately $2.2 million tax dollars during 2006. Region 10 also estimates that it costs $190,000 for labor, equipment, and material to perform the week-long clean up. If not for the litter, this money would be better used for roadway upkeep, repairs, and equipment.

As an example of the order of magnitude of this work, 5013 bags of trash, weighing 63 tons and filling 33 dumpsters, were collected by State Maintenance forces during CLEAN Week in September 2005.

Included on the webpage are the following links:
- NYSDOT MS4 Notice of Intent
- NYSDOT’s MS4 Annual Reports
- Reports and websites about the sources of, and potential impacts on waterbodies from, Phosphorus, Nitrogen, Pathogens, and illicit discharges
- NYSDOT Highway Design Manual, Chapter 8, Highway Drainage
- Construction-related forms for compliance with the current SPDES General Permit for Stormwater Discharges from Construction Activity
- NYSDOT Approved Materials List for Erosion Control Products and Dust Palliatives
- NYSDOT New Product Evaluations for Water Quality Products
- NYSDEC & EPA general permits, forms, and other supporting information
- Other assorted websites related to Stormwater Management and Highways


8. **Stormwater e-mail Address** - NYSDOT has a dedicated e-mail address (Stormwater@dot.ny.gov) for public to use for questions or comments on NYSDOT Stormwater Management Program. This e-mail address is monitored on a daily basis, and although it was not originally intended for this purpose, it has resulted in many residents living along state roadways to receive assistance from NYSDOT staff to address local drainage problems.

9. **Collaboration with municipalities, DPWs, environmental organizations/agencies** – NYSDOT collaborates with other groups and municipalities through the Regional Environmental/Landscape Architecture staff meeting on a regular basis with various Stormwater Coalitions and County Water Quality Coordinating Committees. In fact, NYSDOT has signed Letters of Intent to be a Cooperating Agency on grant applications submitted to NYSDEC by the following organizations/groups:
- Erie County Stormwater Coalition
- Monroe County Stormwater Coalition
- Orange County Water Authority
• Dutchess County Soil & Water Conservation District

NYSDOT also continues to meet regularly with NYSDEC, New York City Department of Environmental Protection (NYCDEP), and other environmental groups and agencies on water quality issues relative to NYSDOT’s construction projects and MS4 program, and participates on multi-agency committees such as the Nonpoint Source Coordinating Committee (NPSCC), and Water Management Advisory Committee (WMAC), regional stormwater coalitions and other stormwater entities.

Continued involvement with local and regional watershed organizations is listed as a measurable goal at the end of this section.

10. **Involvement with National Organizations** - As a large public works agency, NYSDOT recognizes the potential and opportunity to proactively advance its Stormwater Management Program, improve the understanding of stormwater management among all state departments of transportation, and develop a network among all state DOTs. NYSDOT staff is involved with groups on a national level:

a. **AASHTO Stormwater Community of Practice (CoP)** – The American Association of State Highway and Transportation Officials (AASHTO) has created a Stormwater CoP to help expand the State DOTs networks and contacts, enhance communications between the State DOTs, and provide a forum for information sharing. A link to the reports created by the CoP can be found on the Department’s Stormwater Management webpage at [https://www.dot.ny.gov/divisions/engineering/environmental-analysis/water-ecology/stormwater-management](https://www.dot.ny.gov/divisions/engineering/environmental-analysis/water-ecology/stormwater-management).

b. **International Stormwater Best Management Practices (BMP) Database** – The International Stormwater Best Management Practices (BMP) Database project website, which features a database of over 400 BMP studies, performance analysis results, tools for use in BMP performance studies, monitoring guidance and other study-related publications. The overall purpose of the project is to provide scientifically sound information to improve the design, selection and performance of BMPs. Continued population of the database and assessment of its data will ultimately lead to a better understanding of factors influencing BMP performance and help to promote improvements in BMP design, selection and implementation. This website can be found at [http://www.bmpdatabase.org/](http://www.bmpdatabase.org/).

NYSDOT staff is on the Project Sub-Committee for this project, which serves as a peer review and technical advisory committee to ensure an objective research approach for the database project.

11. **Highway Work Permits** - Through the Highway Work Permit process, NYSDOT reviews and can approve or deny approval for private connections to the highway drainage system. The policy and procedure for this process are contained in the Manual of Administrative Procedures (MAP 7.12-2). This document establishes procedure for ensuring that applicants to NYSDOT comply with SEQR requirements, including adequately addressing stormwater connections and discharges. NYSDOT requires that applicants are in compliance with SPDES permit requirements, including those relating to connections and discharges to NYSDOT’s drainage
system. Additional policy regarding private connections to the state drainage system can be found in the Highway Design Manual, Chapter 8, Highway Drainage.

**Measurable Goals**

The following measurable goals have been identified for this Minimum Control Measure:

For the Reporting Period March 10, 2013 to March 9, 2014
1) Continue Adopt-a-Highway Program
2) Continue to maintain involvement with local and regional watershed organizations.
II. **Minimum Control Measure 2: Public Involvement/Participation**

**Permit Requirement**

For this Minimum Control Measure, permittees are required to comply with state and local public notice requirements when implementing a public involvement/participation program. Permittees may determine who the public is, and provide opportunity for the public to participate in the development, implementation, review, and revision of the Stormwater Management Program. Permittees must also identify a local point of contact for public concerns regarding stormwater management and compliance with the MS4 general permit.

Annual reports must be submitted to NYSDEC by June 1 of each year. Before that, permittees must present a draft report in a forum that is open to the public, and allows for comments to be made on the report. The final report must include a summary of comments received and intended responses. Changes made to the SWMP in response to comments should be described in the annual report, and final reports and the SWMP Plan must be available for public inspection. Permittees are required to periodically assess and modify its measurable goals, and to select and implement appropriate public involvement/participation activities to ensure the reduction of all POCs in stormwater discharges to the Maximum Extent Practicable (MEP).

Specific requirements can be found in the SPDES MS4 General Permit, attached as Appendix C. Part VIII of the general permit applies to the regulated areas in all of the Designated Urbanized Areas. Part IX of the general permit, which applies to the TMDL watersheds, does not contain additional requirements for this Minimum Control Measure. Additional information about NYSDOT’s Stormwater Management Program in the TMDL watersheds can be found in Section V of this Plan.

**NYSDOT Public Involvement/Participation Plan**

The Environmental Protection Agency recommends that the public be included in developing, implementing, and reviewing stormwater management programs, and the public participation process should make efforts to reach out and engage a wide range of economic and ethnic groups. Accordingly, NYSDOT has taken actions to fulfill the public involvement/participation management practices requirements outlined in this Plan. These actions typically will allow for broader public support, a broader base of expertise and economic benefits, and serve as connections to other programs.

NYSDOT defines “public” to be its staff, consultants and contractors, local Departments of Public Works, and the public that is affected by the transportation system, specifically the travelling public and property owners along the highways owned and maintained by the State.

NYSDOT has established the following management practices regarding the Public Involvement/Participation Minimum Control Measure. The effectiveness of these practices is assessed continuously, and the measurable goals are recorded and modified in NYSDOT’s Annual Reports. These activities are appropriate for the role that Public Involvement and Participation play in NYSDOT’s efforts to reduce the discharge of pollutants to the state’s waterbodies.
1. **Public Involvement During the Project Development Process**

   Public and stakeholders participation is fundamental to the project development process. Obtaining input from a full range of stakeholders affected by a project and using that input is essential to making transportation decisions that benefit the public. It is the intent that the public and interested parties have a reasonable opportunity to be involved in the project development process.

   The benefits of meaningful public involvement include:

   a. **Better problem identification and resolution** - Effective public involvement fosters sound project development decisions. It promotes fuller exploration of the needs of both facility users and adjacent communities. It allows for better communication regarding project objectives, consideration of a full range of objectives and possible trade-offs. By communicating with stakeholders, NYSDOT gains a better understanding of their needs and desires. This helps to ensure that planning and engineering judgment are properly applied to fully defined problem and objectives, thus increasing the likelihood of project acceptance.

   b. **Effective use of limited financial resources** - Public involvement provides opportunities for partnerships with other agencies, which may include joint funding or other means to maximize the value of limited finances. Stakeholder communication allows for better identification of needs and the development of cost effective solutions, which reduce potential project delays and changes.

   c. **Reduced project delays** - When people feel their concerns are not addressed, they may take legal action, potentially resulting in expensive re-designs or possible project cancellation. Procedural delays increase project costs while safety and congestion problems remain unsolved. On the other hand, effective public involvement helps bring about public buy-in to the process.

   d. **Knowledge** - The need for projects, and how they are planned, designed and built, is not always clear to the public. Before stakeholders can support a project, they must understand it. We need to be able to explain the project development process, our understanding of project needs and our responsibilities to the community. NYSDOT designers, too, can be educated by outside stakeholders familiar with the project area and community.

   e. **Public Expectations** - Stakeholders rightfully expect that their voices will be heard during every stage of project development.

   f. **National and State Policy** - Federal and New York State regulations require public involvement in transportation project development.

   NYSDOT’s policies and procedures for public involvement during project development are documented in the Project Development Manual (http://www.dot.ny.gov/divisions/engineering/design/dqab/pdm) and the Public Involvement Manual (https://www.dot.ny.gov/divisions/engineering/design/dqab/dqab-repository/pdm-app2.pdf). These procedures are approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 USC 128 and 40 CFR parts 1500 through 1508.
Additionally, as situations warrant, NYSDOT may create a Citizen’s Advisory Committee (CAC) to serve as a link between NYSDOT and the larger community to address issues for specific transportation projects.

It is during this public involvement process that the public can have input into the project-specific design elements, such as stormwater management design, or construction elements, such as construction site management or construction sequencing.


NYSDOT places a Public Notice in NYSDEC’s Environmental Notice Bulletin (ENB) each year as notification of the comment period, and the draft report is placed on the Stormwater Management webpage each spring (usually in April) before the final report is submitted to NYSDEC. NYSDOT revises the draft report based on the comments received from the public, and a summary of those comments and the revisions is included in the final report. The final reports are also posted on the webpage; in fact, all of the Annual Reports are posted.

NYSDOT has created an e-mail address (Stormwater@dot.ny.gov) specifically dedicated to answering questions on the Stormwater Management Program or responding to questions or providing information about stormwater or drainage issues on state highways.

The webpage and e-mail address are also discussed in the Public Education and Outreach section of this Plan.

3. **Local Stormwater Public Contact** – The Director of the Environmental Science Bureau, located in NYSDOT’s Main Office in Albany, has been designated as the Local Stormwater Public Contact. The contact information is included in the Municipal Compliance Certification (MCC) attached to the Annual Report in Appendix E. Additionally, each region has Regional Environmental/Landscape Architecture Units that can be contacted regarding local stormwater management issues. The managers of these units are listed on the Office of Environment website at (http://www.dot.ny.gov/divisions/engineering/environmental-analysis/regional-environmental-units).

4. **Partner Committees** – NYSDOT has formed Executive-Level Partnering Committees with various groups, including NYSDEC, Adirondack Park Agency (APA) and AGC to address various environmental issues of concern, most notably water quality protection. It is the goal of these committees to ensure that NYSDOT activities are progressed in such a way as to:
   - Provide appropriate water quality protection;
   - Be consistent with the intent of the regulatory requirements; and
   - Satisfy the best interests of the general public.

5. **Public Clean-up Events** – NYSDOT has implemented several programs to eliminate trash, debris, and chemicals from the roadside and within communities that otherwise would find its
way to the state’s water resources, including Adopt-a-Highway, CleanSweepNY, and Spring Clean-Up events. These involve public participation in implementation of NYSDOT litter removal program. A discussion of these programs is in the Public Education and Outreach section of this Plan.

**Measurable Goals**

The following measurable goals have been identified for this Minimum Control Measure:

For the Reporting Period March 10, 2013 to March 9, 2014
1) Solicit public comment on Annual Report on April 24, 2013.
2) Update Stormwater Management Program (SWMP) Plan.
III.  MINIMUM CONTROL MEASURE 3: Illicit Discharge Detection and Elimination

Permit Requirement

For this Minimum Control Measure, permittees are required to implement and enforce a program to detect and eliminate illicit discharges into the MS4; develop and maintain a map showing the locations of all outfalls, the names of all surface waters that receive discharges from those outfalls, and preliminary boundaries of the MS4’s storm sewershed; field verify outfall locations; conduct an outfall reconnaissance inventory; map new outfalls as they are constructed, and prohibit illicit discharges.

Permittees must also implement a program to detect and address non-stormwater discharges, and inform the public of the hazards associated with illegal discharges and the improper disposal of waste.

MS4s in the New York City East of Hudson watershed are required to develop and maintain a map showing the entire MS4 conveyance system, to be completed by January 8, 2013.

Permittees are required to periodically assess and modify its measurable goals, and to select and implement appropriate illicit discharge detection and elimination practices to ensure the reduction of all POCs in stormwater discharges to the Maximum Extent Practicable (MEP).

Specific requirements can be found in the SPDES MS4 General Permit, attached as Appendix C. Part VIII of the general permit applies to the regulated areas in all of the Designated Urbanized Areas, whereas Part IX applies to the TMDL watersheds. The general permit only includes additional requirements for this Minimum Control Measure for Non-traditional MS4s in the New York City East of Hudson TMDL watershed. Additional information about NYSDOT’s Stormwater Management Program in the TMDL watersheds can be found in Section V of this Plan.

NYSDOT Illicit Discharge Detection and Elimination Plan

An illicit discharge is generally any discharge to a stormwater system that is “not entirely composed of stormwater…” (GP-0-10-002, Definitions). Illicit discharges are considered "illicit" because stormwater systems are not designed to accommodate or treat non-stormwater wastes. Examples of illicit discharges can include sanitary sewage, septic system effluent, industrial process wastewater, laundry wastewater, commercial carwash wastewater, and auto and household toxics improperly dumped into storm drains.

Illicit discharges can enter the stormwater system through direct connections (such as wastewater pipes either mistakenly or deliberately connected to a storm drain or outletting into a ditch) or indirect connections (such as infiltration into the stormwater system through cracks in a sanitary sewer). The result is untreated discharges that release high levels of pollutants into receiving waterbodies. These pollutants degrade water quality and threaten aquatic, wildlife and human health.
NYSDOT addresses this requirement with procedures to identify and report illicit discharges, and procedures for the mapping and inspection of drainage systems to identify the locations of stormwater outfalls within its drainage system infrastructure.

The effectiveness of these programs is assessed continuously, and the measurable goals are recorded and modified in NYSDOT’s Annual Reports. These programs and activities are appropriate for the role that illicit discharge detection and elimination play in NYSDOT’s efforts to reduce the discharge of pollutants to the state’s waterbodies.

1. Identify and Report Illicit Discharges
   a. **Highway Design Manual, Chapter 8, Highway Drainage** - Subsection 8.2.3 of the Highway Design Manual contains the policy regarding private connections and discharges to NYSDOT’s stormwater system, including sanitary and non-stormwater connections. This section includes guidance to project designers regarding the consideration, identification and elimination of private connections to NYSDOT’s stormwater system and illicit sanitary and stormwater discharges into the drainage system. To address the issue that these connections may result in illicit discharges entering the state drainage system, NYSDOT has developed a DRAFT Engineering Instruction to clarify and emphasize department policy regarding sanitary connections, stormwater connections, sanitary discharges, and illicit discharges. This DRAFT EI also contains policy regarding non-stormwater flows listed in Part I.A.2 in GP-0-10-002. (Note: The draft Engineering Instruction has not been issued, and is, therefore, not yet in effect. When issued, it will be signed by a designee for the signer of NYSDOT’s Notice of Intent. Issuance of this EI is listed as a measurable goal at the end of this section.)

   Chapter 8 of the Highway Design Manual can be found at [http://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-8](http://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-8)

   b. **Environmental Handbook for Transportation Operations** - This handbook is intended to provide NYSDOT personnel with general awareness and guidance of the primary requirements that apply to the types of activities conducted by NYSDOT Operations ([http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/oprhbook.pdf](http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/oprhbook.pdf)). The following is an excerpt from this handbook that provides policy to operations staff (pages 17-18):

   “Discharges or connections that are discovered during construction or reconstruction of a highway facility or appurtenance should be examined and allowed only upon application for, and approval of, a Highway Work Permit. Upon completion of construction or reconstruction, the Highway Work Permit may be converted into a Use and Occupancy Permit. If there is no construction or reconstruction of a highway facility or appurtenance, the discharges or connections should be examined and allowed only upon application for, and approval of, a Use and Occupancy Permit.

   Overland flow or artificially collected (e.g., in a pipe) discharges that are not stormwater or groundwater which result in flow to the state highway right of way are unacceptable because an adjacent landowner’s act of creating or allowing discharges of materials onto
the state’s land may, among other things and without limitation, constitute a nuisance and/or trespass. See Highway Design Manual Chapter 8, Highway Drainage, for additional information.

One of the requirements of the NYSDEC SPDES General Permit is for the Department to document its policies regarding illicit discharge detection and elimination.

Maintenance staff should look for evidence of private connections and illicit discharges while performing their regular maintenance activities within the right-of-way. While illicit discharges can occur at any point in the stormwater system, NYSDOT staff should be especially conscious of illicit discharges when cleaning and repairing drainage structures, cleaning ditches, performing work near drainage outlets and when exposing underground piping systems. Properties adjacent to the highway right-of-way should also be periodically examined for illicit material which could enter or flow into the right-of-way.

If an illicit discharge or connection is discovered or suspected, maintenance staff must report the finding to their Highway Maintenance Supervisor. The Highway Maintenance Supervisor will immediately report the discovery to the Resident Engineer, who should document the finding and arrange for a site investigation by the appropriate agency. It is important that the location of the illicit discharge be accurately reported by maintenance staff (use street address, station, mile marker, landmark or intersection) so that the investigation team can readily locate the discharge. Maintenance personnel are not responsible for investigating or the clean up of illicit discharges, illicit connections or illegal dumping not generated by the crew.

If the illicit discharge involves sanitary sewage, the New York State Department of Health (DOH) will take the lead in the investigation. If the illicit discharge does not involve sanitary sewage, the NYSDEC is responsible for performing the investigation. However, the NYSDOT should assist these agencies in their investigations.”

c. Memorandum of Understanding between New York State Department of Transportation (NYSDOT) and New York State Department of Health (NYSDOH) - NYSDOT’s policy regarding illicit discharges from private sanitary systems into the stormwater system is contained in the current Memorandum of Understanding (MOU) between NYSDOT and NYSDOH regarding “The Control of Discharge of Effluent from Private Sanitary Systems into Highway Drainage Facilities”. This MOU is in Appendix F of this Plan. (Note: The content of this MOU is still relevant; however, this MOU should be revisited with NYSDOH to determine the need to update the MOU to better reflect Illicit Discharge Detection and Elimination requirements and to identify appropriate agency contact staff. This activity is listed as a measurable goal at the end of this section.)

d. Training – Training has been provided to NYSDOT staff on the issues related to illicit discharges during training for outfall mapping and inspections and general SPDES permitting requirements, and to in-house and consultant staff that conduct bridge inspections. The presentations can be found on the Office of Environment Training
e. GreenLITES - GreenLITES is a project rating program that recognizes transportation project designs and operations that incorporate a high level of environmental sustainability. More information about the GreenLITES program can be found at http://www.dot.ny.gov/programs/greenlites.

The GreenLITES Operations Program encourages NYSDOT Transportation Maintenance, Fleet Administration, Traffic, Safety & Mobility, and Modal Safety and Security to advance sustainability principals in all aspects of its work. To incorporate sustainability into its work, the Operations Division has added and/or highlighted some 100 separate tasks into its planning process so that sustainability tradeoffs can be quantified and performance can explicitly be tracked on a spreadsheet to ensure continuing progress.

This program encourages operations staff to find and report illicit discharges. Additional information on the GreenLITES Operations Program is in Section VI of this Plan.

2. Drainage System Mapping
   a. Outfall Mapping Database – The SPDES General Permit for MS4s, GP-02-02 that went into effect on January 8, 2003 required that all regulated MS4s “develop and maintain a map, showing the location of all outfalls and the names and locations of all waters of the United States that receive discharges from those outfalls (GP-02-02, Part IV.C.3.b).

In response to this requirement, NYSDOT developed a protocol for locating and mapping stormwater outfalls, entitled “Methodology for the Identification and Survey of Stormwater Outfalls within Designated MS4 Locations for New York State DOT”. This document is located on the NYSDOT Stormwater webpage at https://www.dot.ny.gov/divisions/engineering/environmental-analysis/water-ecology/stormwater-management.

In addition to the information required by GP-02-02, NYSDOT obtained additional information in order to capture not only the outfall locations, but also asset management data. (e.g., maintenance needs at the outfall locations).

By April 2008, NYSDOT had mapped 18,184 outfalls located along state-owned highways within the Designated Urbanized Areas in New York. That number has changed as additional municipalities have become regulated MS4s, and also as a result of outfall inspections/verifications. Table III-1 shows the breakdown of outfalls located within each NYSDOT region. Because there are no Designated Urbanized Areas within NYSDOT Region 7, there were no outfalls mapped in that region.
Table III.1 – Number of Stormwater Outfalls Mapped in Designated Urbanized Areas

<table>
<thead>
<tr>
<th>Region</th>
<th>No. of Outfalls</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1499</td>
</tr>
<tr>
<td>2</td>
<td>420</td>
</tr>
<tr>
<td>3</td>
<td>1268</td>
</tr>
<tr>
<td>4</td>
<td>1113</td>
</tr>
<tr>
<td>5</td>
<td>2277</td>
</tr>
<tr>
<td>6</td>
<td>166</td>
</tr>
<tr>
<td>8</td>
<td>7241&lt;sup&gt;1,2&lt;/sup&gt;</td>
</tr>
<tr>
<td>9</td>
<td>742</td>
</tr>
<tr>
<td>10</td>
<td>851&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>11</td>
<td>1705</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>17,298</strong></td>
</tr>
</tbody>
</table>

<sup>1</sup> Including 1612 outfalls in the New York City East of Hudson Watershed

<sup>2</sup> The number of outfalls in Region 8 was reduced when inspections were conducted, starting in 2010. 947 sites originally mapped as outfalls from 2004-2008 were found to not meet the definition of an outfall

<sup>3</sup> 806 outfalls mapped in 2004-2008. 45 additional outfalls mapped in newly designated MS4s in 2010-2012

NYSDOT created an Oracle database for the collection and management of the data. The outfall data was submitted to NYSDEC in January & April 2008, and has also been posted on the New York State GIS Clearinghouse at [http://gis.ny.gov/](http://gis.ny.gov/).

In 2008, additional municipalities on eastern Long Island were regulated as MS4s under the MS4 general permit:
- Southhold (T)
- East Hampton (T)
- Shelter Island (T)
- Greenport (V)
- Dering Harbor (V)

The addition of these municipalities required that NYSDOT map the outfalls on the NYSDOT right-of-way within these municipalities. 45 outfalls were mapped on NYSDOT Right-of-Way in these municipalities, and mapping was completed in 2012.

b. **Records of Drainage Systems** - NYSDOT has a digital repository of As-Built Contract Plans that covers nearly all of the highway system within its jurisdiction. These plans also show the drainage network, and are at a such a scale and with sufficient detail to determine drainage direction and connections, and accordingly would be used to determine the source of suspected illicit discharges if or when identified within the Right-of-Way. These data files are intended for better and faster sharing of information. Because these plans would be used to conduct “trackdown” of suspected illicit discharges, and have such good detail (showing other land features in the right-of-way), NYSDOT considers these to satisfy current MS4 permit requirements for “preliminary boundaries” and “system mapping”.

c. **Stormwater Outfall Mapping Inventory Guidance for Regional Data Exchange** - Engineering Instruction (EI) 07-033 provides guidance regarding stormwater outfall
mapping data collection, inventory and distribution between Regional Design, Construction and Maintenance Groups, and contains protocol for capturing and documenting outfall and associated attribute data for outfalls that are newly constructed, relocated, or removed (as a result of a construction or maintenance activity subsequent to the original outfall mapping), and to have those changes incorporated into the database. The mapping inventory also assists in the location and identification of illicit discharges. This EI can be found at: http://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions/engineering-information-issuance-system/ei-repository/ei07033.pdf

d. **Instructions for Conducting Outfall Inspections** - The SPDES MS4 general permit requires that regulated MS4s “conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments…” (http://www.epa.gov/npdes/pubs/idde_manualwithappendices.pdf). Accordingly, NYSDOT has developed a program to inspect all of the outfalls previously identified and mapped. The purpose of this program is to verify that pollutants that may be entering the NYSDOT drainage system are not being discharged from the system into waterbodies, thereby polluting them. When such discharges are found, NYSDOT must take steps to eliminate the pollution from entering the waterbody.

NYSDOT has developed instructions for conducting outfall inspections that is consistent with the EPA guidance document reference above, and includes Chapter 11: “The Outfall Reconnaissance Inventory, as an appendix to the instructions.

The instructions include inspection protocols using Global Positioning System (GPS) technology, and for using a “low-tech” method using paper maps and reporting forms.

Training of regional staff that was identified as outfall inspectors was conducted in January & February, 2011. The written instructions were revised in June 2012. This document is located on the NYSDOT Stormwater webpage at https://www.dot.ny.gov/divisions/engineering/environmental-analysis/water-ecology/stormwater-management.

Outfall inspections have begun in many of the NYSDOT regions. The continuation of outfall inspections is also listed as a measurable goal at the end of this section.

e) **Stormwater Management Webpage** – Since April 2004, NYSDOT has maintained a webpage devoted specifically to Stormwater Management issues, and can be found at http://www.dot.ny.gov/divisions/engineering/environmental-analysis/water-ecology/stormwater-management. It contains material related to NYSDOT’s Construction and MS4 Stormwater Management Programs, and specifically contains reports and websites about the sources of, and potential impacts on waterbodies from, Phosphorus, Nitrogen, and Pathogens, and illicit discharges.
Measurable Goals
The following measurable goals have been identified for this Minimum Control Measure:

For the Reporting Period March 10, 2013 to March 9, 2014
1) Continue outfall inspections.

For the Reporting Period March 10, 2014 to March 9, 2015
1) Continue outfall inspections.

For the Reporting Period March 10, 2015 to March 9, 2016
1) Issue EI on Private Connections.
2) Assess the need to update NYSDOT/NYSDOH MOU.
3) Complete outfall inspections.
IV. MINIMUM CONTROL MEASURE 4: Construction Site Stormwater Runoff Control

Permit Requirement

For this Minimum Control Measure, permittees are required to implement and enforce a program that provides equivalent protection to the NYS SPDES General Permit for Stormwater discharges from Construction Activity and addresses stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre, and for disturbances less than one acre if the construction activity is part of a larger common plan of development or controlling such activities in a particular watershed is required by NYSDEC. The program must incorporate mechanisms for construction runoff requirements from new development and redevelopment projects, allow for sanction to ensure compliance, describe procedures for receipt and follow-up on complaints or other information submitted by the public, educate construction site operators, and establish and maintain an inventory of active construction sites. Permittees are required to periodically assess and modify its measurable goals, and to select and implement appropriate construction stormwater practices to ensure the reduction of all POCs in stormwater discharges to the Maximum Extent Practicable (MEP).

Specific requirements can be found in the SPDES MS4 General Permit, attached as Appendix C. Part VIII of the general permit applies to the regulated areas in all of the Designated Urbanized Areas. Part IX of the general permit, which applies to the TMDL watersheds, does not contain additional requirements for this Minimum Control Measure for Non-traditional MS4s. Additional information about NYSDOT’s Stormwater Management Program in the TMDL watersheds can be found in Section V of this Plan.

NYSDOT Construction Site Stormwater Runoff Control Program

NYSDOT is committed to reducing or eliminating adverse surface runoff impacts from its construction and maintenance sites to the state’s receiving waterbodies and natural, social, and cultural resources.

The discharge of sediment and other pollutants into waterbodies can result in the contravention of state Water Quality Standards (6 NYCRR, Chapter X, Parts 701- 706 - Classifications and Standards of Quality and Purity). These regulations include classifications and standards of quality and purity for State waters. Toxic and other deleterious substances shall not be discharged in amounts that will adversely affect the taste, color, or odor of waterbodies, or impair the waters of the State for their best usages. Suspended, colloidal and settleable solids shall not be discharged in amounts that cause substantial visible contrast to natural conditions, or cause deposition or impair the waters for their best classified usages.

NYSDOT has significantly improved the implementation of its Erosion and Sediment Control Program since the revision of 23 CFR Part 650, Subpart B, “Erosion and Sediment Control on highway Construction Projects” in 1994. The Federal Highway Administration published a final rule revising its regulation on Erosion and Sediment Control and adopted the American Association of State Highway and Transportation Officials (AASHTO) publication "Erosion and
Sediment Control in Highway Construction "Volume III, 1992 (latest version is Chapter 3 of the Highway Drainage Guidelines, 2007) as erosion control guidelines for all Federal-aid construction projects. FHWA requires that all federally-aided projects have formal erosion and sediment control plans. These plans are required for projects that include earth disturbances, including clearing and/or grubbing, grading, filling, or excavation, and are especially important for projects that require state and federal permits and water quality certifications.

The following is a summary of the revisions, excerpted from the 1994 FHWA memorandum:

- State Highway agencies are recommended to develop specific standards and practices for the control of erosion, using either the American Association of State Highway and Transportation Officials Drainage Guidelines, or their own more stringent guidelines.
- The regulation and accompanying guidelines apply to Federal-aid projects, both on and off the National Highway System.
- Erosion and sediment control plans shall be included in the Plans, Specifications and Estimate for all applicable projects.
- Erosion and sediment control plans shall be developed by qualified personnel.
- It is not acceptable to provide a bid item for various erosion and sediment control items without including a corresponding plan indicating how and where these items shall be placed.
- It is no longer satisfactory to specify that the contractor is responsible for all damages resulting from the construction operation or to leave the development of erosion and sediment control plans to after the project has been awarded.
- For those States participating in the coastal zone management program, they should be utilizing the Environmental Protection Agency’s “Guidance Specifying Management Measures for Sources of Nonpoint Source Pollution in Coastal Waters” to control erosion and sedimentation on projects located in coastal zone management areas.

"It is the Policy of the Federal Highway Administration (FHWA) that Federal-aid highways and highways constructed under the direct supervision of FHWA shall be located, designed, constructed and operated according to standards that will minimize erosion and sediment control damage to the highway and adjacent properties and abate pollution of surface and groundwater resources." (23 CFR Part 650.203)

The following management practices describe the many ways that NYSDOT seeks to improve its performance in the prevention of erosion and the control of sediment on its construction and maintenance sites. The effectiveness of these practices is assessed continuously, and the measurable goals are recorded and modified in NYSDOT’s Annual Reports. These programs and activities are appropriate in NYSDOT’s efforts to reduce the discharge of pollutants to the state’s waterbodies to the maximum extent practicable. These practices provide equivalent protection to the SPDES General Permit for Stormwater Discharges from Construction Activity.

1. **Require Erosion and Sediment Controls on all NYSDOT Projects** - NYSDOT has many policies and procedures in place to require appropriate environmental protection, including erosion and sediment control, during its projects.

   a. **Environmental Procedures Manual (EPM) Chapter 4.3, Erosion and Sediment Control and Stormwater Management** - This chapter of the EPM
(https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/chapter-4) contains NYSDOT’s implementing procedures for erosion and sediment control and stormwater management, and includes guidance on what information should be included in an Erosion and Sediment Control (E&SC) Plan. (Note: The EPM has been renamed The Environmental Manual (TEM) and can be found at (https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm). This section of the manual is currently being revised to refer to current regulations and permit requirements. The issuance of this document is listed as a measurable goal at the end of this section.)

Erosion and sediment control must be addressed on all NYSDOT projects involving clearing and/or grubbing, grading or excavation. An E&SC Plan should be included in the contract documents and should consist of appropriate plan sheets, details, tables and specifications. The E&SC Plan should address erosion and sediment control to the extent that it is reasonable and practicable to do so in design based on the design team’s knowledge of the project site, the planned scope of work, and the assumed sequence of construction activities. The complexity of the E&SC Plan and the types, locations, and quantities of various erosion and sediment control practices will be dependent upon the scale and scope of the project and the natural and man-made resources requiring protection.

An appropriately developed and detailed plan will help the contractor understand the Department’s expectations as to what work is required under Section 209 of the Standard Specifications and should assist the Engineer-In-Charge (EIC) in assuring that erosion and sediment control is adequately provided during the construction stage.

b. **Specifications and Details** - NYSDOT’s Standard Specifications contain specifications for general highway and bridge construction, including erosion and sediment control, earthwork, and environmental protection. Specifications for Soil Erosion and Sediment Control are found in Section 209, which was revised in February 9, 2010 via Engineering Instruction (EI) 09-035 (http://www.dot.ny.gov/portal/pls/portal/mexis_app.pa_ei_eb_admin_app.show_pdf?id=10321). The specifications in Section 209 are consistent with NYSDEC’s technical standard, New York State Standards and Specifications for Erosion and Sediment Control (August 2005).

(Note: Engineering Instructions and Engineering Bulletins are signed by designees for the person who signed NYSDOT’s Notice of Intent.)

Standard Specification Section 209 includes specifications for the materials, installation, inspection, and maintenance requirements for fifty (50) pay items. The items fall under these categories of management practices:

- Seed
- Mulch
- Check dams (stone, gravel bag, sand bag, prefabricated)
- Stawbale dikes
- Silt Fence
Included in this specification are the following requirements placed upon the contractor:

- Soil Erosion and Sediment Control shall be performed consistent with §107-12 Water Quality Protection and included as part of the construction schedule submitted by the Contractor in accordance with §108-01 Start and Progress of Work.
- The Contractor's schedules and methods shall be consistent with the soil erosion and sediment control plan included in the contract documents or the modified plan approved by the Engineer.
- The Contractor shall begin earthwork only after receiving written approval from the Engineer for the schedule.
- The Contractor shall designate to the Engineer an Erosion and Sediment Control Supervisor with adequate training, experience, and authority to implement and maintain all erosion and sediment control measures. The Erosion and Sediment Control Supervisor must demonstrate evidence of having taken a 4-hour course in the principles and practices of erosion and sediment control.
- The Contractor shall limit the area of clearing and grubbing, excavation, borrow and embankment operations in progress, commensurate with their capability and progress in keeping the finish grading, mulching, seeding and other temporary and/or permanent control measures current in accordance with the approved schedule.
- Under no condition shall earth material exposed by grubbing, excavation, borrow or fill or other work be left without application of temporary or permanent erosion controls for a period of greater than 7 days.
- Soil erosion and sediment control measures shall be inspected and maintained by the Contractor during the life of the project, including winter shutdown, etc. Such inspection and maintenance shall continue until after the permanent stabilization measures are in place and the temporary control measures are ordered to be removed by the Engineer.
- All temporary controls shall be inspected by the Contractor every seven calendar days and after each rainfall of ½ inch (12.5 mm) or more within a 24-hour period to determine if the measure is functioning as intended. All inspections shall be completed within one calendar day.
- Within 3 calendar days from the completion of the inspection, the Contractor shall:
  - Repair or rebuild the control measure to function as originally intended.
  - Remove sediment deposition which reaches one half the height of the control measure.
NYSDOT’s Standard Details associated with Section 209 specifications were also revised and issued in February 2010 via Engineering Bulletin (EB) 09-036 (http://www.dot.ny.gov/portal/pls/portal/mexis_app_pa_eiEb_admin_app.show_pdf?id=10322). Included are details for:

- Check dams (stone, gravel bag, sand bag, prefabricated)
- Strawbale dike
- Silt Fence
- Sediment Traps
- Turbidity Curtain
- Pipe Slope Drains
- Drainage Structure Inlet Protection
- Construction Entrances

Section 105 *Control of Work* allows NYSDOT to stop work if water quality standards are being contravened, or if such potential exists.

