

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 2
47-40 21st Street, Long Island City, NY 11101
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July 15, 2022

Via email (PBalci@dep.nyc.gov)

Pinar Balci
Assistant Commissioner, Bureau of Environmental Planning and Analysis
New York City Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Re: NYSDEC Permit No. 2-6500-00058/00001; SPDES #NY0287890
Facility: NYC MS4
All Five Boroughs of New York City
NOTICE OF PERMIT ISSUANCE

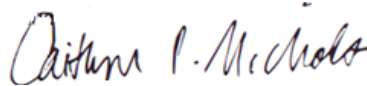
Dear Ms. Balci,

Enclosed is your State Pollution Discharge Elimination System (SPDES) permit for the above-referenced facility. It is effective beginning August 1, 2022 and expires on July 31, 2027.

Be advised, the Uniform Procedures Regulations (6NYCRR Part 621) provide that an applicant may request a public hearing if a permit is denied or contains conditions which are unacceptable to them. Any such request must be made in writing within 30 calendar days of the date of permit issuance and must be addressed to the Regional Permit Administrator at the letterhead address. A copy should also be sent to the Chief Administrative Law Judge at NYSDEC, 625 Broadway, 1st Floor, Albany, NY 12233-1550.

If you have any other questions regarding this permit, you may contact the Division of Environmental Permits at the above address. Please refer to the above referenced numbers when you are corresponding with this office or when you are applying to renew or modify this permit.

Sincerely,



Caitlyn P. Nichols
Environmental Analyst 2
Division of Environmental Permits

Enclosures: FinalPermit.IndSPDES.NY0287890.2022-07-15
ResponsivenessSummary.NY0287890.2022-07-15



Department of
Environmental
Conservation

ecc: NYSDEC RWE
NYSDEC CO BWP
NYSDEC DOW
NYSDEC OGC
USEPA Region 2

NYSEFC
IEC
NYCDOHMH

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT



Industrial Code:	4952	SPDES Number:	NY0287890
Discharge Class (CL):	16	DEC Number:	2-6500-00058/00001
Toxic Class (TX):	T	Effective Date (EDP):	August 1, 2022
Major Drainage Basin:	17	Expiration Date (ExDP):	July 31, 2027
Sub Drainage Basin:	01, 02	Modification Dates: (EDPM)	
Water Index Number:	All NYC Waters		
Compact Area:	IEC		

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.) (hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name:	City of New York	Attention:	Pinar Balci, Assistant Commissioner, Bureau of Environmental Planning and Analysis, NYCDEP		
Street:	59-17 Junction Boulevard				
City:	Flushing	State:	NY	Zip Code:	11373

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name:	Municipal Separate Storm Sewer Systems of New York City				
Location (C,T,V):	New York(C)	County:	Bronx, Kings, New York, Queens, Richmond		
Facility Address:	N/A				
City:	New York	State:	N/A	Zip Code:	N/A
From Outfall No.:		at Latitude:	°	'	" & Longitude: ° ' "
into receiving waters known as:		Class:			

and (list other Outfalls, Receiving Waters & Water Classifications)

in accordance with effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name:	N/A				
Street:	N/A				
City:	N/A	State:	N/A	Zip Code:	N/A
Responsible Official or Agent:	N/A	Phone:	N/A		

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO BWP - Permit Coordinator
RWE
EPA Region II -
NYSDOH District Office
NYSEFC
IEC

Permit Administrator: Stephen A. Watts III	
Address: NYS Department of Environmental Conservation Division of Environmental Permits - Region 2 47-40 21st Street, Long Island City, NY 11101	
Signature:	Date: 07/15/2022

Table of Contents

I. PERMIT COVERAGE AND LIMITATIONS.....	4
A. Permit Application	4
B. Non-Stormwater Discharges	5
C. Unauthorized Discharges.....	6
D. Exemption Criteria	6
E. Exclusion	6
II. SPECIAL CONDITIONS.....	7
A. Discharge Compliance with Water Quality Standards.....	7
B. Impaired Waters.....	7
III. LEGAL AUTHORITY AND STORMWATER PROGRAM ADMINISTRATION.....	9
A. Requirement to Implement a Stormwater Management Program.....	9
B. Requirement to Maintain Adequate Legal Authority to Implement and Enforce Stormwater Management Program.....	10
C. Enforcement Measures and Tracking	11
D. Requirement to Ensure Adequate Resources to Comply with the MS4 Permit.....	12
E. Notification of Entities Regulated under the MS4 Permit	12
IV. STORMWATER MANAGEMENT PROGRAM (SWMP) REQUIREMENTS	13
A. Public Education and Outreach	13
B. Public Involvement & Participation.....	14
C. Mapping	16
D. Illicit Discharge Detection and Elimination (IDDE)	17
E. Construction Site Stormwater Runoff Control	19
F. Post-Construction Stormwater Control.....	22
G. Pollution Prevention & Good Housekeeping for Municipal Operations and Facilities	24
H. Industrial and Commercial Stormwater Sources.....	26
I. Control of Floatables and Settleable Trash and Debris.....	30
J. Monitoring	30
K. Reliance on Third Parties.....	31
L. Recordkeeping.....	31
M. Annual Reporting and Assessment of Controls	32
N. Annual Report Certification	36
O. Program Development Compliance Schedule	36

