

Guidance for MSGP
Industrial/Commercial Facility
Inspection Program



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2019

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1 Introduction and Objective

The New York State Department of Environmental Conservation (NYSDEC) issued New York City its first citywide Municipal Separate Storm Sewer System (MS4) permit, as required under the Clean Water Act, effective August 1, 2015. As part of the permit requirements, New York City developed a Storm Water Management Program (SWMP) Plan and submitted it to NYSDEC on August 1, 2018. Pursuant to the MS4 permit, the SWMP Plan must address discharges from Industrial and Commercial (I/C) stormwater sources. The SWMP Plan must include, among other things:

- An inventory of publicly and privately owned industrial and commercial (I/C) facilities in the MS4 area that could discharge pollutants of concern (POCs) to the MS4.
- An inspection and enforcement program for facilities covered by the State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit (MSGP) for Stormwater Discharges from Industrial Activities (GP-0-17-004).¹ **Table 1** lists Sectors covered by the MSGP.
- A plan to inspect and assess unpermitted I/C facilities to determine whether they generate significant contributions of pollutants of concern (POC) to impaired waters.
- A training program for staff conducting facility inspections.

The purpose of this document is to provide guidance to inspectors on conducting on-site inspections of I/C facilities whose stormwater discharges currently

Table 1. Sectors of Industrial/Commercial (I/C) Activities Subject to NYSDEC’s MSGP

Sector	Name
A	Timber Products
B	Paper and Allied Products
C	Chemical and Allied Products
D	Asphalt Paving and Roofing Materials and Lubricants
E	Glass Clay, Cement, Concrete, and Gypsum Products
F	Primary Metals
G	Metal Mining (Ore Mining and Dressing)
H	[Reserved]
I	Oil and Gas Extraction and Refining
J	Mineral Mining and Dressing
K	Hazardous Waste Treatment, Storage, or Disposal Facilities
L	Landfills and Land Application Sites
M	Automobile Salvage Yards
N	Scrap Recycling Facilities
O	Steam Electric Generating Facilities
P	Land Transportation and/or Warehousing
Q	Water Transportation
R	Ship and Boat Building or Repairing Yards
S	Air Transportation
T	Treatment Works
U	Food and Kindred Products
V	Textile Mills, Apparel, Other Fabric Product Manufacturing, Leather and Leather Products
W	Furniture and Fixtures
X	Printing and Publishing
Y	Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
Z	Leather Tanning and Finishing
AA	Fabricated Metal Products
AB	Transportation Equipment, Industrial or Commercial Machinery
AC	Electronic, Electrical, Photographic, and Optical Goods

¹ NYSDEC will continue to administer the SPDES permitting program, which includes two types of permits that may apply to stormwater discharge from an industrial site: individual permits for specific dischargers, or the MSGP for broad classes of industries.

are covered by MSGP GP-0-17-004 and on setting priorities for future inspections. The objectives of these inspections are to:

- Review on-site information about the facility and its MSGP compliance activities, including the facility’s Stormwater Pollution Prevention Plan (SWPPP), Notice of Intent (NOI), NOI Acknowledgement Letter, Annual Certification Reports (ACRs), Discharge Monitoring Reports (DMRs), and Certification for a Conditional Exclusion for No Exposure Report (if applicable),
- Determine whether a facility should send a Notice of Intent (NOI) to NYSDEC because of changes in the facility name, ownership, management, and/or industrial activities.
- Conduct visual observations at MS4 inlets and/or outfalls to receiving waters, confirm drainage patterns/destinations, and identify any evidence of illicit discharges and/or water quality standards violations.
- Determine if the facility’s compliance with MSGP GP-0-17-004 is satisfactory and, if not, identify corrections based upon specific criteria in NYSDEC’s Facility Assessment Report.
- Report any illicit discharges observed during the assessment to the facility manager/owner and respond to the situation as prescribed below.

Each section of this document addresses the three (3) inspection phases outlined in **Figure 1**. Included in the Appendix are forms, checklists, and other supporting material DEP will use for planning, performing and following up on the inspections.

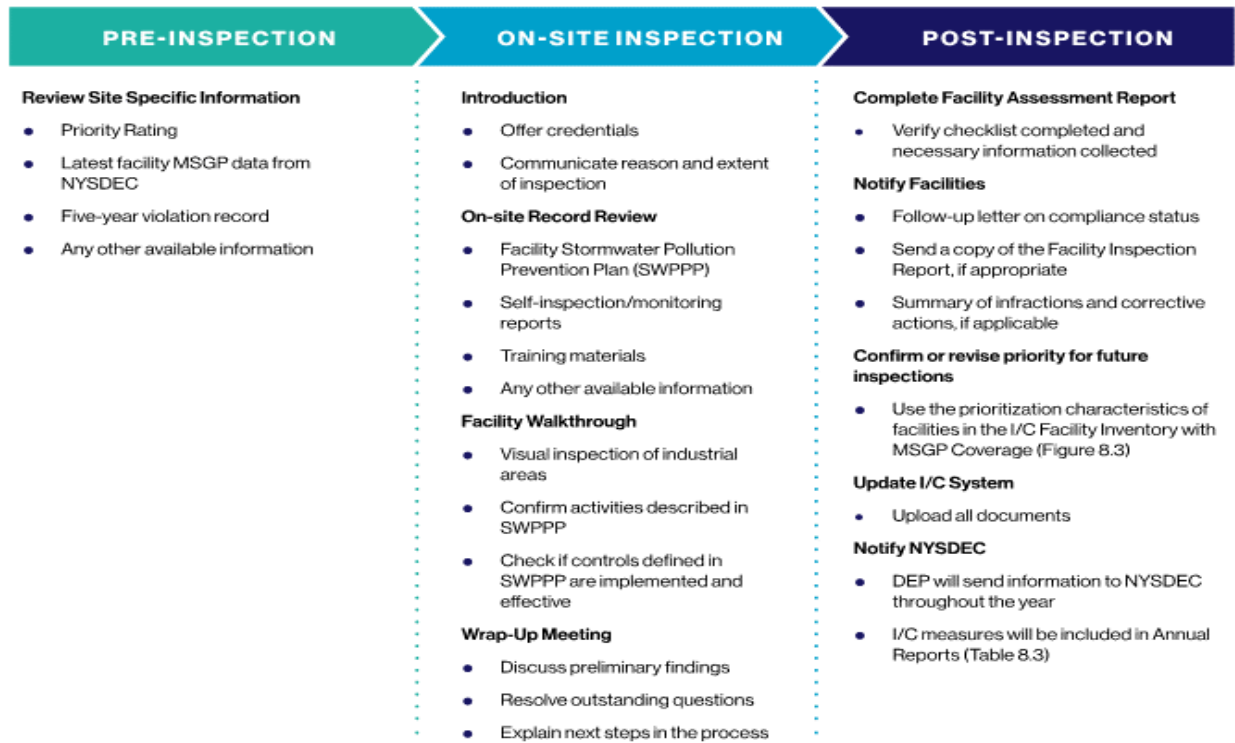


Figure 1. General approach to MSGP-permitted facility inspection.