Section 107 *Legal Relations and Responsibility to Public* addresses the restoration of disturbed areas inside and outside of the state Right-of-Way (ROW), water and air quality protection, and solid waste management.

Special Specifications for erosion and sediment control (http://www.dot.ny.gov/main/business-center/engineering/specifications/special-specifications/200-series) have also been written to address special or regional needs. The following is a list of the special specifications available that relate specifically to erosion and sediment control:

- Temporary Soil Erosion and Water Pollution Control – Emergency Stand-by Contract Work
- Erosion and Sediment Control Plan and Control Measures (New York City Watershed)
- Temporary Erosion and Sediment Control Plan
- Temporary Silt Fence with Straw Bales
- Reinforced Silt Fence
- Temporary Water Bar
- Temporary Silt Barrier
- Filter Berm
- Geotextile Fabric Sediment Collection Bag
- Temporary Sediment Filter Bag for Drainage Structures
- Inlet Filter Sediment Control for New Catch Basins
- Field Basin Silt Diaper
- Silt Protection for Drainage Structures
- Inlet Filter Sediment Control for Existing Catch Basins
- Temporary Curb Inlet Filters
- Temporary Sediment Trap
- Sump Pit
- Temporary Sediment Mats
- Fiber Logs
• Bio-Fiber Rolls
• Floc Log 700 Series
• Plant Pallets
• Construction Access Through Environmentally Sensitive Areas
• Leaching Ring Energy Dissipater for Dewatering
• Portable Sediment Tank
• Environmental Supervisor

NYSDOT issued design guidance, specifications, and details for Soil Bioengineering/Biotechnical Engineering techniques by EI 02-019, EI 02-020, and EB 02-037, respectively.

c. **Highway Maintenance Guidelines, Chapter 6: Drainage** - This chapter outlines how drainage features should be maintained to insure proper function, but also how to perform maintenance to minimize erosion and environmental impacts. This chapter can be found at:
http://www.dot.ny.gov/divisions/operating/oom/transportation-maintenance/repository/HMG_Section6.pdf

d. **Environmental Handbook for Transportation Operations** – This handbook includes guidelines for performing maintenance and operations to minimize environmental impacts. Operations discussed that involve proper erosion and sediment control include:
• Drainage maintenance (including drainage structures, ditches, culverts, stream channels and streambanks)
• Bridge Washing
• Temporary Access Roads

e. **Highway Work Permits** - Through the Highway Work Permit process, NYSDOT reviews and can approve or deny approval for work on the Right-of-Way. The policy and procedure for this process are contained in the Manual of Administrative Procedures (MAP 7.12-2). NYSDOT requires that applicants are in compliance with state and local environmental regulations, including those for erosion and sediment control: “Permit work must comply with applicable state and local safety and environmental regulations to protect workers and preserve air and water quality and for erosion control.” (MAP 7.12-2, page 25)

Also, this MAP requires that work be done in accordance with NYSDOT’s Standard Specifications. Included in Section 107-12 is the following:
“The Contractor’s erosion and sedimentation control plan shall be prepared in accordance with the technical requirements contained in the “New York Guidelines for Urban Erosion and Sediment Control”, latest edition, printed by the Empire State Chapter, Soil and Water Conservation Society, c/o Cayuga County SWCD, 7413 County House Road, Auburn, New York 13021.” (Note: “New York Guidelines for Urban Erosion and Sediment Control” is now “New York State Standards and Specifications for Erosion and Sediment Control”.)

f. **Constructability Review** – Engineering Instruction 99-013
(http://www.dot.ny.gov/portal/pls/portal/mexis_app.pa_ei_eb_admin_app.show_pdf?id=15)
g. **Approved List of Materials and Equipment** - Quality Control of the geotextiles and soil stabilization products used for erosion and sediment control is maintained through the use of NYSDOT’s Approved List of Materials and Equipment (http://www.dot.ny.gov/divisions/engineering/technical-services/materials-bureau/materials-and-equipment).

The Approved List for geotextiles (including silt fence and turbidity curtain) is at http://www.dot.ny.gov/portal/page/portal/divisions/engineering/technical-services/technical-services-repository/alme/pages/470-1a.html.


h. **Dust Palliative/Soil Stabilizer Memorandum of Understanding (MOU) Between the New York State Department of Environmental Conservation and the New York State Department of Transportation for Review of Untreated or Treated Use of Dust Palliatives and Soil Stabilizers** - This MOU describes the procedures necessary for NYSDEC to review and approve products on NYSDOT’s Approved Materials List to be used as dust palliatives or soil stabilizers on NYSDOT construction and maintenance activities. The purpose of this process is to ensure the products’ environmental compatibility. This MOU went into effect in October 2003, and remains in effect until September 19, 2018. This MOU can be found at: https://www.dot.ny.gov/divisions/engineering/technical-services/technical-services-repository/dustmou.pdf.

i. **Highway Design Manual, Chapter 8 – Highway Drainage** - This chapter describes NYSDOT’s policies and procedures regarding drainage on NYSDOT’s construction projects. These policies ensure that NYSDOT’s drainage systems are designed and constructed to protect the highway, adjacent landowners, and the traveling public from the hazards associated with water, while maintaining water quality and protecting other environmental, social, and cultural resources. There is also guidance on the content of erosion and sediment control plans. Chapter 8 of the Highway Design Manual can be found at https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-8.

j. **Highway Design Manual, Chapter 9 – Soils, Walls, and Foundations** - This chapter describes NYSDOT’s policies and procedures to address soils issues as they relate to soil erosion and sediment control and stormwater management, including:

- Roles of Regional Geotechnical Section and the Geotechnical Engineering Bureau in advising the designer on the use of stone filing for permanent erosion control and soil parameters relating to the design of stormwater management practices.
- Appropriate methods for construction of cuts and fills to minimize the potential for erosion.
2. **Site Inspection and Enforcement** – NYSDOT has procedures and staff to provide quality control in its field operations:

   a. **Construction Inspection Manual (CIM), Section 209** – This portion of the CIM provides guidance to construction field staff on the proper implementation of Stormwater Pollution Prevention Plans (SWPPPs). This guidance includes a summary of portions of NYSDOT’s Standard Specifications for Erosion and Sediment Control (Section 209) and the current SPDES General Permit for Stormwater Discharges from Construction Activity that pertain to construction stage operations, and is intended for all projects that require Erosion and Sediment Control Plans, including projects that do not require coverage under the SPDES General Permit. Included in this guidance are standardized certification and report forms to be used by regional field staff to ensure compliance with permit requirements. (Additional guidance has also been developed in the regions that is specific to the regional programs.)

   It also includes guidance on the use of the following forms:
   - SPDES Stormwater Inspection Report Forms (MURK 6, MURK 6-1, and MURK 6-2).
   - Contractor/Subcontractor SPDES Permit Certification Form (CONR 5) – This form requires that contractors and subcontractors have staff on site that are Certified Trained Contractors in accordance with the SPDES General Permit for Stormwater Discharges from Construction Activity.
   - SPDES Stormwater Pollution Prevention Plan (SWPPP) Revision Form (CONR 8)
   - Notice to Disturb Greater Than 5 Acres of Soil (HC 209)
   - Notice to Reduce Frequency of SPDES Site Inspections (HC 210)

   This document was issued via Engineering Bulletin 09-009, and can be found at [http://www.dot.ny.gov/portal/pls/portal/mexis_app_pa_ei Eb_admin_app.show_pdf?id=6921](http://www.dot.ny.gov/portal/pls/portal/mexis_app_pa_ei Eb_admin_app.show_pdf?id=6921).
The forms noted above can be found on the Office of Construction webpage at:

Revision and issuance of the CIM document is listed as a measurable goal at the end of section V.

b. **Construction and Maintenance Environmental Coordinators** – NYSDOT created positions for Construction Environmental Coordinators (CECs) and Maintenance Environmental Coordinators (MECs) in 2001 to provide coordination and support for regional Construction and Maintenance staff and programs, respectively, with the goal of further integrating environmental stewardship activities throughout NYSDOT Operations. NYSDOT placed these people directly into Regional Construction and Maintenance Groups in order to address specific areas for department-wide environmental improvement in Construction and Maintenance, as follows: 1) increased environmental field presence; 2) increased familiarity with maintenance staff, activities and issues; 3) improved responsiveness to maintenance environmental needs; 4) greater leadership and follow-through on priority environmental issues in maintenance; 5) improved environmental training for maintenance staff; and 6) improved intra-regional communication on environmental issues. These persons provide the expertise and quality control in the field to ensure that earth disturbance activities are progressed in accordance with NYSDOT policies and procedures. A list of the CECs and MECs can be found at http://www.dot.ny.gov/divisions/engineering/environmental-analysis/operations/about-this-section.

c. **Quality Control/Quality Assurance Construction Reviews** – NYSDOT has developed a Quality Control Program to improve its Erosion and Sediment Control Program whereby reviews of active construction sites are conducted by Main Office and regional staff, and serve many purposes:
- To identify strengths and weaknesses in NYSDOT’s implementation of its erosion and sediment control and stormwater management program from the planning stage through design and construction stages;
- To provide feedback to Main Office staff that develop policy on erosion and sediment control and stormwater management, with the intent of improving subsequent policy/specification development;
- To assess the project’s compliance with the requirements of the SPDES General Permit for Construction Activity

NYSDOT has established goals and procedures, a rating system, and a checklist for conducting these project reviews. NYSDOT received a Merit Award from the Empire State Chapter of the Soil and Water Conservation Society in 2000 for its QC/QA review program.

d. **Record-keeping** – In order to improve quality control, NYSDOT has created databases of its construction projects and Highway Work Permit projects.
3. **Education and Training of Construction Site Operators**

   Many opportunities are available for NYSDOT Construction and Contractor staff to receive training in the principles of Erosion and Sediment Control:

   a. **NHI Training** – Formal classroom training is offered annually to NYSDOT on “Design and Implementation of Erosion and Sediment Control” (NHI Course # 142054). Approximately 25 people are trained at each of these 2-day classes.

   b. **New EIC and Office Engineer Training** – The Office of Construction offers training to staff that will run field offices for construction projects. This training for Engineers-in-Charge (EICs) and Office Engineers includes awareness training sessions on Stormwater Management and Erosion and Sediment Control. Continuation of this training is listed as a measurable goal at the end of this section.

   c. **DOT/AGC Technical Conference** – NYSDOT and the Associated General Contractors of America, New York State Chapter (AGC) partner to hold a three-day technical conference during the first week of December. Environmental sessions for the NYSDOT contractors usually include awareness training on stormwater management permit requirements or the fundamentals of Erosion and Sediment Control design, inspection, and/or implementation.

   Starting in 2009, NYSDOT has conducted 4-hour training endorsed by NYSDEC to contractors in order that they can become certified Trained Contractors as per SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001. Approximately 350 persons have been certified (or received refresher training) during this time.

   Continuation of this training is listed as a measurable goal at the end of this section.

   d. **SPDES Qualified Inspector Training** – Pursuant to the requirements in the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001, that projects with coverage under the general permit be inspected by persons certified as Qualified Inspectors, NYSDOT conducted 4-hour training endorsed by NYSDEC to NYSDOT Construction and Environmental staff in February and March 2010, and in June 2011. The training was provided live at the Training and Conference Center in Schenectady, and made available to all of the regional office via the GoToWebinar technology. Approximately 765 DOT staff received the necessary certification. Approximately 571 people were certified or received refresher training during two sessions in January and February, 2013.

   e. **Drainage Community of Practice (CoP)** – NYSDOT’s Office of Transportation Maintenance has Communities of Practices for various topics. The Drainage CoP was created to develop policy, procedures, training, expectations, performance metrics, quality assurance programs, budgets, contracts, and staffing patterns for the drainage program in the NYSDOT regional offices. This CoP is developing training presentations on proper drainage system maintenance, erosion and sediment control relative to these operations, and general environmental permitting considerations.
Measurable Goals

The following measurable goals have been identified for this Minimum Control Measure:

For the Reporting Period March 10, 2013 to March 9, 2014
1) Conduct Qualified Inspector/Trained Contractor training in Fall 2013, New EIC training in Winter 2014.

For the Reporting Period March 10, 2014 to March 9, 2015
1) Revise and issue The Environmental Manual (TEM) section for Erosion and Sediment Control.
V. MINIMUM CONTROL MEASURE 5: Post-Construction Stormwater Management

Permit Requirement

For this Minimum Control Measure, permittees are required to implement and enforce a program that provides equivalent protection to the NYS SPDES General Permit for Stormwater discharges from Construction Activity and addresses stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre, and for disturbances less than one acre if the construction activity is part of a larger common plan of development or controlling such activities in a particular watershed is required by NYSDEC. The program must incorporate mechanisms for post-construction runoff control from new development and redevelopment projects, including practices in accordance with the NYS Stormwater Management Design Manual; establish and maintain an inventory of post-construction stormwater management practices, ensure adequate long-term operations and maintenance of management practices; and implement a program to inspect development and re-development sites by trained staff.

In certain TMDL watersheds, permittees are required to develop and submit approvable retrofit plans. Watershed Improvement Strategies are required for stormwater discharges in TMDL watersheds and for discharges to 303(d) waterbodies.

Permittees are required to periodically assess and modify its measurable goals, and to select and implement appropriate construction stormwater practices to ensure the reduction of all POCs in stormwater discharges to the Maximum Extent Practicable (MEP).

Specific requirements can be found in the SPDES MS4 General Permit, attached as Appendix C. Part VIII of the general permit applies to the regulated areas in all of the Designated Urbanized Areas, whereas Part IX (sections A through D) applies to the TMDL watersheds. This section contains information about NYSDOT’s Stormwater Management Program in the TMDL watersheds.

NYSDOT Post-Construction Stormwater Management Program

NYSDOT constructs permanent stormwater management practices on many of its construction projects, and has policies and procedures to ensure the proper design, construction, and maintenance of these practices. NYSDOT has had approximately 365 projects covered under a SPDES General Permit for Stormwater Discharges from Construction Activity since the inception of the construction stormwater permitting in New York State in 1993. NYSDOT utilizes the management practices described in this section to improve its application of its Stormwater Management Program on its construction and maintenance projects in accordance with the current SPDES General Permit for Stormwater Discharges from Construction Activity. NYSDOT’s Stormwater Management Program also extends to private entities that undertake activities on the highway Right-of-Way to improve access to a private development, and is intended to provide equivalent protection as the SPDES General Permit for Stormwater Discharges from Construction Activity.
NYSDOT and NYSDEC signed a Memorandum of Understanding in 2003 to help both agencies understand NYSDOT’s implementation of the SPDES general permit in 2003. There were thirteen “Understanding” in the MOU, and although this MOU is considered invalid due to the issuance of a new SPDES General Permit for Stormwater Discharges from Construction Activity since then (GP-0-08-001, issued in 2008), the Understandings were carried forward into the NYSDOT Stormwater Management Program, in either the Highway Design Manual or in the Construction Inspection Manual.

In addition to the SPDES General Permit for Stormwater Discharges from Construction Activity, administered by NYSDEC, NYSDOT is also subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities. This general permit applies to activities on Indian Lands in New York State. This general permit was issued by US EPA for states or regions in the country that are not otherwise regulated by state general permits, such as SPDES GP-0-10-001 (which does not apply on Indian Lands in the state). Construction activities within “Indian Country” in New York State are authorized by Permit No. NYR10000I. The general permit also includes special conditions for construction activities on St. Regis Mohawk Territory.

“Indian Country” is defined at 40 CFR 122.2 to mean:
1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, not withstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

This current general permit can be found on the US EPA website at http://www.epa.gov/npdes/pubs/cpp2012_finalpermit.pdf. This first part of this section is a discussion of the various policies and procedures that apply to NYSDOT’s construction and maintenance operations. Details about NYSDOT’s Stormwater Management Program in the Highway Work Permit Process follow at the end of this section.

The effectiveness of these policies and procedures is assessed continuously, and the measurable goals are recorded and modified in NYSDOT’s Annual Reports. These programs and activities are appropriate in NYSDOT’s efforts to reduce the discharge of pollutants to the state’s waterbodies to the maximum extent practicable.

**Stormwater Management for NYSDOT Construction Projects & Maintenance Activities**

NYSDOT has many policies and procedures that apply to its post-construction stormwater management program. Some of these policies apply more to the earlier stages of project development, and have been termed for “Planning and Design” in this section of the Plan, and others have been termed for “Construction and Operations”, but it is recognized that many of the policies and/or guidance documents relate to various stages of project development. These terms are being used here in order to organize the listing of policies available to NYSDOT.
1. **Post-Construction Stormwater Management Policies and Procedures: Planning and Design**

   a. **Highway Design Manual, Chapter 8 – Highway Drainage** - This chapter describes NYSDOT’s policies and procedures regarding drainage on NYSDOT’s construction projects and along roadways under the jurisdiction of NYSDOT. These policies ensure that NYSDOT’s drainage systems are designed and constructed to protect the highway, adjacent landowners, and the traveling public from the hazards associated with water, while maintaining water quality and protecting other environmental, social, and cultural resources.

   Subsection 8.2.3 contains NYSDOT’s policy on the private drainage connections to the NYSDOT system.

   Appendix B of this chapter is a detailed description of how NYSDOT complies with the design requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, including design considerations to address water quality and water quantity requirements for new development and redevelopment, the contents of a Stormwater Pollution Prevention Plan (SWPPP), and instructions for completing a Notice of Intent (NOI) and Notice of Termination (NOT). Attachment A in this appendix describes the NYSDOT pay items and specifications designers should use for the various components of the stormwater management practices. The practices constructed on NYSDOT projects shall be constructed in accordance with the current version of the New York State Stormwater Management Design Manual.

   The latest version of Appendix B of Chapter 8 of the Highway Design Manual was issued by EB 09-026. (Note: Engineering Instructions and Engineering Bulletins are signed by designees for the person who signed NYSDOT’s Notice of Intent.)

   (Note: Chapter 8 needs to be revised to be consistent with the General Permit for Stormwater Discharges from Construction Activity and the current New York State Stormwater Management Design Manual, including the updates for Green Infrastructure practices and source control. Reissuance of this chapter is listed as a measurable goal at the end of this section.)

   Chapter 8 of the Highway Design Manual can be found at [http://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-8](http://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-8)

   b. **Stormwater Pollution Prevention Plan (SWPPP) Template** – SWPPP templates have been created for NYSDOT SWPPPs by various NYSDOT regions that are consistent with the current New York State Stormwater Management Design Manual, and are located on the NYSDOT Environmental Toolbox webpage at [http://axim22.nysdot.private:7779/portal/page?_pageid=39,2056550&_dad=portal&_schema=PORTAL](http://axim22.nysdot.private:7779/portal/page?_pageid=39,2056550&_dad=portal&_schema=PORTAL) (not accessible to the general public).
c. **Environmental Procedures Manual (EPM) Chapter 4.3, Erosion and Sediment Control and Stormwater Management** - This chapter of the EPM ([https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/chapter-4](https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/chapter-4)) contains NYSDOT’s implementing procedures for erosion and sediment control and stormwater management, and includes guidance on what information should be included in an Stormwater Pollution Prevention Plan SWPPP). (Note: The EPM has been renamed The Environmental Manual (TEM) and can be found at [https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm](https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm). This section of the manual is currently being revised to refer to current regulations and permit requirements. Revision of this section of the manual is listed as a measurable goal at the end of this section.)


i. The “Toler Analysis” is a predictive methodology that can be used to determine potential chloride concentrations in surface and groundwater from existing and anticipated salt applications on highways.

ii. The FHWA Pollutant Loading Analysis (1990) is a quantitative procedure for estimating the impacts to the water quality of lakes and/or streams that directly receive highway stormwater runoff. (USGS is currently developing a new model named “Stochastic Empirical Loading and Dilution Model (SELM)” on behalf of FHWA for use by transportation agencies. NYSDOT is involved in the development and testing of this model. More information about SELDM can be found at [http://pubs.usgs.gov/tm/04/c03/](http://pubs.usgs.gov/tm/04/c03/)

e. **Specifications for Stormwater Management** – NYSDOT’s Standard Specifications contain specifications for general highway and bridge construction. NYSDOT added a section to the Standard Specifications to include “Stormwater Management Facilities” (Section 208, added by EI 09-014). There are currently no pay items included in the Standard Specifications for Section 208 (pay items exist as special specifications under other sections), but this section serves as a repository for the transition of the existing pay items to eventually all be included under Section 208 to allow designers to more easily find the appropriate specifications.

Special Specifications for specialty components of Stormwater Management Facilities (or the maintenance of them) have been written to address special or regional needs, and currently reside in various sections: Sections 203 *Excavation and Embankment*, 208, 209 *Soil Erosion and Sediment Control*, 604 *Drainage Structures*, 605 *Underdrains*, 610 *Turf and Wildflower Establishment*, 615 *Landscape Miscellaneous*, and 661 *Electric Utilities*. The following is a list of the special specifications available that relate specifically to permanent stormwater management facilities (not including typical drainage system structures, such as catch basins, pipes, manholes, ditches, etc.):
• Filter Sand for Sand Filters (203)
• Bioretention and Dry Swale Soil (208)
• Laboratory Testing for Soil Phosphorus Concentration (208)
• Topsoil for Bioretention and Filtration (NYCDPR) (208)
• Stormwater Detention Module System (208)
• Media Filter Drain Mix (208)
• Geotextile Fabric Sediment Collection Bag (209)
• Temporary Sediment Filter Bag for Drainage Structures (209)
• Inlet Filter Sediment Control for New Catch Basins (209)
• Field Basin Silt Diaper (209)
• Silt Protection for Drainage Structures (209)
• Inlet Filter Sediment Control for Existing Catch Basins (209)
• Inline Water Level Control Structure (604)
• Underground Stormwater Detention System (604)
• Stormwater Treatment System (SWTS) (604)
• Stormwater Chamber Infiltration System (604)
• Crushed Glass Water and Stormwater Pollution Control Filter (605)
• Stormwater Pollution Control Filter (605)
• Leaf Compost (610)
• Cleaning Stormwater Treatment Systems (615)
• Stormwater Facilities Weeding and Litter Removal (615)
• Stormwater Facilities Mowing and Litter Removal (615)
• Cleaning Oil/Grit Separators (615)
• Maintaining Stormwater Containment Valve (615)
• Biological Filter (661)
• Skimmer (661)

f. **Design, Construction, and Maintenance of Recharge Basins** – The Geotechnical Engineering Bureau has developed a manual to address the proper design, construction, and maintenance of recharge basins. A computer program, RECHARGE, is used to design the basins.

Recharge basins play an important role in NYSDOT’s Stormwater Management Program because they facilitate infiltration of stormwater into the ground, thereby removing stormwater discharges into surface water resources, and eliminating the potential discharge of pollutants and reducing stormwater volumes. This manual can be found at [http://www.dot.ny.gov/divisions/engineering/technical-services/technical-services-repository/GDP-8b.pdf](http://www.dot.ny.gov/divisions/engineering/technical-services/technical-services-repository/GDP-8b.pdf)

Included on the webpage are links to the following information:

i. NYSDOT MS4 Notice of Intent
ii. NYSDOT’s MS4 Annual Reports
iii. NYSDOT Highway Design Manual, Chapter 8, Highway Drainage
iv. Construction-related forms for compliance with the current SPDES General Permit for Stormwater Discharges from Construction Activity
v. NYSDOT Approved Materials List for Erosion Control Products and Dust Palliatives
vi. NYSDOT New Product Evaluations for Water Quality Products
vii. NYSDEC & EPA general permits, forms, and other supporting information
viii. Other assorted websites related to Stormwater Management and Highways

h. Stormwater e-mail Address - NYSDOT has a dedicated e-mail address (Stormwater@dot.ny.gov) for public to use for questions or comments on NYSDOT Stormwater Management Program. This e-mail address is monitored on a daily basis, and although it was not originally intended for this purpose, it has resulted in many residents living along state roadways to receive assistance from NYSDOT staff to address local drainage problems.

i. Accepted Stormwater Products – NYSDOT evaluates new products and materials on an ongoing basis through its New Product Evaluation Committee. The products evaluation requests that are related to improving water quality from the roadway are submitted by the committee to the Environmental Science Bureau. Staff evaluates the products, based on testing and performance data submitted by the manufacturer. Several products have been accepted for future use by NYSDOT on a provisional basis. Manufacturers and Distributors of these products have been advised not to use the provisional acceptance for promotional purposes. NYSDOT reserves the right to withdraw its acceptance as a result of poor performance or if performance claims are found to be erroneous or intentionally misleading.

The list of products can be found on the NYSDOT Stormwater Webpage at http://www.dot.ny.gov/venues/environmental-analysis/repository/NPEC Water Quality Products.pdf.

j. GreenLITES – Although not developed to be a part of NYSDOT’s Stormwater Management Program, GreenLITES has many components that support the principles of NYSDOT’s Stormwater Management Program.

GreenLITES is a project rating program that recognizes transportation project designs that incorporate a high level of environmental sustainability. More information about the GreenLITES program can be found at http://www.dot.ny.gov/venues/greenlites.

One of the five GreenLITES certification categories is “Water Quality”. Subcategories are:
• Stormwater management (volume and quality) - The objectives are to reduce thermal impacts and to reduce the quantities of pollutants in typical highway runoff that are discharged into adjacent water resources. These pollutants include sediment, oil and grease, chemicals such as deicing salts and pesticides, litter and trash, and metals.
• Reduce runoff and associated pollutants by treating stormwater runoff through BMPs - The objective is to reduce runoff and associated pollutants to adjacent water resources by allowing infiltration of surface water, filtration of pollutants, or other methods to treat stormwater runoff.

NYSDOT’s strategies for addressing stormwater management in its projects incorporate the principles of Low Impact Development, or Green Infrastructure.

For each subcategory, points are credited to a project that incorporates stormwater management improvement techniques. More information about the crediting system can be found at http://www.dot.ny.gov/programs/greenlites/project-design-cert.

There is also a part of the GreenLITES program that applies to NYSDOT Operations. This is discussed in Section VI of this Plan.

k. **Stormwater Service Team** – NYSDOT created several Knowledge or Service Teams in 2007 in order to create specialty groups to lend assistance on projects and to facilities the sharing of resources across regional boundaries. A Stormwater Service Team was created, and its first product was the creation of a shell for a database of all permanent stormwater management practices either constructed by NYSDOT or now under the maintenance jurisdiction of NYSDOT. *(Note: Further discussion of this database is included under the heading of Post-Construction Stormwater Management Policies and Procedures: Construction and Operations (below).)*

l. **Stormwater Management Guidelines for NYS Department of Transportation Activities Undertaken Within the Lake George Park** – NYSDOT has guidelines that are followed for construction and maintenance activities in the park that involve the use of sound stormwater management and erosion and sediment control practices.

2. **Post-Construction Stormwater Management Policies and Procedures: Construction and Operations** – The following policies and procedures are in place to ensure adequate long-term operation and maintenance of NYSDOT’s drainage system and permanent stormwater management practices.

a. **Stormwater Management Practice Database** – NYSDOT has a database for the permanent stormwater management practices constructed by NYSDOT, or are under the maintenance jurisdiction of NYSDOT. The statewide database was created based on a database created in NYSDOT Region 8 in 1998. The database can be used statewide to document and track the maintenance history of stormwater management practices that have been constructed. A “Stormwater Facility Activation and Inventory Form” was created to allow the transfer of information about the permanent practices from the Designer to Construction (to verify the type and location of the practice), then to Maintenance for
addition to the database. Creation of this database was in response to the permit requirement in the SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer System (MS4s), Permit No. GP-0-08-002:

By May 1, 2009 establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the small MS4 that have been installed since March 10, 2003, those owned by the small MS4, and those found to cause water quality standard violations. (GP-0-08-002, Page 51, Part VIII.A.5.a.v).

Issuance of an EI regarding the use of the database is listed as a measurable goal at the end of this section.

b. **Stormwater Facilities Operations and Maintenance Manual (Region 8)** – NYSDOT Region 8 has developed an Operations and Maintenance (O & M) Manual to address the maintenance of permanent stormwater management practices (or facilities). The manual is intended to provide general maintenance guidelines, emphasizing that properly designed facilities will last longer due to well thought-out maintenance provisions. The manual includes inspection checklists for various stormwater management practices, and a Stormwater Facility Activation and Inventory Form to allow new practices to be added to the regional database as they are constructed. The region uses this manual as an O&M plan for its maintenance contracts. This manual can be used by all NYSDOT regions to serve as an O&M plan for project SWPPPs. This manual can be found at http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/nysdot8storm_a.pdf.

(Note: NYSDOT has begun to draft a revision of this manual to include more details about inspection of permanent stormwater facilities, and to better supplement the Maintenance Guidelines for Drainage. Revision of this manual is listed as a measurable goal at the end of this section.)

c. **Highway Maintenance Guidelines, Chapter 6: Drainage** - This chapter outlines how drainage features should be maintained to insure proper function, but also general guidelines on how to perform maintenance on permanent stormwater management practices. This chapter can be found at: http://www.dot.ny.gov/divisions/operating/oom/transportation-maintenance/repository/HMG Section6.pdf

d. **Maintenance Asset Management Information System (MAMIS)** – MAMIS is used to track all maintenance work to determine the effort and cost of asset management, including drainage and stormwater related assets. MAMIS is used to identify maintenance needs and to address those needs through a work management process.

e. **Environmental Handbook for Transportation Operations** – This handbook includes guidelines for performing maintenance and operations to minimize environmental impacts. Included in the manual is a list of the types of Routine Maintenance Activities that NYSDOT and NYSDEC have agreed are not activities regulated by the SPDES General
Permit for Stormwater Discharges from Construction Activity (these activities have since been put in the current permit):

i. Cleaning and shaping of existing ditches and culverts that maintain the approximate original line and grade, and hydraulic capacity of the ditch.

ii. Cleaning and shaping of existing ditches that does not maintain the approximate original line and grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g., installing grass lined ditch).

iii. Placing of aggregate shoulder backing that makes the transition between the shoulder and the ditch or embankment.

iv. Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom 150 mm (6”) of subbase material.

v. Long-term use of equipment storage areas at or near NYSDOT maintenance facilities.

vi. Removal of sediment at the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment.

vii. Existing use of Canal Corp owned upland disposal sites for the canal.

viii. Replacement of curbs, gutters, sidewalks, and guiderail posts.

ix. Regrading of gravel roads and parking lots.

x. Streambank restoration projects (does not include the placement of spoil material).

f. **Construction Inspection Manual (CIM), Section 209** – This portion of the CIM provides guidance to construction field staff on the proper implementation of Stormwater Pollution Prevention Plans (SWPPPs). This guidance includes a summary of portions of NYSDOT’s Standard Specifications for Erosion and Sediment Control (Section 209) and the SPDES General Permit for Construction Activity that pertains to construction stage operations, and is intended for all projects that require Erosion and Sediment Control Plans, including projects that do not require coverage under the SPDES General Permit. Included in this guidance are standardized certification and report forms to be used by regional field staff to ensure compliance with permit requirements. (Additional guidance has also been developed in the regions that is specific to the regional programs.)

It also includes guidance on the use of the following forms:

- SPDES Stormwater Inspection Report Forms (MURK 6, MURK 6-1, and MURK 6-2).
- Contractor/Subcontractor SPDES Permit Certification Form (CONR 5)
- SPDES Stormwater Pollution Prevention Plan (SWPPP) Revision Form (CONR 8)
- Notice to Disturb Greater Than 5 Acres of Soil (HC 209)
- Notice to Reduce Frequency of SPDES Site Inspections (HC 210)

This document was issued via Engineering Bulletin 09-009, and can be found at [http://www.dot.ny.gov/portal/pls/portal/mexis_app.pa_ei_eb_admin_app_show_pdf?id=6921](http://www.dot.ny.gov/portal/pls/portal/mexis_app.pa_ei_eb_admin_app_show_pdf?id=6921).

Revision and issuance of the CIM document is listed as a measurable goal at the end of this section.

g. **Construction and Maintenance Environmental Coordinators** – NYSDOT created positions for Construction Environmental Coordinators (CECs) and Maintenance Environmental Coordinators (MECs) in 2001 to provide coordination and support for regional Construction and Maintenance staff and programs, respectively, with the goal of further integrating environmental stewardship activities throughout NYSDOT Operations. NYSDOT placed these people directly into Regional Construction and Maintenance Groups in order to address specific areas for department-wide environmental improvement in Construction and Maintenance, as follows: 1) increased environmental field presence; 2) increased familiarity with maintenance staff, activities and issues; 3) improved responsiveness to maintenance environmental needs; 4) greater leadership and follow-through on priority environmental issues in maintenance; 5) improved environmental training for maintenance staff; and 6) improved intra-regional communication on environmental issues. These persons provide the expertise and quality control in the field to ensure that earth disturbance activities are progressed in accordance with NYSDOT policies and procedures. A list of the CECs and MECs can be found at http://www.dot.ny.gov/divisions/engineering/environmental-analysis/operations/about-this-section.

h. **Quality Control/Quality Assurance Construction Reviews** – NYSDOT has developed a Quality Control Program to improve its Erosion and Sediment Control Program whereby reviews of active construction sites are conducted by Main Office and regional staff, and serve many purposes:

- To identify strengths and weaknesses in NYSDOT’s implementation of its erosion and sediment control and stormwater management program from the planning stage through design and construction stages;
- To provide feedback to Main Office staff that develop policy on erosion and sediment control and stormwater management, with the intent of improving subsequent policy/specification development;
- To assess the project’s compliance with the requirements of the SPDES General Permit for Construction Activity.