V. STANDARD PERMIT CONDITIONS.....	38
A. Duty to Comply	38
B. Enforcement	38
C. Technology Standards	38
D. Need to Halt or Reduce Activity Not a Defense	39
E. Duty to Mitigate	39
F. Duty to Provide Information	39
G. Other Information.....	39
H. Signatory Requirements	39
I. Penalties for Falsification of Reports.....	40
J. Oil and Hazardous Substance Liability	40
K. Property Rights	41
L. Severability	41
M. Other State Environmental Laws	41
N. Proper Operation and Maintenance	41
O. Inspection and Entry	41
P. Retention of Records	42
Q. Permit Actions.....	42
R. Anticipated Noncompliance	42
VI. ACRONYMS AND DEFINITIONS	42
A. Acronym List.....	42
B. Definitions	43
VII. APPENDICES	51
Appendix I – IMPAIRED WATER SEGMENTS AND POLLUTANTS OF CONCERN	51
Appendix II – TABLE OF SWMP COMPONENTS/Requirements	52

I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

This State Pollutant Discharge Elimination System (“SPDES”) permit authorizes discharges of stormwater from the large municipal separate storm sewer system (“MS4”), as defined in Title 40 of the U.S. Code of Federal Regulations (CFR) 122.26(b)(4), currently existing within the jurisdictional boundaries of the City of New York (NYC, or “urbanized area”), and limited to those MS4 outfalls owned or operated by New York City (“Permittee”), provided all the eligibility provisions are met. The intent of this SPDES permit is to manage urban sources of stormwater runoff to protect overall water quality and improve water quality in impaired waters as part of a comprehensive integrated planning approach that considers non-MS4 sources and planned controls for those sources. The provisions in this permit acknowledge current and planned improvements to stormwater and wastewater infrastructure as part of New York City’s Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) process as well as the impacts of non-MS4 sources and planned controls for those sources. Requirements for stormwater discharges from specified construction and industrial activities within MS4 drainage areas in New York City are also included in this permit.

As stated in Title 33 of the U.S. Code (USC), Section 1342(p)(3)(B) “Permits for discharges from municipal storm sewers (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable [(“MEP”)] including management practices, control techniques and system design and engineering methods.” This permit meets this statutory requirement by requiring the design, selection, and implementation of controls to reduce the discharge of pollutants to the MEP and the elimination of illicit discharges of pollutants. Table 1 identifies areas regulated by this SPDES permit.

Table 1. Areas regulated by this SPDES Permit for New York City’s MS4s

Regulated by the NYC MS4 Permit	Not regulated by the NYC MS4 Permit
Separate storm sewers owned or operated by NYC that ultimately discharge to waters of New York State through MS4 outfalls or that connect to combined sewer overflow pipes downstream of the regulator owned or operated by NYC	Combined sewers or sewers draining to the wastewater treatment plants. Storm sewers that ultimately discharge to combined sewers or sewers draining to the wastewater treatment plants
High Level Storm Sewers and Bluebelts that ultimately discharge to waters of New York State through MS4 outfalls owned or operated by NYC ¹	SPDES individual permitted, SPDES general permitted non-traditional MS4s, and concentrated animal feeding operation (CAFO) facilities that discharge directly and wholly to waters of New York State, including discharge through the NYC MS4 system

¹ Facilities that are sited near High Level Storm Sewers but discharge to combined sewers are not regulated by the MS4 permit.

SPDES general permitted construction and industrial stormwater facilities that ultimately discharge to waters of New York State through MS4 outfalls and through combined sewer overflow pipes downstream of the regulator owned or operated by NYC	Facilities and operations that drain directly to waters of New York State through pipes or open channel conveyances, which are not storm sewers owned or operated by NYC
NYC municipal operations and facilities that drain by overland flow to waters of New York State	Facilities and operations, which are not NYC municipal facilities and operations, which drain by overland flow to waters of New York State

B. Non-Stormwater Discharges

The following non-stormwater discharges are authorized under this SPDES permit unless the Permittee or the Department has determined them to be significant contributors of pollutants to the Permittee's MS4. If the Permittee determines that one or more of the discharges listed below is a significant contributor of pollutants to the Permittee's MS4, the Permittee will consider the identified discharges as illicit. In that event, the Permittee must eliminate such discharges by following the illicit discharge control measure requirements (See Part IV.D.4 or Part IV.D.9 where applicable).