2 Pre-Inspection Activities

Using the Historical MS4 Map, various databases and information from NYSDEC, DEP created a Facility Inventory of publicly and privately owned I/C facilities that may conduct activities within the industrial sectors covered by the MSGP permit, and other I/C facilities that might generate a significant amount of POCs. DEP conducted a web-based screening process to develop the Facility Inventory according to criteria set forth in Part IV.H.1.a.iii of the MS4 permit, and categorized each inventoried I/C facility for DEP action:

- **Category 1: No Further Action** – consists of facilities with Individual SPDES permit coverage, or with a Notice of Termination filed with NYSDEC, or with an improperly reported SIC/NAICS Code (and not actually included in a covered sector), or not draining to the MS4.
- **Category 2: Facilities with NYSDEC No Exposure Certification** – consists of facilities to which NYSDEC has issued a certification of No Exposure (all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff).
- **Category 3: On-Site Assessment for Potential Referral to NYSDEC** – consists of facilities for which DEP’s web-based screening process found database and/or photographic evidence of industrial and commercial activity not currently permitted by NYSDEC but potentially generating significant contributions of POCs to impaired waters.
- **Category 4: Ongoing MSGP Assessments Based on Priority Rating** – consists of I/C facilities with existing coverage under MSGP GP-0-17-004.

As DEP completes inspections of unpermitted and permitted facilities and updates facility information, it will reclassify the facilities accordingly.

This section provides guidance for scheduling and preparing for ongoing MSGP inspections (Category 4) of I/C facilities according to the process illustrated in **Figure 2**. Please refer to Unpermitted/Facility Inspection SOP to conduct Category 2 inspections.

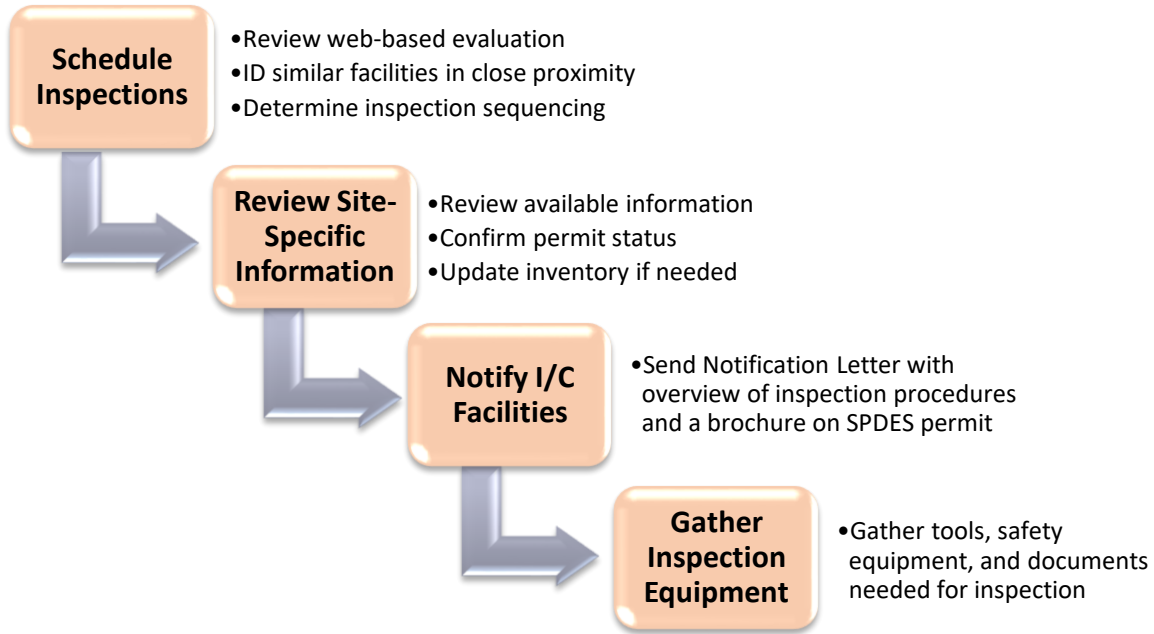


Figure 2. Pre-inspection activities for Complaint-Driven Assessments of facilities with NYSDEC No-Exposure Certification (Category 2) and Ongoing MSGP Inspections (Category 4)

2.1 Step 1: Schedule Inspections

DEP will have a team of inspectors led by a DEP project manager (PM), who will be responsible for making sure inspections of MSGP-permitted facilities discharging to the City’s MS4 are completed as required under the City’s MS4 Permit (**Table 2**). NYSDEC provided initial inspection priorities for the 26 I/C facilities permitted under the MSGP and discharging to the City’s MS4 at the time NYSDEC issued the MS4 permit. NYSDEC will inform the City of any newly permitted facilities and/or changes in facilities’ permit status, including initial inspection priorities and other relevant information. DEP will review priorities based on the findings of each inspection and will revise priorities as necessary. This section provides guidance for scheduling and preparing for inspections of MSGP-permitted I/C facilities.

Table 2. Inspection frequency criteria for MSGP-Permitted facilities

Priority / Criteria	Inspection Frequency
High Priority	Annual
Medium Priority	Every 3 years
Low Priority	Every 5 years
Failed Previous Assessment	1 year following previous assessment
No-Exposure Exemption Certification	Only if complaint received

Each quarter, the DEP PM will provide each team of inspectors with a list of I/C facilities the team will inspect during that period in accordance with the established inspection priorities. The DEP PM may also consider the following items while developing the quarterly plan:

- Seasonal variability in number of inspections the team can complete;
- Grouping facilities based on geographic location;

- Grouping facilities with same SIC code so inspectors can master specific category requirements under MSGP;
- Size and complexity of facilities impacting number of inspections the team can complete; and
- Developing a schedule, recognizing the possibility there will be cancellations.

Once the DEP PM provides you with a list of facilities that you must inspect during the quarter, you can schedule those on-site inspections in the order you see fit. After your review of business data, you may request that the DEP PM modify the schedule to accommodate previously unknown circumstances (i.e., complexity of inspection, seasonal/weather-related delays).

In addition to the scheduled quarterly assessments, when a public complaint about a facility in the I/C Facility Inventory in an MS4 drainage area is received via 311, you must incorporate an inspection of the facility into your inspection schedule. The response time for scheduling the inspection will be based on both time and complaint description, but, ideally, an inspector who is currently within the geographical area will perform the inspection in a timely fashion. If the inspection results in IDDE type of enforcement, transmit results to the DEP Industrial Waste Unit.

2.2 Step 2: Review Data about the I/C Facility

The intent of this step is to have as much up-to-date information as possible to prepare for inspections. Once the quarterly inspection schedule is set, check the facility's folder in the I/C system and make sure all the information submitted by the facility through the Microsoft CRM Dynamics 365 technology designed for the I/C computer-based solution has been uploaded into the facility's file. The DEP PM will also provide NYSDEC with the list of facilities scheduled for inspections that quarter and request that NYSDEC update those facilities' files on NYSDEC Dropbox. It is important that the DEP PM notify NYSDEC promptly, since NYSDEC usually requires 30 days to update the Dropbox.

Approximately 30 days after the DEP PM's request to NYSDEC, you should review the Dropbox to obtain updated information about facilities the PM has assigned you to inspect. If you cannot find current information in the Dropbox, you should inform the DEP PM. The I/C system interfaces with DEC's Dropbox, and you should receive automatic updates once DEC updates the Dropbox folder. However, you must also be familiar with the manual steps to retrieve information from DEC's Dropbox. These steps are presented below.

Figure 3 through **Figure 5** visually depict how to access the Dropbox from the NYSDEC's website.