NYSDOT has established goals and procedures, a rating system, and a checklist for conducting these project reviews. NYSDOT received a Merit Award from the Empire State Chapter of the Soil and Water Conservation Society in 2000 for its QC/QA review program.

3. **Watershed Specific Programs** – There are watersheds and waterbodies in New York State for which heightened requirements have been placed in order that the water quality can be protected, and in many cases, improved. NYSDEC has identified Total Maximum Daily Load
(TMDL) watersheds and 303(d) list waterbodies as water resources that require additional protection, and have placed permit requirements in the current SPDES General Permit for MS4s.

a. **TMDL Watersheds** – To define a TMDL, the following is excerpted from the NYSDEC TMDL webpage at (http://www.dec.ny.gov/chemical/23835.html):

“A Total Maximum Daily Load (TMDL) specifies the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards. TMDLs account for all contributing sources (e.g. point & nonpoint sources, and natural background levels), seasonal variations in the pollutant load, and incorporate a margin of safety that accounts for unknown or unexpected sources of the pollutant. In essence, a TMDL defines the capacity of the waterbody to absorb a pollutant and still meet water quality standards. The Clean Water Act requires states to identify waterbodies that do not meet water quality standards after application of technology-based effluent limitations. For these “impaired waters”, states must consider the development of alternative strategies, including TMDLs, for reducing the pollutants responsible for the failure to meet water quality standards.”

NYSDEC has developed the following TMDLs that are referenced in the current SPDES General Permit for MS4s (as shown in Appendices 3 through 10 in GP-0-10-002):

- New York City East of Hudson (EOH) River Watershed (TMDL for phosphorus)
- Onondaga Lake Watershed (TMDL for phosphorus)
- Greenwood Lake Watershed (TMDL for phosphorus)
- Oyster Bay Watershed (TMDL for pathogens)
- Peconic Bay Watershed (TMDL for pathogens and nitrogen)
- 27 Long Island Shellfishing Impaired Embayments (TMDL for pathogens)
- Lake Oscawana Watershed (TMDL for phosphorus)

(Note: NYSDOT does not have any roadways under its jurisdiction in the Oscawana Lake watershed. Therefore, there is no discussion in this Plan regarding how NYSDOT shall meet the TMDL requirements.)

The current SPDES General Permit for MS4s states: “MS4s are required to meet the reduction of the POC defined by the TMDL defined in Part IX of this SPDES general permit. By the deadlines defined in Part IX of the general permit, covered entities must assess their progress and evaluate their SWMP to determine the MS4’s effectiveness in reducing their discharges of TMDL POC(s) to TMDL water bodies” (GP-0-10-002, Part III.B.2, Page 12). (Note: NYSDOT will not have procedures in place for methods of compliance with the Watershed Improvement Strategies by the May 2011 deadlines included in Table V-1, but are listed as measurable goals at the end of this section.) These procedures will include the requirement to model the pollutant loading for the projects and activities in these watersheds, and mitigate for those loads, if necessary, using stormwater management practices, to demonstrate a net reduction in the POCs to the waterbody.
Table V-1 – Deadlines for Watershed Improvement Strategies and Retrofit Plans in TMDL Watersheds

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Pollutant of Concern (POC)</th>
<th>Watershed Improvement Strategy Deadline</th>
<th>Retrofit Plan Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York City East of Hudson (EOH)</td>
<td>Phosphorus</td>
<td>05/01/2011</td>
<td>03/09/2009</td>
</tr>
<tr>
<td>Greenwood Lake</td>
<td>Phosphorus</td>
<td>05/01/2011</td>
<td>03/09/2011</td>
</tr>
<tr>
<td>Onondaga Lake</td>
<td>Phosphorus</td>
<td>06/29/2015</td>
<td>06/29/2015</td>
</tr>
<tr>
<td>Oyster Bay</td>
<td>Pathogens</td>
<td>05/01/2012</td>
<td>03/09/2012</td>
</tr>
<tr>
<td>Peconic Bay Estuary</td>
<td>Pathogens</td>
<td>05/01/2012 or 05/01/2013</td>
<td>03/09/2012 or 09/30/2012</td>
</tr>
<tr>
<td>27 Long Island Shellfishing Impaired Embayments</td>
<td>Pathogens</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
</tr>
<tr>
<td>Peconic Bay Estuary</td>
<td>Nitrogen</td>
<td>05/01/2011</td>
<td>03/09/2011</td>
</tr>
</tbody>
</table>

i. TMDLs for Phosphorus – There are different requirements for each TMDL watershed. Below is a discussion of NYSDOT’s stormwater management program to address the requirements in these watersheds.

1. New York City East of Hudson (EOH) Watershed – NYSDOT has approximately 290 miles of roadways under its jurisdiction in this watershed (which comprises approximately 16% of all of the roadways in the watershed).

NYSDOT has developed several policies that apply to project development of projects in the NYC EOH watershed:

- All projects require erosion and sediment control plans in accordance with NYSDOT specifications, which are consistent with the NYS Standards and Specifications for Erosion and Sediment Control.
- Post-construction stormwater management practices must be consistent with the NYS Stormwater Management Design Manual, Chapter 10 Enhanced Phosphorus Removal Standards. This requirement became effective September 30, 2008.
- Design standards to meet the NYCDEP Watershed Rules & Regulations have differed from NYSDEC’s. Accordingly, NYSDOT entered into an MOU with NYCDEP entitled Memorandum of Understanding Between the New York State Department of Transportation and the New York City Department of Environmental Protection Concerning Transportation Projects in the Watershed of the New York City Water Supply. This MOU contains agreements regarding interpretation of the Watershed Rules and Regulations, SWPPP submittal procedures, and bridge washing provisions. This MOU is in Appendix G of this Plan. (Note: Due to recent changes in the Rules & Regulations, it is anticipated that the MOU will be revised.)
- Prior to the issuance of the NYS Stormwater Management Design Manual, NYSDOT and an interagency workgroup developed “DRAFT Stormwater Management Handbook for New York State Department of Transportation
Projects within the New York City Watershed” (2000). This handbook was created to provide guidance to NYSDOT staff that design and construct highway projects in the New York City Watershed, and to assist the New York City Department of Environmental Protection (NYCDEP) in implementing its Watershed Rules and Regulations. Due to the issuance of the NYS Stormwater Management Design Manual and updated chapters to include the criteria for projects in the NYC watershed, this manual is now obsolete.

a. **Drainage System Mapping** – As previously stated, NYSDOT has a digital repository of As-Built Contract Plans that covers nearly all of the highway system within its jurisdiction, including this watershed. These plans also show the drainage network, and are at a such a scale and with sufficient detail to determine drainage direction and connections, and accordingly would be used to determine the source of suspected illicit discharges if or when identified within the Right-of-Way. These data files are intended for better and faster sharing of information. Because these plans would be used to conduct “trackdown” of suspected illicit discharges, and have such good detail (showing other land features in the right-of-way), NYSDOT considers these to satisfy current MS4 permit requirement for “system mapping”.

b. **Stormwater Retrofitting Program** – Regulated MS4s in the NYC EOH watershed are required to develop stormwater retrofit programs, and are required to submit retrofit plans to NYSDEC that show phosphorus reductions in accordance with Croton Watershed Phase II Phosphorus TMDL Implementation Plan, January 14, 2009. NYSDOT has submitted plans and project schedules that show phosphorus reductions that meet permit requirements. In fact, Region 8 has completed and has ready for construction two projects that call for the construction of new stormwater management practices and modification of existing practices to address the retrofitting requirements.

c. **Stormwater Conveyance System Inspection and Maintenance Program** – NYSDOT has such a program, with these components:
   i. Outfall Inspection Program ensures that all outfalls are properly inspected within a five-year cycle;
   ii. Maintenance Asset Management Information System (MAMIS) ensures that drainage features are routinely inspected and maintained;
   iii. “Highway Maintenance Guidelines, Chapter 6: Drainage” and “Stormwater Facilities Operations and Maintenance Manual (Region 8)” are used to determine the standards and procedures for conducting required maintenance.

d. **Remediation of Stormwater Discharges within the New York City Watershed** – In 2000, Trout Unlimited and Riverkeeper, Inc. presented NYSDOT with a list of 42 sites in the New York City Watershed where degradation of the drainage system created a potential for adverse impacts on
the drinking water supply for New York City. Most of the sites were on state Right-of-Way, some were on New York City property, and some involved property acquisition.

NYSDOT acted as a partner with NYSDEC and NYCDEP to remediate these sites; accordingly, the work performed was approved by both NYSDEC and NYCDEP. Most of these remediation sites were addressed by NYDOT, either by state maintenance forces or were included in construction projects.

Most of the sites involved some kind of stabilization or redirection of drainage to reduce or eliminate direct stormwater discharges into waterbodies. The management practices utilized included, but were not limited to, swales, check dams, regrading, sediment basins, slope stabilization (including the use of soil bioengineering), outlet protection, and the removal of paved or concrete swales.


2. **Greenwood Lake Watershed** – Routes 17A and 210 are the two roadways in this watershed that are under the jurisdiction of NYSDOT.

NYSDOT has developed several policies that apply to project development of projects in the Greenwood Lake watershed:

- All projects require erosion and sediment control plans in accordance with NYSDOT specifications, which are consistent with the NYS Standards and Specifications for Erosion and Sediment Control.
- Post-construction stormwater management practices must be consistent with the NYS Stormwater Management Design Manual, Chapter 10 *Enhanced Phosphorus Removal Standards*. This requirement became effective September 30, 2008.

a. **Stormwater Retrofitting Program** – Regulated MS4s in the Greenwood Lake watershed are required to develop stormwater retrofit programs, and are required to submit retrofit plans to NYSDEC that show phosphorus reductions in accordance with the current SPDES General Permit for MS4s. The deadline for plan submittal is March 9, 2011. (Note: NYSDEC has not issued total phosphorus load allocations for the regulated MS4s in the watershed. Accordingly, NYSDOT has not yet submitted a retrofit plan for this watershed to NYSDEC, but is coordinating with the Village of Greenwood Lake to explore partnering opportunities. Submittal of the retrofit plan is listed as a measurable goal at the end of this section, but is subject to change depending on NYSDEC’s schedule for delivering load allocations.)

3. **Onondaga Lake Watershed**

NYSDOT has developed several policies that apply to project development of projects in the Onondaga Lake watershed:

- All projects require erosion and sediment control plans in accordance with NYSDOT specifications, which are consistent with the NYS Standards and Specifications for Erosion and Sediment Control.
- Post-construction stormwater management practices must be consistent with the NYS Stormwater Management Design Manual, Chapter 10 *Enhanced Phosphorus Removal Standards*. This requirement became effective September 30, 2008.

a. **“Phosphorus in the Onondaga Lake Watershed” Poster** – As part of its Public Education and Outreach Program, NYSDOT has created a poster that illustrates sources of phosphorus, impacts of high phosphorus concentrations on the lake, and actions that the public can take to reduce phosphorus in the watershed. This poster is on the NYSDOT Stormwater Webpage at [http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/PHOSPHORUS_POSTER.pdf](http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/PHOSPHORUS_POSTER.pdf).

b. **Stormwater Retrofitting Program** – Regulated MS4s in the Onondaga Lake watershed are required to develop stormwater retrofit programs, and are required to submit retrofit plans to NYSDEC that show phosphorus reductions in accordance with the current SPDES General Permit for MS4s. The deadline for plan submittal in the current SPDES General Permit for MS4s is “TMDL approval + 3 years”, meaning that plans are required three years after NYSDEC has issued a new TMDL for the Onondaga Lake watershed. NYSDEC did, in fact, approve a TMDL for the Onondaga Lake watershed on June 29, 2012, meaning that retrofit plans are to be submitted by June 29, 2015. Submittal of retrofit plans is listed as a measurable goal at the end of this section.


ii. **TMDLs for Pathogens** – There are watersheds on Long Island for which TMDLs have been developed, and accordingly, additional requirements exist in the current SPDES General Permit for MS4s. NYSDEC has also drafted a document entitled “Pathogens Watershed Improvement Strategies Guidance Document (Draft)”, April 30, 2010.
NYSDEC revised the current MS4 General Permit in October 2011, changing deadlines for Watershed Improvement Strategies and Retrofit Plan submissions for some subwatersheds in the TMDL watersheds for Pathogens and removed three 303(d) listed waterbodies in Suffolk County. This chapter reflects those revisions.

1. **Oyster Bay Watershed** – Routes 25 and 107 are the two roadways in this watershed that are under the jurisdiction of NYSDOT. NYSDOT, however, does not have any stormwater outfalls in this watershed.

   Table IX.C in the SPDES General Permit for MS4s, GP-0-10-002, identifies two Watershed Improvement Strategy Areas in the Oyster Bay watershed, and are identified as “Oyster Bay (Harbor 2)” and “Oyster Bay (Harbor 3)”. NYSDEC has established different pollutant reduction percentages for different parts of the bay. A 20% reduction is required in Harbor 2, and a 90% reduction in pathogens is required in Harbor 3.

   a. **Drainage System Mapping** – As NYSDOT is considered a non-traditional MS4, NYSDOT is not required to map its drainage system in the pathogen TMDL watersheds.

   b. **Stormwater Retrofitting Program** – Regulated MS4s in the Oyster Bay watershed are required to develop stormwater retrofit programs, and are required to submit retrofit plans to NYSDEC that show pathogen reductions in accordance with the current SPDES General Permit for MS4s. The deadline for plan submittal is March 9, 2012. (Note: NYSDOT has not yet submitted a retrofit plan for this watershed to NYSDEC. The assessment of appropriate retrofits is listed as a measurable goal at the end of this section.)

2. **Peconic Bay Watershed** – NYSDOT has five roadways in this watershed under its jurisdiction. Although there are 28 subwatersheds identified in this TMDL, NYSDOT has roadways in 15 of the subwatersheds.

   Table IX.C in the SPDES General Permit for MS4s, GP-0-10-002, identifies the following Watershed Improvement Strategy Areas in the Peconic Bay watershed:
   1. Budds Pond
   2. Stirling Pond
   3. Town & Jockey Creeks
   4. Goose Creek
   5. Hashamomuck Pond, Zone HP-1
   6. Hashamomuck Pond, Zone HP-2
   7. Richmond Creek
   8. Deep Hole Creek
   9. James Creek
   10. Flanders Bay
   11. Reeves Bay
   12. Sebonac Creek
13. North Sea Harbor, Zone NSH-1
15. North Sea Harbor, Zone NSH-3
17. Wooley Pond
18. Noyac Creek, Zone NC-1
19. Sag Harbor, Zone SH-2
20. Northwest Creek
22. Acabonac Harbor, Zone AH-3
23. Acabonac Harbor, Zone AH-4
25. Montauk Lake, Zone LM-1
26. Montauk Lake, Zone LM-2
27. Montauk Lake, Zone LM-3
28. Little Sebonac Creek

a. **Drainage System Mapping** – As NYSDOT is considered a Non-traditional MS4, NYSDOT is not required to map its drainage system in the pathogen TMDL watersheds. NYSDOT, did, however, submit to NYSDEC sewershed data for outfalls in the municipalities of Riverhead and Southampton in February 2012 to assist NYSDEC in its finalization of the “Pathogens Watershed Improvement Strategies Guidance Document”. Additional sewershed mapping was submitted to NYSDEC in October 2012.

b. **Stormwater Retrofitting Program** – Regulated MS4s in the Peconic Bay watershed are required to develop stormwater retrofit programs, and are required to submit retrofit plans to NYSDEC that show pathogen reductions in accordance with the current SPDES General Permit for MS4s. The deadline for plan submittal is March 9, 2012 for ten subwatersheds, and September 30, 2012 for the other eighteen subwatersheds. Different pollutant reduction percentages have been assigned for each subwatershed.

NYSDEC public noticed in September 2012 a DRAFT Retrofit Program Guidance Document for Pathogen Impaired Watershed MS4s on Long Island. In response to this, NYSDOT submitted information that satisfied the retrofit requirements at that time. (Note: NYSDEC has not issued total pathogen load allocations and reduction responsibilities for the regulated MS4s in the watershed. Accordingly, NYSDOT has not yet submitted a final retrofit plan for this watershed to NYSDEC.)

The assessment of appropriate retrofits is listed as a measurable goal at the end of this section.

3. **27 Long Island Shellfishing Impaired Embayments** - NYSDOT has eleven roadways under its jurisdiction within these areas.
Contrary to the name of this TMDL, there are 39 subwatersheds and specific pollutant reduction percentages are assigned for each subwatershed. Table IX.C in the SPDES General Permit for MS4s, GP-0-10-002, identifies the following Watershed Improvement Strategy Areas in this watershed:

1. Hempstead Harbor, north, and tidal tributaries
2. Cold Spring Harbor, and tidal tributaries, Inner
3. Cold Spring Harbor, Eel Creek
4. Huntington Harbor
5. Centerport Harbor
6. Northport Harbor
7. Stony Brook Harbor and West Meadow Creek
8. Stony Brook Creek
9. Stony Brook Yacht Club
10. Port Jefferson Harbor, North and tribs
11. Conscience Bay and tidal tribs
12. Setauket Harbor, Little Bay
13. Setauket Harbor, East Setauket
14. Setauket Harbor, Poquot
15. Mt. Sinai Harbor, Crystal Brook
16. Mt. Sinai Harbor, Inner Harbor
17. Mt. Sinai Harbor, Pipe Stave Hollow
18. Mattituck Inlet/Creek, Low, and tidal tributaries
19. Goldsmith Inlet
20. West Harbor – Darby Cove
21. Georgica Pond, Upper
22. Georgica Pond, Lower
23. Georgica Pond Cove
24. Sagaponack Pond
25. Mecox Bay and tributaries
26. Heady Creek and tributaries
27. Taylor Creek and tributaries
28. Penny Pond
29. Weesuck Creek and tidal tributaries
30. Penniman Creek and tidal tributaries
31. Ogden Pond
32. Quantuck Bay – Quantuck Creek
33. Quantuck Canal/Moneybogue Bay
34. Seatuck Cove
35. Harts Cove
36. Narrow Bay
37. Bellport Bay, Beaver Dam Creek
38. Patchogue Bay, Swan River
39. Patchogue Bay, Mud Creek
a. **Drainage System Mapping** – As NYSDOT is considered a non-traditional MS4, NYSDOT is not required to map its drainage system in the pathogen TMDL watersheds. NYSDOT, did, however, submit to NYSDEC additional sewershed mapping in October 2012.

b. **Stormwater Retrofitting Program** – Regulated MS4s in these subwatersheds are required to develop stormwater retrofit programs, and are required to submit retrofit plans to NYSDEC that show pathogen reductions in accordance with the current SPDES General Permit for MS4s. The deadline for plan submittal is September 30, 2012.

NYSDEC public noticed in September 2012 a DRAFT Retrofit Program Guidance Document for Pathogen Impaired Watershed MS4s on Long Island. In response to this, NYSDOT submitted information that satisfied the retrofit requirements at that time. (Note: NYSDEC has not issued total pathogen load allocations and reduction responsibilities for the regulated MS4s in the watershed. Accordingly, NYSDOT has not yet submitted a final retrofit plan for this watershed to NYSDEC.)

The assessment of appropriate retrofits is listed as a measurable goal at the end of this section.

iii. **TMDL for Nitrogen** – The Peconic Bay watershed on Long Island is currently the only TMDL watershed for Nitrogen identified in the current SPDES General Permit for MS4s. Similar to the other TMDL watersheds, additional requirements exist in the current SPDES General Permit for MS4s.

1. **Peconic Bay Watershed** - NYSDOT has five roadways in this watershed under its jurisdiction
   a. **Drainage System Mapping** – As NYSDOT is considered a Non-traditional MS4, NYSDOT is not required to map its drainage system in this watershed. NYSDOT, did, however, submit to NYSDEC additional sewershed mapping in February 2012.

   b. **Stormwater Retrofitting Program** – Regulated MS4s in the Peconic Bay watershed are required to develop stormwater retrofit programs, and are required to submit retrofit plans to NYSDEC that show nitrogen reductions in accordance with the current SPDES General Permit for MS4s. The deadline for plan submittal is March 9, 2011. (Note: NYSDEC has not issued total nitrogen load allocations and reduction responsibilities for the regulated MS4s in the watershed. Accordingly, NYSDOT has not yet submitted a retrofit plan for this watershed to NYSDEC.)

   The assessment of appropriate retrofits is listed as a measurable goal at the end of this section.

b. **303d List Waterbodies** - To define a 303(d) List waterbody, the following is excerpted from the NYSDEC Section 303(d) List of Impaired/TMDL Waters webpage at [http://www.dec.ny.gov/chemical/31290.html](http://www.dec.ny.gov/chemical/31290.html):  

> The Federal Clean Water Act requires states to periodically assess and report on the quality of waters in their state. Section 303(d) of the Act also requires states to identify impaired waters, where designated uses are not fully supported. For these impaired waters/pollutants, states must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) restricting waterbody uses, in order to restore and protect such uses. The waterbody/pollutant listings in the Section 303(d) List are segmented into a number of categories.

It is estimated that stormwater from roadways under the jurisdiction of NYSDOT in Designated Urbanized Areas is discharged to ninety-eight (98) of the 303(d) waterbodies listed in Appendix 2 of the current SPDES General Permit for MS4s, GP-0-10-002. Many of these waterbodies are listed for more than one pollutant of concern (POC). The list of these waterbodies is in Appendix H of this Plan. Table V.2 shows a summary of the number of waterbodies that are listed for the various POCs.

<table>
<thead>
<tr>
<th>Pollutant of Concern (POC)</th>
<th>Number of 303(d) waterbodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pathogens</td>
<td>54</td>
</tr>
<tr>
<td>Phosphorus</td>
<td>37</td>
</tr>
<tr>
<td>Floatables</td>
<td>30</td>
</tr>
<tr>
<td>Silt/Sediment</td>
<td>16</td>
</tr>
<tr>
<td>Nitrogen</td>
<td>6</td>
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<tr>
<td>Copper</td>
<td>1</td>
</tr>
<tr>
<td>Oil/Grease</td>
<td>1</td>
</tr>
</tbody>
</table>

In the current SPDES General Permit for MS4s, it is required that “By January 8, 2013, covered entities must assess potential sources of discharges of stormwater POC(s), identify potential stormwater pollutant reduction measures, and evaluate their progress in addressing the POC(s)...Covered entities must evaluate their SWMP with respect to the MS4s effectiveness in ensuring there is no net increase discharge of stormwater POC(s) to the impaired waters from storm sewersheds that have undergone non-negligible changes such as changes to land use and impervious cover greater than one acre, or stormwater management practices during the time the MS4 has been covered by this SPDES general permit.”  

(GP-0-10-002, Part III.B.1, Page 11)

NYSDOT plans to address this requirement by conducting pollutant loading analyses for projects or activities that may result in a discharge of stormwater to the 303(d) List waterbodies listed in Appendix H. Because some of these waterbodies extend outside of
the boundaries of the Designated Urbanized Areas, NYSDOT will also be conducting these analyses for the portions of the waterbodies outside of the DUAs (as long as part of the waterbody is inside of the DUA). If the analysis shows an increase in the pollutant loading to the waterbody, the project or activity shall include a stormwater management practice to mitigate the additional loads, so that these is no net increase in pollutant loading. The guidance and instructions for assessing the potential impacts to these waterbodies will be in the revised version of The Environmental Manual (TEM), in the Section for Stormwater Management (Section 4.4.8).

Assessing the appropriate Watershed Improvement Strategies for the 303(d) waterbodies is listed as a measurable goal at the end of this section.

4. **Research** – NYSDOT has conducted directly, or been significantly involved in, research to help better understand the issue of stormwater management within the context of the entire watershed, and more specifically, what are the relative pollutant loading contributions from roadways and the highway right-of-way, and what management practices are available to efficiently and cost-effectively mitigate for the impacts from stormwater runoff from the highway. The four studies described here relate directly to the topic of post-construction stormwater management. There are other studies discussed in Section VI that relate to general water quality issues, and specifically the impacts on water quality from Operations and Maintenance activities.

**a. Stormwater Management Practice (Closed Drainage) Study (C-01-74) -** NYSDOT completed a study of manufactured stormwater management practices, including stormwater treatment systems (oil/grit separators) and catch basin inserts. The study was conducted by Polytechnic University in Brooklyn, NY.

The project goal was to study the performance of two specific types of BMP devices currently available, but are not included in the NYS Stormwater Management Design Manual as standard practices:

i. **Catch Basin Inserts**  
   1. Siltsack®  
   2. Stream Guard™ Catch Basin Insert  
   3. FloGard® +PLUS Filter  
   4. Hydro-Kleen™ Filtration System  
   5. Ultra-Urban® Filter  
   6. Stream Guard™ Passive Skimmer

ii. **Stormwater Treatment Systems**  
   1. Vortechs® System  
   2. V2b1™ System

The project involved both laboratory and field studies. In the laboratory, a simulator was used to measure the pollutant removal efficiency of the six CBIs listed above. The field studies focused on both the manufactured systems and the CBIs.
The field studies of two installed manufactured systems, a Vortechs® and a V2b1™ unit, measured the removal efficiency for the following six parameters:

- Total Suspended Solids (TSS)
- Total Petroleum Hydrocarbon (TPH)
- 5-days Biochemical Oxygen Demand (BOD₅)
- Total Kjeldahl Nitrogen (TKN)
- Total Phosphorus (TP)
- Fecal Coliform Bacteria (FCB) (limited batch testing)

In addition, the maintenance and overall performance of the two manufactured systems were evaluated in this study.

The field study also evaluated the installation characteristics, durability, cost effectiveness and maintenance/replacement requirements of the six catch basin inserts over one year of monitoring time. The devices were not tested for the removal efficiency of any pollutants, but periodically the litter accumulated into the insert, were removed and brought to the laboratory for drying, separation, and weighing, respectively.

The objective of the study was to determine which products could or should be used on Department construction or maintenance projects. Since the Request for Proposal (RFP) was prepared in 1999, the Department has created a New Product Evaluation Committee that qualitatively evaluates the performance of various products, including products similar to those tested in this study.


b. **Controls on Water Quality in the New Croton Reservoir/Turkey Mountain Watershed Study (C-01-45)** - A research study was conducted to identify current and future land uses, drainage patterns, stormwater outfalls, and sources of non-point pollution and locations of environmental degradation in a two-square mile Turkey Mountain watershed of the Croton Reservoir.

There were six objectives of this study:

i. To develop a geographic information system (GIS) of relevant data layers, including land-use and hydrography.

ii. To develop GIS coverages for existing sites of environmental degradation from field observations.

iii. To apply a stormwater model to the Turkey Mountain Watershed to obtain stormwater discharges for Sawmill Creek.

iv. To collect field data to support the watershed study, including the collection of water quality data and the characterization of aquatic habitat.

v. To conduct a fluvial geomorphic analysis to assess the stream stability of the Creek.
vi. To develop a prioritized stormwater and stream stability mitigation and habitat restoration plan to address the appropriate control of non-point source pollutants and improvement of habitat quality in the Turkey Mountain Watershed.

The final report can be found at http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/c-01-45.pdf

c. Ability of Wood Fiber Materials to Attenuate Heavy Metals Associated with Highway Runoff (NETCR65, Project No. 03-1) - NYSDOT participated in and partially funded a study with the New England Transportation Consortium (NETC) to investigate the use of wood fiber materials as a potential medium for attenuating contaminants.

The objective of this research was to identify the key parameters that affect the retention of roadway-derived dissolved and particle-associated heavy metals by woody materials. The scope of this work was limited to laboratory studies in which flows were carefully controlled so that contaminant mass balances could be completed, thus indicating mass percentages retained by the woody materials. The laboratory experimental design was implemented in a manner that enabled the retention effectiveness of various treatments to be assessed in parallel experiments with only one variable modified at a time. Multi-variable effects, such as all combinations of salt concentration and wood fiber aging time, were not assessed. Contaminant removals focused on copper, zinc, lead, nickel and cadmium, roadway-derived heavy metal elements of greatest concern because of the combined effects of high runoff concentrations and known aquatic toxicity.

Wood chips were evaluated for their ability to attenuate heavy metals in roadway runoff. Column experiments with controlled synthetic runoff composition and flowrate were used to assess effects of flowrate (intercepted sheetflow from a 3-m wide roadway section), runoff salt concentration, wood exposure to alternating wetting and drying cycles, wood aging, competition among dissolved heavy metals, and removal of particle-associated heavy metals. Overall, wood chips damped the ‘pulse’ of copper in the synthetic runoff such that the effluent was characterized by lower concentrations (3 – 25% of input) over longer periods of time, but with little retention of the total copper mass. The most effective treatment was wood chips aged up to 9 months. Increased aging and chip water content reduced effluent concentrations, relative to no treatment. Flowrate had no effect on effluent concentrations. The presence of salt or dissolved lead in the runoff caused greater effluent concentrations than the no treatment case. Removal of suspended particles (and associated contaminants) was greater than 85% with an estimated capacity of 0.16 g/gwood. Field evaluation with concentrated flow to a gutter containing a wood chip treatment showed little effect on total or dissolved copper and zinc runoff concentrations and indicated that wood chips may be a source of contaminants in subsequent storm events. Applications of wood chips to treat roadway runoff would not provide a significant decrease in total maximum daily load (TMDL) contributions (e.g., kg/d); however, there may be some scenarios for which wood chip treatments to decrease peak stormwater concentrations of dissolved heavy metals in sheetflow runoff is desirable.
d. **An Autonomous and Self-Sustained Sensing System to Monitor Water Quality Near Highways, Final Report for the Contract NCHRP-125** - This report was prepared for the IDEA Program, Transportation Research Board. NYSDOT staff served on the technical panel for this project, which involved the development of a prototype sensing system that is self-sustainable and can be used to autonomously, *in-situ* monitor environmental parameters in water bodies near highways. The system provides a method to rapidly, economically and safely measure environmental impact of highway construction and operation. The innovation in the project lies in the coupling of *in-situ* monitoring of water quality along highways with renewable and self-sustained energy generation, as well as the highly scalable microbial fuel cell specifically designed for water quality monitoring. The benefit of the project is to provide an autonomous and self-sustained monitoring system for safe, reliable, timely, and efficient measurement of impact of highway runoff on water bodies. The system will also find viable applications in evaluating the performance of highway-runoff best management practices over time.


5. **Education and Training of Staff and Contractors**

Many opportunities are available for NYSDOT Construction and Contractor staff to receive training in the principles of post-construction stormwater management:

a. **NHI Training** – Formal classroom training is offered annually to NYSDOT on “Water Quality Management of Highway Runoff (NHI Course # 142047).” Approximately 25 people are trained at each of these 2-day classes.

b. **New EIC and Office Engineer Training** – The Office of Construction offers training to staff that will run field offices for construction projects. This training for Engineers-in-Charge (EICs) and Office Engineers includes awareness training sessions on Stormwater Management and Erosion and Sediment Control. Continuation of this training is listed as a measurable goal at the end of section IV.

c. **DOT/AGC Technical Conference** – NYSDOT and the Associated General Contractors of America, New York State Chapter (AGC) partner to hold a three-day technical conference during the first week of December. Environmental sessions for the NYSDOT contractors usually include awareness training on stormwater management permit requirements or the fundamentals of Erosion and Sediment Control and stormwater management design, inspection, and/or implementation.

Starting in 2009, NYSDOT has conducted 4-hour training endorsed by NYSDEC to contractors in order that they can become certified Trained Contractors as per SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001. Approximately 350 persons have been certified (or received refresher training) during this time.
Continuation of this training is listed as a measurable goal at the end of section IV.

d. **SPDES Qualified Inspector Training** – Pursuant to the requirements in the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001, that projects with coverage under the general permit be inspected by persons certified as Qualified Inspectors, NYSDOT conducted 4-hour training endorsed by NYSDEC to NYSDOT Construction and Environmental staff in February and March 2010, and again in June 2011. The training was provided live at the Training and Conference Center in Schenectady, and made available to all of the regional office via the GoToWebinar technology. Approximately 765 DOT staff received the necessary certification. Approximately 571 people were certified or received refresher training during two sessions in January and February, 2013.

e. **Other Internal Training** - Staff periodically conduct training for staff in the regional offices as requested, normally on the order of 1 to 4 hours in duration. For example, staff conducted a webinar on January 26, 2011 entitled “Overview of SPDES General Permit for Construction Activity (GP-0-10-001) and Changes to 2010 NYS Stormwater Management Design Manual”. Approximately 268 people attended the webinar.

Construction and Maintenance Environmental Coordinators and other regional staff train their regional colleagues on various environmental issues, including erosion and sediment control, stormwater management, and Illicit Discharge Detection and Elimination.

**Stormwater Management Policy for Private Development on the NYSDOT Right-of-Way (Highway Work Permit Process)**


Some construction activities within the NYSDOT right-of-way that are authorized by Highway Work Permits require coverage under the current SPDES General Permit for Stormwater Discharges from Construction Activity. Many of the projects that require permit coverage are longitudinal, underground utility installations within the highway right of way, while others may be a major commercial project where turning lanes are added to the highway. These activities will require permit coverage if they result in soil disturbances exceeding one acre, or even less than one acre if the activity within the right-of-way is part of a larger common plan of development or are located in the New York City East of Hudson (EOH) watershed (SPDES GP-0-10-001, Part I.A.1, Page 5).
In the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01, issued in 2003, “Operator” was defined as “the person, persons, or legal entity which owns or leases the property on which the construction activity is occurring” (SPDES GP-02-01, Page 4 of 24, footnote 6). This language effectively required NYSDOT, as landowner, to submit the Notice of Intent, and have sole responsibility for the implementation of the Stormwater Pollution Prevention Plan (SWPPP), even for activities performed by third parties, such as Highway work Permittees.

In order to properly assign responsibility to the party that actually performs the construction (i.e. the party that has operational control), and to provide more direct and effective control over the implementation of the SWPPP and compliance with the SPDES General Permit, NYSDEC revised the definition of “Operator”, at the request of NYSDOT (see letter from R. Vachon to A. Eaton in Appendix I of this Plan) to be consistent with that used in the US EPA National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities:

“Operator” for the purposes of this permit and in the context of stormwater related to a construction activity, means any party associated with a construction project that meets either of the following two criteria:

The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions...” (NPDES Construction General Permit (expired 2008), page A-2).

The response letter from NYSDEC that documents this decision is in Appendix J of this Plan.