1. Water line flushing
2. Landscape irrigation
3. Diverted stream flows
4. Rising ground waters
5. Ground water infiltration to separate storm sewers (as defined at 40 CFR 35.2005(20))
6. Pumped ground water
7. Discharges from potable water sources
8. Foundation drains
9. Air conditioning condensate
10. Irrigation water
11. Springs
12. Water from crawl space and basement sump pumps
13. Footing drains
14. Lawn and landscape watering runoff provided that all pesticides and fertilizers have been applied in accordance with the manufacturer's product label
15. Water from individual residential car washing
16. Flows from riparian habitats and wetlands that directly discharge to navigable waters (that are outside the Bluebelt Program)
17. Dechlorinated swimming pool discharges
18. Residual street wash water
19. Discharges or flows from fire-fighting activities
20. Dechlorinated water reservoir discharges
21. Any SPDES permitted discharge

Even if the non-stormwater discharges are determined not to be significant contributors of pollutants, the Permittee's stormwater management program ("SWMP") must include public education and outreach activities directed at reducing pollution from these discharges, as appropriate.

C. Unauthorized Discharges

The following are not authorized by this 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, unless the Permittee is in compliance with requirements of the Endangered Species Act and has coordinated with the appropriate state and federal agencies regarding any activities necessary to avoid or minimize impacts;
2. Stormwater discharges or implementation of the Permittee's SWMP, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the Permittee 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; and
3. Stormwater discharges, the permitting of which is prohibited under 40 CFR 122.4 and/or the Environmental Conservation Law ("ECL").

D. Exemption Criteria

The Department may determine stormwater discharges from the permitted MS4 that are mixed with non-stormwater sources or associated with industrial activity to be exempt from the requirements of this permit if the discharges are effectively addressed by and in compliance with a general SPDES permit or an individual SPDES permit. The Permittee must request such exemptions from the Department's Region 2 office.

E. Exclusion

The Permittee is excluded from administering and monitoring the SPDES Construction General Permit for stormwater discharges associated with construction activity and the SPDES Multi-Sector General Permit (MSGP) for stormwater discharges associated with industrial activity for:

1. Facilities and operations that drain directly to waters of New York State through pipes or open channel conveyances, which are not Permittee-owned or -operated separate storm sewers; and
2. Non-municipal facilities and operations that drain by overland flow to waters of New York State (See Table 1 in Part I.A for additional information about areas not regulated by this

permit). The Permittee is excluded from its obligations with respect to these Permits set forth in Parts IV.E, IV.F, and IV.H.

II. SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

Pursuant to Clean Water Act (“CWA”) 402(p)(3)(B)(iii), this permit requires controls to reduce the discharge of pollutants to the MEP. The requirements found in this Part and Part II.B constitute the water quality-based effluent limits of this permit. The Department expects that compliance with the conditions of this permit will control discharges necessary to meet applicable water quality standards. Requirements to reduce the discharge of pollutants to the MEP are set forth in Parts IV.A through IV.J.

The Permittee must take all necessary actions to ensure future discharges comply with the terms of this permit and do not directly or indirectly cause or contribute to the violation of a water quality standard, and the Permittee must document these actions in the SWMP Plan. Where a discharge is already authorized under this SPDES 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 Permittee of such violation(s) and may take enforcement actions for such violations. 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.

B. Impaired Waters

1. For stormwater discharges to impaired waters (identified in Appendix I) without total maximum daily loads (TMDLs), the Permittee must, in addition to the minimum control measures described in Parts IV.A through IV.J, ensure no net increase (NNI) of the pollutants of concern (POC) causing the impairment from non-negligible land use changes (i.e. land disturbances greater than or equal to 20,000 square feet where there is an increase in impervious cover) or changes to stormwater management practices within the MS4 area draining to the impaired waters.
 - a. The Permittee shall continue to implement stormwater best management practices (i.e., street sweeping, catch basin cleaning, post-construction maintenance, etc.).
 - b. For non-negligible changes (i.e., land disturbances greater than or equal to 20,000 square feet where there is an increase in impervious cover) in land use within the MS4 area draining to impaired waters, the Permittee shall continue to incorporate a pollutant load analysis in the Stormwater Pollution Prevention Plan (SWPPP) review process to demonstrate that adequate controls are installed such that the change will not result in a net increase in the POC, with the following exceptions:

- i. Post-construction treatment practices designed, constructed and installed in accordance with the New York City (NYC) Stormwater Manual will satisfy the no-net increase (NNI) requirement for floatables applicable to discharges to waterbodies that have a floatables impairment.
 - ii. For phosphorus-limited waterbodies, compliance with Chapter 10 of the NYS Stormwater Management Design Manual will satisfy the no-net increase requirement.
 - iii. For sewer upgrade and extension projects constructed by or on behalf of the Permittee, the pollutant load analysis is not required for projects that do not result in an increase in impervious area or a change in land use that increases the load of POCs. To the extent a pollutant load analysis is performed as part of the City Environmental Quality Review (CEQR) process for sewer upgrade and extension projects, such analysis may be used to meet the pollutant load analysis requirement to demonstrate that the project will not result in a net increase in the POC. Sewer projects designed, constructed and installed in accordance with NYC sewer and catch basin design criteria satisfy the NNI for floatables.
 - c. The Permittee must implement the approved procedures in the SWMP Plan to ensure SWPPPs contain adequate control measures to meet the NNI including, but not limited to, pollutant-specific land use coefficients and pollutant removal efficiencies for the different stormwater management practices that will be required for developers as part of the pollutant load analysis.
2. Impaired Waters with Approved Combined Sewer Overflow Long Term Control Plans (CSO LTCPs)
 - a. For each waterbody with an approved CSO LTCP that does not predict compliance with applicable water quality standards, and where stormwater pollution from the Permittee's MS4 is expected to be a significant contributor to the impairment identified in the CSO LTCP, the City shall implement additional or customized stormwater control measures specific to that waterbody and include these in the annual report. The waterbody meeting these criteria at the time of EDP is Coney Island Creek.
 - b. Identified POCs causing impairment in Coney Island Creek are pathogens and floatables, per Appendix I; identified source categories for POCs in Coney Island Creek include illicit discharges, pet waste and extensive impervious area. Permittee will implement the following, or more effective, enhanced best management practices (BMP) to the MEP:

- i. Catch basin marking program
 - ii. Identified green infrastructure projects
 - iii. Pet waste management stations
 - iv. Source tracking and expanded IDDE
 - v. Public education and outreach
- c. For any future waterbody meeting the criteria set forth in Part II.B.2.a, the Permittee shall, within two years of approval of the associated LTCP, include in the Annual Report the following:
 - i. A determination of the priority source categories² for POCs causing the impairments;
 - ii. A list of the additional or customized non-structural BMPs for each control measure in Part IV.A thru Part IV.I and an implementation schedule; and
 - iii. A description of opportunities for implementing green infrastructure projects and other structural retrofits that are cost-effective and feasible.
- d. Consistent with the requirements of Part IV.M.2 of this permit, each annual report shall include:
 - i. Information regarding the progress of implementing the additional or customized non-structural BMPs identified, pursuant to Part II.B.2.c.ii above; and
 - ii. Information regarding the progress on the opportunities for green infrastructure projects and other structural retrofits identified pursuant to Part II.B.2.c.iii above.
- e. Should the Permittee find that a previously identified, additional or customized non-structural BMP is not cost-effective or practicable, the Permittee shall notify the Department in the Annual Report of any planned changes.

III. LEGAL AUTHORITY AND STORMWATER PROGRAM ADMINISTRATION

A. Requirement to Implement a Stormwater Management Program

1. The Permittee must continue to implement the approved SWMP Plan.
2. Modification to the SWMP and SWMP Plan
 - a. The Department may notify the Permittee of the need to modify the SWMP to be consistent with the permit, in which case the Permittee will have 90 days to identify such changes to the program, along with an implementation schedule, which shall be

² Source categories are general watershed-based categories, based on available land use information, and may include but are not limited to: 1) Fertilizer Use, 2) Illicit Discharges, 3) Leaf Litter, 4) Pet Waste, 5) Industrial Areas, 6) Construction, and 7) Highly Impervious Area.

provided to the Department by letter. The Permittee will notify the Department within 15 days of it making the identified changes.

- b. When the Permittee determines that it must modify the SWMP to address any procedural, protocol or programmatic change, the Permittee must implement such changes as soon as practicable and describe the modifications to the SWMP in the following Annual Report. The Permittee shall submit an updated SWMP Plan document reflecting any modifications by September 30 of each year along with the Annual Report.

B. Requirement to Maintain Adequate Legal Authority to Implement and Enforce Stormwater Management Program

1. The Permittee must maintain adequate authority to control pollutant discharges into and from its MS4, as certified by its chief legal counsel in compliance with the preceding MS4 Permit. The Permittee must submit a re-certification by the NYC Corporation Counsel, or his or her designee, that the Permittee has the legal authority necessary to implement and enforce the most current version of the technical standard for all activities characterized by this Permit.
2. The legal authority will continue to address the following:
 - a. Authority to prohibit illicit discharges and connections (Part IV.D)
 - b. Allowable non-stormwater discharges (Part IV.D)
 - c. Authority to prohibit spills or other releases (Part IV.D)
 - d. Authority to require compliance and take enforcement action (Part III.C)
 - i. Cease and desist orders
 - ii. Clean up and abate discharges
 - iii. Require notification of spills or pollutant releases
 - iv. Monetary penalties
 - v. Notices of violation (NOV)
 - vi. Recovery and remediation costs
 - vii. Civil and criminal penalties
 - e. Authority to require installation, implementation and maintenance of control measures (Parts II.B, IV.E, IV.F, IV.G, IV.H.), including those to control water runoff, construction materials and debris, and erosion during construction or demolition activities, in discharges to the MS4.
 - f. Authority to receive and collect information (Parts IV.E, IV.F, IV.H, IV.J)
 - g. Authority to inspect (Parts IV.D, IV.E, IV.F, IV.G, IV.H)

3. The SWMP Plan must include the following documentation:
 - a. Signed certification of full authority (Part III.B.1);
 - b. Identification of all agencies within the Permittee's jurisdiction that conduct stormwater-related activities and their roles and responsibilities under this permit. An up-to-date organizational chart specifying the agencies, key personnel and contact information must be included;
 - c. Identification of the local administrative procedures and laws available to mandate compliance with stormwater requirements set forth in this permit; and
 - d. A description of whether the Permittee can issue administrative orders and injunctions, or if it must go through the court system.