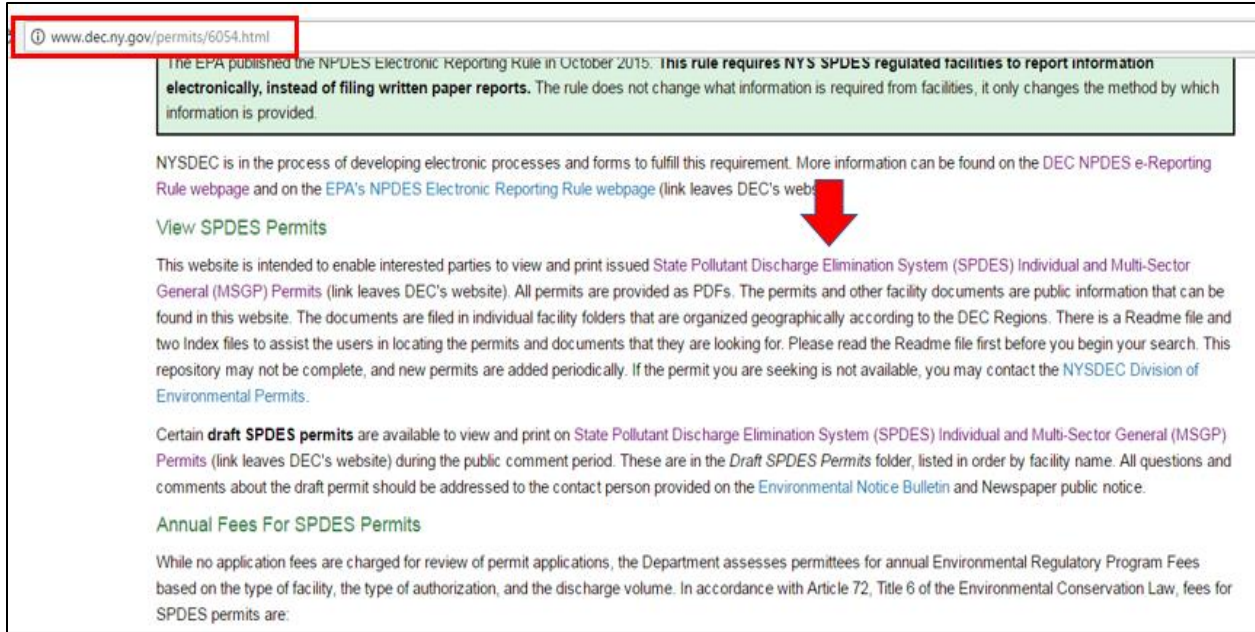


Figure 3. NYSDEC website with hyperlink to Dropbox site

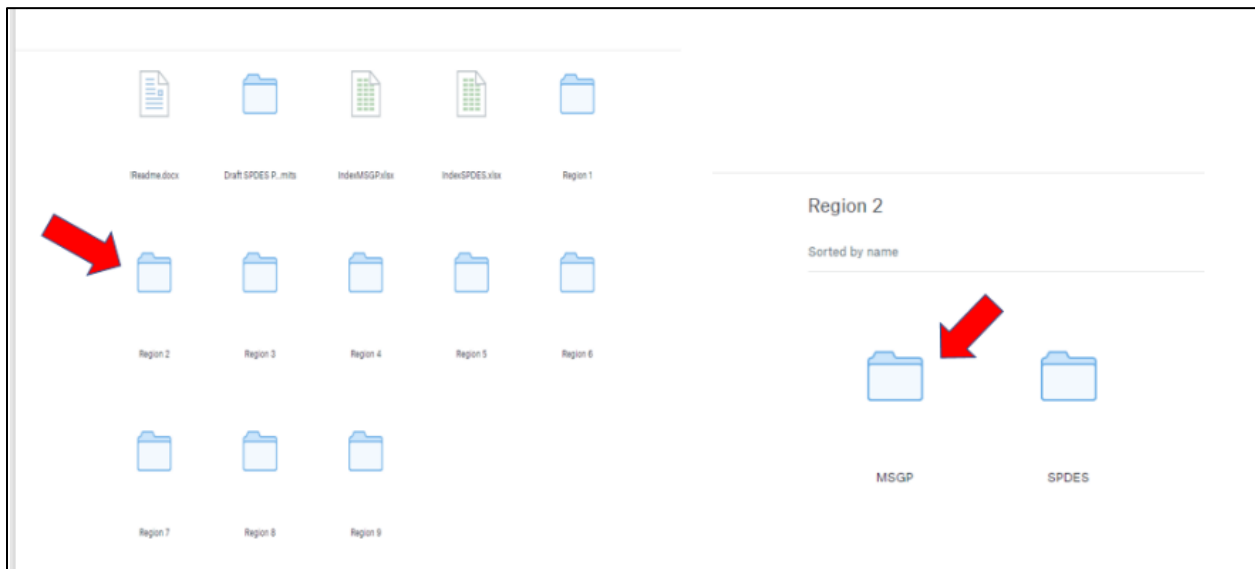


Figure 4. Initial Dropbox screen (left), and option to look through documents for MSGP or SPDES permits

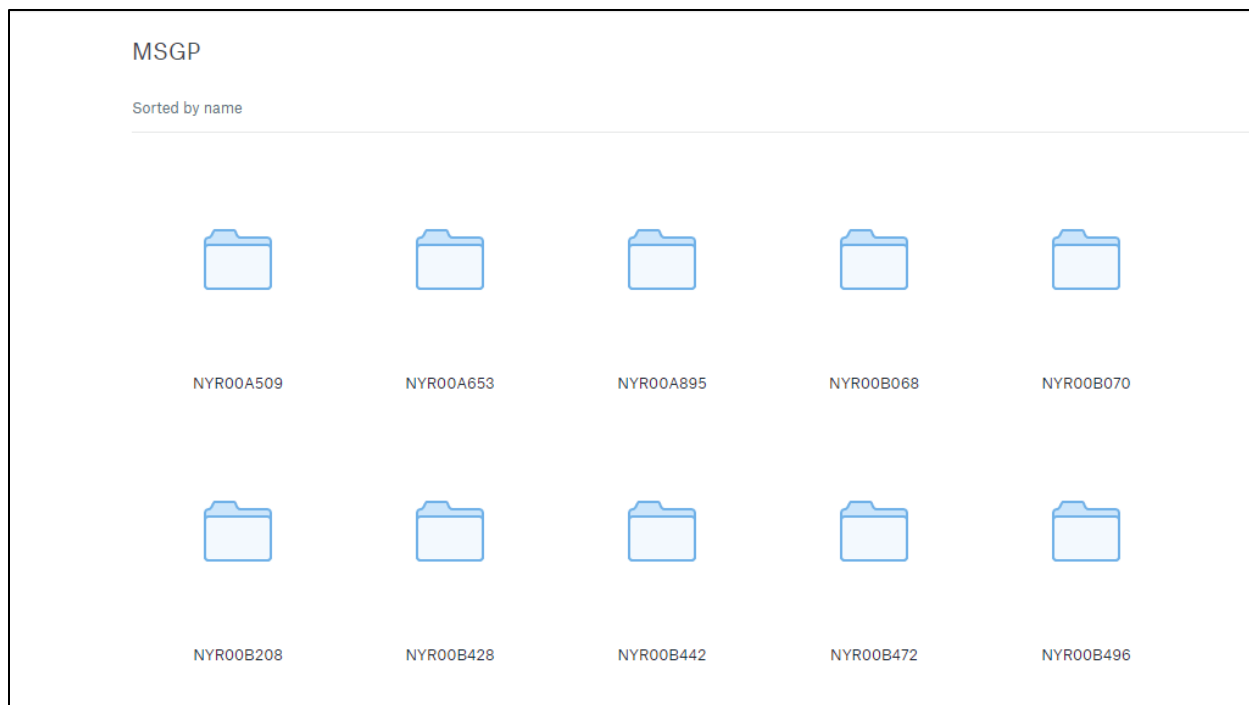


Figure 5. Dropbox folders containing active MSGP permits

You can expect to find a variety of documents under the business’s permit folder. Typical items found in NYSDEC’s Dropbox include:

- Notice of Intent (NOI);
- Notice of Violation (NOV), if applicable;
- Annual Certification Report(s) (ACR);
- Discharge Monitoring Reports (DMR);
- Correspondence between NYSDEC and facility (Acknowledgment Letters, etc.);
- Notice of Termination (NOT)

Documents that might not be available on the NYSDEC Dropbox and IC System and only available on-site could include the facility’s Stormwater Pollution Prevention Plan (SWPPP), Spill Prevention Control and Countermeasure plan (SPCC), site maps that delineate facilities’ drainage areas, routine inspection reports, secondary containment drainage records, location of Stormwater Control Measures (SCMs), etc.