47. Can an entity other than the owner or lessee of a parcel be considered the operator and obtain permit coverage for construction activities they perform on that parcel if they have an easement, right of way or other instrument (e.g. Highway Work Permit) that provides them with contractual control over the parcel?

A: If that entity will have operational control over the construction plans and specifications and/or will have day-to-day supervision and control of the activities occurring at a construction site, they can be considered the operator of the construction activity and obtain coverage under GP-02-01.

The following definition of “Owner or Operator” is found in the current SPDES General Permit for Stormwater Discharges from Construction Activity: “means the person, persons, or legal entity which owns or leases the property on which the construction activity is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.” (SPDES GP-0-10-001, Definitions, Page 32).
Also, as a part of the highway work permit issuance process, NYSDOT shall continue to take responsibility for the review and the approval of the SWPPP submitted by the Highway Work Permit applicant.

(Note: NYSDOT will make recommendations regarding the revision of the Manual of Administrative Procedures (MAP 7.12-2, “Issuance of All Highway Work Permits and Inspection of Non-Major Highway Work Permits”) to provide direction to the NYSDOT Regional Permit Offices to not issue a highway work permit without evidence that the applicant has received coverage under the current SPDES General Permit for Construction Activity, and that all activities within the highway right-of-way associated are included in the permittees’ SWPPP and SPDES permit coverage. Once this MAP revision is made, NYSDOT will have met the appropriate requirement of the SPDES General Permit for Stormwater Discharges from Construction Activity. This activity is listed as a measurable goal at the end of this section.)

**Measurable Goals**

The following measurable goals have been identified for this Minimum Control Measure:

**For the Reporting Period March 10, 2013 to March 9, 2014**
1) Issue EI for Stormwater Management Practice Database.
2) Revise and issue Highway Design Manual, Chapter 8 (Highway Drainage) to address new SPDES general permit requirements and updates to the NYS Stormwater Management Design Manual.
4) Submit retrofit plans for Greenwood Lake Watershed.
5) Assess appropriate practices for retrofit plans for Peconic Bay (for nitrogen).

**For the Reporting Period March 10, 2014 to March 9, 2015**
1) Revise TEM section for Erosion & Sediment Control and Stormwater Management
2) Assess appropriate practices for retrofit plans for Oyster Bay & Peconic Bay (for pathogens).
3) Assess required procedures for Watershed Improvement Strategies for the following watersheds: New York City East of Hudson, Greenwood Lake, Peconic Bay (for nitrogen and pathogens), Oyster Bay, and 27 Long Island Shellfishing Impaired Embayments.
4) Assess required procedures for Watershed Improvement Strategies for 303d waterbodies that receive Stormwater from NYSDOT Roadways.

**For the Reporting Period March 10, 2015 to March 9, 2016**
1) Assess appropriate practices for retrofit plans for 27 Long Island Shellfishing Impaired Embayments.
2) Submit retrofit plans for Onondaga Lake watershed (by June 29, 2015).
VI. MINIMUM CONTROL MEASURE 6: Pollution Prevention/Good Housekeeping

Permit Requirement

For this Minimum Control Measure, permittees are required to implement a pollution prevention/good housekeeping program for municipal operations and facilities that addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system, and includes the performance and documentation of a self assessment of all municipal operations; determines management practices, policies, procedures, etc. that will be developed and implemented to reduce or prevent the discharge of (potential) pollutants; prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and covered entity’s capabilities; addresses pollution prevention and good housekeeping priorities; includes an employee pollution prevention and good housekeeping training; requires third party entities performing contracted services to certify compliance with the permittees SWMP; and requires municipal operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP) GP-0-06-002 to prepare and implement provisions in the SWMP that comply with parts MSGP. The permittee must also consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP and adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, and the potential impact to surface water.

In certain TMDL watersheds, permittees are required to develop and implement a Stormwater Conveyance System inspection and maintenance program and implement a turf management practices and procedures policy.

Permittees are required to periodically assess and modify its measurable goals, and to select and implement appropriate construction stormwater practices to ensure the reduction of all POCs in stormwater discharges to the Maximum Extent Practicable (MEP).

Specific requirements can be found in the SPDES MS4 General Permit, attached as Appendix C. Part VIII of the general permit applies to the regulated areas in all of the Designated Urbanized Areas, whereas Part IX applies to the TMDL watersheds. The General Permit does not include additional requirements in the Nitrogen Watershed for Non-traditional MS4s. Additional information about NYSDOT’s Stormwater Management Program in the TMDL watersheds can be found in Section V of this Plan.

NYSDOT Pollution Prevention/Good Housekeeping Program

NYSDOT is committed to development and implementation of policies, objectives, practices, and procedures which reduce the generation of pollutants from all its activities including Street, Bridge, Drainage System, and Roadside Maintenance, Vehicle/Fleet and Facility Maintenance, and Winter Road Maintenance. Operations conducted at fixed facilities such as residencies or shops, as well as those conducted along the transportation system (e.g., Right-of-Way) will be considered within this Plan with the objectives to minimize environmental impacts, including discharges of
pollutants to waters, and maximize pollutant controls. To reduce the generation of pollutants from its activities, NYSDOT constantly develops, updates and implements its policies, practices and procedures. In doing so, NYSDOT identifies the potential pollutants and the appropriate management practices to prevent pollution of the State’s waterbodies. Although NYSDOT is a Regulated MS4 in the Designated Urbanized Areas, these policies and procedures are applied to all maintenance operations statewide. NYSDOT prioritizes its pollution prevention and good housekeeping efforts on the areas most in need and based on the resources available to address those needs.

The effectiveness of these policies and procedures is assessed continuously, and the measurable goals are recorded and modified in NYSDOT’s Annual Reports. These programs and activities are appropriate in NYSDOT’s efforts to reduce the discharge of pollutants to the state’s waterbodies to the maximum extent practicable.

This section is divided among the following broad categories of municipal operations:

1. Roadway, Bridge and Drainage System Maintenance
2. Roadside Management
3. Facility and Vehicle/Fleet Maintenance
4. Winter Road Maintenance

The programs or policies that apply to more than one of these categories are included at the end of this section, and include:

1. Maintenance Asset Management Information System (MAMIS)
2. Environmental Handbook for Transportation Operations
3. GreenLITES
4. Waste Reduction And Use Of Recycled Content And Reused Products And Construction Materials
5. Green Procurement and Agency Sustainability
6. Guidelines for the Adirondack Park
7. Construction and Maintenance Environmental Coordinators

1. **Roadway, Bridge and Drainage System Maintenance**

NYSDOT is responsible for maintaining the highways and structures on the right-of-way under its jurisdiction. This includes maintenance of the following features found on or along the roadway:

- Pavement
- Guide Rail
- Signs
- Signals
- Lighting
- Intelligent Transportation System (ITS) Components
- Bridges
- Culverts
- Stormwater Drainage System
The state owns and maintains approximately 8,000 bridges statewide. Bridge maintenance work ranges from cyclical maintenance activities (washing and concrete sealing) to minor repairs (pier caps and expansion joints) and attending to critical findings (red flags and response needs).

NYSDOT has the following drainage assets on the State highway network (including all of New York State, not just in the Designated Urbanized Areas):

- Approximately 8,000 large culverts between 5’ and 20’ span (diameter)
- Roughly 80,000 small culverts less than 5’ in span (diameter)
- Approximately 40,000 shoulder miles of ditches, gutters and curbs in open drainage
- Approximately 3.8 million feet of pipe in closed conduit systems with drainage structures including catch basins, drainage inlets, etc.
- Roughly 800 stormwater management practices, e.g. detention basins, infiltration basins, bioretention basins, stormwater treatment systems, dry swales, wet swales, permanent check dams, sedimentation basins, etc.

The following policies and guidance documents are in place to ensure that NYSDOT conducts its operations in such a way to minimize the pollutants discharged from the roadway into waterbodies.

a. **Highway Maintenance Guidelines, Chapter 6: Drainage** - This chapter outlines how drainage features should be maintained to insure proper function, to conduct proper erosion and sediment control, and also general guidelines on how to perform maintenance on the closed drainage system and permanent stormwater management practices. This chapter can be found at:  
http://www.dot.ny.gov/divisions/operating/oom/transportation-maintenance/repository/HMG_Section6.pdf

b. **Specification for Bridge Washing** - NYSDOT has a special specification for bridge-washing (issued by Engineering Instruction 07-032) that requires that all flaking paint, dirt, road salt, and other debris found on the roadway not be allowed to be washed into waterbodies. The EI can be found at:  

c. **Street Sweeping** – NYSDOT conducts street sweeping in the spring and summer months after the snow plowing season is finished. The sweeping is focused in urban areas with curbs and closed drainage systems.

d. **Stormwater Management Practice Database** – NYSDOT has a database for the permanent stormwater management practices constructed by NYSDOT, or are under the maintenance jurisdiction of NYSDOT. The statewide database was created based on a database created in NYSDOT Region 8 in 1998. The database can be used statewide to document and track the maintenance history of stormwater management practices that have been constructed. A “Stormwater Facility Activation and Inventory Form” was created to
allow the transfer of information about the permanent practices from the Designer to Construction (to verify the type and location of the practice), then to Maintenance for addition to the database. Creation of this database was in response to the permit requirement in the SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer System (MS4s), Permit No. GP-0-08-002:

*By May 1, 2009 establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the small MS4 that have been installed since March 10, 2003, those owned by the small MS4, and those found to cause water quality standard violations.* (GP-0-08-002, Page 51, Part VIII.A.5.a.v).

This database can be used to document inspection and maintenance history, and to develop a schedule for future maintenance.

Issuance of an EI regarding the use of the database is listed as a measurable goal at the end of section V.

e. **Stormwater Facilities Operations and Maintenance Manual (Region 8)** – NYSDOT Region 8 has developed an Operations and Maintenance (O & M) Manual to address the maintenance of permanent stormwater management practices (or facilities). The manual is intended to provide general maintenance guidelines, emphasizing that properly designed facilities will last longer due to well thought-out maintenance provisions. The manual includes inspection checklists for various stormwater management practices, and a Stormwater Facility Activation and Inventory Form to allow new practices to be added to the regional database as they are constructed. The region uses this manual as an O&M plan for its maintenance contracts. This manual can be used by all NYSDOT regions to serve as an O&M plan for project SWPPPs. This manual can be found at [http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/nysdot8storm_a.pdf](http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/nysdot8storm_a.pdf). (Note: NYSDOT has begun to draft a revision of this manual to include more details about inspection of permanent stormwater facilities, and to better supplement the Maintenance Guidelines for Drainage. Revision of this manual is listed as a measurable goal at the end of this section.)

Continued maintenance of NYSDOT’s drainage infrastructure (and street sweeping) to eliminate sediment and other pollutants from entering waterbodies is listed as a measurable goal at the end of this section.

2. **Roadside Management**

NYSDOT is responsible for the maintenance of the right-of-way for the highways under its jurisdiction. This involves the maintenance of approximately one million acres of roadside area. NYSDOT has the following policies and programs to maintain and manage the roadside.

a. **Integrated Vegetation Management** - NYSDOT manages vegetation on State highway rights-of-way (ROW) for the following safety, environmental, and infrastructure management objectives:
   - Provide motorists with adequate site distances;
• Control visibility of signs and guardrails;
• Prevent the presence of deadly fixed objects (usually trees that may impact cars that leave the roadway);
• Control the introduction and spread of invasive plant species;
• Maintain pavement by controlling drainage problems; and
• Prevent pavement breakage by plants.

To meet this goal, NYSDOT and its contractors use an Integrated Vegetation Management (IVM) Program. IVM is a process that staff uses to strengthen vegetation management work by adding results-oriented planning before the work is started and evaluating the results afterwards. The process components include: prevention; monitoring; establishing action thresholds for when control is needed; selecting and undertaking control methods; and evaluation. Depending on which vegetation management tasks a NYSDOT employee performs, he or she uses some or all IVM components.

IVM helps NYSDOT select the best vegetation management and control methods, given safety, operational, environmental and community concerns. Sometimes, the best method is to leave a natural setting undisturbed, or to combine several control methods. NYSDOT's IVM program uses the following control methods, and each has particular environmental challenges and opportunities:
• Mechanical
  • mowing
  • weeding/string trimming
  • tree and brush cutting
• Selective use of herbicides and growth regulators
• Cultural and biological controls
• Alternatives to herbicides and
• Close coordination of maintenance, design and construction on capital projects

i. **Turf Management Practices and Procedures** - NYSDOT’s Turf Management Program spans multiple program areas, from design through construction and ongoing maintenance and operations. Core guidance documents have been updated or are in the process, to reflect more sustainable “best practices” and better alignment with current regulatory requirements. These practices and policies are in place to reduce both phosphorus and nitrogen applications.

1. **Landscape Stewardship Policy** – This policy is applicable to all program areas and activities. Guiding principles include:
   • Preserve and enhance natural, self-sustaining plant communities.
   • Increase the extent and integrity of tree canopy.
   • In restoration and management, first priority is to encourage natural re-vegetation.
   • Specify native species whenever possible.
   • Coordinate with efforts of other agencies, local communities and environmental groups.
   • Integrate landscape stewardship throughout project development and delivery.
• Articulate corridor goals for tree planting and vegetation management.
• Provide for quality assurance and performance management for landscape stewardship.
• Train Design and Operations staff to apply sound vegetation management principles.

This policy has been incorporated into Highway Design Manual Chapter 28, Section 28.5 and can be found at: https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-28.

2. **Practices in Design and Construction** – NYSDOT employs Turf Management procedures that are specific to its construction projects:

   a. **Standard Landscape Specifications and Guidance** - NYSDOT’s Landscape Architects in design are the primary specifiers of landscape materials including fertilizer, guided by the NYSDOT Standard Specifications. NYSDOT recently revised all of its standard landscape specifications to better reflect more sustainable practices. The revised specifications were issued by Engineering Instruction (EI) 12-001, and can be found at: https://www.dot.ny.gov/portal/pls/portal/mexis_app.pa_ei_eb_admin_app.show_pdf?id=10871.

   The current Standard Landscape Specifications include:

   • Automatic fertilizer applications for grass seeding and sod with default type and rates (unless designer specifies otherwise):
     • for turf: 800 pounds per acre of 10-6-4--50% N-UF
     • for sod: 50 pounds of nitrogen per acre of a fertilizer with approximate analysis of 1-2-1.
   • Construction details reflect a default expectation of fertilizer use: “Fertilizer and/or limestone as specified shall be uniformly distributed on the area to be seeded.”
   • Planting for trees and shrubs – allows the inclusion of fertilizer as an option, with no official guidance on minimization of chemical fertilizers or requirements for soil testing.
   • Default topsoil is existing unamended soil, with amended topsoil as designer options, but with no official guidance on minimizing chemical fertilizers.
   • Care of trees includes default Fertilizer type (10-6-4) but with no default rate, and allows designer discretion on whether to include at all. However, there is no official guidance on minimizing the use of fertilizer nor on soil testing.
   • No required fertilizer types or rates on temporary (erosion control) seeding.
   • Retain the use of fertilizer as an option for seeding (other than temporary), sodding, planting of trees and shrubs and caring for trees but will:
     • Remove any “default” references to rates or specific fertilizer types.
     • Reduce the number of fertilizer options, eliminating such items as superphosphate.
• Introduce more options and tools for better management of existing soil:
• Provide more clarity and default tables to encourage stripping and storing on site of suitable existing soil without further amendment
• Provide more options for mechanical restoration of existing soils physically damaged by construction operations:
  • De-compaction by “deep ripping” areas such as contractor yards
  • “Vertical aeration” in root zones of trees to be preserved where construction traffic was unavoidable.
  • Use of pozzolan lassenite as an additive to such locations as restored shoulders which will experience off-road traffic, to prevent future compaction and erosion.
• Provide more options for natural materials mycorrhizal fungi, compost in planting mixes as alternatives to chemical fertilizers.

Additionally, Highway Design Manual Chapter 28 provides guidance to designers emphasizing:
• New topsoil priorities:
  • Default is to protect and preserve existing topsoil by limiting construction “footprint” to the minimum possible.
  • Strip, store and respread native topsoil if impact is unavoidable,
  • Wider “menu” of topsoil compositions from which to choose to suit more varied conditions without chemical additives.
• Preservation of natural plant communities
• Use of fertilizers only with clear goals, and based on soil tests demonstrating the need for specific purposes.
• Guidance to caution designers against overuse of fertilizers and to encourage alternative practices, e.g.:
  • Soil amendments should not be specified unless a soil test has been done and there is a demonstrated and documented need for the amendments.
  • When using mycorrhizal fungi products, less fertilizer is needed and it must be a low or no phosphorus fertilizer. Pests such as spider mites, aphids, scale, whiteflies, lacebug and adelgid are promoted by over-fertilization.
  • With efforts for phosphorus reduction, especially in areas such as Lake George and Onondaga lake watershed, consider excluding phosphorus from fertilizer recommendations.

3. **Practices By Operations** - NYSDOT employs Turf Management procedures that are specific to its roadside maintenance operations on existing turf areas. NYSDOT has guidance on these practices in its Environmental Handbook for Transportation Operations ([http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/oprhbook.pdf](http://www.dot.ny.gov/divisions/engineering/environmental-analysis/repository/oprhbook.pdf)).

   a. **Mowing** - Management of undesirable species in roadside turf is primarily accomplished by a regular mowing program. Healthy roadside turf is an asset as
it is resistant to weeds, woody vegetation, and invasive and noxious species. A well-planned mowing program helps curtail the growth of undesirable species and protect grass cover. Further, mowing helps suppress most woody species which need large leaf systems to support their roots.

Residencies are encouraged to develop mowing plans – to help maintain good quality turf, reduce erosion and protect water quality, protect wildlife habitat by designating areas for less frequent or no mowing.

Following are some specific environmental considerations related to mowing:

- Do not mow wetland mitigation areas; the Maintenance Environmental Coordinator (MEC) can help identify these areas before mowing season. If mowing markers were not installed during construction, consider installing permanent markers.
- Try to avoid mowing when turf is saturated or significantly wet. When soil is rutted, weeds and invasive species are more likely overtake preferred grasses and native species.
- Environmental agencies prefer that the NYSDOT control ditch vegetation with mowing, rather than cleaning ditches with heavy equipment. Mowing causes less erosion of exposed soil and can result in improved water quality.
- Whenever possible, vary the mowing limit lines for a more natural appearance.
- Do not mow areas managed for wildflowers more than once a year, after the first hard frost or in the late fall.
- A suggested Best Management Practice is to leave an unmowed buffer strip at least 3 meters (10 feet) at the edge of all streams and wetlands. Such strips should be monitored to ensure brush does not become a fixed object or limit sight distances.
- On Air Quality Action Days, NYSDOT’s has a policy to curtail roadside mowing and similar activities by NYSDOT employees or contractors, consistent with safety, operational needs or contractual requirements.
- Special mowing restrictions apply in the Capital District: In portions of Albany, Saratoga, and Warren Counties, some areas of the ROW provide habitat for Karner blue butterflies, a federally and state protected Endangered Species. Karner blue butterflies lay their eggs on, and their caterpillars feed exclusively on, the blue lupine plant. Mowing blue lupine plants before September 1st violates state and federal law. Consult the MEC to identify areas with blue lupine to properly schedule mowing activities.
- NYSDOT is gaining experience with grasses that require little or no mowing. For example, Little Bluestem grass is a native species that grows 20-40 inches high. It is suitable for planting in Roadside Zone 2 (the Moderate Management Zone) and Zone 3 (the Natural Zone).

b. **Conservation Alternative Mowing Plans (CAMPs)** - CAMPs is NYSDOT’s statewide program of mowing its 1 million roadside acres in an environmentally sensitive manner. It is directed towards Interstate, Expressway, and Parkway
systems outside urbanized or gateway areas. CAMPs includes recommendations for mowing frequencies in Roadside Management Zone 2, where the majority of mowing work is required. Mowing in Zone 2 should be managed by section, as follows:

- Frequently Mowed Section- includes an area adjacent to the road (typically 8-10 feet wide) and drainage ditches-- mowed several times a year.
- Annually Mowed Section- a transition between areas of frequent mowing and natural regeneration-- mowed once a year or less. Such a reduction in mowing frequency may result in denser grasses, perennials and brush. This vegetation may require acquisition or rental of heavier or special mowing equipment.

CAMPs protects grassland habitat for ground nesting migratory songbirds, such as the Eastern Meadowlark and the Bobolink, by delaying mowing in Roadside Zone 2 until after August 1st to avoid disturbance during nesting season. This is in compliance with the Migratory Bird Treaty Act, by which it is unlawful to intentionally or unintentionally take, capture or kill any migratory bird or disturb their nests or eggs without a permit.

CAMPs encourages changes in mowing practices that may conserve funds for staff hours and fuel usage, improve air quality through reduced fuel emissions, reduce required equipment maintenance, and reduce habitat fragmentation without impacting the safety or functionality of the roadsides.

Through these policies, other practices and fiscal constraints, mowing has decreased over 25% statewide from 2007 to 2010.

c. **Fertilization** – NYSDOT limits the use of fertilizer on its rights of way. In undisturbed or wooded parts of the right of way, there is no need for management - - other than to ensure trees or brush do not pose a danger to the highway. In clear zones and other areas mowed, fertilizing would cause the grass to grow faster. This is not economically or environmentally sustainable as it would take staff, money and other resources from high priority maintenance, wears out equipment sooner, use scarce fossil fuels and emit unneeded greenhouse gases.

Current “Refertilization of Grass” guidance is included in the Highway Maintenance Guidelines, Chapter 3: Roadside Maintenance:

- Limited to areas under ½ acre in size –for larger areas, consult the Regional Landscape Architect
- Objective is to encourage and maintain a grass cover which will prevent erosion. Refertilize turf that becomes thin, yellow with numerous bare spots – “spot” treatment preferred.
- Do NOT refertilize where roadside slopes are stable and where exposed rock or clean gravel does not permit the growth of grass.
• Material: use granular commercial fertilizer such as 10-6-4, 10-10-10 or 10-20-10.
• Apply in spring between April 1 and June 1 and in the fall from August 15 to October 1 in most areas of the state.
• Spread evenly at 11 pounds per 1000 square feet.
• Clean all equipment immediately.

Current Re-Seeding guidance:
• Seed all areas under ½ acres in size where there have been minor slope failures and washouts, culvert repairs.
• Seed and apply fertilizer at 20 pounds per 1000 square feet.

Actual current practice: Maintenance Residencies have limited stockpiles of fertilizer on hand but have strictly reduced refertilization and use of fertilizers when reseeding. Many do not include fertilizer at all in their operations. Guidance will be updated to reflect current practices.

d. **Herbicide Application** - Herbicides are a significant component of NYSDOT’s IVM program. Their use is generally restricted to the following circumstances:

- Controlling vegetation in places that cannot be mowed, such as around guiderail and sign posts
- Controlling vegetation that can cause physical harm to workers and travelers, such as poison ivy, poison oak, Giant Hogweed or Wild Parsnip
- Targeted applications to remove invasive or noxious species that are causing safety, operational or environmental problems
- Treating remaining stumps after hazardous tree or brush removal to prevent resprouting

Herbicide application by NYSDOT employees is considered a "commercial pesticide business" activity. Staff applying herbicides must keep daily records for all herbicide applications. In addition to complying with regulations, accurate and timely record-keeping is integral to protecting the environment, addressing public inquiries and helping NYSDOT plan the most effective vegetation management program for succeeding years.

Certified Applicators and Technicians must submit annual reports (even if they had no applications).

Application requirements and restrictions apply regardless of whether herbicides are applied by NYSDOT staff or contractors.

e. **Alternatives to Herbicides** - NYSDOT continues to investigate methods and practices to control vegetation around guiderail and signposts without using synthetic herbicides.

ii. **Adopt-A-Highway** - This program provides for volunteer groups, organizations, businesses or individuals to adopt a segment of highway and pledging to keep them
litter-free. This regular removal of litter and debris helps assist NYSDOT with removal of these sources of potential contaminants to storm water.

iii. “Spring Clean-Up” Events - NYSDOT has initiated Spring Clean-Up events on Long Island (formerly called “CLEAN (Create a LI Environmentally Aesthetic and Neat) Week”) to remove litter and debris from Long Island’s major highways and to encourage drivers to stop littering. During these events, NYSDOT maintenance crews are out in full force on the major State highways on Long Island to remove debris and litter, control weeds, and mow roadsides.

Highway debris and litter pose safety, aesthetic, and health concerns for all who live, work, and travel on Long Island. The DOT faces increasingly more difficult and expensive challenges to keep up with removing litter from Long Island’s state roadways. Garbage strewn roadways are not only an ugly nuisance, they are dangerous as well. Bags and trash can catch fire or can block a motorist’s view if caught in the wind. Any discarded containers are potential breeding grounds for mosquitoes. In addition, roadside boxes become suspicious objects that threaten infrastructure security.

DOT coordinates these events with law enforcement agencies, construction contractors, and the Adopt-A-Highway and Sponsor-A-Highway groups, and posts signs that help alert motorists to the extreme expense incurred to keep Long Island roadways clean.

Passing by crews at work may remind a driver that not only is litter unsightly, it costs taxpayers money to clean it up. It is estimated that removing litter and debris from Long Island roadways cost NYSDOT Region 10 on Long Island approximately $2.2 million tax dollars during 2006. Region 10 also estimates that it costs $190,000 for labor, equipment, and material to perform the week-long clean up. If not for the litter, this money would be better used for roadway upkeep, repairs, and equipment.

As an example of the order of magnitude of this work, 5013 bags of trash, weighing 63 tons and filling 33 dumpsters, were collected by State Maintenance forces during CLEAN Week in September 2005.

iv. Roadside Spill Kits – A statewide program was initiated to provide maintenance supervisors’ vehicles with roadside spill containment and clean-up materials. Custom “Petro Pacs” were developed, purchased and provided to roadside maintenance crew vehicles and in shops to address small spills of known petroleum product.

v. Skaeneateles Lake Watershed Spill Containment – In response to concerns regarding possible contamination of this surface public drinking water supply, NYSDOT installed stone check dams in highway ditches that provide direct pathways to the lake. In addition, NYSDOT purchased a commercial grade floating containment boom/curtain and absorbent spill containment and cleanup materials that are stored at the Skaeneateles Lake Fire Department and provided spill prevention and response training to state and local highway department staff working in the watershed.
vi. **Green and Blue Highways** - Each NYSDOT Region is encouraged to participate in the Green and Blue Highways initiative, started by the Office of Transportation Maintenance. Under this initiative, regional employees identify environmentally significant highway or transportation corridors. They survey the corridors to identify stewardship opportunities. Regional and residency staff develops a work plan to advance opportunities. On a follow up basis, Main Office, regional residency employees monitor work plans to determine progress.

More information about the Green and Blue highways Program can be found at: [http://www.dot.ny.gov/divisions/operating/oom/transportation-maintenance/green-blue-highways](http://www.dot.ny.gov/divisions/operating/oom/transportation-maintenance/green-blue-highways)

3. **Facility and Vehicle/Fleet Maintenance**

NYSDOT is responsible for conducting operations at its facilities and on its vehicles and fleet that minimize pollutant discharges to waterbodies, and has developed the following policies:

a. **Petroleum Bulk Storage (PBS), Handling and Spill Prevention at NYSDOT Facilities** - The spill prevention, response planning and procedures for petroleum storage and handling include the equipment, facilities, operating procedures, control measures and response procedures to prevent and minimize effects of petroleum releases and to minimize impacts in the event of a release.

i. **Fuel and Petroleum Storage: Main Office And Regional Responsibilities** – This policy/procedure identifies the roles and responsibilities of Main Office, Regional Offices and Site Managers for the management and/or storage of gasoline and diesel fuel for vehicles, heating fuel oil, lubricants, used oil and other petroleum products. The procedure outlines actions to prevent and or minimizes the potential for release of petroleum material into the environment and to maintain compliance with NYSDEC and EPA regulations regarding petroleum bulk storage. This document can be found on the Office of Operations internal website at: [http://axim22.nysdot.private:7779/pls/portal/docs/PAGE/WCC_PG/OFICE_OF_OPERATIONS/OOMPROGAREA/FACILITIES/PETROLEUMBULKSTORAGE/TANKSTAB/TAB864473/OOMI06-7.DOC](http://axim22.nysdot.private:7779/pls/portal/docs/PAGE/WCC_PG/OFICE_OF_OPERATIONS/OOMPROGAREA/FACILITIES/PETROLEUMBULKSTORAGE/TANKSTAB/TAB864473/OOMI06-7.DOC) (not accessible to the general public).

ii. **Spill Prevention, Control, and Countermeasures (SPCC) Plan** – SPCC Plan templates were developed to outline the requirements, facilities, and procedures that NYSDOT utilizes at its facilities to meet the requirements of the U.S. Environmental Protection Agency (EPA) 40 CFR 112, Oil Pollution Prevention regulation. The latest template was finalized on January 29 2009 and incorporated changes published in EPA’s December 5, 2008 Final Rule. For NYSDOT’s facilities that store more than 1320 gallons of oil in aboveground tanks and containers of 55 gallons or greater, the SPCC plans are intended to address the following three areas:

- Operating procedures that prevent oil spills;
- Control measures installed to prevent a spill from reaching waters of the U.S.; and
- Countermeasures to contain, clean up, and mitigate the effects of an oil spill.
The templates can be found at:
L_GUIDANCE_TAB/EAB_GENERAL_GUIDANCE_STAB/SPCCMASTERCERT CH.PDF (not accessible to the general public)

SPCC guidance can be found at:
L_GUIDANCE_TAB/EAB_GENERAL_GUIDANCE_STAB/SPCCGUIDEINSTRUC
CT.PDF (not accessible to the general public)

(Note: Although the SPCC Plans contain information that would be contained in a
Stormwater Pollution Prevention Plan as required by Multi-Sector General Permit
(MSGP) GP-0-06-002, these plans do not satisfy the requirements in the applicable
Parts III and IV of the MSGP that are required for compliance with SPDES General
Permit for MS4s, GP-0-10-002. Development of a template for a SWPPP for
maintenance facilities is listed as a measurable goal at the end of this section.)

iii. PBS Audit Checklist/PBS Action Plan - A comprehensive PBS audit checklist was
developed and is in place. NYSDOT completed 3rd party audits on PBS and related
requirements at all facilities with the potential to store petroleum products in regulated
quantities. An action plan to monitor corrective actions has been developed.

b. DOT/DEC Spill Response Along the Right-of-Way (ROW) Memorandum Of
Understanding (MOU) - This MOU was signed on November 2008 (updating an original
1993 MOU) which outlines the procedures and responsibilities of DEC and DOT for
response to a spill of petroleum/hazardous materials upon or along the state highway. It
includes procedures and agreements regarding:
  • Accidental or Emergency Spills or Releases on or Adjacent to State Highways
  • NYS Highway Work Permits for DEC Standby Cleanup Contractors
  • Temporary Storage of Spill Cleanup Wastes

The MOU can be found at:
http://axim22.nysdot.private:7779/pls/portal/docs/PAGE/WCC_PG/OFFICE_OF_OPERA
TIONS/OFFICIAL_ISSUANCE_TAB/MOU_NOAM06352_NYSDEC-NYSDOT_2008-
11-19.PDF (not accessible to the general public)

c. Road-Kill Deer Carcass Composting Operation And Maintenance Manual -
NYSDOT’s Road-Kill Deer Carcass Composting Operation and Maintenance Manual
describes environmental guidelines for handling a decomposing carcass that may add
benefit to the environment by returning nutrients to the soil. Proper disposal of dead
animals results in reduced fecal coliform loadings in stormwater that may discharge to
waterbodies. This manual can found at:
http://www.dot.ny.gov/divisions/engineering/environmental-
analysis/repository/deer_c_manual.pdf
d. **Operation of Oil/Water Separators (OWS)/ Wastewater Controls from Vehicle Washing and Storage Instructions** - Many NYSDOT operational facilities have installed wastewater collection treatment systems which typically include vehicle bay collection trenches and sediment collection tank, followed by an oil water separator system. The instructions outline the steps needed to operate oil/water separators (OWS), or grit chambers and appropriate wastewater controls from vehicle washing operations at NYSDOT facilities. Procedure for proper operation and maintenance of wastewater control equipment are needed for:

- **Maintenance of Equipment and Facilities for Operations**: To direct NYSDOT facilities to properly conduct waste water control during storage and washing of vehicles.
- **Safety**: To ensure safety of all individuals involved in the operation, maintenance and cleanout of oil/water separators and other controls.
- **Environmental Conditions and Water Pollution Control**: To prevent release of contaminants associated with vehicle washing and storage and to maintain compliance with permit discharge limits and water quality standards.

The best practices to accomplish washing of vehicles that minimize release of pollutants to stormwater or wastewater systems (and then waterways/waterbodies) is an important component of NYSDOT’s Stormwater Management Program and to enhance pollution prevention. Therefore, NYSDOT will design and operate its vehicle washing operations so that washwater can be managed and treated as necessary.

All facilities are monitored to continually assess compliance with permit discharge standards. These instructions were issued by Transportation Maintenance Instruction (TMI) 09-03, May 1, 2009. This document is located on the NYSDOT internal website at [http://axim22.nysdot.private:7779/pls/portal/docs/PAGE/WCC_PG/OFFICE_OF_OPERATIONS/TRANSPORTATION_MAINTENANCE_INSTRUCTIONS/TMI-09-03.PDF](http://axim22.nysdot.private:7779/pls/portal/docs/PAGE/WCC_PG/OFFICE_OF_OPERATIONS/TRANSPORTATION_MAINTENANCE_INSTRUCTIONS/TMI-09-03.PDF) (not accessible to the general public).

e. **CleanSweepNY Program** - NYSDOT works together with NYSDEC in the CleanSweepNY Program to encourage individuals, businesses and institutions to reduce environmental risks in their communities by providing its maintenance facilities to ensure proper disposal of unwanted and/or obsolete pesticides and chemicals, including elemental mercury. By providing more convenient drop-off locations for these potentially harmful materials, NYSDOT helps keep them out of conventional waste streams and municipal landfills.

Some of these collection events are directed at agricultural and non-agricultural professional pesticide applicators, schools and business users such as golf courses, cemeteries, and marinas. A recent event resulted in approximately 55,000 pounds of unwanted pesticides, school chemicals and mercury.

From the program’s inception in 2002, CleanSweepNY has collected and disposed of over 1,059,344 pounds of hazardous chemicals and more than 500 pounds of elemental mercury, collected approximately 2,250 pesticide containers for recycling that would have otherwise wound up in landfills.
The Fall 2010 CleanSweepNY collection event, held at the NYSDOT residencies in Potsdam, Lowville and Herkimer, resulted in over 43,912 pounds of hazardous chemicals collected for disposal, including over 58 pounds of toxic elemental mercury.