C. Enforcement Measures and Tracking

1. The Permittee must maintain an enforcement response plan (ERP), which sets out the Permittee's potential responses to violations and addresses repeat and continuing violations through progressively stricter responses as needed to achieve compliance for the requirements of Parts IV.D, IV.E, IV.F, and IV.H of this permit. The ERP is included with the SWMP Plan document. The ERP describes how the Permittee will use each of the following types of enforcement responses based on the legal authority described in Part III.B.2 and on the type of violation:
 - a. Verbal Warnings – Verbal warnings are primarily consultative in nature. At a minimum, verbal warnings must specify the nature of the violation and required corrective action.
 - b. Written Notices – Written summonses (formerly notices of violation (NOVs) must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
 - c. Escalated Enforcement Measures – The Permittee must maintain the legal ability to employ any combination of the following enforcement actions (or their functional equivalent), and to escalate enforcement responses where necessary to address persistent noncompliance, repeat or escalating violations, or incidents of major environmental harm:
 - i. Citations (with fines) – The ERP indicates when the Permittee will assess monetary fines, which may include civil and administrative penalties.
 - ii. Stop Work Orders – The Permittee must maintain the authority to issue stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.
 - iii. Withholding of Plan Approvals or Other Authorizations – Where a facility is in noncompliance, the ERP addresses how the Permittee can use its own approval

- process, affecting the facility's ability to discharge to the MS4, to abate the violation.
- iv. Additional Measures – The Permittee may also use other escalated measures provided under local legal authorities. The Permittee may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.
2. Enforcement Tracking – The Permittee must track instances of non-compliance either in hard-copy files or electronically. The enforcement case documentation must include, at a minimum, the following:
 - a. Name of owner/operator of facility or site of violation;
 - b. Location of stormwater source (i.e., construction project, industrial facility);
 - c. Description of violation;
 - d. Required schedule for returning to compliance;
 - e. Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
 - f. Accompanying documentation of enforcement response (e.g., notices of noncompliance, summonses);
 - g. Any referrals to different departments or agencies; and
 - h. Date violation was resolved.
 3. Recidivism Reduction – The Permittee is required to identify chronic violators of any SWMP component and reduce the rate of noncompliance recidivism. The Permittee must summarize inspection results by these chronic violators and include incentives, disincentives or an increased inspection frequency at the operator's sites.

D. Requirement to Ensure Adequate Resources to Comply with the MS4 Permit

The Permittee must continue to secure the resources necessary to meet all requirements of this permit.

E. Notification of Entities Regulated under the MS4 Permit

1. The Permittee must notify newly permitted owners or operators of industrial facilities subject to the SPDES MSGP for Stormwater Discharges Associated with Industrial Activity of the local requirements for controlling stormwater discharges from these facilities to the MS4.

2. Within three months of the EDP, the Permittee must notify existing owners or operators and have a notification procedure for future owners or operators of construction activities subject to the SPDES General Permit for Stormwater Discharges from Construction Activity. The notification must include the local requirements and procedures for control of stormwater from these activities to the MS4, including the SWPPP review and acceptance process, and the change in the land disturbance threshold that becomes effective in June 2022.

IV. STORMWATER MANAGEMENT PROGRAM (SWMP) REQUIREMENTS

The Permittee shall implement the approved SWMP Plan throughout the permit term to reduce the discharge of pollutants to the MEP, using management practices, control techniques and systems, design and engineering methods, and other such appropriate provisions.

The SWMP Plan addresses the elements required in Parts II.B and Parts IV.A through IV.J of the permit (see Appendix II for a detailed list of SWMP components). The SWMP Plan includes a comprehensive integrated planning approach which involves public participation and, when appropriate, intergovernmental coordination. Each element of the SWMP Plan identifies the agencies and/or offices responsible for implementing the plan element, and the Permittee must continue to implement the communication and coordination procedure among all responsible parties.

The SWMP Plan describes how the Permittee will address pollutants, and includes BMPs and measurable goals for each BMP. The Permittee shall keep the SWMP Plan current and shall revise it annually, as described in III.A.2 and IV.B.3.b to incorporate any new or modified BMPs and measurable goals, and associated timelines for their implementation.

The Permittee shall make the SWMP Plan readily available to its staff, the public, and the Department and U.S. Environmental Protection Agency (USEPA) staff. Portions of the SWMP Plan, primarily policies and procedures, must be available to the management and staff who will be called upon to use them.