Certain documents will not be available either on the NYSDEC Dropbox or at the facility but are still useful for you to review, such as:

- Sector-Specific Permit Requirements (Part VII of the MSGP);
- Latest NYC MS4 drainage area maps; and
- NYC Industrial Pre-Treatment Program data (if facility is covered).

Conduct inspections by following and completing a Facility Inspection Report (**Figure 6**). The document consists of several sections, which have lists of questions with checkboxes where you can choose *Yes*, *No*, *Not Inspected (N/I)*, or *Not Applicable (N/A)*. Each question has a citation associated with it, so if you ever need a refresher you can reference the regulatory material. **Appendix A** provides blank copy of the Facility Inspection Report. Note that, because of character limitations, the digital version in the I/C system shows a truncated version of this report. You will use the digital version of the Facility Inspection Report by means of a tablet or other mobile device. However, you must always carry a hardcopy as a backup in case electronic devices malfunction.

Some parts of the Facility Inspection Report can be filled out prior to your conducting the inspection, based on review of available facility MSGP data, while most of the document must be filled out during the inspection. The following sub-sections provide an overview of the documents available on the Dropbox, and files provided by NYSDEC, including what information they contain and how they could be useful to you.

2.2.1 Notice of Intent (NOI)

The NOI will provide basic information about the business such as the address and point of contact. Additionally, the SIC code(s) and sector(s) will be listed alongside information about outfalls. Lastly, the NOI will ask if the facility is subject to other EPA or NYSDEC regulations. **Appendix B** provides an example of a submitted NOI.

Reviewing the NOI will provide you with an overview of the facility. Key items to note should include:

- How long the facility has been operating under the MSGP, which will indicate how many DMRs should be on file; and
- What SIC Codes the facility operates under (based on that, you should review sector-specific guidelines).
- A facility also submits an NOI when one or more items of the following information must be updated, corrected or revised:
 - Owner information (e.g., address);
 - Contact information;
 - Facility information (name, address, etc.);
 - Receiving waterbody information;
 - SWPPP;
 - SIC or activity code; and/or
 - Outfall information.

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Bureau of Environmental Planning and Analysis
MSGP Industrial/Commercial Facility Inspection Program
Facility Inspection Report

General Information			
Inspection Type: <input type="checkbox"/> Complaint Response <input type="checkbox"/> Compliance Inspection		SPDES Permit Number: _____	
Enterprise Name: _____		Facility/Establishment Name: _____	
Address: _____		City/Town: _____	ZIP: _____
DEC Region: 2	Date/Time of Inspection: _____	Weather Conditions: _____	Rain in last 24 hours: <input type="checkbox"/> Yes <input type="checkbox"/> No
Code(s) Listed on Facility's NOI ¹ Primary: _____ SIC Code: _____ NAICS Code: _____		Description (from published list of codes): _____	Secondary Codes (if provided): _____ _____
Past/Previous Prioritization: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High			

Figure 6. Excerpt of Facility Inspection Report

2.2.2 Notice of Violation (NOV)

An NOV is a written notice that stipulates the nature of the violation and the required corrective action(s) and deadlines. NOVs issued by NYSDEC and uploaded to the NYSDEC Dropbox will help you become familiar with issues the facility has encountered in the past (e.g., missed deadlines for paperwork, exceedance of discharge limits, failure to submit the required DMR(s)). **Appendix C** includes a sample NOV.

2.2.3 Annual Certification Report (ACR)

Facilities are required to submit to NYSDEC each year (by January 28th) an ACR, an annual self-report in which facilities provide information about the results of required monitoring (i.e., quarterly visual monitoring, benchmark monitoring, dry-weather flow) they have performed throughout the year.

2.2.4 Discharge Monitoring Report (DMR)

Facilities with benchmark and/or compliance monitoring requirements are required to submit the sampling results for each outfall and for sector-specific parameters. They must submit these forms to NYSDEC by permit-specified deadlines. **Appendix D** includes a full sample DMR and an excerpt of a DMR submitted by a facility falling under *Sector M – Automobile Salvage Yards* (Sector M is required to perform monitoring of Oil & Grease, Toluene, Total Recoverable Iron, and various other compounds).

2.2.5 Correspondence between NYSDEC and Facility

Every facility should have an Acknowledgement Letter on file, stating that NYSDEC received and accepted the facility's NOI. Additional, possible correspondence between NYSDEC and the facility may be a letter from NYSDEC indicating that DEC returned the DMR to the facility for correction (e.g., sampling took place during the wrong period (see **Appendix E**)).

2.2.6 Site-Specific Stormwater Pollution Prevention Plan (SWPPP)

The files DEC provided as of July 2018 included facility SWPPPs. These plans should be up-to-date and should reflect current facility operations and best management practices (BMPs), as well as consistency with current MSGP permit requirements. Request that a copy of the most current version of the SWPPP be uploaded through the I/C MSGP File Uploader Site.

2.3 Step 3: Notify I/C Facilities

By November 1, 2018, the City notified all I/C facilities covered under the MSGP as to the delineation of jurisdiction between NYSDEC and DEP for implementation of the SPDES MSGP program. Facilities that obtain coverage following DEP’s referral to NYSDEC of unpermitted facilities will also receive a one-time notification within one month after DEP confirms such coverage.

48 hours prior to inspection, DEP will send a second notification letter via phone/email to the facility’s on-record contact.

The notification letter to all MSGP-permitted facilities in DEP’s I/C inventory includes the following information:

- Information about DEP’s authorization to perform inspections;
- Inspector Credentials;
- Activities to be performed during assessment;
- A brochure summarizing NYSDEC SPDES permit requirements for stormwater discharges from industrial activities; and
- Contact information for assigned DEP personnel, should the facility have questions.

Appendix F includes a template for the Notification Letter.

2.4 Step 4: Gather Inspection Equipment

Before inspections, it is important to gather the necessary equipment. **Table 3** includes a list of personal protective equipment (PPE), documents, and additional materials that you may need to properly complete the inspection.

Table 3. Inspection equipment list

Documents	Inspection Tools	Safety Equipment (PPE)
DEP ID and business cards Facility file (records) Aerial Map of facility Facility Assessment Report Educational Material First and second Notification letters	Field computer Field notebook Clipboard Tablet (properly charged) Cell phone (properly charged) Waterproof digital camera Manhole hooks Flashlight Mirror Tape Measure Dye	Hard hat Hearing protection Safety shoes (steel toe) Reflective safety vest Safety glasses Gloves

Bring all reference documents needed to support the inspection. Do not assume that maps will be available on site. In addition, some businesses may be unable to locate their SWPPPs or some elements of the SWPPP and/or required supporting documentation. Additionally, carry educational material on SPDES permitting and stormwater management to give to facility manager/owner, when applicable.

3 On-Site Inspection Procedures

Introduce yourself to the facility manager/owner, answer any initial questions about SPDES and MS4 permitting requirements, and review the inspection agenda with facility personnel. Following these introductions, review the documentation available on-site and conduct a walkthrough of the facility to verify that the facility accurately described its activities and controls in the NYSDEC Dropbox and in on-site documentation. Note any discrepancy as well as any evidence of illicit discharges seen during the assessment. **Figure 7** provides an outline of the activities involved in the inspection from the time the inspector arrives on site.