Additional information about CleanSweepNY can be found at http://www.cleansweepny.org/

4. Winter Road Maintenance

NYSDOT's Snow and Ice Program is responsible for managing snow and ice operations during the winter months and in planning for subsequent seasons during the non-winter months. Currently, NYSDOT has 43,000 lane miles of responsibility, which consists of 35,380 lane miles covered by state forces and 7,620 lane miles covered by municipal contractors. Working closely with local municipalities, other state agencies and authorities, numerous material and equipment vendors, and educational and environmental institutions, the Snow and Ice Program continues to promote progressive snow and ice operations while striving to safely provide as much mobility as economically possible while ensuring that environmental considerations are taken into account.

NYSDOT’s Snow and Ice Control webpage at http://www.dot.ny.gov/divisions/operating/oom/transportation-maintenance/snow-and-ice includes information about what materials and quantities are used for snow and ice control.

NYSDOT has the following policies in place to ensure that the highways are well maintained, yet minimize the amount of road salt and salt alternatives that are discharged into waterbodies.

a. **Snow and Ice Control Guidelines** - Snow and Ice Control Guidelines in the Highway Maintenance Guidelines Manual provides NYSDOT staff with basic information on snow and ice staffing policy, equipment, material spreading, snow plowing, safety, communications, and legal issues. It includes guidelines for the application of snow and ice control materials. These guidelines can be found at: http://www.dot.ny.gov/divisions/operating/oom/transportation-maintenance/repository/HMG Section5.pdf

b. **Municipal Contracts for Snow and Ice Control** – Over 7000 lane-miles of state roadways are maintained during the winter by municipal contractors. NYSDOT has procedures in place to see that the contractors follow NYSDOT policies. This manual can be found at: http://www.dot.ny.gov/divisions/operating/oom/transportation-maintenance/snow-ice

(Note: At this time, it is unknown that the current language in the agreements meets the “Reliance Upon Third Parties” requirements of the current SPDES general permit for MS4s. The activity to determine whether existing contract language is sufficient is listed as a measurable goal at the end of this section.)
c. *Snow & Ice Community of Practice (CoPs)* – NYSDOT’s Office of Transportation Maintenance has Communities of Practices for various topics. The Snow & Ice CoPs was created to develop policy, procedures, training, expectations, performance metrics, quality assurance programs, budgets, contracts, and staffing patterns for the Snow and Ice Control program in the NYSDOT regional offices. This CoP is devoted to improving quality control/quality assurance procedures to ensure that the minimum amount of snow and ice control materials necessary are used, and that appropriate management procedures for material storage are utilized.

5. **Additional Policies/Programs** – NYSDOT has other policies and programs that apply to the categories of municipal operations previously discussed:

a. **Maintenance Asset Management Information System (MAMIS)** – MAMIS is used to track all maintenance work to determine the effort and cost of asset management, including drainage and stormwater related assets. MAMIS is used to identify maintenance needs and to address those needs through a work management process.

The information collected in MAMIS relates to all maintenance operations. Some of the categories that relate specifically to pollution prevention include:
- Street sweeping
- Litter/debris removal
- Dead animal removal
- Herbicide application
- Slope maintenance
- Culvert/pipe cleaning/repair
- Ditch/gutter/curb maintenance
- Catch basin maintenance/sediment removal
- Scour protection maintenance
- Plowing
- Storm Preparation
- Snow & Ice Clean-up operations
- Maintain Rest Area buildings

b. **Environmental Handbook for Transportation Operations** – This handbook includes guidelines for performing maintenance and operations to minimize environmental impacts. Guidance is provided within the context of the operations, activities, type of facility or equipment typically associated with NYSDOT work conducted along the right-of-way (ROW) or as facility-based activities conducted at a residency or shop. Operations discussed that involve proper pollution prevention for municipal operations include:
- Vegetation Management
- Herbicide application
- Litter Control
- Drainage maintenance (including drainage structures, ditches, culverts, stream channels and streambanks)
- Bridge Washing
• Snow and Ice Control
• Spills Response
• Vehicle washing
• Storage and Handling Products and Wastes
• Spills containment and clean-up
• Toxic Release Inventory
• Disposal of Animal Carcasses
• Temporary Access Roads

This handbook can be found at:

The task of developing guidance on upgrading stormwater conveyance systems to incorporate runoff reduction and Green Infrastructure principles is listed as a measurable goal at the end of this section. This guidance may be incorporated into subsequent versions of this handbook.

c. GreenLITES – Although not developed to be a part of NYSDOT’s Stormwater Management Program, GreenLITES has many components that support the principles of NYSDOT’s Stormwater Management Program.

GreenLITES is a project rating program that recognizes transportation project designs and operations that incorporate a high level of environmental sustainability. More information about the GreenLITES program can be found at http://www.dot.ny.gov/programs/greenlites.

The GreenLITES Operations Program encourages NYSDOT Transportation Maintenance, Fleet Administration, Traffic, Safety & Mobility, and Modal Safety and Security to advance sustainability principals in all aspects of its work. To incorporate sustainability into its work, the Operations Division has added and/or highlighted some 100 separate tasks into its planning process so that sustainability tradeoffs can be quantified and performance can explicitly be tracked on a spreadsheet to ensure continuing progress.

This is a partial list of the “environmentally-friendly” activities for which credits can be given that relate to water quality protection or enhancement (for details on how these credits can be earned, see the “GreenLITES Operations Draft Guidance October 2009” at http://www.dot.ny.gov/programs/greenlites/operations-cert):

i. Bridges
   1. Bridge cleaning
   2. Bridge Painting
   3. Use Environmental Protection during Bridge Repair
   4. Use of High Production Vacuum Paint Removal System
   5. Use Dust-Free Concrete Preparation Tools
   6. Spill Preparedness
7. **Use Green Cleaning Products**
   
   ii. **Pavement**
       1. Spent Asphalt/Concrete Recycling/ Re-Use by Others
       2. Reduce Impervious Surface Areas (& placing permeable pavement)

   iii. **Drainage**
       1. Construct Stormwater Management Facility
       2. Sweeping
       3. Clean Closed Drainage Basins (Structures)
       4. Large & Small Culvert Preventative Maintenance and Cleaning
       5. Washout Threats Addressed
       6. Identify Illicit Discharges and Report
       7. Place Catch Basin Inserts

   iv. **Snow and Ice**
       1. Mechanical Snowfencing
       2. Salt Sensitivity Awareness Training
       3. Additional Salt Storage and Groundwater Protection
       4. Salt Brine and Alternative Deicers

   v. **Facilities**
       1. Tank/Pump Repairs
       2. Fuel Pump/Tank Replacements
       3. Garage Waste Minimization and Recycling
       4. Fluorescent Lightbulb Recycling
       5. Implementing Zero Waste Strategy
       6. Deer Composting Facilities
       7. Chemical Storage Inventory
       8. Clean Sweep Participation
       9. Striping Truck Washwater Disposal
       10. Paint Tote Spill Control Measure

   vi. **Roadside Environmental**
       1. Roadside Disposal including Litter Removal
       2. Erosion and Sediment Control
       3. Debris Removal
       4. Reduce Mowing/CAMPS
       5. Establish/Maintain Wildflowers/Native Species
       6. Intensified Litter Control and Pick-Up
       7. Alternatives to Herbicides
       8. Increase Adopt-a-Highway (AAH) Partnerships
       9. Living Snowfences
       10. Recycled Materials used in Erosion/Sediment Control

   vii. **Fleet Administration**
       1. Liquid Natural Gas Installations
       2. Idling Reduction beyond Current Policy
       3. Use Vacuum-Assisted Sweepers
       4. Use Hybrid/Alternative Fuel Vehicles

   viii. **Communications Technology & Emergency Preparedness**
       1. AED and Other Battery Recycling
d. **Waste Reduction And Use Of Recycled Content And Reused Products And Construction Materials** - NYSDOT’s Solid & Hazardous Waste Reduction Policy outlines efforts with the following objectives:

- **Source Reduction** - Reducing or eliminating the volume and toxicity of wastes generated.
- **Reuse and Recycling** - Reusing material for its original purpose or recycling waste materials that cannot be reused.
- **Recycled Products** - Considering acceptable materials and products that contain recycled content in all DOT operations and construction projects; helping to contribute to the market development of recycled products where reasonable and feasible.
- **Implementing** a preferred management hierarchy for waste disposal.


e. **Green Procurement and Agency Sustainability** - NYSDOT participates in the statewide efforts for green procurement and agency sustainability. As formalized by Executive Order 4 (Establishing a State Green Procurement and Agency Sustainability Program), NYSDOT establishes and adopts specifications fostering the most sustainable procurement and operations.


f. **Guidelines for the Adirondack Park** - NYSDOT has Adirondack Park Guidelines that serve as the interagency guide (with NYSDEC and the Adirondack Park Agency) for the design, construction and maintenance of highways and maintenance facilities within the Park. This document provides current interagency/interregional policies, procedures, guidance and standards to ensure that an attractive, environmentally sensitive transportation system is maintained within the Adirondack Park.


g. **Construction and Maintenance Environmental Coordinators** – NYSDOT created positions for Construction Environmental Coordinators (CECs) and Maintenance Environmental Coordinators (MECs) in 2001 to provide coordination and support for regional Construction and Maintenance staff and programs, respectively, with the goal of further integrating environmental stewardship activities throughout NYSDOT Operations. NYSDOT placed these people directly into Regional Construction and Maintenance Groups in order to address specific areas for department-wide environmental improvement in Construction and Maintenance, as follows: 1) increased environmental field presence; 2)
increased familiarity with maintenance staff, activities and issues; 3) improved responsiveness to maintenance environmental needs; 4) greater leadership and follow-through on priority environmental issues in maintenance; 5) improved environmental training for maintenance staff; and 6.) improved intra-regional communication on environmental issues. These persons provide the expertise and quality control in the field to ensure that earth disturbance activities are progressed in accordance with NYSDOT policies and procedures.

Maintenance forces, in particular, are often called upon to react immediately to a safety situation due to storms, accidents, etc. and need timely environmental advice and recommendations. As the first point of contact, the Maintenance Environmental Coordinator (MEC) helps bring about improved coordination and faster response to environmental needs. By focusing solely on environmental issues in maintenance, the MECs are also able to learn what issues are priorities and commonplace and then prepare regional guidance and training to address these areas in a proactive and programmatic manner. Furthermore, through their sole focus on maintenance issues, MECs have the support and ability to identify and coordinate the follow-through on environmental stewardship opportunities.

A list of the CECs and MECs can be found at http://www.dot.ny.gov/divisions/engineering/environmental-analysis/operations/about-this-section.

6. Research

NYSDOT has developed research projects on environmentally related topics to assist NYSDOT in providing best information to maximize effectiveness of designs and programs, to minimize environmental impacts and to maximize enhancements. Several of these NYS-led projects, as well as many projects that NYSDOT participates in cooperatively with other transportation agencies at a nationally-coordinated level, will provide information that can affect water quality and/or activities with the potential to affect water quality discharges. These research projects include:

a. **Evaluation of Herbaceous Perennial Groundcovers and Direct Seeded Species and Mixtures for the Use in New York State Roadsides and Under Guiderails** - The purpose of this research is to identify, select, and evaluate alternative vegetation in simulated plots and evaluate promising candidates planted in demonstrations on the right-of-way. The study evaluated low growing, low maintenance suppressive vegetation tolerant of stresses encountered along the roadway that may be planted under guiderails where conventional mowing is not feasible as an alternative to the use of herbicides to control vegetation at such locations.

Research reports and additional information are at: http://www.dot.ny.gov/divisions/engineering/environmental-analysis/research-and-training/environmental-research
b. **Alternatives to Herbicides and Integrated Vegetation Management (IVM) Program** - The goal of this project was the development of recommendations for the IVM program using an IVM/Environmental Management System (EMS) and development of a systematic framework and research protocol for identification, evaluation and implementation of environmentally sensitive, lower maintenance, and cost effective vegetation management techniques that can be integrated into the overall vegetation management program.


c. **Cascade Lakes: Environmental Effects of Snow and Ice Control** - NYSDOT is undertaking a study to determine the cause and effect relationship of past and present winter highway maintenance activities on water quality and aquatic life in the Upper and Lower Cascade Lakes and on birch tree survival adjacent to this section of Route 73.


d. **Pathogen Analysis of Deer Carcass Compost Facilities** - The goal of this project was to determine through formal sampling, testing and analysis, the pathogen existence and breakdown in six road-killed deer carcass compost facilities and provide appropriate guidance, educational and technical materials addressing environmental and worker safety.


e. **Using Living Snow Fence to Improve Snow and Ice Control and Vegetation along Highways** - The purpose of this project is to develop research and training materials so Department staff can design and install living snow fences. It will also evaluate the factors for living snow fence success in New York State and calculate the benefit cost of living snow fence installations. The study is not yet complete, but a summary can be found at:


**Measurable Goals**

The following measurable goals have been identified for this Minimum Control Measure:

**For the Reporting Period March 10, 2013 to March 9, 2014**
1) Development of a template for SWPPPs for maintenance facilities
2) Clean/repair drainage system, street sweeping, collect litter, etc (e.g. operations recorded by MAMIS).
3) Continue Facility Remediation Plan actions.

**For the Reporting Period March 10, 2014 to March 9, 2015**
1) Develop guidance for compliance with requirements in Parts III and IV of Multi-Sector General Permit GP-0-06-002 (as required by GP-0-10-002).
2) Develop guidance for upgrading stormwater conveyances to incorporate runoff reduction and green infrastructure principles.
3) Determine if existing language in NYSDOT 3rd party contracts satisfies MS4 permit requirement.
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<td>AASHTO</td>
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<td>Manual of Administrative Procedures</td>
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<td>Stormwater Pollution Prevention Plan</td>
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<td>WMAC</td>
<td>Water Management Advisory Committee</td>
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</table>
REFERENCES

NYSDOT Policies, Guidance, Websites, and Documents


Materials and Equipment Approved List. February 2013. New York State Department of Transportation. 


Office of Construction – Forms. New York State Department of Transportation. 

Staff to Contact with Questions About Environmental Issues Affected by Construction And Maintenance Activities. New York State Department of Transportation. 

Stormwater Pollution Prevention Plan (SWPPP) Template. 2012. New York State Department of Transportation. 


Memorandum of Understanding Between the New York State Department of Environmental Conservation and the New York State Department of Transportation. MOU No.06352. March 2008. New York State Department of Transportation.

Operation of Oil/Water Separators (OWS)/ Wastewater Controls from Vehicle Washing and Storage. Transportation Maintenance Instruction 09-03. May 2009. New York State Department of Transportation.  

Snow and Ice Control. New York State Department of Transportation.  


Snow and Ice - Municipal Contracts. New York State Department of Transportation.  

GreenLITES Operations Certification Program. New York State Department of Transportation.  


Guidelines for the Adirondack Park. New York State Department of Transportation.  

NYSDOT Research Reports


State and Federal Laws, Regulations, Permits, and Related Information


Miscellaneous Information


APPENDIX A

NYSDOT NOTICE OF INTENT (NOI) FOR COVERAGE UNDER GP-02-02
Submission of this Notice of Intent (NOI) constitutes notice that the entity identified in Section A of this form intends to be authorized by DEC’s Small MS4 SPDES General Permit issued for storm water discharges from the small municipal separate storm sewer system (MS4) in New York State. Submission of the NOI also constitutes notice that the party identified in Section A of this form has read, understands, and meets the eligibility conditions of Part I.B. of the Small MS4 General Permit; agrees to comply with all applicable terms and conditions of the Small MS4 General Permit; understands that continued authorization under the Small MS4 General Permit is contingent on maintaining eligibility for coverage, and that implementation of the permittee’s storm water management program is required to begin within five (5) calendar days after a completed NOI is received by DEC. In order to be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement to prepare and implement a storm water management program.

Section A. Small MS4 Owner/Operator Information

1. Name: N.Y. State Department of Transportation
2. Phone: (518) 457-5672
3. a. Street or P.O. Box: 1220 Washington Avenue
   b. City: Albany
   c. State: N.Y.
   d. Zip Code: 12232

Section B. Small MS4 Location Information

1. MS4 Name: N.Y. State Department of Transportation
2. a. City/Town/Village: Various municipalities in Designated Urbanized Areas
   b. County(ies): Various counties in Designated Urbanized Areas
3. a. Permit Applicant: Federal, State, County, City, Town, Village
   - School District, Fire District, Other public entity
4. Does the MS4 discharge to receiving waters which is/are impaired (appear on DEC’s 303(d) list or for which a Total Maximum Daily Load (TMDL) has been determined? Yes, No
### Section C. Initial Identification of Management Practices

#### 1. Public Education and Outreach on Storm Water Impacts

**Outreach Techniques**

- Plan and conduct an ongoing public education and outreach program *(required)*
- Classroom education/school programs
- Outreach to commercial entities
- Webpage
- Printed material
- Media campaign
- Library of educational materials
- Events and Programs
- Displays
- Posters and signs of varying sizes (magnet to billboards)
- Speakers to community groups
- Economic incentives
- Promotional giveaways
- Other: Collaboration with municipalities, DPWs, environmental organizations/agencies

**Management Practices to Encourage**

- Proper lawn and garden care (fertilizer and pesticide use, sweeping, etc.)
- Low impact development
- Pet waste management
- Pollution prevention for businesses
- Proper disposal of household hazardous wastes
- Trash management
- Water conservation practices
- Others:

#### 2. Public Involvement/Participation

**Involvement Techniques**

- Public Notice and access to documents and information *(required)*
- Public presentation and comments received SWMP and on annual report *(required)*
- Public involvement/participation program
- Contact person identified *(required)*
- Advisory/partner committees
- Watershed organizations
- Attitude surveys
- Community hot lines
- Stakeholder meetings
- Mailing list development and use
- Other

**Participation Activities**

- Adopt-a-stream
- Reforestation program
- Storm drain stenciling
- Stream, beach, roadway cleanup
- Volunteer monitoring
- Wetland plantings
- Others

#### 3. Illicit Discharge Detection and Elimination

**Detection and Elimination Activities**

- Outfall mapping *(required)*
- Illicit discharges prohibited *(required)*
- Public, employees, businesses informed of hazards from illicit discharges *(required)*
- Illicit discharges identified *(required)*
- System mapping
- Identifying illicit connections
- Dye testing
- Shoreline surveys
- System inspections
- Other

**Type of Discharges to Target**

- Failing septic systems
- Illegal dumping
- Industrial/business connections
- Recreational sewage
- Sanitary sewer overflows
- Wastewater connections to the storm drain system
- Others: 1) Private Drainage Connections

#### 4. Construction Site Storm Water Runoff Control

**Construction Program Requirements (at a minimum equivalent to GP-02-01)**

- Require erosion and sedimentation controls through an ordinance or other regulatory mechanism *(required)*
- Provide opportunity for public comment on construction plans *(required)*
- Require construction site plan review *(required)*
- Require overall construction site waste management *(req’d)*
- Site inspections and enforcement *(required)*
- Education and training of construction site operators *(required)*
- Other: 1) Statewide Task Force on Erosion & Sediment Control

**Program Criteria**

- New York State Standards and Specifications for Erosion and Sediment Control
- New York State Stormwater Management Design Manual

2) DOT/AGC Executive Level Partnering Sub-Committee on Erosion and Sediment Control
## Section C. Initial Identification of Management Practices (continued)

<table>
<thead>
<tr>
<th>5. Post-Construction Stormwater Management</th>
<th>Post-Construction Program Requirements</th>
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<tbody>
<tr>
<td>☑ Assess existing conditions throughout the MS4 and identify appropriate management practices to reduce pollutant discharge to the maximum extent practicable. (required)</td>
<td>☑ New York State Stormwater Management Design Manual</td>
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<tr>
<td>☑ Regulate post-construction runoff from development through an ordinance or other regulatory mechanism (required)</td>
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<tr>
<td>☑ Develop management practice inspection and maintenance program. (required)</td>
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<td>☐ Other……………………………………………………………………………………………………………………………</td>
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</tbody>
</table>

## Section D. Initial Identification of Measurable Goals (attach additional sheets as necessary)

Person(s) responsible for implementing or coordinating the storm water management program:

Mary E. Ivey, Acting Director, Environmental Analysis Bureau Phone: (518) 457-5672

<table>
<thead>
<tr>
<th>1. Public Education and Outreach on Storm Water Impacts</th>
<th>Measurable goals (with start and end dates): See ATTACHMENT A</th>
</tr>
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<tbody>
<tr>
<td>4. Construction Site Storm Water Runoff Control</td>
<td>Measurable goals (with start and end dates): See ATTACHMENT A</td>
</tr>
</tbody>
</table>
### Section E. Cooperating MS4s

Identify any MS4 partners that will be assisting you in carrying out your Stormwater Management Program: (Attach a description of what portions of which management practices that the other MS4s will be doing for you, and similarly what practices that you are assisting them with.)

<table>
<thead>
<tr>
<th>Name of Cooperating MS4</th>
<th>Address</th>
<th>Contact Person</th>
<th>Telephone number</th>
<th>Email</th>
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<tr>
<td>See ATTACHMENT B</td>
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#### 2. Public Involvement/Participation
Measurable goals (with start and end dates):
See ATTACHMENT A

#### 3. Illicit Discharge Detection and Elimination
Measurable goals (with start and end dates):
See ATTACHMENT A

#### 5. Post-Construction Storm Water Management in New Development and Redevelopment
Measurable goals (with start and end dates):
See ATTACHMENT A

#### 6. Pollution Prevention/Good Housekeeping for Municipal Operations
Measurable goals (with start and end dates):
See ATTACHMENT A
Section F. 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, I certify that 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.

Print Name: PAUL T. WELLS, Asst Comm., Engr
Signature: _______________________________________________________________________________________
Date: __________/________/________

3/10/2003
Instructions for Completing the Notice of Intent for Coverage Under an SPDES General Permit for Storm Water Discharges From SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Who Must File a Notice of Intent?
Under the provisions of § 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122, Federal law prohibits “point source” discharges of storm water from municipal separate storm sewer systems (MS4s) to waters of the U.S. without a State Pollutant Discharge Elimination System (SPDES) permit. If you are an operator of a regulated small MS4 designated under §122.32(a)(1) or §122.32(a)(2), you must apply for coverage under a SPDES permit, or apply for a modification of an existing SPDES permit. If you have questions about whether you need a permit under the SPDES Storm Water Program, contact DEC. Finally, the NOI must be submitted in accordance with the deadlines established in Part 2.A. of the MS4 General Permit.

When to File the NOI Form
DO NOT FILE THE NOI UNTIL YOU HAVE READ A COPY OF THE SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT. You will need to determine your eligibility, prepare your storm water management plan, and correctly answer all questions on the NOI form, all of which must be done before you can sign the certification statement on the NOI in good faith (and without risk of committing perjury).

Where to File the NOI Form
NOIs must be sent to the following address:
Storm Water Notice of Intent (4203M)
NYSDEC
625 Broadway
Albany NY 12233

Completing the NOI Form
To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the address above.

Section A. MS4 Owner/Operator Information
1. Provide the legal name of the person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity that operates the MS4 described in this application. The responsible party is the legal entity that controls the MS4’s operation.

2. Provide the telephone number of the MS4 operator.

3. Provide the mailing address of the MS4 operator. Include the street address or P.O. box, city, state, and zip code. All correspondence regarding the permit will be sent to this address, not the MS4 address in Section B.

Section B. MS4 Location Information
1. Enter the official or legal name of the MS4. Enter the city or cities, county or counties, and state in which the MS4 is located.

2. Indicate the legal status of the MS4 operator as a Federal, State, private, or other public entity (other than Federal or State). This refers only to the operator, not the owner of the land on which the MS4 is located.

3. Indicate whether the MS4 discharges storm water into one or more receiving water(s) that appear on the 303(d) list or for which a Total Maximum Daily Load (TMDL) has been established.

Section C. Identification of Initial Management Practices
Check the management practices that you have selected to meet each of the minimum measures. If a selected practice is not on the list, check AOther@ and write the name of the practice in the space provided.

Section D. Identification of Initial Measurable Goals
List the person(s) responsible for implementing or coordinating the storm water management program. Provide a narrative description of the measurable goals that will be used for each of the storm water minimum control measures. Indicate the month and year in which you will start and fully implement each of the minimum control measures, or indicate the frequency of the action in the description. Attach additional pages as necessary.

Section E. Certification
Certification statement and signature. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed by either a principal executive or ranking elected official as described in Part VI.G. of the Small MS4 General Permit.
Notice of Intent for Coverage Under an SPDES General Permit for Storm Water Discharges from SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

ATTACHMENT A

SECTION D. Initial Identification of Measurable Goals

1. Public Education and Outreach on Storm Water Impacts
   Measurable Goals

   A. Year One (Start January 8, 2003):
      1) Develop outreach program to local Departments of Public Works.
      2) Conduct minimum of six Erosion and Sediment Control training sessions for contracting associations and Department staff.
      3) Develop Stormwater Webpage
      4) Make Formal Contact with other MS4s, either directly, or indirectly through Metropolitan Planning Organizations (MPOs), or Regional Planning Councils (RPCs)

   B. Year Two (Start January 8, 2004):
      1) Participation in NYSDEC Instructor Cadre.

   C. Year Three (Start January 8, 2005):

   D. Year Four (Start January 8, 2006):

   E. Year Five (Start January 8, 2007):

2. Public Involvement/Participation
   Measurable Goals

   A. Year One (Start January 8, 2003):
      1) Identify Regional Contacts for Stormwater Management Program.

   B. Year Two (Start January 8, 2004):
      1) Solicit public comment on Stormwater Management Plan
      2) Solicit public comment on Annual Report #1

   C. Year Three (Start January 8, 2005):
      1) Solicit public comment on Annual Report #2

   D. Year Four (Start January 8, 2006):
      1) Solicit public comment on Annual Report #3
E. Year Five (Start January 8, 2007):
   1) Solicit public comment on Annual Report #4

3. Illicit Discharge Detection and Elimination
   Measurable Goals

A. Year One (Start January 8, 2003):
   1) Develop draft policy on private drainage connections and
      identification/elimination of illicit discharges.
   2) Identify method of gather information on outfall locations and GIS mapping.
   3) Identification of illicit discharges integrated into training of construction and
      maintenance staff.

B. Year Two (Start January 8, 2004):
   1) Approve and implement policy on private drainage connections and
      identification/elimination of illicit discharges.
   2) Begin identification of outfall locations.

C. Year Three (Start January 8, 2005):

D. Year Four (Start January 8, 2006):

E. Year Five (Start January 8, 2007):
   1) Complete identification of outfall locations and GIS mapping.

4. Construction Site Storm Water Runoff Control
   Measurable Goals

A. Year One (Start January 8, 2003):
   1) Form Executive-Level stakeholder Partnering Committee.
   2) Issue draft model of Regional Erosion and Sediment Control Program.
   3) Revise construction inspection form.
   4) Revise Erosion and Sediment Control section of Construction Inspection
      Manual.
   5) Classroom instruction on Erosion and Sediment Control to Department staff
      and other agencies/groups.

B. Year Two (Start January 8, 2004):
   2) Classroom instruction on Erosion and Sediment Control to Department staff
      and other agencies/groups.
C. Year Three (Start January 8, 2005):
   1) Classroom instruction on Erosion and Sediment Control to Department staff and other agencies/groups.

D. Year Four (Start January 8, 2006):
   1) Classroom instruction on Erosion and Sediment Control to Department staff and other agencies/groups.

E. Year Five (Start January 8, 2007):
   1) Revise Erosion and Sediment Control specifications and details.
   2) Classroom instruction on Erosion and Sediment Control to Department staff and other agencies/groups.

5. Post-Construction Storm Water Management in New Development and Redevelopment
   Measurable Goals

A. Year One (Start January 8, 2003):
   1) Form Stormwater Team to author Department Stormwater Management Plan.
   2) Develop database of NOIs.
   3) Revise Quality Control/Quality Assurance inspection form.
   4) Conduct QC/QA reviews on selected SPDES projects.
   5) Classroom instruction on Stormwater Management to Department staff and other agencies/groups.
   6) Identify additional research opportunities.
   7) Provide annual funding to NYSDEC for Research Project, “Regionalized Channel Geomorphic Characteristics of New York Streams” (April 2008).

B. Year Two (Start January 8, 2004):
   1) Receive SPDES General Permit for Transportation Activities.
   2) Finalize Department Stormwater Management Plan.
   3) Conduct QC/QA reviews on selected SPDES projects.
   4) Develop Approved List for Stormwater Treatment Systems (Oil/Grit Separators)
   7) Classroom instruction on Stormwater Management to Department staff and other agencies/groups.
9) Provide annual funding to NYSDEC for Research Project, “Regionalized Channel Geomorphic Characteristics of New York Streams” (April 2008).

C. Year Three (Start January 8, 2005):
   1) Conduct QC/QA reviews on selected SPDES projects.
   2) Complete Research Project, “Croton Reservoir Sub-Watershed Assessment”.
   3) Develop database of Stormwater Management Facilities.
   4) Complete implementation of Stormwater Management Facilities Inspection and Maintenance Program.
   5) Classroom instruction on Stormwater Management to Department staff and other agencies/groups.
   6) Provide annual funding to NYSDEC for Research Project, “Regionalized Channel Geomorphic Characteristics of New York Streams” (April 2008).

D. Year Four (Start January 8, 2006):
   1) Conduct QC/QA reviews on selected SPDES projects.
   2) Classroom instruction on Stormwater Management to Department staff and other agencies/groups.
   3) Provide annual funding to NYSDEC for Research Project, “Regionalized Channel Geomorphic Characteristics of New York Streams” (April 2008).

E. Year Five (Start January 8, 2007):
   1) Conduct QC/QA reviews on selected SPDES projects.
   2) Provide annual funding to NYSDEC for Research Project, “Regionalized Channel Geomorphic Characteristics of New York Streams” (April 2008).
   3) Classroom instruction on Stormwater Management to Department staff and other agencies/groups.

6. Pollution Prevention/Good Housekeeping for Municipal Operations
   Measurable Goals

A. Year One (Start January 8, 2003):

B. Year Two (Start January 8, 2004):
   1) Complete Research Project, “Alternatives to Herbicides and Integrated Vegetation Management Program”.
   2) Perform Needs Analysis for Pollution Prevention Issues.
   3) Complete Research Project, “Vegetative Weed Suppressive Ground Cover”.

3/10/2003
C. Year Three (Start January 8, 2005):
   1) Complete Research Project, “Salt Impacts in the Cascade Region of Adirondacks”.
   2) Revise existing guidance on Pollution Prevention issues.

D. Year Four (Start January 8, 2006):

E. Year Five (Start January 8, 2007):
SECTION E. Cooperating MS4s

The New York State Department of Transportation (NYSDOT) will conduct outreach to all of the municipalities listed or otherwise described in the Final Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (MS4s), (NYSDEC, January 2003), either directly, or indirectly with the cooperation of Metropolitan Planning Organizations (MPOs) or Regional Planning Councils. This outreach will attempt to identify contact persons at the other MS4s, to identify the relationship between NYSDOT and these MS4s in regard to the respective Stormwater Management Programs, and to identify potential opportunities for improved cooperation in order to meet the goals and objectives of the Stormwater Management Programs. Similarly, NYSDOT will conduct outreach to additional MS4s, such as owners of sewer districts, flood control districts, drainage districts, or other entities defined in 40 CFR 122.26(b)(8).

NYSDOT will also conduct outreach to county highway departments in the urbanized areas, and agencies and authorities including, but not limited to, New York City Department of Transportation, New York State Thruway Authority, and New York State Canal Corporation.
APPENDIX B

LETTER FROM NYSDEC (DATED MAY 1, 2008) AUTHORIZING NYSDOT PERMIT COVERAGE UNDER GP-0-08-002
May 1, 2008

MARY E. IVEY  
Statewide of NYS DEPARTMENT OF TRANSPORTATION  
50 WOLF ROAD, POD #41  
ALBANY, NY 12232

RENEWAL OF STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)  
GENERAL PERMIT FOR STORMWATER DISCHARGES FROM  
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4's)

Dear MS4 Permittee:

This letter is to notify you that the New York State Department of Environmental Conservation (DEC) has renewed the SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems. This General Permit (formerly GP-02-02) has been re-titled GP-0-08-002 and shall be effective from May 1, 2008, to April 30, 2010.

The MS4 listed below was authorized under GP-02-02. This MS4 is now automatically authorized under GP-0-08-002.

Statewide of NYS DEPARTMENT OF TRANSPORTATION  
50 WOLF ROAD, POD #41  
ALBANY, NY 12232  
NYR20A288

Copies of the permit, response to comments, fact sheet and applicable forms are available on the Department's website at: http://www.dec.ny.gov/chemical/43150.html or from the contact listed below:

Barbara Horton  
NYSDEC, Division of Water  
625 Broadway - 4th Floor  
Albany, NY 12233-3505  
E-mail: bjhorton@gw.dec.state.ny.us  
Phone: 518-402-8111

Sincerely,

Angus Eaton  
Chief, General Permits Section
APPENDIX C

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4S), GP-0-10-002
NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

from

MUNICIPAL SEPARATE STORM SEWER SYSTEMS
(MS4s)

Permit No. GP-0-10-002

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

Effective Date: May 1, 2010
Modified Date:

John Ferguson
Chief Permit Administrator

Expiration Date: April 30, 2015
Address:

NYS DEC
Div. Environmental Permits
625 Broadway
Albany, N.Y. 12233-1750

Date

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002
PREFACE

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

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

A covered entity authorized under GP-0-08-002 as of the effective date of GP-0-10-002, shall be permitted to discharge in accordance with the renewed permit, GP-0-10-002, upon the submission of their Annual Report, unless otherwise notified by the Department.