The Permittee shall meet with the Department at least semi-annually to discuss the ongoing implementation of the SWMP. The Permittee must demonstrate progress in implementation of the SWMP Plan during those meetings, as part of its annual reporting requirements in Part IV.M, and by meeting the schedule of deliverables in Part IV.O

A. Public Education and Outreach

At a minimum, the Permittee must:

1. Identify stormwater pollutants, impaired waterbodies (as listed in Appendix I) and related sewersheds, and target audiences;

2. Implement an ongoing public education and outreach program designed to describe to the general public and target audiences:
 - a. The impacts of stormwater discharges on waterbodies;
 - b. The stormwater pollutants and their sources;
 - c. The steps they can take to reduce pollutants in stormwater runoff;
 - d. The steps they can take to reduce pollutants from non-stormwater discharges listed in Part I.B of this permit; and
 - e. The hazards associated with illicit discharges and improper disposal of waste to the MS4 pursuant to Part IV.D.
3. Select and assess appropriate education and outreach activities and measurable goals to ensure the reduction of pollutants in stormwater discharges to the MEP;
4. Describe a program to promote, publicize and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from the MS4; and
5. Describe educational activities, public information activities and other appropriate activities to facilitate the proper management and disposal of pollutants (e.g., used oil, toxic materials, household cleaners, pet wastes, etc.).

B. Public Involvement & Participation

At a minimum, the Permittee must:

1. Implement a public involvement/participation program that:
 - a. Identifies key individuals and groups, public and private, who are interested in or affected by the SWMP;
 - b. Identifies types of input the Permittee will seek from the key individuals and groups, public and private, to support implementation of the SWMP and how the input will be used;
 - c. Describes the public involvement/participation activities the Permittee will undertake to provide program access to those who want it and to gather the needed input. Such activities may include, but are not limited to, a water quality hotline (report spills, dumping, construction sites of concern, etc.), stewardship activities like beach cleanups, wetland restorations and volunteer water quality monitoring; and
 - d. Provides the opportunity for the public to participate in the implementation, review and any substantive revision of the SWMP Plan.

2. Maintain a mechanism for the public to report and request stormwater-related information. Maintain a contact process to receive and respond to public concerns regarding stormwater management and compliance with the MS4 requirements under this permit. The Permittee must publish the contact process in public outreach and public participation materials and must keep it updated with the Department in the SWMP Plan.
3. Prepare and publicly present the annual report that describes the implementation of the SWMP. The requirements for the annual report presentation³ are as follows:
 - a. By July 1 following each reporting year, and prior to submitting the final annual report to the Department, the Permittee shall present the draft annual report in a format that is open to the public, in accordance with Article 7 of the New York State Public Officers Law (Open Meetings Law), where the public can ask questions about and make comments on the report;
 - i. The Permittee shall present the draft annual report at a meeting that is open to the public. This may be a regular meeting of an existing board, such as planning, zoning or other board. It may also be a separate meeting specifically for stormwater or one requested by the public;
 - ii. The Permittee shall present the draft annual report on the internet by making the annual report available to the public on a website and providing the public with the opportunity to provide comments on the internet or otherwise; and
 - iii. The Permittee shall provide public notice about the presentation of the draft annual report, which shall include the following information:
 - 1) The placement of the draft annual report on the agenda of this meeting, or its location on the internet;
 - 2) The opportunity for public comment. The Permittee shall report any comments received after the final annual report. The Permittee must consider those comments in the following year;
 - 3) The date and time of the meeting and the date the draft annual report becomes available on the internet; and
 - 4) The availability of the draft annual report for review prior to the public meeting or duration of availability of the draft annual report on the internet.
 - b. The Permittee shall include a summary of the public comments received and responses with the final annual report, including a description of the changes that will be made to the SWMP Plan; and
 - c. The Permittee shall ensure that copies of the final annual report and SWMP Plan, upon submittal to the Department, are available for public inspection.

³ The Department recommends that the Permittee send announcements directly to individuals (public and private) known to have a specific interest in the Permittee's SWMP.

4. Select and assess appropriate public involvement/participation activities and measurable goals to ensure the reduction of pollutants in stormwater discharges to the MEP.