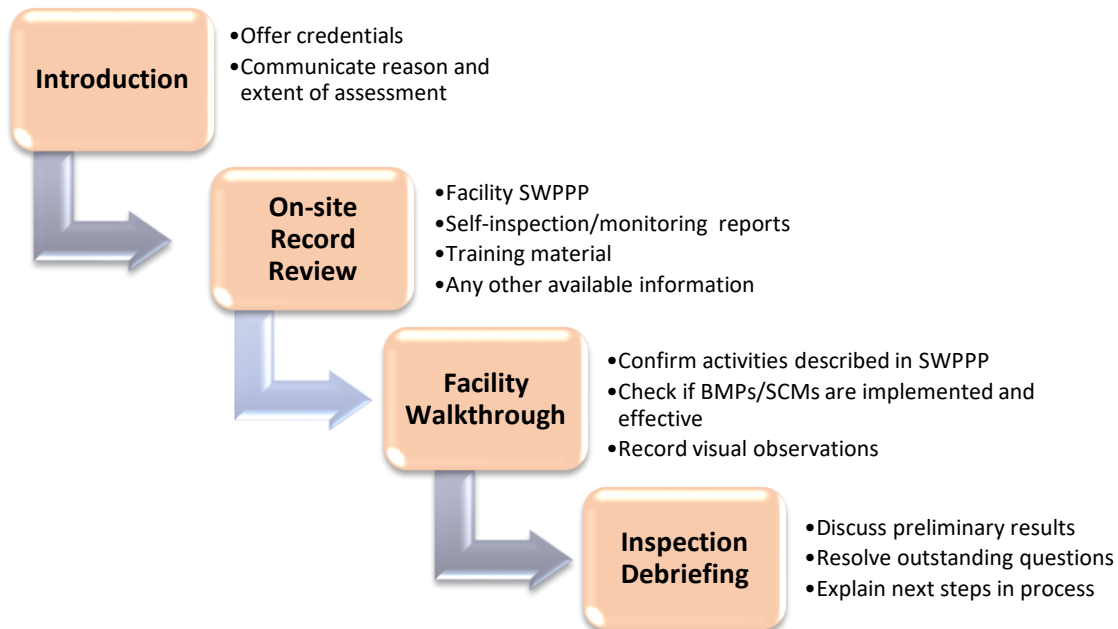


Figure 7. On-site inspection procedures for MSGP-Permitted I/C Facilities

Encourage the facility manager/owner to accompany you to clarify observations, learn about potential industrial activities and significant pollutant sources subject to SPDES permitting, and understand exposure concerns. At the end of the walkthrough, be prepared to conduct an inspection debriefing to provide general preliminary results of the inspection and discuss next steps.

As discussed above, complete most of the Facility Inspection Report during the on-site inspection.

3.1 Introduction

Upon arrival at the facility site, introduce yourself as a DEP authorized representative and offer the appropriate DEP credentials (i.e., DEP-issued ID and/or DEP business card ID). After introductions, communicate to the facility manager/owner the reason for and the scope of the inspection, which includes the following:

- On-site records review and inspection
 - Review the SWPPP
 - Review Self-Inspection and Monitoring Reports
 - Review Training Materials/Schedule
 - Assess if reviewed information corresponds to NYSDEC Dropbox-provided information, and note any discrepancies
 - Record information to support walkthrough
- Physical walkthrough of the facility
 - Inspect all applicable industrial areas
 - Take notes and photos
 - Confirm drainage to MS4
 - Visually assess the BMPs/ SCMs described in the SWPPP and/or required under the MSGP.
- Inspection debriefing with facility manager/owner
 - Review walkthrough findings.
 - Discuss corrective action, if applicable
 - Provide any forms, if applicable (i.e., No Exposure Exemption)
 - Notify about follow-up letter and next steps by DEP

3.2 On-Site Records Review

The record review process should provide you with an overview of the site, activities you will inspect, materials present on site, and any areas of concern. You will determine the completeness and accuracy of the required information in the SWPPP during the records review and confirm same during the facility walkthrough.

Begin the on-site records review with an evaluation of the facility's SWPPP. The SWPPP is a document prepared and utilized by the facility to identify pollutant sources and define management measures that minimize the likelihood of pollution due to stormwater runoff and spills. The SWPPP must contain a map or schematic drawing delineating the drainage areas and flow patterns within the facility site (including storm drain inlets), identify locations where the facility performs industrial activities covered under the MSGP, and define/locate appropriate BMPs/SCMs for these activities. As per the MSGP, the SWPPP shall contain, at a minimum, the following information:

1. Identification of Pollution Prevention Team;
2. General Site Description;
3. Potential Pollution Sources;
4. Spills and Releases;

5. General Location Map;
6. Site Map;
7. BMPs/SCMs;
8. Monitoring and Sampling Data;
9. Copy of Permit Requirements; and
10. Inspection Schedule.
11. Corrective Action Documentation

Identify missing elements of the SWPPP and bring them to the attention of the facility manager/owner. Document any pertinent notes (such as a list of the BMPs/SCMs on site) from the SWPPP that you will need when you perform the facility walkthrough. Fill out Sections A (*Permit*), B (*SWPPP Content*), and C (*Self-Monitoring Program*) of the Facility Inspection Report (**Figure 8**) during the on-site records review. Note that the facility may fulfill SWPPP requirements by incorporating or referencing such documents as an Erosion and Sediment Control (ESC) plan, a Mined Land Use Plan, a Spill Prevention Control and Countermeasure (SPCC) plan or other BMP program. There are additional questions under Section B, regarding SWPPP Content for facilities discharging to an impaired waterbody when the cause of the impairment is a POC included in the facility's effluent limitations. Please note that N/I means Not Inspected and N/A means Not Applicable when completing the Facility Inspection Report.

Yes	No	N/I	N/A	A. Permit				Citation(s)	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	Does the industrial facility have coverage under SPDES GP-0-17-004?			I.A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	Does the facility discharge any industrial or sanitary wastewater requiring an individual permit? <i>(If YES, go to sub-item 2a; if NO, go to next item 3)</i>			I.A; I.C	
				2a	If yes, individual SPDES permit ID? _____				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	Does the facility have a copy of the Notice of Intent (NOI) available on site?			III.A.9	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	Does the facility have a copy of the NOI Acknowledgement Letter on site?			III.A.9	
Yes	No	N/I	N/A	B. SWPPP Content				Citation(s)	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	Does the SWPPP provide a general description of the overall industrial activities at the facility?			I.D.1.a.(1); III.A.2	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	Does the SWPPP contain a site map that identifies all outfalls?			III.A.6	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	Does the SWPPP identify Best Management Practices (BMPs) to be implemented at the facility?			II.A; III.A.7	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	Does the SWPPP identify the responsible parties for inspection, maintenance, and sampling?			III.A.1	
Yes	No	N/I	N/A	C. Self-Monitoring Program				Citation(s)	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	Is the permittee conducting and documenting an annual comprehensive inspection?			IV.A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	Is the permittee conducting and documenting quarterly visual monitoring?			IV.E.3	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	Is the permittee conducting and documenting annual dry-weather flow monitoring?			IV.C.1	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	Is the permittee claiming any monitoring waivers?			IV.G	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5	Is the permittee required to perform benchmark monitoring? <i>(If YES, go to sub-item 5a; if NO, go to next item 6)</i>			IV.F.1.a	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5a	If yes, has the permittee been conducting and documenting benchmark monitoring?			IV.F.3.a	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6	Is the permittee required to conduct compliance monitoring with numeric effluent limitations? <i>(If YES, go to sub-item 6a; if NO, go to next item 7)</i>			IV.F.1.b	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6a	If yes, has the permittee been conducting and documenting effluent sampling?			IV.F.3.a	

Figure 8. Facility Inspection Report, Sections A, B, and C, for on-site record review

Examine all records required by the MSGP during this phase of the inspection, including DMRs, Quarterly Visual Monitoring Reports, annual dry-weather flow monitoring and inspection results, and ACRs. Compare these files against the information available on the NYSDEC Dropbox and information provided by NYSDEC to note if there is any documentation missing, the Dropbox files are not up-to-date, or there are any discrepancies between on-site and Dropbox documentation.