An operator not authorized under GP-0-10-002 may\(^1\) obtain coverage under this SPDES general permit by submitting a Notice of Intent (NOI) to the address provided on the NOI form. For newly regulated MS4s, authorization under this SPDES general permit is effective upon written notification from the Department of the receipt of a complete NOI. Copies of this SPDES general permit and the NOI for New York are available by calling (518) 402 - 8109 or at any Department of Environmental Conservation (Department) regional office (Appendix A). They are also available on the Department’s website:

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

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

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

\(^1\) The term “may is used to recognize that there are circumstances under which the operator is ineligible for coverage under this SPDES general permit because of exclusionary provisions of this permit. Operators that are excluded from coverage under this SPDES general permit as provided for in Part I, for example, are not authorized to discharge under this permit. This clarification also applies to situations in which an NOI has been submitted; submission of an NOI by an entity excluded from SPDES general permit coverage does not authorize the small MS4 to discharge stormwater runoff under the authority of this SPDES general permit.
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Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

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

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

   a. water line flushing
   b. landscape irrigation
   c. diverted stream flows
   d. rising ground waters
   e. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
   f. uncontaminated ground water
   g. discharges from potable water sources
   h. foundation drains
   i. air conditioning condensate
   j. irrigation water
   k. springs
   l. water from crawl space and basement sump pumps
   m. footing drains
   n. lawn and landscape watering runoff provided that all pesticides and fertilizers have been applied in accordance with the manufacturer's product label;
   o. water from individual residential car washing
   p. flows from riparian habitats and wetlands
   q. dechlorinated swimming pool discharges
   r. residual street wash water
   s. discharges or flows from fire fighting activities
t. dechlorinated water reservoir discharges
u. any SPDES permitted discharge.

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

B. Limitations on Coverage

The following are not authorized by this SPDES general permit:

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

2. Stormwater discharges or implementation of a covered entity’s SWMP, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the covered entity is in compliance with requirements of the National Historic Preservation Act and has coordinated with the appropriate State Historic Preservation Office any activities necessary to avoid or minimize impacts;

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

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

C. Exemption Criteria

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

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

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

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

B. Permit coverage is public noticed by the Department.
   NOIs will be public noticed and an opportunity for public comment provided on the contents of submitted NOIs.
   a. NOIs and the location of the SWMPs and Annual Reports for existing MS4s will be posted in the Environmental Notice Bulletin (ENB).
   b. A deadline of 28 calendar days from the posting in the ENB will be provided for receiving comments.
   c. After the public comment period has expired, the Department may extend the public comment period, require submission of an application for an individual SPDES permit or alternative SPDES general permit, or accept the NOI or SWMP as complete.

C. Continuance of Permit Coverage for Covered Entities Authorized by GP-0-08-002 (Continuing Covered Entities)
   As of May 1, 2010, entities with coverage under GP-0-08-002 will continue to have authorization to discharge on an interim basis for up to 180 days from the effective date of this SPDES general permit. Covered entities may gain coverage under this SPDES general permit by submission of their 2009 Annual Report due in June 2010. For public participation purposes, the updated Annual Report will be considered equivalent to submission of an NOI.

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

D. Permit Coverage for Covered Entities Newly Designated Under GP-0-10-002 (Small MS4s not Previously Authorized by GP-0-08-002)
   Certain small MS4s designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-08-002, but are now required to gain coverage under this SPDES general permit. The small MS4s were not previously authorized because they were either:
   - required to gain coverage under GP-0-08-002, but were granted a waiver from that requirement;
   - were not required to gain coverage under GP-0-08-002 based on the designation criteria, but they are now within an Additionally Designated Area; or
(Part II.D.)

- were otherwise not permitted under GP-0-08-002.

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

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

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

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

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

E. Small MS4s Not Required to Gain Coverage

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

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

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

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

G. Single Entity to Cover the MS4

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

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

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

Part III. SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

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

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

B. Impaired Waters

1. Impaired Waters Without Watershed Improvement Strategies or Future TMDLs

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

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

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

2. Watershed Improvement Strategies

The SWMPs for covered entities in the watersheds listed below must be modified to comply with the following requirements and the watershed improvement strategies. Covered entities implementing the pollutant-specific BMPs in addition to the BMPs required of all covered entities will be taking satisfactory steps towards achieving compliance with TMDL requirements. Covered entities under the MS4 SPDES general
(Part III.B.2.)

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

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

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

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

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

Each member of an RSE is in compliance if the aggregate reduction number associated with the retrofit plans is met. If the aggregate number is not met, each of the participating MS4s would be deemed non-compliant until such time as they had met their individual load reduction requirements.
(Part III.B.2.)

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

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

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

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

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

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

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

Part IV. Stormwater Management Program (SWMP) Requirements

A. SWMP Background

Covered entities must develop (for newly authorized MS4s, implement), and enforce a SWMP designed to reduce the discharge of pollutants from small MS4s to the maximum extent practicable (“MEP”) in order to protect water quality and to satisfy the appropriate water quality requirements of the ECL and the CWA. The objective of the permit is for MS4s to assure achievement of the applicable water quality standards. Covered entities under GP-0-08-002 must have prepared a SWMP plan documenting modifications to their SWMP. See Part X.B. (Definitions) for more information about the SWMP and SWMP plan.

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

B. Cooperation Between Covered entities Encouraged

The Department encourages covered entities to cooperate when developing and implementing their SWMP. However, each covered entity is responsible for obtaining its own permit coverage and for filing its own NOI. Irrespective of any agreements between covered entities, each individual covered entity remains legally responsible for satisfying all GP-0-10-002 requirements and for its own discharges. If one covered entity is relying on another covered entity to satisfy one or more of its permit obligations, that fact must be noted on the covered entity’s MCC form. The other entity must, in fact, implement the MCM(s) and must agree to implement the MCM(s) on the first covered entity’s behalf. This agreement between the two or more parties must be documented.

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2 For example, villages are encouraged to cooperate with towns, towns with counties, and adjacent counties with each other. In addition, municipal governments are encouraged to coordinate and cooperate with non-traditional MS4s such as DOT, school and fire districts, Federal and State facilities located within and adjacent to their jurisdictions. Sewer boards, water boards, or other non-traditional entities are encouraged to partner with the municipality (municipalities) that they serve.
in writing and signed by both (all) parties. Part IV.G. below may apply if such an agreement

(Part IV.B.)

is not already in place. The agreement must be included in the SWMP plan, and be retained by the covered entity for the duration of this SPDES general permit, including any administrative extensions of the permit term.

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

C. SWMP Coverage Area

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

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

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

D. SWMP Development and Implementation for Covered entities Authorized by GP-0-08-002(Continuing Covered entities)

Covered entities authorized under GP-0-08-002 shall continue to fully implement their SWMP, unless otherwise stated in this SPDES general permit. A covered entity may modify its SWMP if it determines changes are needed to improve implementation of its SWMP. Any changes to a SWMP shall be reported to the Department in the MS4’s

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

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002
annual report and Municipal Compliance Certification (MCC) form (See Part V.C and V.D).

(Part IV.)

E. SWMP Development and Implementation for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-08-002)

Certain small MS4s designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-08-002, but are now required to gain coverage under this SPDES general permit. The small MS4s were not previously authorized because they were either:

- required to gain coverage under GP-0-08-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-08-002 based on the designation criteria, but they now meet the additional designation criteria in NYS DEC “Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems”; or
- were otherwise not permitted under GP-0-08-002.

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

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

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

F. Minimum Control Measures

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

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

G. Reliance Upon Third Parties

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

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

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

Example certification language is provided below:

**Contracted Entity Certification Statement:**

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

A.  Assessment

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

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

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

B.  Recordkeeping

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

C.  Annual Reporting

1.  Annual Report Submittal

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

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002
(Part V.C.1.)

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

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

a. Annual Report Submittal for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-08-002)

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

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

b. Annual Report Submittal for Covered entities Authorized by GP-0-08-002 (Continuing Covered entities)

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

2. Shared Annual Reporting and Submittal

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

- providing the details specific to their small MS4(s) to a person(s) who incorporates that information into the group report. That one group report is submitted to the Department for all participating small MS4s; or
- providing the details specific to their small MS4(s) on a separate sheet(s) that will be attached with the one group report.
(Part V.C.2.)

Regardless of the method chosen, each covered entity must, by June 1 of the annual reporting year:

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

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

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

3. Annual Report Content

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

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

b. An assessment/evaluation of:
   i. the appropriateness of the identified BMPs;
   ii. progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP; and
   iii. the identified measurable goals for each of the MCMs.

c. Results of information collected and analyzed, monitoring data, and an assessment of the small MS4’s SWMP progress toward the statutory goal of reducing the discharge of pollutants to the MEP during the reporting period. This could include results from required SWMP reporting, estimates of pollutant loading (from parameters such as identified illicit discharges, physically interconnected small MS4s that may contribute substantially to pollutant
(Part V.C.3.c.)
loadings from the small MS4) and pollutant load reductions (such as illicit discharges removed). This assessment may be submitted as an attachment;

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

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

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

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

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

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

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

D. Annual Report Certification
A signed original hard copy and a photocopy of the MCC form must be submitted to the Department no later than June 1 of each reporting year. If the annual report is mailed (Part V.C. above), the MCC form must be submitted with the annual report.

The MCC form, provided by the Department, certifies that all applicable conditions of Parts IV, VII, VIII and IX of this SPDES general permit are being developed, implemented and complied with. It must be signed by an individual as described in Part VI.J.2. The certification provided by the MCC form does not affect, replace or negate the certification required under Part VI.J(2)(d). If compliance with any requirement cannot be certified to on the MCC form, a complete explanation with a description of corrective measures must be included as requested on the MCC form.

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

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

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

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

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

E. Technology Standards
Covered entities, in accordance with written notification by the Department, must comply with all applicable technology-based effluent standards or limitations promulgated by EPA pursuant to Sections 301 and 304 of the CWA. If an effluent standard or limitation more stringent than any effluent limitation in the SPDES general permit or controlling a pollutant not limited in the permit is promulgated or approved
(Part VI.E.)

after the permit is issued, the SWMP plan shall be promptly modified to include that effluent standard or limitation.

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

G. Duty to Mitigate
The covered entity shall take all reasonable steps to minimize or prevent any discharge in violation of this SPDES general permit which has a reasonable likelihood of adversely affecting human health or the environment.

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

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

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

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

2. Reports Required and Other Information Requested
All reports required by this SPDES general permit and other information requested by the Department, including MCC forms (part V.D.), shall be signed by a person
(Part VI.J.2.)

described above or by a duly authorized representative of that person\(^4\). A person is a duly authorized representative only if:

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

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

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

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

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

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

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

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

information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information."

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

K. Penalties for Falsification of Reports

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

L. Oil and Hazardous Substance Liability

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

M. Property Rights

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

N. Severability

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

O. Requiring an Individual Permit or an Alternative General Permit

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

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

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

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

P. Other State Environmental Laws

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

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

Q. Proper Operation and Maintenance

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

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

1. Enter upon the covered entity’s premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this SPDES general permit;

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

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

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

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

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

A. Traditional Land-Use Control MS4 Minimum Control Measures (MCMs)
These MCMs apply to traditional land use control MS4s (cities, towns, villages). The SWMP for these small MS4s must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the State and EPA.

Continuing covered entities were required to develop a SWMP with the MCM requirements below by January 8, 2008 (if authorized by GP-02-02) and within three years of gaining coverage (if authorized by GP-0-08-002). Under this SPDES general permit, the continuing covered entities are required to implement their SWMP, including the MCM requirements below. Notwithstanding any sooner deadlines contained elsewhere within this permit, newly regulated covered entities are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

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

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

1. Public Education and Outreach - SWMP Development / Implementation
At a minimum, all covered entities must:

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

   b. Develop (for newly authorized MS4s) and implement an ongoing public education and outreach program designed to describe to the general public and target audiences:
      i. the impacts of stormwater discharges on waterbodies;
      ii. POCs and their sources;
      iii. steps that contributors of these pollutants can take to reduce pollutants in stormwater runoff; and
iv. steps that contributors of non-stormwater discharges can take to reduce pollutants (non-stormwater discharges are listed in Part I.A.2);

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

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

**Required SWMP Reporting**

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

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

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

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

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

iv. maintain records of all training activities.

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

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

Complete in Year 1 (report changes in Year 2 and 3 as needed):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and
(Part VII.A.2.)

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

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

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

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

iii. public involvement / participation activities (for example stream cleanups including the number of people participating, the number of calls to a water quality hotline, the number and extent of storm drain stenciling); and

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

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

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

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

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

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

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

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

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

Required SWMP Reporting

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

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

i. program development deadlines and reporting:
   Complete in Year 1 (revise in Year 2 and 3 if changes are made):
   - describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program;
   - describe priority areas of concern, available equipment, staff, funding, etc.;
   Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):
   - describe procedures for identifying and locating illicit discharges (trackdown);
   - describe procedures for eliminating illicit discharges;
   - describe procedures for enforcing against illicit dischargers;
   - describe procedures for documenting actions;
   - describe the program being developed for informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;

   Initiate by end of Year 1; complete by end of Year 3:
   - regulatory mechanism status development and adoption - by end of Year 3
     certify that regulatory mechanism is equivalent to the State’s model IDDE law (if not already completed and submitted with an earlier report);

     Initiate by end of Year 2; complete by end of Year 3:
     - number and percent of outfalls mapped; and
     Complete by Year 3:
     - outfall map.

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

4. Construction Site Stormwater Runoff Control - SWMP Development / Implementation
   At a minimum, all covered entities must:
   a. Develop (for newly authorized MS4s), implement, and enforce a program that:
i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001 or GP-0-10-001), unless more stringent requirements are contained within this SPDES general permit;

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

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

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

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

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

vii. describes procedures for SWPPP review with consideration of potential water quality impacts and review of individual SWPPPs to ensure consistency with State and local sediment and erosion control requirements;
(Part VII.A.4.a.vii.)

- ensure that the individuals performing the reviews are adequately trained and understand the State and local sediment and erosion control requirements;
- all SWPPPs must be reviewed for sites where the disturbance is one acre or greater; and
- after review of SWPPPs, the covered entity must utilize the “MS4 SWPPP Acceptance Form” created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity when notifying construction site owner / operators that their plans have been accepted by the covered entity;

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

ix. describes procedures for site inspections and enforcement of erosion and sediment control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water;
- the covered entity must ensure that the individual(s) performing the inspections are adequately trained and understand the State and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a Department sponsored or approved training;
- all sites must be inspected where the disturbance is one acre or greater;
- covered entities must determine that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the Department by performing a final site inspection themselves or by accepting the Qualified Inspector's final inspection certification(s) required by the SPDES General Permit for Stormwater Discharges from Construction Activity. The principal executive officer, ranking elected official, or duly authorized representative (see Part VI.J.) shall document their determination by signing the “MS4 Acceptance” statement on the NOT.

x. educates construction site owner / operators, design engineers, municipal staff and other individuals to whom these regulations apply about the municipality’s construction stormwater requirements, when construction stormwater requirements apply, to whom they apply, the procedures for submission of SWPPPs, construction site inspections, and other procedures associated with control of construction stormwater;
xi. ensures that construction site operators have received erosion and sediment control training before they do work within the covered entity’s jurisdiction and maintain records of that training. Small home site construction (construction where the Erosion and Sediment Control Plan is developed in accordance with Appendix E of the “New York Standards and Specifications for Erosion and Sediment Control”) is exempt from the requirements below:
- training may be provided by the Department or other qualified entities (such as Soil and Water Conservation Districts);
- the covered entity is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
- the covered entity may ask for a certificate of completion or other such proof of training; and
- the covered entity may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application;

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

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

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

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

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

c. Reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:
(Part VII.A.4.c.)

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

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

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

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

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

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

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

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

   At a minimum, all covered entities must:
   a. **Develop** (for newly authorized MS4s), implement, and enforce a program that:

      i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001, or GP-0-10-001), unless more stringent requirements are contained within this SPDES general permit;

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

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

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

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

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

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002
(Part VII.A.5.a.iv.)

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

v. describes procedures for SWPPP review with consideration of potential water quality impacts and review of individual SWPPPs to ensure consistency with state and local post-construction stormwater requirements;
- ensure that the individuals performing the reviews are adequately trained and understand the State and local post construction stormwater requirements;
- ensure that the individuals performing the reviews for SWPPPs that include post-construction stormwater management practices are qualified professionals or under the supervision of a qualified professional;
- all SWPPPs must be reviewed for sites where the disturbance is one acre or greater;
- after review of SWPPPs, the covered entity must utilize the “MS4 SWPPP Acceptance Form” created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) when notifying construction site owner/ operators that their plans have been accepted by the covered entity;

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

vi. maintain an inventory of post-construction stormwater management practices within the covered entities jurisdiction. At a minimum, include practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations.
- the inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed; and
vii. ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspection to ensure that practices are performing properly.
   - The inspection shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. **Covered entities** are not required to collect *stormwater* samples and perform specific chemical analysis;

viii. **Covered entities** may include in the SWMP Plan provisions for development of a banking and credit system. **MS4s** must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the Department. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:
   - Ensure that offset exceeds a standard reduction by factor of at least 2
   - Offset is implemented within the same watershed
   - Proposed offset addresses the POC of the watershed
   - Tracking system is established for the watershed
   - Mitigation is applied for retrofit or redevelopment
   - Offset project is completed prior to beginning of the proposed construction
   - A legal mechanism is established to implement the banking and credit system

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

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

d. Select and implement appropriate post-construction *stormwater BMPs* and **measurable goals** to ensure the reduction of all POCs in *stormwater discharges* to the MEP.
(Part VII.A.5.)

Required SWMP Reporting

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

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

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

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

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

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

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

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

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

At a minimum, all covered entities must:

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

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

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

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

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

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

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

viii. requires municipal operations and facilities that would otherwise be subject to the NYS Multi-sector General Permit (MSGP, GP-0-06-002) for industrial stormwater discharges to prepare and implement provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to the MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. Implementation of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;

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

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

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

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

Required SWMP Reporting

f. Program implementation reporting for continuing covered entities (MS4s covered for 3 or more years on the reporting date). Covered entities are required to report on
(Part VII.A.6.f.)

all municipal operations and facilities within their jurisdiction (urbanized area and additionally designated area) that their program is addressing. The covered entity shall report at a minimum on the items below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At a minimum, all covered entities must:

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

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

c. Educational materials may be made available at, locations including, but not limited to:
   i. at service areas, lobbies, or other locations where information is made available;
   ii. at staff training;
   iii. on covered entity’s website;
   iv. with pay checks; and
   v. in employee break rooms;

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

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

Required SWMP Reporting

f. At a minimum, the covered entity shall report on the items below:

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

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the
(Part VIII.A.1.f.iii.)

associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by;

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

v. maintain records of all training activities

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

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

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

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

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

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

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

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

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

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

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

iv. the *Department* recommends that announcements be sent directly to individuals (public and private interested parties) known to have a specific interest in the covered entity’s *SWMP*;
v. include a summary of comments and intended responses with the final annual report. Changes made to the SWMP in response to comments should be described in the annual report; and

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

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

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

**Required SWMP Reporting**

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

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

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

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

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

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

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

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

3. **Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation**

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

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

c. Field verify outfall locations;

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

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

f. Prohibit illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions below, as applicable:

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

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(Part VIII.A.3.f.)

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

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

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

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

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

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

Required SWMP Reporting

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

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

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

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

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

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

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

Complete by Year 3:
- outfall map; and

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

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

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

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

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

iii. incorporates mechanisms for construction runoff requirements from new development and redevelopment projects to the extent allowable under State and local law that meet the State’s most current technical standards:
   - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
   - procedures or policies must be developed for implementation and enforcement of the mechanisms;
   - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned, under easement to, within the...
(Part VIII.A.4.a.iii.)

right-of-way of, or under the maintenance jurisdiction by the covered entity or within the maintenance jurisdiction of the MS4; and
- the mechanisms and directive must be equivalent to the to the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.

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

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

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

vii. Ensures that construction site contractors have received erosion and sediment control training, including the trained contractors as defined in the SPDES general permit for construction, before they do work within the covered entity’s jurisdiction:
- training may be provided by the Department or other qualified entities (such as Soil and Water Conservation Districts);
- the covered entity is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
- the covered entity may ask for a certificate of completion or other such proof of training; and
- the covered entity may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application.

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

ix. develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and
(Part VIII.A.4.a.)

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

Required SWMP Reporting

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

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

   ii. Program implementation reporting as set forth in Part VIII.A.4(b) above. Commence implementation reporting after three year development period. Implementation reporting may begin earlier if implementation begins during development period.
(Part VIII.A.)

5. Post-Construction Stormwater Management SWMP Development / Implementation

At a minimum, all covered entities must:

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

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

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

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

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

v. establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the small MS4 that have been installed since March 10, 2003, those owned by the small MS4, and those found to cause water quality standard violations.
- the inventory shall include, at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed; and

vi. ensures adequate long-term operation and maintenance of management practices by trained staff, including assessment to ensure that the practices are performing properly.
- The assessment shall include the inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. Covered entities are not required to collect stormwater samples and perform specific chemical analysis;

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

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(Part VIII.A.5.a.vii.)

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

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

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

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

**Required SWMP Reporting**

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

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

f. Program reporting for newly regulated covered entities (MS4s covered for less than 3 years on the reporting date). At a minimum, the covered entity shall report on the items below:
(Part VIII.A.5.f.)

i. **program development deadlines and reporting:**
   Initiate by end of Year 1; complete by end of Year 3:
   - mechanism of post-construction stormwater management - by end of Year 3
certify that mechanisms will assure compliance with the NYS Construction
General Permit (GP-0-10-001);

   Initiate by end of Year 2; complete by end of Year 3:
   - procedures for inspection and maintenance of post-construction management
   practices; and
   - procedures for enforcement and penalization of violators;

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

6. **Pollution Prevention/Good Housekeeping For Municipal Operations**
   **SWMP Development / Implementation**
   At a minimum, all **covered entities** must:

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

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

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

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

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

v. addresses pollution prevention and good housekeeping priorities;

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

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

viii. requires \textit{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 \textit{implement} provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. \textit{Implementation} the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;

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

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

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

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

Required SWMP Reporting

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

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

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

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

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

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

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

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

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

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

The covered entities in the watershed improvement strategy areas must develop or modify their SWMP to address the watershed specific additional requirements to achieve the pollutant load reduction by the deadline as defined in the Tables in Part IX of this general SPDES permit. The Pollutant Load Reductions are the reductions necessary from the discharge loads associated with MS4s that, when combined with reductions in the discharge loads from non-MS4s to the waterbody, will meet water quality standards. The calculated reductions are based on TMDL models and may be recalculated according to 40CFR Part 130.

The MS4 portion of the pollutant load reduction shall be achieved by implementation of BMPs required of all MS4s, reductions from implementation of additional BMPS for watershed improvement strategy areas including any retrofits required by this permit. These reductions are intended to be targeted and credited using models, loading factors and load reductions predicted based on the best scientific information available.

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

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

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

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

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

By the deadline defined in the Table IX. A, covered entities in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within their jurisdiction and their storm sewersheds:

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

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

      i. understanding the phosphorus issue;

      ii. septic systems as a source of phosphorus;

      iii. phosphorus concerns with fertilizer use;

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

      v. construction sites as a source of phosphorus; and
vi. phosphorus concerns with detergent use.

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

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

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

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

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

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

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

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

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

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

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

5. Post-Construction Stormwater Management

a. Construction stormwater program - applicable to traditional land use control, traditional non-land use control and non-traditional MS4s.
Develop, \textit{implement} and enforce a program to address post-construction \textit{stormwater} runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre. This includes projects of less than one acre that are part of a larger common plan of development or sale. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the \textit{development} and \textit{implementation} of:

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

b. Retrofit program - applicable to \textit{traditional land use control, traditional non-land use control} and \textit{non-traditional MS4s}.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

v. the planting of wildflowers and other native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.
B. Other Phosphorus Watershed MS4s (Mapped in Appendices 4, 5, and 10)

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

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

By the deadline defined in the Table IX.B, covered entities in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within the permittee’s jurisdiction and the covered entity’s storm sewersheds:

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

   b. develop, or acquire if currently available, specific educational material dealing with sources of Phosphorus in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
      i. understanding the phosphorus issue;
      ii. septic systems as a source of phosphorus; and
      iii. phosphorus concerns with fertilizer use.

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

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

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

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

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

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

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

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

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

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

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

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

ii. the planting of native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.
C. Pathogen Impaired Watershed MS4s (Mapped in Appendix 6, 7 and 9)

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

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

*Additionally Designated Area
<table>
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<tr>
<th>Watershed</th>
<th>Watershed Improvement Strategy Deadline</th>
<th>First Retrofit Plan Submission Deadline</th>
<th>Pollutant Reduction (Waste Load Allocation %)</th>
<th>Pollutant Load Reduction Deadline</th>
</tr>
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<tr>
<td>Hempstead Harbor, north, and tidal tributaries</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Cold Spring Harbor, and tidal tributaries, Inner</td>
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<td>09/30/2012</td>
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<td>Cold Spring Harbor, Eel Creek</td>
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<td>05/01/2013</td>
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</tr>
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<td>Centerport Harbor</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>Northport Harbor</td>
<td>05/01/2013</td>
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<td>92</td>
<td>09/30/2022</td>
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<tr>
<td>Stony Brook Harbor and West Meadow Creek</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>99</td>
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<td>Stony Brook Creek</td>
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<tr>
<td>Stony Brook Yacht Club</td>
<td>05/01/2013</td>
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<td>48</td>
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<tr>
<td>Port Jefferson Harbor, North and tribs</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>Conscience Bay and tidal tribus</td>
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<td>Setaukut Harbor, Little Bay</td>
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<td>Mt. Sinai Harbor, Pipe Stave Hollow</td>
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<td>09/30/2012</td>
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<td>Mattituck Inlet/Creek, Low, and tidal tributaries</td>
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<td>09/30/2022</td>
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<td>Location</td>
<td>Date</td>
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<td>Date</td>
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<td>09/30/2022</td>
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<td>05/01/2013</td>
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<td>09/30/2022</td>
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<td>Sagaponack Pond</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<tr>
<td>Mecox Bay and tributaries</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>89</td>
<td>09/30/2022</td>
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<tr>
<td>Heady Creek and tributaries</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
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<td>09/30/2022</td>
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<td>Taylor Creek and tributaries</td>
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<td>Weesuck Creek and tidal tributaries</td>
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<td>Penniman Creek and tidal tributaries</td>
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<td>Ogden Pond</td>
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<tr>
<td>Seatuck Cove</td>
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<td>09/30/2022</td>
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<tr>
<td>Harts Cove</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>12</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Narrow Bay</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>16</td>
<td>09/30/2022</td>
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<tr>
<td>Bellport Bay, Beaver Dam Creek</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>94</td>
<td>09/30/2022</td>
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<tr>
<td>Bellport Bay, West Cove</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>94</td>
<td>09/30/2022</td>
</tr>
<tr>
<td>Patchogue Bay, Swan River</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>90</td>
<td>09/30/2022</td>
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<td>Patchogue Bay, Mud Creek</td>
<td>05/01/2013</td>
<td>09/30/2012</td>
<td>71</td>
<td>09/30/2022</td>
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</table>

By the deadline defined in the Table IX.C, *covered entities* in these watersheds shall, in addition to the requirements in Part VII. or VIII., depending on the type of the MS4, develop and implement the following MCMs for areas within the *covered entity's* jurisdiction and the covered entities's storm sewersheds:

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002

*Modified October 2011*
(Part IX.C.)

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

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

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

      i. where, why, and how Pathogens pose threats to the environment and to the community;

      ii. septic systems, geese and pets as a source of pathogens;

      iii. dissemination of educational materials / surveys to households/businesses in proximity to Pathogen TMDL waterbodies; and

      iv. education for livestock / horse boarders regarding manure BMPs.

2. Public Involvement / Participation

   No additional requirements proposed at this time.

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

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

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

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

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

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

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

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

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

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

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

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

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

d. by the deadlines specified in Table IX.C, develop and submit approvable plans and schedules for completing retrofit projects. Upon DEC approval of those plans and schedules and identification of funding sources, the plans and schedules shall become enforceable requirements of this permit.

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

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

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

c. Develop a program to manage goose populations.
(Part IX.)

D. Nitrogen Watershed MS4s (Mapped in Appendix 8)

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

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Watershed Improvement Strategy Deadline</th>
<th>Retrofit Plan Submission Deadline</th>
<th>Pollutant Reduction (Load Allocation %)</th>
<th>Pollutant Load Reduction Deadline</th>
</tr>
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<tbody>
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<td>Peconic Bay</td>
<td>05/01/2011</td>
<td>03/09/2011</td>
<td>15</td>
<td>03/09/2021</td>
</tr>
</tbody>
</table>

By the deadline defined in the Table IX.D, covered entities in these watersheds shall, in addition to the requirements in Part VII or VIII, depending on the type of the MS4, develop and implement the following minimum control measures for areas within the covered entity's jurisdiction and the covered entities' storm sewersheds:

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

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

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

2. **Public Involvement/ Participation**

   No additional requirements proposed for at this time.

3. **Illicit Discharge Detection and Elimination** - applicable to *traditional land use control* and *traditional non-land use control MS4s*
(Part IX.D.3.)

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

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

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

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

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

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

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

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

c. establish policy and procedures for project permitting, design, funding, construction and maintenance; and
(Part IX.D.5.)

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

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

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

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

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

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

B. Definitions
   Activities - See best management practice

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

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

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

   Criterion 3: Automatically designated MS4 areas are extended to Town, Village or City boundaries, but only for Town, Village or City implementation of Minimum Control Measures (4) Construction Site Stormwater Runoff Control and (5) Post Construction Stormwater Management in Development and Redevelopment. This additional designation may be waived, by written request to the Department, where the automatically designated area is a small portion of the total area of the Town, Village or City (less than 15%) and where there is
little or no construction activity in the area outside of the automatically designated area (less than 5 disturbed acres per year).

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

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

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

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

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

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

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

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

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


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

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

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

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

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

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

**Industrial Activity** - as defined by the SPDES Multi-Sector General Permit (GP-0-06-002).

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

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

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

Management Practices - See best management practices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Retrofit - means modifying or adding to existing infrastructure for the purpose of reducing pollutant loadings. Examples, some of which may not be effective for all pollutants, include:
Better site design approaches such as roof top disconnection, diversion of runoff to infiltration areas, soil de-compaction, riparian buffers, rain gardens, cisterns

Rehabilitation of existing storm sewer system by installation of standard stormwater treatment systems (ponds, wetlands, filtering, infiltration) or proprietary practices

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

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

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

Retrofit by converting abandoned buildings to stormwater treatment systems

Retrofit of abandoned building to open space

Retrofit road ditches to enhance open channel design

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

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

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

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

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

**Small MS4** - MS4 system within an urbanized area or other areas designated by the State.
**SPDES general permit** - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.

**Staff** - actual employees of the covered entity or contracted entity.

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

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

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

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

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

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

When creating the SWMP, the *covered entities* should assess activities already being performed that could help meet, or be modified to meet, permit requirements and be included in the SWMP. Covered entities can create their SWMP individually, with a group of other individual covered entities or a coalition of covered entities, or through the work of a third party entity.
**Stormwater Management Program Plan** - used by the covered entity to document developed, planned and implemented SWMP elements. The *SWMP plan* must describe how pollutants in stormwater runoff will be controlled. For previously unauthorized small MS4s seeking coverage, information included in the NOI should be obtained from the *SWMP plan*. The *SWMP plan* is a separate document from the NOI and should not be submitted with the NOI or any annual reports unless requested.

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

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

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

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

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

**Surface Waters of the State** - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of
surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Storm sewers are not waters of the state unless they are classified in 6 NYCRR Parts 800 to 941. Nonetheless, a discharge to a storm sewer shall be regulated as a discharge at the point where the storm sewer discharges to waters of the state. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Act and Environmental Conservation Law (other than cooling ponds as defined in 40 CFR 423.11(m)(see section 750 - 1.24) which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the State (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

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

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

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

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

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

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

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

### APPENDIX 1: LIST OF NYS DEC REGIONAL OFFICES

<table>
<thead>
<tr>
<th>Region</th>
<th>COVERING THE FOLLOWING COUNTIES:</th>
<th>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</th>
<th>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</th>
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<tr>
<td>1</td>
<td>Nassau and Suffolk</td>
<td>50 Circle Road&lt;br&gt;Stony Brook, NY 11790&lt;br&gt;Tel. (631) 444-0365</td>
<td>50 Circle Road&lt;br&gt;Stony Brook, NY 11790-3409&lt;br&gt;Tel. (631) 444-0405</td>
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<tr>
<td>2</td>
<td>Bronx, Kings, New York, Queens and Richmond</td>
<td>1 Hunters Point Plaza, 47-40 21st St.&lt;br&gt;Long Island City, NY 11101-5407&lt;br&gt;Tel. (718) 482-4997</td>
<td>1 Hunters Point Plaza, 47-40 21st St.&lt;br&gt;Long Island City, NY 11101-5407&lt;br&gt;Tel. (718) 482-4933</td>
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<td>3</td>
<td>Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester</td>
<td>21 South Putt Corners Road&lt;br&gt;New Paltz, NY 12561-1696&lt;br&gt;Tel. (845) 256-3059</td>
<td>100 Hillside Avenue, Suite 1w&lt;br&gt;White Plains, NY 10603&lt;br&gt;Tel. (914) 428-2505</td>
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<tr>
<td>4</td>
<td>Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie</td>
<td>1150 North Westcott Road&lt;br&gt;Schenectady, NY 12306-2014&lt;br&gt;Tel. (518) 357-2069</td>
<td>1130 North Westcott Road&lt;br&gt;Schenectady, NY 12306-2014&lt;br&gt;Tel. (518) 357-2045</td>
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<td>5</td>
<td>Clinton, Essex, Franklin, Hamilton, Saratoga, Warren and Washington</td>
<td>1115 State Route 86, Po Box 296&lt;br&gt;Ray Brook, NY 12977-0296&lt;br&gt;Tel. (518) 897-1234</td>
<td>232 Golf Course Road, Po Box 220&lt;br&gt;Warrensburg, NY 12885-0220&lt;br&gt;Tel. (518) 623-1200</td>
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<tr>
<td>6</td>
<td>Herkimer, Jefferson, Lewis, Oneida and St. Lawrence</td>
<td>State Office Building&lt;br&gt;317 Washington Street&lt;br&gt;Watertown, NY 13601-3787&lt;br&gt;Tel. (315) 785-2245</td>
<td>State Office Building&lt;br&gt;207 Genesee Street&lt;br&gt;Utica, NY 13501-2885&lt;br&gt;Tel. (315) 793-2554</td>
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<tr>
<td>7</td>
<td>Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins</td>
<td>615 Erie Blvd. West&lt;br&gt;Syracuse, NY 13204-2400&lt;br&gt;Tel. (315) 426-7438</td>
<td>615 Erie Blvd. West&lt;br&gt;Syracuse, NY 13204-2400&lt;br&gt;Tel. (315) 426-7500</td>
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<tr>
<td>8</td>
<td>Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates</td>
<td>6274 East Avon-Lima Road&lt;br&gt;Avon, NY 14414-9519&lt;br&gt;Tel. (585) 226-2466</td>
<td>6274 East Avon-Lima Rd.&lt;br&gt;Avon, NY 14414-9519&lt;br&gt;Tel. (585) 226-2466</td>
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<tr>
<td>9</td>
<td>Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Wyoming</td>
<td>270 Michigan Avenue&lt;br&gt;Buffalo, NY 14203-2999&lt;br&gt;Tel. (716) 851-7165</td>
<td>270 Michigan Ave.&lt;br&gt;Buffalo, NY 14203-2999&lt;br&gt;Tel. (716) 851-7070</td>
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## APPENDIX 2: IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

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### APPENDIX 2 (CONTINUED)
#### IMPAIRED SEGMENTS AND SECONDARY POLLUTANTS OF CONCERN

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SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002

108
Figure 1. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
Figure 2. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
APPENDIX 5: GREENWOOD LAKE WATERSHED MAP

Figure 3. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
APPENDIX 6: OYSTER BAY WATERSHED MAP

Figure 4. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
APPENDIX 7: PECONIC ESTUARY PATHOGEN WATERSHED MAP

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

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-10-002
APPENDIX 8: PECONIC ESTUARY NITROGEN WATERSHED MAP

Figure 6. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
Figure 7. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
APPENDIX 10: LAKE OSCAWANA WATERSHED MAP

Figure 8. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.
APPENDIX D

LETTER FROM NYSDEC (DATED FEBRUARY 26, 2004) ACKNOWLEDGING NYSDOT’S COVERAGE UNDER GP-02-02
NY STATE DEPT. OF TRANSPORTATION ENVIRONMENTAL ANALYSIS BUREAU
1220 WASHINGTON AVENUE
ALBANY NY 12232
ATTN: MARY E. IVEY

Dear Permittee:

On May 10, 2003, the above referenced entity applied for authorization to discharge stormwater from their storm sewer system and obtained coverage under the above referenced *SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s)*. That permit requires that you develop, implement and enforce a stormwater management program (SWMP) designed to reduce the discharge of pollutants from your storm sewer system to the maximum extent practicable. The SWMP must be fully implemented no later than January 8, 2008 and you are required to make steady progress toward full implementation.