C. Mapping

1. The Permittee must maintain a GIS-based map of the urbanized area and its MS4 outfalls.
2. At a minimum, the map and/or supportive documentation shall include the following information:
 - a. The location of Permittee-owned or -operated MS4 outfalls discharging to surface waters of the State;
 - b. The locations of the sentinel monitoring locations as described in Part IV.D.;
 - c. A description of the zoning districts and related land uses within the urbanized area and estimates of average runoff coefficients or impervious surface coverage;
 - d. The location and type of municipally owned or operated treatment, storage and disposal facilities for municipal solid waste, including both currently operating and closed municipal landfills for which the Permittee retains regulatory obligations;
 - e. The location and permit number of any facility, with a SPDES Multi-Sector General Permit for Stormwater Discharges from Industrial Activity (MSGP), or any individual SPDES Permit, that discharges to the MS4; necessary information (e.g., coordinates) on the individual SPDES permits to be provided by the Department;
 - f. The location in decimal degrees (i.e., coordinates) of post-construction stormwater management practices (SMPs) (e.g., retention basins, detention basins, major infiltration devices, etc.) installed after June 1, 2019, that ultimately discharge to the MS4 outfalls owned or operated by the Permittee and on property owned or operated by the Permittee. The Department will provide the addresses of municipally owned or operated sites and privately owned or operated sites where post-construction SMPs have been installed after March 10, 2003, and prior to June 1, 2019;
 - g. The identification of municipally owned parks, recreational areas, and other open lands; and
 - h. Blocks and lots within the urbanized area at a scale appropriate to NYC.
3. For any areas of the MS4 not shown on the map for security reasons, the Permittee shall certify that the final mapping for that area is complete and available to the Department for inspection.
4. The Permittee must provide an updated version of the MS4 map five calendar years from EDP. The map must include the most current, approximate boundaries of the urbanized

area with the understanding that the boundaries may change with changes to the MS4 and refinement of the map.

- a. The map shall include any additions or deletions to the MS4 drainage area and all non-negligible changes to land use within the urbanized area for the previous five years.
- b. The Permittee shall update the map to include newly constructed outfalls and those discovered through the outfall reconnaissance inventory in Part IV.D.3.

D. Illicit Discharge Detection and Elimination (IDDE)

The Permittee must continue to implement and enforce a program to detect and eliminate illicit discharges [as defined in 40 CFR 122.26(b)(2)] to the MS4, as follows:

1. Within six months of EDP, the Permittee shall develop an IDDE Plan in accordance with the “Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments” (Center for Watershed Protection and Robert Pitt, October 2004) and provide it to the Department for its review and approval. The IDDE Plan must clearly identify the responsibilities that the New York City Department of Environmental Protection (DEP) shall implement and the IDDE protocols and actions to be taken by other city agencies covered under this Permit. The Plan must delineate written procedures for preventing, detecting, investigating and eliminating illicit discharges, including:
 - a. Procedures to prevent illicit discharges, including procedures to prevent, contain and respond to spills that may discharge to the MS4 (see Part IV.G of this permit);
 - b. Procedures for detecting/identifying illicit discharges;
 - c. Procedures for identifying priority areas of concern (receiving waters and related sewersheds, or audiences);⁴
 - d. Procedures for conducting investigations into the source (track down) of identified illicit discharges and illegal connections. Investigations may include sampling for constituents such as fecal coliform, fecal streptococcus, ammonia, surfactants, residual chlorine, fluorides and potassium; testing with fluorometric dye; or storm sewer inspections where safety and other considerations allow;
 - e. Procedures for conducting all necessary corrective actions to eliminate illicit discharges;
 - f. Procedures to ensure timely reporting and notifications; and
 - g. Procedures for documenting actions taken.

⁴ Priority Areas of Concern are 1) on-site at municipal facilities – areas close to catch basins and near shorelines and 2) off-site – shoreline areas adjacent to Sentinel Monitoring stations that exceed water quality standards.

2. At EDP and annually thereafter, the Permittee will provide an updated list of IDDE points of contact for each agency. The agency point of contact will be responsible for responding to any requests for information from DEC and for initiating appropriate agency action/response;
3. The Permittee will conduct an outfall reconnaissance inventory (ORI), as described in the "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments" (Center for Watershed Protection and Robert Pitt, October 2004), and as per the Shoreline Survey and Outfall Identification requirements in SPDES permits for the DEP wastewater resource recovery facilities (WRRFs).⁵ Each City agency covered under the permit will be responsible for providing the approximate location and coordinates, pipe size and material of which it is constructed, receiving water and the discharge type (e.g. SPDES, MS4, direct discharge, storm drain, highway drain, WRRF storm drain, abandoned, etc.) for each of its outfalls. The ORI, as conducted per the WRRF SPDES permits, shall address 100% of the outfalls within the urbanized area at least once every 10 years, with reasonable progress each year. The Permittee shall submit an updated outfall list to the Department every year in spreadsheet form that includes all MS4 outfalls;
4. The Permittee will maintain prohibition, through a law, ordinance or other regulatory mechanism, against illicit discharges to the Permittee's MS4, and continue to implement appropriate enforcement procedures and actions per Part III.C., by orders or similar means, to prevent illicit discharges and illegal connections to the MS4; follow procedures for implementing enforcement actions as set forth in the SWMP ERP;
5. The Permittee will provide to the Department a schedule in writing (Phase I Schedule) for conducting the necessary investigative work to determine the source of the discharge and to perform an abatement program within 30 days of the discovery of an illegal connection or persistent illicit discharge in the MS4 area. On or before the end of the schedule in Phase I (maximum 1 year), the Permittee will submit to the Department in writing notification (Phase II Letter) that the illegal connection/illicit discharge has been resolved; the Permittee may request 6-month extension(s) of time to provide the Phase II Letter, as necessary. Unless the Department disapproves, in writing, of the Phase I Schedule or Phase II Letter in writing within 15 days of receipt, or unless the Department informs the Permittee in writing that it will require a specified additional period to complete its review, the Phase I Schedule or Phase II Letter shall be deemed approved by the Department;
6. The Permittee must perform a sentinel monitoring program at the stations agreed upon by the Department and Permittee, consisting of the following elements:
 - a. The Permittee must sample on a quarterly basis for fecal coliform during dry weather conditions (i.e., an antecedent period of 48 hours since the last rainfall).