In addition to the SWPPP and monitoring reports, evaluate any additional records that are relevant to the management of stormwater at the facility. Other relevant records may include maintenance logs on facility equipment, prior correspondence with DEP/NYSDEC or other government agencies, stormwater sampling data, and documentation from any reportable spills.

By the end of the on-site records review, you should have a clear understanding of the overall layout of the areas where industrial activities defined in the MSGP occur. If the SWPPP does not delineate applicable (i.e., industrial) areas, the Inspector will need to evaluate what areas to inspect (via document review and visually during walkthrough) and make note of the SWPPP deficiencies.

3.3 Facility Walkthrough

The facility walkthrough serves four (4) main purposes:

1. Confirm activities described in the SWPPP;
2. Check if BMPs/SCMs are implemented and effective;
3. Record visual observations of effluent/receiving waters adjacent to the facility; and
4. Identify any illicit discharges.

The walkthrough allows an inspector to conduct a visual inspection of the areas where industrial activities may be taking place. You do not need to inspect areas where industrial activities are not expected to occur (e.g., administrative buildings, employee parking lots, rooftops, etc.) if clear evidence is provided that no suspected industrial activities do occur in these areas. During the walkthrough, carry a copy of the site map contained in the SWPPP or, if unavailable, an aerial map of the site to easily locate areas to be inspected and to make note of related observations. Plan a systematic route to inspect each area of the property that contains industrial activity (storage, processing, manufacturing, maintenance, etc.).

3.3.1 Confirm SWPPP Information

During the walkthrough, verify that the information described in the SWPPP is accurate and reflects the actual operations and activities occurring at the facility. Complete Section D (*Operations and Maintenance*) of the Facility Inspection Report (**Figure 9**) during this phase.

To identify industrial activities associated with stormwater runoff, pay close attention to outdoor processing and manufacturing areas. Take note of where and how materials are stored (materials should be properly labeled and located out of high traffic areas); examine storm drains, drainage swales/channels, and outfalls for any debris/sediment blockage and evidence of spillage.

Yes	No	N/I	N/A	D. <u>Operations and Maintenance</u>		Citation(s)	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	Are good housekeeping practices being implemented?	II.A.2; III.A.7.a	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	Are covers used to protect raw materials and products that are stored outside?	II.A.1	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	Are hazardous materials stored in properly designated secondary containment areas?	II.A.12	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	Are there any signs of leaking pipes, containers, equipment, etc.?	II.A.4	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5	Are there any illicit connections present (i.e., floor drains, non-permitted discharges, etc.)	Sector Specific	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6	Is there active erosion or sedimentation occurring resulting in the discharge or pollutants?	II.A.5	

Figure 9. Facility Inspection Report, Section D, for confirming SWPPP information

3.3.2 Check BMPs/SCMs Implementation

Confirm that the BMPs/SCMs identified in the SWPPP are being implemented correctly and are effective in fulfilling their purpose to control pollution from stormwater runoff. Complete Section E (*Best Management Practices*) of the Facility Inspection Report (**Figure 10**) during this phase.

Yes	No	N/I	N/A		E. <u>Best Management Practices (BMPs)</u>	Citation(s)	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	Are the sector specific BMPs being properly implemented?	Sector Specific	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	Non-structural BMPs present – please list: _____ _____		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	Structural BMPs present – please list: _____ _____		

Figure 10. Facility Inspection Report, Section E, for checking BMPs/SCMs implementation

3.3.3 Effluent/Receiving Water/Visual/MS4 Drainage Observations

During the walkthrough, visually confirm the drainage patterns around the site, particularly whether the site drains into the City’s MS4, into a receiving waterbody or into the City’s combined sewer system. Document the presence and location of visible outlets (catch basins, dry wells, outfalls) in Section F (*Effluent/Receiving Water/Visual/ms4 Drainage Observations*) of the Facility Inspection Report (**Figure 11**).

Illustrate the location of stormwater inlets (e.g., catch basins) and drainage patterns on a map or aerial photograph of facility property, as well as locations where surface runoff from the facility flows into a City right-of-way or directly into a receiving water. Investigate rooftop drainage patterns if they present a potential pollution source. Rooftop runoff is generally directed through downspouts either on the surface (and then routed to surface inlets by overland flow) or directly into the MS4 through a subsurface connection. Show areas of industrial activity and/or potentially significant pollutant sources to determine the discharge point for stormwater discharges from such areas and whether the discharges mix with stormwater from other portions of the facility or from off-site areas. If you cannot confirm the discharge point from the facility through the above steps, conduct a dye test following procedures in the NYC IDDE Guidance Manual and in EPA’s “Illicit Discharge Detection and Elimination: A Guidance Manual for A Guidance Manual for Program Development and Technical Assessment” (https://www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf).

Document any visible evidence of non-stormwater (dry-weather) flows along the surface, in storm drain inlets, and/or at visible stormwater outfalls. If dry-weather flow is present, note the presence of pollutant indicators like oily sheens, odors, flow discoloration, or unnatural algae blooms. Also note whether to recommend those dry-weather flows for further investigation by the facility manager/owner.

Through visual observations and discussion with the facility owner/manager, verify whether the facility is implementing spill prevention and response plan procedures. Complete Section G (Spill Prevention and Response Plan) of the Facility Assessment Report (**Figure 12**) during this phase.

Yes	No	N/I	N/A	F. Effluent/Receiving Water/Visual/MS4 Drainage Observations		Citation(s)	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	Does the facility discharge directly to a waterbody? <i>(If YES, go to sub-items 1a; if NO, go to next item 2)</i>		
				1a	If yes, name of the waterbody: _____		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	Does the facility discharge directly to a Storm Sewer/MS4?		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	Is there evidence of a Water Quality Standards Violation?	II.C.1	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	Is dry-weather discharge occurring?	II.A.9	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5	Does the facility have designated outfalls? <i>(If YES, go to sub-item 9a; if NO, go to next section)</i>		
9a. Enter effluent monitoring observations for each outfall							
Receiving Water		Outfall Number		Oil Sheen	Turbidity	Visible Foam	
_____		_____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
_____		_____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other Discharge Point (if no designated outfall): _____							

Figure 11. Facility Inspection Report, Section F, for documenting visual observations and MS4 drainage confirmation

Yes	No	N/I	N/A	G. Spill Prevention and Response Plan		Citation(s)	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	Are procedures in place for spill response and clean-up? <i>(If YES, go to sub-item 1a; if NO, go to next item 2)</i>	II.A.4	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1a	Are employees who may cause, detect, or respond to a spill or leak trained in the above procedures?	II.A.4	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	Are procedures in place for notifying the appropriate facility personnel, emergency agency, and regulatory agency?	II.A.4	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	Are there procedures for plainly labeling susceptible containers (e.g., "Used Oil", "Fertilizer & Pesticides") that could be susceptible to spillage or leakage?	II.A.4	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	Are there preventative measures such as barriers between material storage and traffic areas?	II.A.4	

Figure 12. Facility Inspection Report, Section G, for visually assessing spill prevention and response plan

3.3.4 Addressing and Enforcement of IDDE Findings at a Facility

If during the assessment process, you encounter an illicit discharge or spill, adhere to the following procedure, as practiced by NYC DEP Emergency Response Unit (ERU). If you encounter a situation in which another agency must be notified, first notify DEP’s Emergency Communications Center (ECC) (. ECC will then provide guidance on how to proceed.