In order for the Department to monitor your progress towards achieving the identified measurable goals, you are required to conduct an annual evaluation of your program and submit the results in the form of an Annual Report. Among other things, this annual report must describe the activities completed during the annual reporting period ending on March 10th of each year, evaluate your progress in achieving the measurable goals identified in your initial SWMP (Notice of Intent) for each of the selected management practices, and summarize new goals planned for the next year (including an implementation schedule). In addition, you must hold a public meeting with your community to describe the contents of the report and make the report available for public comment on the completed and proposed activities. It is recommended that you schedule the public meeting as soon as possible after the annual report is complete as the annual report submitted to the Department must provide a summary of the public comments received and a description of how you intend to respond to or incorporate the comments into your program. The annual reports must be submitted to the Department no later than June 1st of every year.

You are also required to submit a Municipal Compliance Certification (MCC) on an annual basis. This form certifies that you are implementing and complying with all applicable conditions of the permit. This form must also be completed and submitted to the Department, no later than June 1st.

Attached are copies of the MCC form and the recommended format for the Annual Report along with the instructions for their completion. Please refer to the instructions for information on where and when to file. For electronic copies of these documents please email stormh2o@gw.dec.state.ny.us and use “SWMPAR/MCC REQUEST” in the email subject line.

Sincerely,

Kevin Malone
Environmental Program Specialist
General Permits Section
This report is being submitted on behalf of an individual MS4.

Fill in SPDES ID in upper right hand corner.

Name of MS4

OR

This report is being submitted on behalf of a Single Entity

(Per Part II.E of GP-0-10-002)

Name of Single Entity

OR

This is a joint report being submitted on behalf of a coalition.

Provide SPDES ID of each permitted MS4 included in this report. Use page 2 if needed.

Name of Coalition

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Cover Page 1 of 2
Provide SPDES ID of each permitted MS4 included in this report.

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**MS4 Annual Report Form**

This report is being submitted for the reporting period ending **March 9, 2013**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

**Name of MS4/Coalition:** NYS Department of Transportation

**SPDES ID:** NYR20A288

---

**Water Quality Trends**

The information in this section is being reported (check one):

- [ ] On behalf of an individual MS4
- [x] On behalf of a coalition

How many MS4s are contributed to this report? [ ] [ ] [ ]

1. Has this MS4/Coalition produced any reports documenting water quality trends related to stormwater? If not, answer No and proceed to Minimum Control Measure One. [ ] Yes [x] No

If Yes, choose one of the following

- [ ] Report(s) attached to the annual report
- [x] Web Page(s) where report(s) is/are provided below

Please provide specific address of page where report(s) can be accessed - not home page.

**URL**

[www.dot.ny.gov/divisions/](http://www.dot.ny.gov/divisions/)
[engineering/environmental-analysis/research-and-training](http://engineering/environmental-analysis/research-and-training)
[environmental-research](http://environmental-research)
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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

Minimum Control Measure 1. Public Education and Outreach

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? [ ] [ ] [ ]

1. Targeted Public Education and Outreach Best Management Practices

Check all topics that were included in Education and Outreach during this reporting period:

- Construction Sites
- General Stormwater Management Information
- Household Hazardous Waste Disposal
- Illicit Discharge Detection and Elimination
- Infrastructure Maintenance
- Smart Growth
- Storm Drain Marking
- Green Infrastructure/Better Site Design/Low Impact Development
- Other: [ ]

- Pesticide and Fertilizer Application
- Pet Waste Management
- Recycling
- Riparian Corridor Protection/Restoration
- Trash Management
- Vehicle Washing
- Water Conservation
- Wetland Protection
- None

2. Specific audiences targeted during this reporting period:

- Public Employees
- Contractors
- Residential
- Developers
- Businesses
- General Public
- Restaurants
- Industries
- Other: [ ]

- Agricultural
- munis, local agencies, pub. emps.

MCM 1 Page 1 of 4
3. What strategies did your MS4/Coalition use to achieve education and outreach goals during this reporting period? Check all that apply:

- Construction Site Operators Trained  # Trained 786
- Direct Mailings  # Mailings
- Kiosks or Other Displays  # Locations
- List-Serves  # In List
- Mailing List  # In List
- Newspaper Ads or Articles  # Days Run
- Public Events/Presentations  # Attendees 40
- School Program  # Attendees
- TV Spot/Program  # Days Run
- Printed Materials:  Total # Distributed
  - Locations (e.g. libraries, town offices, kiosks)
  - Other:  In-field training
- Web Page:  Provide specific web addresses - not home page. Continue on next page if additional space is needed.
  - URL: www.dot.ny.gov/programs/adopt-highway
  - URL: www.dot.ny.gov/programs/brochures/litter-brochure
MS4 Annual Report Form
This report is being submitted for the reporting period ending March 9, 2013

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

3. Web Page con't.: Provide specific web addresses - not home page.

URL: www.dot.ny.gov/divisions/engineering/design/dqab/hdm/chapter-8
URL: 0.pdf
URL: www.dot.ny.gov/main/business-center/consultants/forms-publications/and-instructions/engineering-
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

3. Web Page con't.: Provide specific web addresses - not home page.

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Continue Adopt-a-Highway Program.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Adopt-a-Highway Program continues. Currently, approximately 5000 miles of New York State highway roadsides are adopted, and NYSDOT has 2400 active Adopt-a-Highway agreements in place.

C. How many times was this observation measured or evaluated in this reporting period?

9600 (ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

○ Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

○ Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue Adopt-a-Highway Program.
4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Maintain involvement with local and regional watershed organizations.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

NYSDOT continues involvement with the Peconic Estuary Program, Peconic Regional Stormwater Management Committee, Long Island Water Quality Coordinating Committee, Nassau/Suffolk County South Shore Estuary Program, Canandaigua Lake Watershed Group, Broome County, Upper Susquehanna Conservation Alliance, Susquehanna-Chemung Action Plan, Lake George Watershed Coalition, Onondaga County & City of Syracuse, and Central NY Stormwater Coalition.

C. How many times was this observation measured or evaluated in this reporting period? 1

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period? Yes ☐ No ☐

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP? Yes ☐ No ☐

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to maintain involvement with local and regional watershed organizations.
# Minimum Control Measure 2. Public Involvement/Participation

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? 

1. What opportunities were provided for public participation in implementation, development, evaluation and improvement of the Stormwater Management Program (SWMP) Plan during this reporting period? Check all that apply:

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2. Was public notice of availability of this annual report and Stormwater Management Program (SWMP) Plan provided?

- Yes
- No

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<td>Other: Notice in ENB</td>
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Web Page URL: Enter URL(s) on the following two pages.
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

2. URL(s) con't.:
Please provide specific address(es) where notice(s) can be accessed - not home page.


URL

URL

URL

URL

URL
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

2. URL(s) con't.:
Please provide specific address(es) where notices can be accessed - not home page.

URL

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

3. Where can the public access copies of this annual report, Stormwater Management Program SWMP) Plan and submit comments on those documents?

Enter address/contact info and select radio button to indicate which document is available and whether comments may be submitted at that location. Submit additional pages as needed.

- MS4/Coalition Office
  - Office of Environment
  - Address: 50 Wolf Road
  - City: Albany
  - Zip: NY 12232
  - Phone: (518) 457-5672

- Library
  - Address:
  - City:
  - Zip:
  - Phone:

- Other
  - Address:
  - City:
  - Zip:
  - Phone:

- Web Page URL:
  - See URL - page MCM 2 page 2 of 6

Please provide specific address of page where report can be accessed - not home page.

- eMail
  - Stormwater@dot.ny.gov

- Comments

MCM 2 Page 4 of 6
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

4.a. If this report was made available on the internet, what date was it posted?
 Leaving blank if this report was not posted on the internet.

4.b. For how many days was/will this report be posted?

If submitting a report for single MS4, answer 5.a. If submitting a joint report, answer 5.b.

5.a. Was an Annual Report public meeting held in this reporting period?

If Yes, what was the date of the meeting?

If No, is one planned?

5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during this reporting period?

If No, is one planned for each?

6. Were comments received during this reporting period?

If Yes, attach comments, responses and changes made to SWMP in response to comments to this report.
7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Solicit public comment on Annual Report.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.


C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes  No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes  No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Solicit public comment on 2013 Annual Report.
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Update Stormwater Management Program (SWMP) Plan as necessary.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

The Stormwater Management Program Plan was updated in May 2012 and March 2013.

C. How many times was this observation measured or evaluated in this reporting period?

1
(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☐ Yes  ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☐ Yes  ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Update Stormwater Management Program (SWMP) Plan as necessary.
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

Minimum Control Measure 3. Illicit Discharge Detection and Elimination

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? [ ]

1. Enter the number and approx. percent of outfalls mapped: 17298 # 100%

2. How many of these outfalls have been screened for dry weather discharges during this reporting period (outfall reconnaissance inventory)? 999

3.a. What types of generating sites/sewersheds were targeted for inspection during this reporting period?

- Auto Recyclers
- Building Maintenance
- Churches
- Commercial Carwashes
- Commercial Laundry/Dry Cleaners
- Construction Vehicle Washouts
- Cross-Connections
- Distribution Centers
- Food Processing Facilities
- Garbage Truck Washouts
- Hospitals
- Improper RV Waste Disposal
- Industrial Process Water
- Other:

- Landscaping (Irrigation)
- Marinas
- Metal Plateing Operations
- Outdoor Fluid Storage
- Parking Lot Maintenance
- Printing
- Residential Carwashing
- Restaurants
- Schools and Universities
- Septic Maintenance
- Sealing Pools
- Vehicle Fueling
- Vehicle Maint./Repair Shops
- None

- Sewersheds:

NYC East of Hudson watershed
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation  
SPDES ID: NYR20A288

3.b. What types of illicit discharges have been found during this reporting period?

- ☐ Broken Lines From Sanitary Sewer
- ☐ Cross Connections
- ☐ Failing Septic Systems
- ☐ Floor Drains Connected To Storm Sewers
- ☐ Illegal Dumping
- ☐ Other:

4. How many illicit discharges/potential illegal connections have been detected during this reporting period? 8

5. How many illicit discharges have been confirmed during this reporting period? 8

6. How many illicit discharges/illegal connections have been eliminated during this reporting period? 8

7. Has the storm sewershed mapping been completed in this reporting period? ☐ Yes  ☐ No
   If No, approximately what percent was completed in this reporting period? 5%

8. Is the above information available in GIS? ☐ Yes  ☐ No
   Is this information available on the web? ☐ Yes  ☐ No

   If Yes, provide URL(s):

   Please provide specific address of page where map(s) can be accessed - not home page.
9. Has an IDDE law been adopted for each traditional MS4 and/or have IDDE procedures been approved for all non-traditional MS4s contributing to this report? ○ Yes ● No

10. If Yes, has every traditional MS4 contributing to this report certified that this law is equivalent to the NYS Model IDDE Law? ○ Yes ○ No ● NT

11. What percent of staff in relevant positions and departments has received IDDE training? □ □ %
12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Issuance of updated outfall inspection guidance.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

The outfall inspection guidance was updated and issued in June 2012. It's posted on NYSDOT's Stormwater Management webpage.

C. How many times was this observation measured or evaluated in this reporting period?

1

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes  No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes  No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).
**12. Evaluating Progress Toward Measurable Goals MCM 3**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

Continue outfall inspection.

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

Outfall inspections were conducted in most NYSDOT regions.

**C. How many times was this observation measured or evaluated in this reporting period?**

1

(ex.: samples/participants/events)

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

- Yes  ○ No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

- Yes  ○ No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

Continue outfall inspections.
**Minimum Control Measures 4 and 5. Construction Site and Post-Construction Control**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? [ ] [ ] [ ]

1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities?

- Yes
- No

1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook?

- Yes
- No
- NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.

- 09/2004
- 03/2006
- NT

2. Does your MS4/Coalition have a SWPPP review procedure in place?

- Yes
- No

3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period?

   [ ] [ ] [ ]

4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs?

   - Yes
   - No
   - NT

   If Yes, how many public comments were received during this reporting period?

   [ ] [ ] [ ]

5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process?

   - Yes
   - No
6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

<table>
<thead>
<tr>
<th>Action</th>
<th>#</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notices of Violation</td>
<td></td>
<td>No Authority</td>
</tr>
<tr>
<td>Stop Work Orders</td>
<td>1</td>
<td>No Authority</td>
</tr>
<tr>
<td>Criminal Actions</td>
<td></td>
<td>No Authority</td>
</tr>
<tr>
<td>Termination of Contracts</td>
<td>0</td>
<td>No Authority</td>
</tr>
<tr>
<td>Administrative Fines</td>
<td></td>
<td>No Authority</td>
</tr>
<tr>
<td>Civil Penalties</td>
<td></td>
<td>No Authority</td>
</tr>
<tr>
<td>Administrative Orders</td>
<td></td>
<td>No Authority</td>
</tr>
<tr>
<td>Enforcement Actions or Sanctions</td>
<td>0</td>
<td>No Authority</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>No Authority</td>
</tr>
</tbody>
</table>
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

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Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

**Minimum Control Measure 4. Construction Site Stormwater Runoff Control**

The information in this section is being reported (check one):

- [ ] On behalf of an individual MS4
- [ ] On behalf of a coalition

How many MS4s contributed to this report? __ __ __

1. How many construction projects have been authorized for disturbances of one acre or more during this reporting period? __ __ __

2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period? __ __ __

3. What percent of active construction sites were inspected during this reporting period? [ ] NT __ __

4. What percent of active construction sites were inspected more than once? [ ] NT __ __

5. Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual? [ ] Yes [ ] No [ ] NT

6. Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval? [ ] Yes [ ] No [ ] NT

If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review? [ ] Yes [ ] No

If Yes, use the following page to identify location(s) where SWPPPs can be accessed.
MS4 Annual Report Form

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Name of MS4/Coalition: NYS Department of Transportation

6. con't.: Submit additional pages as needed.

○ MS4/Coalition Office
  Department
  Address
  City Zip
  Phone ( )

○ Library
  Address
  City Zip
  Phone ( )

○ Other
  Address
  City Zip
  Phone ( )

○ Web Page URL(s): Please provide specific address where SWPPPs can be accessed - not home page.
  URL
  URL
  URL

SPDES ID N Y R 2 0 A 2 8 8

MCM 4 Page 2 of 3
7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct Qualified Inspector/Trained Contractor training in fall 2012.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Qualified Inspector/Trained Contractor training was conducted on December 4, 2012. Approximately 125 persons were trained.

C. How many times was this observation measured or evaluated in this reporting period? (ex.: samples/participants/events) 125

D. Has your MS4 made progress toward this measurable goal during this reporting period?  Yes  No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?  Yes  No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Conduct Qualified Inspector/Trained Contractor training in Fall 2013.
## 7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

### A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

| Conduct E&SC and Stormwater Management Awareness training to New Engineers in Charge in Winter 2013. |

### B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Training was conducted on March 8, 2013.

### C. How many times was this observation measured or evaluated in this reporting period?

| 42 |

(ex.: samples/participants/events)

### D. Has your MS4 made progress toward this measurable goal during this reporting period?

- Yes
- No

### E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

- Yes
- No

### F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

| Conduct E&SC and Stormwater Management Awareness training to New Engineers in Charge in Winter 2014. |
MS4 Annual Report Form

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Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

Minimum Control Measure 5. Post-Construction Stormwater Management

The information in this section is being reported (check one):

● On behalf of an individual MS4
○ On behalf of a coalition

How many MS4s contributed to this report? [ ] [ ] [ ]

1. How many and what type of post-construction stormwater management practices has your MS4/Coalition inventoried, inspected and maintained in this reporting period?

<table>
<thead>
<tr>
<th></th>
<th># Inventoried</th>
<th># Inspections</th>
<th># Times Maintained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative Practices</td>
<td>47</td>
<td>108</td>
<td>109</td>
</tr>
<tr>
<td>Filter Systems</td>
<td>5</td>
<td>337</td>
<td>42</td>
</tr>
<tr>
<td>Infiltration Basins</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Open Channels</td>
<td>17</td>
<td>236</td>
<td>178</td>
</tr>
<tr>
<td>Ponds</td>
<td>8</td>
<td>37</td>
<td>36</td>
</tr>
<tr>
<td>Wetlands</td>
<td>2</td>
<td>16</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>78</td>
<td>93</td>
</tr>
</tbody>
</table>

2. Do you use an electronic tool (e.g. GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance?
   ● Yes   ○ No

3. What types of non-structural practices have been used to implement Low Impact Development/Better Site Design/Green Infrastructure principles?
   ○ Building Codes   ○ Municipal Comprehensive Plans
   ○ Overlay Districts ○ Open Space Preservation Program
   ○ Zoning           ○ Local Law or Ordinance
   ● None             ○ Land Use Regulation/Zoning
   ○ Watershed Plans  ○ Other Comprehensive Plan
   ○ Other:

[MCM 5 Page 1 of 3]
MS4 Annual Report Form

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Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort?
   ○ Yes  ○ No

4b. Does the MS4 have a banking and credit system for stormwater management practices?
   ○ Yes  ○ No

4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice?
   ○ Yes  ○ No

4d. How many stormwater management practices have been implemented as part of this system in this reporting period?
   [ ] 0

5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impact Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period?
   [ ] 5 %
6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Revise and issue Construction Inspection Manual Chapter for Erosion and Sediment Control and Stormwater Management.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

The Construction Inspection Manual Chapter for Erosion and Sediment Control and Stormwater Management was not prepared due to focus on other environmental issues.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

○ Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

○ Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Revise and issue Construction Inspection Manual Chapter for Erosion and Sediment Control and Stormwater Management.
6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Issue an Engineering Instruction to roll out the Stormwater Management Practice Database (inventory of all SMPs in constructed by NYSDOT since 2003, in accordance with SPDES GP-0-08-001).

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Due to focus on other environmental issues, this Engineering Instruction has not yet been issued. This database, however, is available for use by NYSDOT staff.

C. How many times was this observation measured or evaluated in this reporting period?

(Ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes  No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes  No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Issue an Engineering Instruction to roll out the Stormwater Management Practice Database (inventory of all SMPs in constructed by NYSDOT since 2003, in accordance with SPDES GP-0-08-001).
6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Revise and issue Highway Design Manual, Chapter 8 (Highway Drainage) to address new SPDES Construction general permit requirements and updates to the NYS Stormwater Management Design Manual.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Due to focus on other environmental issues, the Highway Design Manual, Chapter 8 was not issued.

C. How many times was this observation measured or evaluated in this reporting period? (ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

● Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

● Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Revise and issue Highway Design Manual, Chapter 8 (Highway Drainage) to address new SPDES Construction general permit requirements and updates to the NYS Stormwater Management Design Manual.
6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Post revised SWPPP template on the NYSDOT Stormwater webpage.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

The SWPPP template was not posted on the Stormwater Management internet site, but was posted on NYSDOT's Environmental Toolbox webpage (internal site).

C. How many times was this observation measured or evaluated in this reporting period? 1

D. Has your MS4 made progress toward this measurable goal during this reporting period? Yes  No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP? Yes  No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

MCM 5 Page 3 of 3
6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Assess required procedures for Watershed Improvement Strategies for the following watersheds: New York City East of Hudson, Greenwood Lake, and Peconic Bay (for nitrogen).

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Due to focus on other environmental issues, these procedures were not assessed.

This Measurable Goal is listed in the SWMP Plan as being completed during the reporting period of March 10, 2014 to March 9, 2015.

C. How many times was this observation measured or evaluated in this reporting period? 1

D. Has your MS4 made progress toward this measurable goal during this reporting period? Yes

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP? Yes

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).
6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Submit retrofit plans for Greenwood Lake Watershed.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

NYSDEC has not yet issued pollutant load allocations to the MS4s in the Greenwood Lake watershed. Therefore, retrofit plans for Greenwood Lake Watershed were not submitted to NYSDEC.

C. How many times was this observation measured or evaluated in this reporting period? 1

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period? Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP? Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Submit retrofit plans for Greenwood Lake Watershed.
6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Make recommendations on revisions to Manual of Administrative Procedures (MAP), 7.12-2, "Issuance of All Highway Work Permits and Inspections on Non-Major Highway Work Permits".

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Due to focus on other environmental issues, these recommendations were not made.

This Measurable Goal is listed in the SWMP Plan as being completed during the reporting period from March 10, 2014 to March 9, 2015.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events) 1

D. Has your MS4 made progress toward this measurable goal during this reporting period?

○ Yes  ● No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

○ Yes  ● No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).
6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Assess appropriate practices for retrofit plans for Peconic Bay (for nitrogen).

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Due to focus on other environmental issues, this task was not completed during this reporting period.

C. How many times was this observation measured or evaluated in this reporting period?

1

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

○ Yes  ● No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

● Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Assess appropriate practices for retrofit plans for Peconic Bay (for nitrogen).
Minimum Control Measure 6. Stormwater Management for Municipal Operations

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? [ ] [ ] [ ]

1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program (SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee's operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.

<table>
<thead>
<tr>
<th>Operation/Activity/Facility</th>
<th>Addressed in SWMP?</th>
<th>Self-Assessment Operation/Activity/Facility performed within the past 3 years?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Maintenance</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Bridge Maintenance</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Winter Road Maintenance</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Salt Storage</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Solid Waste Management</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>New Municipal Construction and Land Disturbance.</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Right of Way Maintenance</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Marine Operations</td>
<td>○ Yes ● No</td>
<td>○ Yes ● No</td>
</tr>
<tr>
<td>Hydrologic Habitat Modification</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Parks and Open Space</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Municipal Building</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Stormwater System Maintenance</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Vehicle and Fleet Maintenance</td>
<td>● Yes ○ No</td>
<td>● Yes ○ No</td>
</tr>
<tr>
<td>Other</td>
<td>○ Yes ○ No</td>
<td>○ Yes ○ No</td>
</tr>
</tbody>
</table>
**MS4 Annual Report Form**

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Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

2. Provide the following information about municipal operations good housekeeping programs:

- Parking Lots Swept  (Number of acres X Number of times swept)
  
- Streets Swept      (Number of miles X Number of times swept)
  
- Catch Basins Inspected and Cleaned Where Necessary
  
- Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary
  
- Phosphorus Applied In Chemical Fertilizer
  
- Nitrogen Applied In Chemical Fertilizer
  
- Pesticide/Herbicide Applied
  (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.)
  
3. How many stormwater management trainings have been provided to municipal employees during this reporting period?

4. What was the date of the last training?

5. How many municipal employees have been trained in this reporting period?

6. What percent of municipal employees in relevant positions and departments receive stormwater management training?
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

**Name of MS4/Coalition:** NYS Department of Transportation

<table>
<thead>
<tr>
<th>SPDES ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYR20A288</td>
</tr>
</tbody>
</table>

**7. Evaluating Progress Toward Measurable Goals MCM 6**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

Assess compliance with requirements in Parts III and IV of Multi-Sector General Permit GP-0-06-002 (as required by GP-0-10-002).

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

It was determined that NYSDOT’s Stormwater Management Program at Maintenance Facilities lacks many components of SWPPPs as required by GP-0-06-002.

**C. How many times was this observation measured or evaluated in this reporting period?**

| 1 |

(ex.: samples/participants/events)

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

- Yes
- No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

- Yes
- No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

Development of a template for SWPPPs for maintenance facilities.
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Determine if existing language in NYSDOT 3rd party contracts satisfies MS4 permit requirement.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Due to focus on other environmental issues, this measurable goal was not accomplished.

This Measurable Goal is listed in the SWMP Plan as being completed during the reporting period from March 10, 2014 to March 9, 2015.

C. How many times was this observation measured or evaluated in this reporting period? 1

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

○ Yes  ● No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

● Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).
7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Number of drainage basin grates cleaned.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

During this reporting period 86,026 drainage basin grates were cleaned.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

● Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

● Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Clean drainage basin grates as needed.
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

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Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Number of drainage basins maintained or replaced.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

4,185 drainage basins were maintained or replaced.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?  

- Yes  
- No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?  

- Yes  
- No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Maintain or replace drainage basins as necessary.
7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Number of recharge basins maintained.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

326 recharge basins were maintained.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

○ Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

○ Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Maintain recharge basins as needed.
7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Miles of roadside ditches cleaned.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

343.4 miles of roadside ditches were cleaned.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

● Yes ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

● Yes ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Clean roadside ditches as needed.
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

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Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Length of gutters and curbs cleaned.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

52.7 miles of gutters and curbs were cleaned.

C. How many times was this observation measured or evaluated in this reporting period? (ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period? □ Yes □ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP? □ Yes □ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Clean gutters and culverts as needed.

MCM 6 Page 3 of 3
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

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Name of MS4/Coalition: NYS Department of Transportation

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Number of drainage systems cleaned.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

661 drainage systems were cleaned.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

● Yes ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

● Yes ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Clean closed drainage systems as needed.
7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Number of drainage systems repaired.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

122 drainage systems were repaired.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

○ Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

○ Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Repair drainage systems as needed.
7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Bags of litter collected along the roadways.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

79,900 bags of litter were collected along the roadways.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes  No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes  No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Collect litter as needed.
7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Length of culverts and pipes cleaned.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

233,615 feet of culverts and pipes were cleaned.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

○ Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

○ Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Clean culverts and pipes as needed.
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Coordinate with NYSDEC to provide training for local highway departments using NYSDEC-selected manual, in accordance with provisions set forth in the original consent order.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

The training was not provided as NYSDOT is waiting for direction from NYSDEC regarding appropriate training materials and related issues.

C. How many times was this observation measured or evaluated in this reporting period?

(ex.: samples/participants/events)

1

D. Has your MS4 made progress toward this measurable goal during this reporting period?

○ Yes  ● No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

○ Yes  ● No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

MCM 6 Page 3 of 3
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

**Name of MS4/Coalition**

NYS Department of Transportation

**SPDES ID**

NYR20A288

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Continue Facility Remediation Plan actions.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

The Facility Remediation Plan action plan is in place. Status reports are submitted to NYSDEC as necessary.

C. How many times was this observation measured or evaluated in this reporting period?

1

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

• Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

• Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue Facility Remediation Plan actions.
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2013.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

<table>
<thead>
<tr>
<th>Name of MS4/Coalition</th>
<th>NYS Department of Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPDES ID</td>
<td>NYR20A288</td>
</tr>
</tbody>
</table>

**Additional Watershed Improvement Strategy Best Management Practices**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? [ ] [ ] [ ]

MS4s must answer the questions or check NA as indicated in the table below.

<table>
<thead>
<tr>
<th>MS4 Description</th>
<th>Answer</th>
<th>Check NA</th>
<th>(POC)</th>
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</thead>
<tbody>
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<td><strong>NYC EOH Watershed</strong></td>
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<td></td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Land Use</td>
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<td>10,11,12</td>
<td>-</td>
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<tr>
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<td>Phosphorus</td>
</tr>
<tr>
<td>Non-Traditional</td>
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<td>Phosphorus</td>
</tr>
<tr>
<td><strong>Onondaga Lake Watershed</strong></td>
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<td></td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Land Use</td>
<td>1,6,7a-d,8a,9</td>
<td>2,3,4,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,6,7a-d,8a,9</td>
<td>2,3,4,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,6,7a-d,8a,9</td>
<td>2,3,4,5,8b,10,11,12</td>
<td>Phosphorus</td>
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<td><strong>Greenwood Lake Watershed</strong></td>
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<td></td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Land Use</td>
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<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,4,6,7a-d,8a,9</td>
<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,4,6,7a-d,8a,9</td>
<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
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<tr>
<td><strong>Oyster Bay</strong></td>
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<td></td>
<td>Pathogens</td>
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<tr>
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<td>2,3,5,6,8a,8b</td>
<td>Pathogens</td>
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<tr>
<td>Traditional Non-Land Use</td>
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<td>2,3,5,6,8a,8b</td>
<td>Pathogens</td>
</tr>
<tr>
<td>Non-Traditional</td>
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<td>Pathogens</td>
</tr>
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<td><strong>Peconic Estuary</strong></td>
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<td>Pathogens and Nitrogen</td>
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<td>Pathogens and Nitrogen</td>
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<tr>
<td>Traditional Non-Land Use</td>
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<td>2,3,5,6,8b</td>
<td>Pathogens and Nitrogen</td>
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<tr>
<td>Non-Traditional</td>
<td>1,4,7a-d,8a,9</td>
<td>2,3,4,5,8b,10,11,12</td>
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<td></td>
<td>Phosphorus</td>
</tr>
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<td>Phosphorus</td>
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</tr>
<tr>
<td><strong>LI 27 Embayments</strong></td>
<td></td>
<td></td>
<td>Pathogens</td>
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<td>5,6,8a,8b,10,11,12</td>
<td>Pathogens</td>
</tr>
</tbody>
</table>

1. Does your MS4/Coalition have an education program addressing impacts of phosphorus/nitrogen/pathogens on waterbodies? [ ] Yes [ ] No [ ] N/A

2. Has 100% of the MS4/Coalition conveyance system been mapped in GIS? [ ] Yes [ ] No [ ] N/A

If N/A, go to question 3.

If No, estimate what percentage of the conveyance system has been mapped so far. [ ] [ ] %

Estimate what percentage was mapped in this reporting period. [ ] [ ] %

Additional BMPs Page 1 of 3
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2013.

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Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: N Y R 2 0 A 2 8 8

3. Does your MS4/Coalition have a Stormwater Conveyance System (infrastructure) Inspection and Maintenance Plan Program?
   - Yes  - No  - N/A

4. Estimate the percentage of on-site wastewater treatment systems that have been inspected and maintained or rehabilitated as necessary in this reporting period?
   - 0 %

5. Has your MS4/Coalition developed a program that provides protection equivalent to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) to reduce pollutants in stormwater runoff from construction activities that disturb five thousand square feet or more?
   - Yes  - No  - N/A

6. Has your MS4/Coalition developed a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre that provides equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), including the New York State Stormwater Design Manual Enhanced Phosphorus Removal Standards?
   - Yes  - No  - N/A

7a. Does your MS4/Coalition have a retrofitting program to reduce erosion or phosphorus/nitrogen/pathogen loading?
   - Yes  - No  - N/A

7b. How many projects have been sited in this reporting period?
   - 77

7c. What percent of the projects included in 7b have been completed in this reporting period?
   - 0 %

7d. What percent of projects planned in previous years have been completed?
   - 0 %
   - No Projects Planned

8a. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper fertilizer application on municipally owned lands?
   - Yes  - No  - N/A

8b. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper disposal of grass clippings and leaves from municipally owned lands?
   - Yes  - No  - N/A
MS4 Annual Report Form
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Name of MS4/Coalition: NYS Department of Transportation

SPDES ID: NYR20A288

9. Has your MS4/Coalition developed and implemented a program of native planting?  
   ○ Yes  ○ No  ○ N/A

10. Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?  
    ○ Yes  ○ No  ○ N/A

11. Does your MS4/Coalition have a pet waste bag program?  
    ○ Yes  ○ No  ○ N/A

12. Does your MS4/Coalition have a program to manage goose populations?  
    ○ Yes  ○ No  ○ N/A
Indicate whether this MCC form is being submitted to certify endorsement or acceptance of:

- An Annual Report for a single MS4
- A Single Entity (Per Part II.E of GP-0-10-002)
- A Joint Report

Joint reports may be submitted by permittees with legally binding agreements.

If Joint Report, enter coalition name:


MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9, 2013

SPDES ID NYR20A288

Name of MS4 NYS Department of Transportation

Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for each of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- Principal Executive Officer/Chief Elected Official
- Duly Authorized Representative
- Local Stormwater Public Contact
- Stormwater Management Program (SWMP) Coordinator
- Report Preparer

First Name Phillip

MI

Last Name Eng

Title Chief Engineer

Address 50 Wolf Road

City Albany

State NY

Zip 12232

eMail phillip.Eng@dot.ny.gov

Phone (518) 457-4430

MCC Page 2
Name of MS4: NYS Department of Transportation

SPDES ID: NYR20A288

Section 2 - Contact Information

Important Instructions - Please Read

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2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form).
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4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
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If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- Principal Executive Officer/Chief Elected Official
- Duly Authorized Representative
- Local Stormwater Public Contact
- Stormwater Management Program (SWMP) Coordinator
- Report Preparer

First Name: Daniel
MI: P
Last Name: Hitt

Title: Director, Env. Science Bureau

Address: 50 Wolf Road

City: Albany
State: NY
Zip: 12232

eMail: Dan.Hitt@dot.ny.gov

Phone: (518) 457-5672

MCC Page 2
Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for each of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form).
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:
- Principal Executive Officer/Chief Elected Official
- Duly Authorized Representative
- Local Stormwater Public Contact
  - Stormwater Management Program (SWMP) Coordinator
  - Report Preparer

Name of MS4: NYS Department of Transportation

SPDES ID: NYR20A288

First Name: David
MI: R
Last Name: Graves

Title: Senior Environmental Specialist

Address: 50 Wolf Road

City: Albany
State: NY
Zip: 12232

eMail: Dave.Graves@dot.ny.gov

Phone: (518) 457-0137

MCC Page 2
MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9, 2013

Name of MS4: NYS Department of Transportation

SPDES ID: NYR20A288

Section 3 - Partner Information

Did your MS4 work with partners/coalition to complete some or all permit requirements during this reporting period?