Take the following steps:

1. Inform facility to cease the discharge IMMEDIATELY.
2. Take appropriate pictures and/or video of the illegal discharge/spill.
3. Record the time and date of incident.
4. Provide a detailed description of the occurrence, such as pipe discharge or overflow from tanks, accident, human error, poor housekeeping, etc.
5. Issue a Commissioner’s Order to prohibit further discharges, effective immediately.

6. Issue a Commissioner's Order to submit plans on how the facility will prevent future discharges by a certain due date, if necessary.
7. Issue a Commissioner's Order to clean-up spilled material from sidewalk, street, catch basin or storm drain by certain due date.
8. Issue NOV for the discharge if affecting the NYC Sewer System (sewer manholes, catch basins, storm drains).
9. If spill or illegal discharge impacts soil, notify ECC.
 - a. ECC will ask for the name of the caller, location, contact person name and phone number and the type of spill/reason for call.
 - b. ECC will then make referrals to other city agency or to NYSDEC for appropriate investigation.
 - c. Document in the I/C Facility Case File, the Service # provided during this call and all pertinent information.
10. Follow up after the due date to verify facility's compliance with the Commissioner's Order issued.
11. Issue further NOVs if facility did not comply with Commissioner's Order by due date.
12. Re-inspect for compliance; if facility is in compliance, close out case after ECB hearing.

When the I/C Program proceeds with enforcement actions, communicate with the DEP BWT IDDE Unit.

3.4 Inspection Debriefing

An inspection debriefing with the facility manager/owner will provide a final opportunity to answer questions and gather additional information. Be prepared to list and discuss the deficiencies noted during the walkthrough and to discuss potential corrective action. Remind the facility manager/owner that DEP may impose penalties for major deficiencies pertaining to the MSGP conditions. Act as a resource for the facility manager/owner by illustrating the feasibility of applicable corrective actions as well as the economic and environmental benefits associated with compliance (e.g., avoid costly future upgrades, avoid penalties, etc.).

Additionally, clearly explain the next steps in the process and what further communication the facility can expect to have with DEP, such as receiving a letter summarizing the inspection and necessary action items, the possibility of a follow-up phone call, a need to provide photo evidence of corrected infraction, or the issuance of a violation.

4 Post-Inspection Activities

4.1 Complete Facility Inspection Report

Complete the Facility Inspection Report by the time you conclude the on-site inspection, as described in the previous section. Upon completion of the on-site inspection, verify that you have answered all items in the Facility Inspection Report and have attached to the report any additional information such as field notes or photographs.

4.2 Notify Facility of Inspection Results

Within thirty days of the inspection (unless otherwise instructed by DEP PM), send the facility a follow-up letter, based on the outcome of the facility walkthrough, indicating whether the facility is compliant with the MSGP. Enclose a copy of the Facility Inspection Report in the letter. Summarize any infractions

detected during the inspection, state the necessity for corrective actions, and inform the facility that it must send photo evidence of the corrections to DEP within specified timeframe. Call the facility to discuss the corrective actions it must take and clarify any questions the facility manager/owner may have. A sample follow-up letter is included in **Appendix G**.

4.3 Prioritization for Future Inspections

Upon completing the inspection, use the data collected to categorize the facility's potential water quality impact; DEP will use this categorization to prioritize each MSGP business for future inspections and to determine the frequency of future inspections. **Figure 13** schematizes this process. Consider the following factors, which contribute to potential water quality impacts:

- Pollutant sources on site
 - Nature of the industrial activity (e.g., SIC Code) and the POCs handled at the facility:
 - SIC Code/SPDES Applicability Criteria
- Proximity to an impaired waterbody (according to the City GIS)
- Potential for POC discharges or other water quality impacts to impaired waters
 - On-site pollutant sources (per the MSGP, previous reviews of facility SWPPP, and as typical of SIC category)
 - POCs associated with impaired waters reported in latest DMRs
- Violation history
 - Findings of previous facility inspections and self-reporting information:
 - Accuracy and completeness of the facility's SWPPP
 - Exposure of industrial activities/POCs to stormwater
 - Control of industrial activities/POCs observed during previous facility walk-through inspections
 - Review of self-reported information provided by facility and violation history of the facility
 - Violations reported over past 5 years, provided by NYSDEC
 - NYSDEC Consent Orders (if any)

Document the updated prioritization rating in the Facility Inspection Report under *Summary of Inspection Findings* and Section H (*Prioritization*), as shown in **Figure 14**.

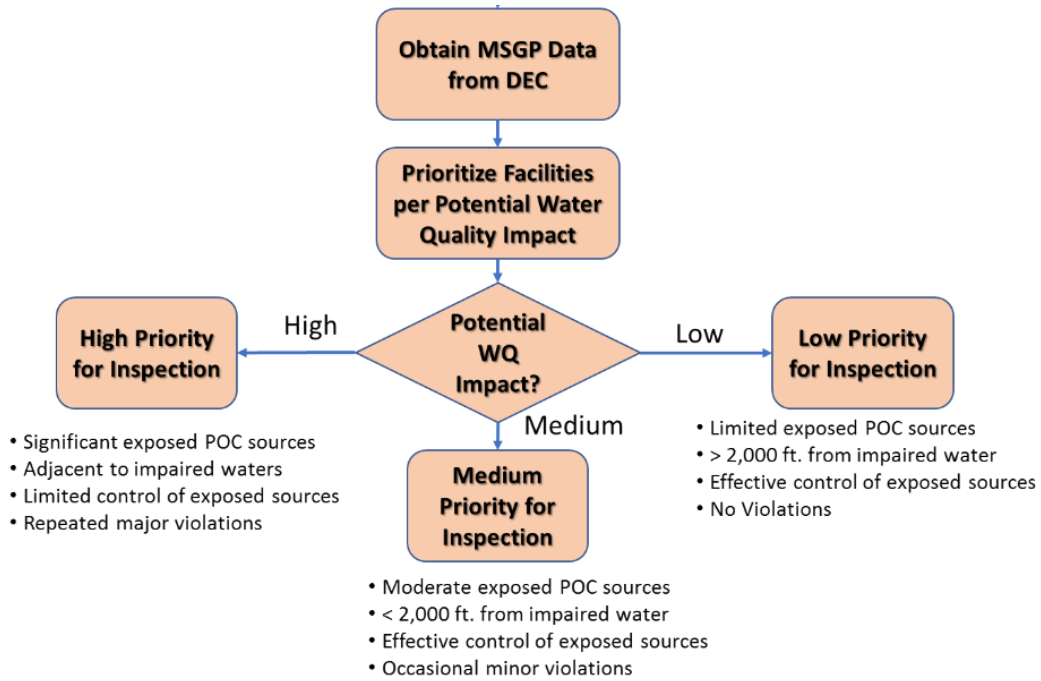


Figure 13. MSGP Industrial/Commercial facility prioritization process

Summary of Inspection Findings		
Code(s) per This Inspection ¹ (see Worksheet 1): SIC Code: _____ NAICS Code: _____	Description (from published list of codes): _____	Secondary Codes (if provided): _____
Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory		
Permittee Information: _____		
Correction Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Prioritization based on this Inspection: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High (see Section H below)		

H. Prioritization				
1	Proximity to impaired waterbody (from GIS)	<input type="checkbox"/> > 2,000 ft	<input type="checkbox"/> < 2,000 ft	<input type="checkbox"/> Adjacent
2	Exposure to POCs	<input type="checkbox"/> Limited	<input type="checkbox"/> Moderate	<input type="checkbox"/> Significant
3	Control of exposed sources	<input type="checkbox"/> Effective	<input type="checkbox"/> Moderate	<input type="checkbox"/> Limited
4	Violations reported over past 5 years	<input type="checkbox"/> None	<input type="checkbox"/> Occasional, Minor	<input type="checkbox"/> Repeated, Major
Total checked items		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4
Priority for future inspection (pick max from above)		<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
Comments:				

Figure 14. Facility Inspection Report, Section H, determining prioritization for future inspections

4.4 Log Observations in Dynamics 365- Industrial Commercial Database

Microsoft CRM Dynamics 365 is the technology used to design the I/C computer database solution that will be used for all aspects of the I/C program. You may access this program both in the field and in the office to obtain and input information regarding any facility in the I/C inventory. This program allows for inspectors, supervisors, DEP PMs, Administration and Legal to interact and share all necessary

information, from adding facilities to the inventory to documenting inspections, review, approvals, enforcement and transmittal of the program's findings to NYSDEC.

You will receive an email to notify you that your supervisor has assigned an inspection to you. Open Dynamics 365, click on "My Schedule" to review and prepare for the facility assessment. Once at the facility location, again open the program, scroll to the "My Schedule" tab, open and click the inspection number link, which will allow the assessment checklist to open. Enter replies to the questions found on this checklist to generate a completed facility checklist. You can take pictures and upload them to the case file if needed. Submit the completed checklist to the supervisor for review. After the supervisor reviews and accepts the entered information, the supervisor will submit the forms to DEP for review. If you observe an issue of non-compliance during the assessment, DEP BWT Legal will be available for legal counsel via the enforcement tab found on the program's dashboard.

At the end of each quarter, the DEP PM will confirm that assessed facilities have been appropriately logged into the IC database. The accompanying Dynamics 365 user manual will provide further detailed steps for all users of this program.

4.5 Update I/C Inventory

Dynamics 365 will update the database through each completed step of the process. You can view the process on the program dashboard's seven tabs: Inspection, Book/Schedule, Perform Inspection, Enter Results, Submit, Review and Approve. All users with rights and privileges to enter, amend and review information, will have access to entered information, as legally appropriate. The accompanying Dynamics 365 user manual will provide further detailed steps for all users of this program.

If NYSDEC issues a permit or a no exposure certification to the facility, the system will indicate additional facility information is available to the City for review. The City will then take appropriate steps, as needed, to include this information in the case file.

As per New York City's MS4 Permit, the City must update every five (5) years and make available to NYSDEC upon its request, the formal inventory of MSGP-Permitted I/C stormwater sources. In order to meet this goal, the Dynamics 365 I/C program will maintain a record of any changes to the information in the inventory that may emerge during preparations for and/or during facility inspections. Review the most recent inventory data prior to completing an inspection and notify the DEP PM of potential discrepancies in the data that emerge before or during the inspection. After completing the facility inspection, you may realize that data contained in the I/C inventory are out-of-date and/or a previously given priority is no longer accurate and must be updated. For instance, if a facility has a No-Exposure Exemption that was previously unknown, update that in the inventory database. Similarly, if you find a facility initially classified as Low Priority has Medium or High Potential for water quality impact, update that information in the inventory database. Notify the DEP PM of all updates to facility prioritization.

After reviewing the available information for businesses on the inspection schedule, you may notice certain criteria are out of date. Some examples of circumstances that would warrant an update to the DEP I/C inventory and associated database are as follows:

1. **Problem:** You find an NOI (Notice of Intent) in the facility's document folder on the Dropbox. The NOI shows that the business has switched locations, and the document provides the new business address.

Action Required: Update the address in the DEP database and check whether the location discharges to the City's MS4.

2. **Problem:** You find a No-Exposure Exemption Certification in the Dropbox as well as an Acceptance Letter from NYSDEC; however, the DEP database still shows that the facility needs assessments every three (3) years.

Action Required: Update the permitting status in the database to "Complaint-Based Assessments Only."

3. **Problem:** You may review the MS4 drainage map that the City has developed and notice that the facility no longer falls within the boundaries of the MS4.

Action Required: Remove the facility from the database.

4.6 Enforcement Actions

As required by MS4 Permit Part III.C, the City has developed an enforcement response plan (ERP), which sets out the permittee's potential responses to violations, as needed to achieve compliance with requirements of several programs covered under the SWMP, including the I/C Stormwater Sources program. The ERP is a protocol for investigating, documenting and, where appropriate, enforcing against unauthorized discharges into the MS4. As the agency responsible for administering the I/C Stormwater Sources program on behalf of the City, DEP will implement the ERP in cooperation with other City agencies, including DCP, DOB, and SBS.

4.6.1 Industrial Commercial Violation and Enforcement Procedures

1. Once the I/C Checklist is officially completed and reviewed, if the Inspector identifies an issue of non-compliance, he or she may issue a Commissioner's Order (CO), an NOV or another enforcement action best applicable to the situation.
2. Using the I/C system, select the Enforcement Details Tab.
 - a. You will then be able to select "Add Violation." From this window, begin to fill in/select appropriate information to input, generating an enforcement action(s).
3. Inform the DEP I/C PM that a CO and or NOV was created for a facility in the I/C system, citing an issue of non-compliance found/observed during the inspection/assessment.
4. The DEP I/C PM will then review the violation information input in the I/C system. The DEP I/C PM will address and clarify any concerns about the violation.
5. The DEP I/C PM will then inform DEP BWT Legal of pending violation in the I/C System by selecting the option on the screen for legal review. Select this option at all times unless otherwise directed by the DEP PM.
6. DEP BWT Legal will review the pending violation and provide any necessary direction or guidance prior to your serving the enforcement action on the facility.
7. After BWT Legal authorizes proceeding with the enforcement action(s), either mail or hand deliver the enforcement action(s) to the facility. You must deliver NOV's in person. If after three unsuccessful attempts, you cannot deliver the summons in person, inform the DEP I/C PM and discuss directions for alternative service. You can mail or deliver in person to the facility, a

Commissioner's Order. If you mail the Commissioner's Order, you must mail first class with certified priority. Photograph the envelope that you will mail, noting the date, time and name of person who is mailing the Commissioner's Order and add to case file.

8. If, during a site assessment/inspection, you encounter an IDDE situation that warrants immediate attention and correction, immediately inform the facility to cease discharge and document the situation. Inform the I/C Program administration and DEP's Emergency Communications Center for further instructions.

4.7 Notify NYSDEC

The MS4 Annual Report will summarize the findings of MSGP inspections completed in the prior year. The annual SWMP report will indicate the number of SPDES MSGP facilities inspected by priority, the number of noncompliant SPDES MSGP facilities, the number of repeat noncompliant SPDES MSGP facilities, as well as the number and type of enforcement actions completed and penalties issued. Additionally, DEP will forward to NYSDEC facility inspection reports throughout the year through Dynamics 365- Industrial Commercial Database.

4.8 Newly MSGP Covered Facilities

The I/C system will notify the DEP inspector when new facilities gain coverage under MSGP. Note this automatic notification will be contingent upon NYSDEC's adding the MS4 identifier to its spreadsheet in the Region 2 MSGP Dropbox. Otherwise, you will need to rely on the facilities' submitting proof of coverage through DEP's MSGP portal, or on checking the MSGP Dropbox quarterly. Once DEP receives coverage confirmation, send the facility the notification letter. DEP must inspect these facilities within three months of receiving acknowledgment letters from NYSDEC. The inspection will follow the IC_SOP for Permitted facilities.