☐ Yes ☐ No

If Yes, complete information below.

Submit a separate sheet for each partner. Information provided in other formats will not be accepted. If your MS4 cooperated with a coalition, submit one sheet with the name of the coalition. It is not necessary to include a separate sheet for each MS4 in the coalition.

If No, proceed to Section 4 - Certification Statement.

Partner/Coalition Name (con't.)

SPDES Partner ID - If applicable

Address

City

State Zip

eMail

Phone ( ) -

Legally Binding Agreement in accordance with GP-0-08-002 Part IV.G.? ☐ Yes ☐ No

What tasks/responsibilities are shared with this partner (e.g. MM1 School Programs or Multiple Tasks)?

☐ MM1

☐ MM2

☐ MM3

☐ MM4

☐ MM5

☐ MM6

Additional tasks/responsibilities

☐ Watershed Improvement Strategy Best Management Practices required for MS4s in impaired watersheds included in GP-0-08-002 Part IX.
**Section 4 - Certification Statement**

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

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

Name of MS4: NYS Department of Transportation

SPDES ID: NYR20A288

First Name: Phillip

MI: E

Last Name: Eng

Title: Chief Engineer

Signature:

Date: 05/22/2013

Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator
Division of Water
4th Floor
625 Broadway
Albany, New York 12233-3505
APPENDIX F

MEMORANDUM OF UNDERSTANDING BETWEEN NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND NEW YORK STATE DEPARTMENT OF HEALTH REGARDING “THE CONTROL OF DISCHARGE OF EFFLUENT FROM PRIVATE SANITARY SYSTEMS INTO HIGHWAY DRAINAGE FACILITIES”
December 20, 1965

CHIEF ENGINEER’S GENERAL LETTER NO. 65-38

TO: ALL DISTRICT ENGINEERS and Deputy Chief Engineers, and Messrs. McMorran, Hughes, Corwin, Cammero, Walsh and Krick

SUBJECT: The Control of the Discharge of Effluent from Private Sanitary Systems into Highway Drainage Facilities

Representatives of the Department of Health and the Department of Public Works have met and have established responsibilities and procedures for dealing with intrusions into our rights of way as listed above. Please familiarize yourselves with them, and be governed by them. The agreed procedure follows:

Upon the detection of an instance of effluent discharge into our drainage system the Department of Public Works will contact the respective district office or regional office of the Health Department regarding the violation. A joint investigation will then be made by representatives of both Departments to determine:

1. whether there is a physical connection to an existing storm sewer.

2. whether the individual property owner's sewer pipe extends within the DPW's right of way.

If either one or both of the above situations exist, DPW will take action to correct the situation since it represents trespassing on State property. The Health Department representatives shall assist DPW by sending a letter to the individual property owner advising that the
connection is unsatisfactory, and does not represent adequate sewage disposal. Dye tests can also be conducted by the Health Department to demonstrate the connection between the individual property and the highway drainage facility.

If the joint inspection reveals that the sewer pipe terminates outside of the DPW's right of way and that the sewage effluent flows into the highway drainage facilities, the Department of Health will take the necessary action to have the situation corrected. Such action will be initiated either through the district health offices or the full-time city and county health departments under the provisions of the water pollution control law.

Very truly yours,

Robert W. Sweet
Chief Engineer

RWS:lg
April 22, 1966

Messrs. Hughes, Sweet, Bennett, Evans, Lefevre, Baldwin

Memorandum of Understanding between
the New York State Department of Public Works
and the New York State Department of Health

Attached for your information is a copy of
a Memorandum of Understanding between the Department of
Public Works and the Department of Health concerning
water pollution and septic drainage.

Saul C. Corwin

Attachment
MEMORANDUM OF UNDERSTANDING

BETWEEN THE NEW YORK STATE DEPARTMENT OF PUBLIC WORKS

AND THE NEW YORK STATE DEPARTMENT OF HEALTH

The New York State Department of Health has responsibilities for control of air pollution, water sources and systems, sewerage and sewage and waste treatment, stream pollution, bathing beaches, refuse disposal and related environmental health activities. The potential effect on these areas of concern caused by State highway construction can be minimized through full cooperation and exchange of information between the Department of Public Works and the Department of Health.

It is desirable, therefore, to utilize the field organization of the Departments of Public Works and Health to determine the potential environmental health problems and the solutions best adapted to satisfy local conditions.

THEREFORE, the New York State Departments of Public Works and Health agree that:

1) The Superintendent of Public Works will advise the Commissioner of Health of conferences on projects progressing to the design stage and of preliminary plans for highway construction which may involve health department interests. The Commissioner's representative* at these conferences will be authorized to act for the Commissioner on questions concerning the effect of the highway construction on such environmental health matters as water supply, water treatment, water pollution, sewerage and sewage disposal, air pollution, refuse disposal, recreation sites, noxious weed control and related activities.

2) The Superintendent of Public Works will make available through his various district offices or main office information needed by the Commissioner of Health or his representatives. Such information will be for the use of the Commissioner and/or his representatives and is not to be given to the public until released by the Superintendent of Public Works.

* Regional Director of Public Health Engineering, District Sanitary Engineer, or Local Public Health Engineer.
(3) When the design of a project is approximately 75% complete, the Superintendent will make available to the Commissioner's representative for review the advance detail plans.

(4) The representative of the Commissioner shall submit within 15 days in writing to the Superintendent his recommendations, relating to the review of the advance plans.

(5) Representatives of the Commissioner are welcome and invited to observe construction and to make recommendations to the project engineer regarding the control or protection of environmental health facilities and problems. The project engineer, if satisfied as to the soundness of the recommendations, shall take such steps as are possible under the specific contract to implement such recommendations. When action is recommended that is beyond the authority of the project engineer, he shall refer such recommendations to the district engineer. The Department of Public Works district engineer shall make known to the Superintendent all such construction practices that cannot be readily resolved by the project engineer in order that such practices may be reviewed and the situation resolved and also reflected in future designs and specifications.

(6) District engineers of the Department of Public Works are invited to report environmental health hazards encountered during construction to the Commissioner or his representative. The responsible representative of the Commissioner shall work with the Department of Public Works representative and take such steps as are available under existing health laws to eliminate unsatisfactory conditions. The representative of the Commissioner will bring to the attention of the Commissioner environmental health problems that cannot be resolved under existing health laws in order that the problem may be reviewed and the need for other action determined.

SIGNED:

Hollis S. Ingraham, M.D., Commissioner
New York State Department of Health

Date: 11/1966

J. Burch McMorran, Superintendent
New York State Department of Public Works

Date: 10/26
1. Water Pollution Control

Part 332, Section 332.6, Rules and Regulations, Issuance of Permits under Conservation Law Part III-A (Laws of 1965, Chapter 955), Use and Protection of Waters, prescribes criteria for the issuance of permits for use and protection of waters in New York State. These are:

"(a) The proposal is reasonable and necessary.

(b) The proposal will not cause unreasonable, uncontrolled or unnecessary:

(1) Erosion of soil from banks or uplands.
(2) Increased costs of water treatment.
(3) Loss of crop land and forest by flooding.
(4) Destruction and failure of natural propagation of fish and aquatic resources.
(5) Loss of water for beneficial uses and purposes.
(6) Pollution of affected waters.
(7) Increases in turbidity.
(8) Deposition of silt and debris.
(9) Irregular variations in water velocity.
(10) Irregular variations in temperature of waters.
(11) Irregular variations in level of waters.

(c) The proposal will not endanger the health, safety and welfare of the people of the State of New York."
2. Procedure For Abating Illegal Discharges of Private Sanitary Systems Into State Highway Drainage Facilities. (See State Health Department Field Memorandum Series 66-10, January 18, 1966.)

"Representatives of the Department of Health and the Department of Public Works have agreed that the following procedure be used to deal with the illegal discharge of private, sanitary systems into state highway drainage facilities:

The Department of Public Works will contact the respective district office or regional office of the Health Department regarding nuisance conditions caused by the discharge of inadequately treated sewage from individual residences into a highway drainage ditch or storm sewer. A joint investigation will then be made by representatives of both departments to determine:

(1) Whether there is a physical connection to an existing storm sewer;

(2) Whether the individual property owner's sewer pipe extends within the DPW's right of way.

If either one or both of the above situations exists, the DPW will take action to correct the situation since it represents trespassing of state property. The Health Department representative shall assist DPW by sending a letter to the individual property owner advising that the connection is unsatisfactory and does not represent adequate sewage disposal. Dye tests can also be conducted by the Health Department to demonstrate the connection between the individual property and the highway drainage facility.

If the joint inspection reveals that the sewer pipe terminates outside of the DPW's right of way and that the sewage effluent flows into the highway drainage facilities, the Department of Health will take the necessary action to have the situation corrected. Such action will be initiated either through the district health offices of the State Health Department or the full-time city and county health departments under the provisions of the water pollution control law."
3. Air Pollution Control

In addition to any other requirements, no fires shall be permitted within or adjacent to highway right of way in urbanized areas, or in areas where State or local air pollution control laws, codes, rules or regulations prohibit open burning unless a special exemption is granted by the control authority on recommendation of the Commissioner's representative. Demolition debris, rubbish, trees, stumps, brush, and other such materials accumulated in the course of work not specified to be disposed of otherwise, shall be removed from the site and disposed of in a suitable manner.

Dust suppression measures shall be employed in urban areas and in the vicinity of habitations. This is part of the standard Department of Public Works specifications.

In rural areas, where burning is permitted by the District Ranger of the Conservation Department or other control authority, and by the representative of the Commissioner, in addition to the requirements of the District Ranger or other control authority, the contractor shall: (a) time burning for periods when prevailing winds are away from populated areas, (b) shake out dirt from stumps before burning, (c) not use old tires, fuel oil or similar materials which cause excessive air pollution in order to start fires or keep fires going.

The Commissioner's representative shall determine before the 75 per cent stage of plan review (step 3 of the memorandum) where burning is to be prohibited or under what conditions burning is to be permitted on specific jobs.
APPENDIX G

MEMORANDUM OF UNDERSTANDING BETWEEN NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION CONCERNING TRANSPORTATION PROJECTS IN THE WATERSHED OF THE NEW YORK CITY WATER SUPPLY
MEMORANDUM OF UNDERSTANDING BETWEEN
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
AND
THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL
PROTECTION
CONCERNING TRANSPORTATION PROJECTS IN
THE WATERSHED OF THE NEW YORK CITY WATER SUPPLY

WHEREAS:

A. The City of New York ("City") owns and operates a water supply system with portions in the Counties of Ulster, Greene, Delaware, Schoharie, Sullivan, Westchester, Putnam, and Dutchess. This water supply system is the source of drinking water for approximately nine million citizens of New York State, residing within and outside the City.

B. The City, with the approval of the New York State Department of Health, has promulgated Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources ("Watershed Regulations") which govern, among other things, stormwater discharges from construction activities and the creation of impervious surfaces. The Watershed Regulations are administered by the New York City Department of Environmental Protection ("NYCDEP").

C. State agencies, including the New York State Department of Transportation ("NYSDOT"), are exempt from compliance with the requirements of Watershed Regulations.
D. In recognition of the imperative to assure continued protection of the City’s drinking water supply, on May 20, 1997, the Governor issued Executive Order No. 51, governing the activities of State agencies within the New York City Watershed. Executive order No. 51 directs any State agency that undertakes any regulated activity in the watershed to comply with the substantive requirements of the Watershed Regulations.

E. This Memorandum of Understanding implements the intent of Executive Order No. 51 by establishing a framework for the application of the Watershed Regulations to NYSDOT’s construction and maintenance activities within the watershed by striking a proper balance between protecting surface water resources within the watershed of the New York City drinking water supply system (“Watershed”) while, at the same time, recognizing the importance of providing the public with adequate, safe, balanced, efficient, and environmentally sound transportation at a reasonable cost.

NOW THEREFORE, it is agreed by NYSDOT and NYCDEP as follows:

General Stormwater Management Principles

1. NYSDOT will employ appropriate erosion and sediment control practices on each of its construction and maintenance projects in the Watershed. NYCDEP has reviewed NYSDOT’s statewide standards and specifications for stormwater management, including erosion and sediment control, and has found that those generic standards and specifications are satisfactory. These standards and specifications may, however, be amended as necessary to suit each individual project.

3. Widening of an existing road or highway is permitted. In accordance with Section 18-39(a)(6)(v) of the Watershed Regulations, whenever an existing roadway is widened, the widening shall occur on the side furthest away from the water body to the maximum extent practicable, if within the following limiting distances:

   a) within 300 feet (91.44 meters) of a reservoir, reservoir stem or controlled lake,

   b) within 100 feet (30.48 meters) of a perennial stream, or

   c) within 50 feet (15.24 meters) of an intermittent stream or DEC wetland.

4. All bridges, crossings, pipings, diversions and culverts shall be constructed to prevent adverse impacts on water quality.

5. Routine maintenance of existing roadways and other impervious surfaces such as parking lots and bike paths is not prohibited. Routine maintenance of an impervious surface would include repair, reconstruction, rehabilitation, or replacement in like or similar kind. Minor changes for maintenance purposes in a roadway’s configuration or filled areas are allowed, such as changes in materials or construction techniques, current construction codes, or safety standards.
Spot realignments of unsafe and substandard roadways and temporary detours are allowed in connection with maintenance of an existing roadway. If such minor realignments or detours require the creation of new impervious surfaces, NYSDOT must notify NYCDEP.

The resurfacing of existing pavements and bridges or the full depth replacements of existing pavements and bridges in like or similar kind and at approximately the same location are not considered to be new impervious surfaces. The construction of new rest areas, and the construction of new travel or turning lanes are examples of new impervious surfaces.

6. In accordance with Section 18-39(b)(3) of the Watershed Regulations, NYSDOT will prepare Stormwater Pollution Prevention Plans (SPPPs) for all projects which involve:

(a) the disturbance¹ of five or more acres anywhere in the watershed;

(b) land clearing or grading involving the disturbance of two or more acres located at least in part within the limiting distance of 100 feet (30.44 meters) of a watercourse or wetland, or within the limiting distance of 300 feet (91.44 meters) of a reservoir, reservoir stem or controlled lake, or on a slope exceeding 15 percent;

(c) construction of a new road within the following limiting distances:
   1) within 50’ of an intermittent stream
   2) between 50' and 100' of a wetland or perennial stream

(d) the creation of an impervious surface totaling over 40,000 square feet in size that is not part of a road widening.

¹ Disturbance means that the imperviousness of an area has or will be permanently changed. Disturbance does not include activities required to replace or restore existing impervious areas.
7. Unless specifically requested to do so by NYCDEP, NYSDOT shall not be required to conduct a phosphorus analysis as described in section 18-39(c)(1), a coliform analysis as described in section 18-39 (c)(2) and 18-39(c)(3), or other pollutant analysis.

8. When an SPPP is required for a NYSDOT project, it shall consist of the following elements, and will be kept on the project site by the NYSDOT Engineer-in-Charge (“EIC”):

   a) A photocopy of the Notice of Intent required by the NYS SPDES Stormwater General Permit (if applicable);
   
   b) the stormwater management and erosion and sediment control narratives, details, notes, and specifications developed by the design team and included in the contract documents;
   
   c) the NYSDOT approved contractor’s written construction schedule and measures for temporary and permanent erosion and sediment control work, and schedule of operations as required by Sections 107-12 and 209 of the NYSDOT’s Standard Specifications and required certification statements as approved by NYSDOT;
   
   d) relevant sections of any state or federal water-related permits required for the project;
   
   e) any project plans and drawings relevant to the water quality issues; and
   
   f) other relevant information prepared by the design team, including any drainage studies and a copy of the project Design Approval Document.
9. The following considerations pertain when applying Appendix D of the General Permit to NYSDOT projects requiring SPPPs:

a) NYSDOT will incorporate practices to capture and treat the "first flush" wherever attainable. The “first flush” is defined as the first one-half inch of rainfall runoff per acre of land for which the imperviousness has increased from pre-project conditions.

b) Unless NYCDEP has identified a significant concern for a given surface water body, attenuation of peak rates of discharge will not be required in SPPPs where:

1) the proposed project will return the overall project area to a pre-construction runoff condition at the conclusion of the project;

2) the proposed project generates a post-development peak discharge rate at each discharging point of less than five (5) cubic feet per second (0.14 cubic meters per second) for a two-year frequency, 24 hour storm event;

3) the proposed project does not generate an increase in the post-construction peak discharge of more than 10 percent for a two-year frequency, 24 hour storm event; or

4) the site is surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate runoff from additional construction.

c) Peak flow attenuation intended to meet the goal of no net increase in peak stormwater runoff from pre-project conditions will be assessed at the point of discharge to a watercourse in the New York City water supply system.
Where a highway is crossed in multiple locations by the same stream, the peak flow attenuation may be measured at each crossing or at the last point of discharge to the stream as agreed upon by NYSDOT and NYCDEP.

d) NYSDOT will address potential thermal discharges to cold water fisheries from highway stormwater runoff through control of the first flush.

SPPP Procedures

10. Within 30 days of the signing of this MOU, the NYSDOT Regions which contain any parts of the Watershed within them will arrange to meet with NYCDEP to discuss their five-year capital construction and annual maintenance programs. At such meeting(s), NYSDOT will provide NYCDEP with listings of all capital projects and all major maintenance projects (e.g., those conducted under contract with NYSDOT) within the Watershed that are a) currently under construction, b) at or within 120 days of the Final Plans, Specifications and Estimates (PS&E) Stage of design, c) in Advanced Detail Plans Stage of design, and d) other remaining projects in the five-year program. NYSDOT will also identify any emergency contracts.

11. Where sufficient project information is known, NYSDOT will indicate which projects have or will likely require SPPPs pursuant to the Watershed Regulations as they are applicable to NYSDOT under Executive Order 51 and this MOU. Within 30 days of the meeting(s), NYCDEP will confirm which projects in the program require SPPPs. NYCDEP will also identify any initial specific water quality concerns that it has with any project.

The meeting will also be used to exchange lists of contact persons and to identify opportunities to improve coordination, communication, resources protection and enhancement practices, and administrative processes.
12. NYSDOT projects let and/or under construction before the effective date of this agreement ("pre-existing projects") and projects that are within 120 days of Plans, Specifications, and Estimates (PS&E) from the effective date of this agreement will have erosion and sediment control plans and, where applicable, SPPPs prepared under the SPDES Stormwater General Permit contained within each project’s contract documents. Erosion control and stormwater management practices for these projects will be consistent with NYSDOT’s statewide standards and specifications for stormwater management and erosion and sediment control. Where NYCDEP has identified a specific water quality concern and has made a recommendation as to how to address said concern, as a result of the meeting(s) in paragraph 10 above, NYSDOT will make all reasonable efforts to modify the project to accommodate such concerns. However, it is mutually acknowledged that it may not be practicable to add substantive erosion and stormwater controls or design modifications because of project schedule, contracting requirements, right of way restrictions and costs. Where conformance with NYCDEP recommendations is not practicable, the NYSDOT Regional design staff will provide a written explanation to NYCDEP, and in the project files, demonstrating that conformance is unattainable and explaining how NYSDOT is providing alternative measures that are equally protective to water quality. Such notice must be provided with the submission of the final SPPP. NYCDEP will provide its response to such notice, if a response is necessary, within 10 business days of its receipt or the project is considered approved.

13. For NYSDOT projects for which the PS&E dates are more than 120 calendar days after the effective date of this agreement ("new projects"), the appropriate NYSDOT Region will prepare and send a draft SPPP, where one is required, to the NYCDEP Deputy Director of Operations and Engineering, or his designee, at the Advanced Detail Plans Stage. NYCDEP will provide NYSDOT any comments or recommendations for changes to the SPPP within 30 calendar days of receiving the draft of SPPP. NYSDOT will modify the SPPP where practicable to accommodate NYCDEP recommendations. The final SPPP must be submitted to NYCDEP at least
30 calendar days prior to PS&E and shall be signed by the NYSDOT Regional Director or designee. In all events, NYSDOT must notify NYCDEP of the project at least thirty days before construction begins or the project is considered approved. The final SPPP will incorporate the practices listed in paragraph 8 above as appropriate to the work.

14. Emergency Procedures: If NYSDOT has determined that immediate implementation of an activity that would require an SPPP is necessary to respond to an imminent threat to the health and safety of humans and animals, or to respond to a substantial imminent threat to property, the procedure described above for NYCDEP’s review of NYSDOT’s draft SPPP may be waived. In such a case, before a regulated activity begins, NYSDOT shall notify NYCDEP by telephone of the nature of the imminent threat that necessitates expedited review and shall arrange, if possible, for a meeting with NYCDEP before construction begins to discuss plans for erosion control and stormwater management measures. If it is not possible to arrange a meeting before commencement of construction, NYSDOT shall schedule a meeting as soon as possible. Whether or not a meeting is held, NYSDOT shall submit to NYCDEP a complete SPPP for the project, as soon as practicable.

15. NYSDOT will design, construct, and maintain highway and bridge projects in accordance with the substantive requirements of the Watershed Regulations and this MOU to the maximum extent practicable. However, strict conformance may not always be possible because of the unique limitations placed on NYSDOT by narrow rights-of-way, existing adjacent development, and other manmade or natural constraints. Where conformance of the SPPP to relevant provisions of the Watershed Regulations and this MOU is unattainable, the NYSDOT Regional design staff will provide a written explanation to NYCDEP and in the project files demonstrating that strict conformance is unattainable and explaining how NYSDOT is minimizing any deviation from the substance of the Regulations and is providing alternative measures to protect that are equally
protective of water quality and the City’s water supply. Such notice must be provided with the submission of the Final SPPP.

NYCDEP will provide its response to such notice, if a response is necessary, within 10 business days of its receipt of the final SPPP from NYSDOT or the project is considered approved.

16. If NYCDEP is not able to reach a consensus with the NYSDOT design team for a capital project and believes that an SPPP does not satisfy the substantive requirements for such plans as contained in the Watershed Regulations and in this MOU, NYCDEP shall provide the NYSDOT Regional Design Engineer with a letter specifically identifying what requirements have not been met and will make specific recommendations for an appropriate solution. If the project is a maintenance activity requiring an SPPP, NYCDEP will advise the NYSDOT Regional Transportation Maintenance Engineer (RTME) by a similar letter. If NYSDOT and NYCDEP cannot resolve the concern NYCDEP may seek assistance from the NYSDOT Regional Director for capital projects. If resolution is still not achieved, the concern will be referred to the Assistant Commissioner for the Office of Engineering for Capital projects or to the Assistant Commissioner for the Office of Operations for maintenance projects. Similarly, if NYSDOT feels that NYCDEP recommendations are unreasonable, NYSDOT may elevate its concerns to the NYCDEP Deputy Commissioner.

17. The NYSDOT Regional Directors, or their designees, shall sign certification statements for all applicable projects certifying that the SPPP satisfies the substantive requirements of this MOU. NYSDOT area construction supervisors for capital projects and the Resident Engineer for maintenance projects shall sign certification statements certifying that they understand the terms and conditions of the SPPPs and will see that plans are appropriately implemented. Sample certification forms are attached as Appendix A. The persons identified above are the only NYSDOT design, construction, and maintenance personnel authorized or required to sign certifications. The Regional Director, or designee, the EIC, and the RTME, as appropriate, are
responsible for compliance with plans and specifications covered under the certifications. A photocopy of each certification statement will be kept at the project site.

18. Prime contractors will be required to sign certification statements agreeing to comply with SPPPs. The certification statement will be included in the contract documents and will make the prime contractor responsible for the erosion and sediment control and stormwater management work developed and/or performed by any subcontractor hired by the prime contractor. NYSDOT will submit a sample prime contractor certification form to the NYCDEP Deputy Director of Engineering and Operations or his designee, for approval.

19. NYCDEP may enter a project site at any reasonable time, including weekends, holidays and during and after storm events, to ascertain compliance with the SPPP. Within 45 days of the signing of this agreement, key NYSDOT design, environmental, construction and maintenance staff will meet with NYCDEP staff to discuss protocols for how NYCDEP staff will enter onto NYSDOT project sites, and to exchange points of contact lists. The goal of such visits is to assure compliance and to remediate any identified problems as quickly as possible.

If NYCDEP believes that construction is proceeding in violation of an SPPP, NYCDEP shall contact the NYSDOT area construction Supervisor or Resident Engineer as appropriate and the Regional Environmental Contact (REC) to attempt to resolve the issue. If NYCDEP and the NYSDOT are unable to resolve the issue(s) at this level, NYCDEP may seek assistance in resolving the matter from the NYSDOT Regional Construction Engineer or, if necessary, the NYSDOT Construction Division Director and Environmental Analysis Bureau Director.

20. It is acknowledged that NYSDOT statewide snow and ice control and vegetation management practices are generally consistent with the Watershed Regulations. NYSDOT Office of Operations will provide NYCDEP annually with a list of the names of all its certified
pesticides applicators and shall provide a summary of all the types and quantities of pesticides used within the Watershed by NYSDOT Region.

21. NYSDOT and NYCDEP shall meet at least annually to review NYSDOT’s upcoming five-year capital and annual maintenance programs, review experiences of the past construction season, the adequacy of State erosion control and stormwater management standards and specifications, update lists of contact persons, evaluate SPPP submittals, and review procedures and discuss opportunities to improve coordination, communication, resources protection, construction technologies and administrative processes.

22. There may be occasions where NYCDEP requests that certain features or facilities be included in NYSDOT construction contracts that are not required as direct mitigation for NYSDOT project impacts. This might include facilities, such as new or enlarged stormwater detention basins or infiltration systems to address water quality problems that are originating off of the NYSDOT right-of-way and that has been identified in various NYCDEP watershed management plans. In such instances, NYCDEP, as appropriate, may provide funding, land or easements in order to facilitate NYSDOT construction of such features or facilities. NYSDOT will consider incorporating this work into its projects whenever it is reasonable and feasible to do so. To facilitate this, NYCDEP will provide NYSDOT with copies of any applicable watershed management plans as they are developed.

Bridge Washing

23. NYSDOT will implement the following procedures when washing bridges over water bodies or wetlands within the New York City Watershed

1) Areas with loose or flaking paint shall not be washed;

2) Roadways will be swept or vacuumed;

3) The underside and supporting structures will be vacuumed;
4) Debris will be collected and disposed of either on adjacent land or off-site. Any debris disposed of on adjacent land must be at least 100 feet from any wetland or watercourse;

5) No debris will be allowed to enter water bodies or wetlands;

6) Downspouts, leaders and drains will be cleaned and washed;

7) No chemicals will be added to the wash water;

8) If equipment, supplies, or other materials are off-loaded or temporarily stored on City Property, a standard Watershed Permit is obtained;

9) All water storage and application equipment shall be steam cleaned in such a manner as to eliminate the threat of zebra mussels contamination of the reservoir system;

10) NYSDOT shall notify the appropriate office of NYCDEP at least 48 hours prior to any washing operations;

11) The following standards shall apply to all bridge washing operations:

   I. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
   
   ii. There shall be no suspended, colloidal and settleable solids that will cause deposition or impair the waters for their best usage as a result of the washing; and
   
   iii. There shall be no residue from oil and floating substances, visible oil film, globules or grease in the subject surface waters as a result of the washing.

General Provisions

24. Any identified conflicts with regard to NYCDEP requirements and the requirements of other agencies with jurisdiction shall be resolved by NYSDOT in consultation with
the involved agencies. NYCDEP shall be actively involved in providing assistance in reaching consensuses among the involved agencies.

25. This MOU may be modified upon mutual agreement, as needed or terminated upon 30 days notice to either party.

26. This MOU shall be effective as of the latest date of the signatures appearing below.

27. Any notifications to be sent hereunder shall be sent as follows:

To DEP: Thomas Hook, P.E.
Deputy Director of Operations and Engineering
New York City Department of Environmental Protection
465 Columbus Avenue
Valhalla, NY 10595

Attention: James D. Benson

To NYSDOT: Dr. Gary R. McVoy
Director, Environmental Analysis Bureau
New York State Department of Transportation
Building 5, Room 303
1220 Washington Avenue
Albany, New York 12232-0473

Attention: Mark E. Sengenberger

Dated: ________________

Francis P. Gerace, P.E.                             William N. Stasiuk, P.E., Ph.D.
Deputy Commissioner                             Deputy Commissioner
New York State Department of Transportation     New York City Department of
                                               Environmental Protection
APPENDIX H

303(d) LIST WATERBODIES IN DESIGNATED URBANIZED AREAS TO WHICH NYSDOT HIGHWAYS DISCHARGE
## 303(d) List Waterbodies in Designated Urbanized Areas to Which NYSDOT Highways Discharge

(A subset of the 303(d) List in GP-0-10-002, Appendix 2)

<table>
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<th>County</th>
<th>Impaired Waters Name</th>
<th>Pollutant(s) of Concern</th>
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APPENDIX I

LETTER FROM NYSDOT (DATED SEPTEMBER 20, 2004) REQUESTING CHANGE IN DEFINITION OF “OPERATOR” IN GP-02-02
September 20, 2004

Mr. Angus Eaton  
NYS Department of Environmental Conservation  
Division of Water  
625 Broadway, 4th Floor  
Albany, NY 12233

RE: SPDES General Permit and Highway Work Permits

Dear Mr. Eaton:

Thanks to you and your staff for meeting with my staff on this matter.

Kevin Stanley informs me that you requested we document the request we made to you at this July 21, 2004 meeting in a letter.

Occasionally, highway work permit projects result in over an acre of disturbance within the NYS right of way, thereby falling under the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01. Most often the projects exceeding this threshold are longitudinal underground utility installations within the highway right of way, but sometimes a major commercial project where turning lanes are added to the highway will also exceed an acre of disturbance.

Under the current language of the SPDES General Permit No. GP-02-01, “Operator” is defined as “the person, persons, or legal entity which owns or leases the property on which the construction activity is occurring” (see page 4 of 24, footnote 6, of the General Permit). This language effectively requires NYSDOT, as landowner, to submit the Notice of Intent, and have sole responsibility for the implementation of the Stormwater Pollution Prevention Plan (SWPPP).

Consistent with the discussion at the July 21, 2004 meeting, we are requesting a change to the definition of “Operator”, as it pertains to the aforementioned projects. There are several reasons for this request. First, these projects are primarily for the benefit of the permitted party. While the proposal for the design and mitigation of the impacts of these projects are reviewed and approved by NYSDOT, the actual design proposal is the responsibility of the permittee. Similarly, while NYSDOT
assumes the construction oversight of these projects because the work is taking place on NYS property, the daily inspection of these projects is often performed by a consultant inspector that is hired by the developer, and the construction or utility installation activities are the responsibility of the developer and their contractor. In some cases, although an acre of construction disturbance may occur within the right of way, a high percentage of the overall project occurs off of the right of way, on private property.

As Kevin explained at the meeting, we recognize the importance of compliance with the conditions of the SPDES permit. To that end, we have guided our Regional Permit Offices that for qualifying projects, a highway work permit must not be issued without evidence of the applicant’s coverage under the SPDES General Permit in place. Also, as a part of the highway work permit application review and permit issuance process, NYSDOT shall continue to take responsibility for the review and the ultimate approval of the SWPPP done by the developer or utility company, much as we do with traffic studies when a traffic light needs to be installed for a development. Our request to redefine “Operator” is consistent with this concept.

NYSDOT proposes that the definition of “Operator” to be consistent with that used in the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities (page A-2):

“Operator”, in the context of stormwater related to a construction activity, means any party associated with a construction project that has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications.

While NYSDOT currently and willingly assumes the oversight role on these projects, we feel strongly that the “Operator” should be redefined to identify the owner of the development company that employs the contractor or party that actually performs the construction, and/or the contractor or party that actually performs the construction. This refined definition would provide more direct and effective control over the implementation of the SWPPP and compliance with the SPDES General Permit.

If you have questions concerning this request, please contact Kevin Stanley kstanley@dot.state.ny.us. Thank you for your attention to this matter.

Sincerely,

[Russell B. Vachon]

RUSSELL B. VACHON
Director
Traffic Operations Bureau

cc: John Grady, NYSDOT Construction Division
    Dave Graves, NYSDOT Environmental Analysis Bureau
APPENDIX J

LETTER FROM NYSDEC (DATED DECEMBER 23, 2004) GRANTING CHANGE IN DEFINITION OF “OPERATOR” IN GP-02-02
December 23, 2004

Mr. Russell Vachon  
Director  
New York State Department of Transportation  
Traffic Operations Bureau  
50 Wolf Road - POD 42  
Albany, New York  12232

Dear Mr. Vachon:

RE:  SPDES General Permit and Highway Work Permits “Operator” Definition

This is response to your September 20, 2004 letter requesting a change to the definition of “Operator” as it pertains to projects with Highway Work Permits issued by the New York State Department of Transportation. In your letter, you propose that the definition of “Operator” be consistent with that used in the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activity.

Department staff concurs with the position you presented in your letter and has decided to make the change you requested. We have drafted the following question/answer which will be added to the next version of the “Frequently Asked Questions About Permit Requirements of the SPDES General Permit (GP-02-01) for Stormwater Discharges from Construction Activities” to address this request.

“Can an entity other than the owner or lessee of a parcel be considered the operator and obtain permit coverage for construction activities they perform on that parcel if they have an easement, right of way or other instrument (e.g. Highway Work Permit) that provides them with contractual control over the parcel?”
If that entity will have operational control over the construction plans and specifications and/or will have day-to-day supervision and control of the activities occurring at a construction site, they can be considered the operator of the construction activity and obtain coverage under GP-02-01.”

If you have any questions or comments, please do not hesitate to call me at (518) 402-8123 or Dave Gasper at (518) 402-8114.

Sincerely,

[Signature]

Angus Eaton, P.E.
Chief, General Permits Section

cc: Regional Water Managers
    R. Draper
    D. Gasper

AE:DG:da

C:\Dave Gasper\VachonNYSDOT.wpd