⁵ The SPDES Permits for the WRRFs are Bowery Bay (NY 002 6158); Coney Island (NY 002 6182); Hunts Point (NY 002 6191); Jamaica (NY 002 6115); Newtown Creek (NY 002 6204); North River (NY 002 6247); Oakwood Beach (NY 002 6174); Owls Head (NY 002 6166); Port Richmond (NY 002 6107); Red Hook (NY 002 7073); Rockaway (NY 002 6221); Tallman Island (NY 002 6239); 26th Ward (NY 002 6212); Wards Island (NY 002 6131).

- b. An exceedance of 200 colonies/100 mL for fecal coliform will require the Permittee to commence an investigation. The investigation will consist of a mini-shoreline survey of the adjacent shoreline that the Permittee will perform within seven dry weather working days of receipt of sampling results. The Permittee may request an extension if 10 or more of these exceedances are simultaneously discovered in different sections of NYC.
 - c. If the Permittee discovers a dry weather discharge, the Permittee must act in accordance with Part IV.D.5.
 - d. The Permittee must prepare an annual report of the locations and ownership of illicit discharges to the MS4 discovered through the sentinel monitoring and shoreline survey programs and must develop and implement a schedule to eliminate those discharges. The annual report must also include information on unauthorized non-stormwater discharges;
7. The Permittee must inform public employees, businesses and the general public of the hazards associated with illegal discharges and improper disposal of waste to the MS4;
 8. The Permittee must select and assess appropriate IDDE BMPs and measurable goals to ensure the reduction of pollutants in stormwater discharges to the MEP;
 9. The Permittee must implement approved procedures to prevent, contain and respond to spills that may discharge to the MS4;
 10. The Permittee must implement approved controls to limit infiltration of seepage from municipal sanitary sewers to the MS4 where necessary;
 11. The Permittee must apply the above IDDE requirements to the categories of non-stormwater discharges listed under Part I.B if determined by the Permittee to be significant contributors; and
 12. Each agency covered by this permit shall implement a training program for all staff whose job duties include implementing the IDDE program and/or performing IDDE operations. The training must include how to recognize/identify an illicit discharge or connection, and the proper procedures for reporting and responding to the illicit discharge or connection. Provide follow-up training as needed to address changes in procedures, techniques, or staffing. Document and maintain records of the training provided and the staff trained.

E. Construction Site Stormwater Runoff Control

This part (Part IV.E) applies to runoff to the Permittee's MS4 from covered development projects, construction activities that result in a land disturbance of greater than or equal to 20,000 square feet or a creation of 5,000 square feet or more of impervious surface, covered maintenance activity, or construction activity disturbing less than 20,000 square feet if the construction activity is part of a larger common plan of development or sale that would disturb 20,000 square feet or more.

At a minimum, the Permittee must implement and enforce the approved program that:

1. Provides protection equivalent to the NYS SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) or current;
2. Addresses stormwater runoff to the Permittee's MS4 from covered development projects;
3. 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 NYS Standards and Specifications for Erosion and Sediment Control (November 2016);
4. Contains requirements for construction managers/site operators, including those of road construction or reconstruction projects that are less than one acre, and maintenance activities such as milling and paving that contribute to the contravention of water quality standards, to implement erosion and sediment control practices;
5. Allows for sanctions to ensure compliance to the extent allowable by State or local law;
6. Contains appropriate pollution prevention and good housekeeping requirements for construction managers/site operators to minimize exposure and control waste (e.g., discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste) at the construction site that may cause adverse impacts to water quality;
7. Implements approved procedures for SWPPP review by the Permittee that incorporate controls for expected water quality improvements and ensure consistency with State and local erosion and sediment control requirements. These procedures shall require that:
 - a. The individuals performing reviews are adequately trained and understand the State and local erosion and sediment control requirements;
 - b. The Permittee reviews all SWPPPs for covered development projects; and
 - c. After review of SWPPPs, the Permittee will use the "MS4 SWPPP Acceptance Form" or most current version, created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002), or a DEC-approved NYC MS4 SWPPP Acceptance Form, to notify the applicant that reviewed plans have been accepted by the Permittee.
8. Implements procedures for receipt and follow-up on complaints or other information submitted by the public regarding construction site stormwater runoff;
9. Implements 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 size and nature of the construction activity, topography, the characteristics of soils, and receiving water. The Permittee must ensure that:

- a. The individual(s) performing inspections are adequately trained (receiving inspector training by a Department-sponsored or Department-approved training (Department-endorsed certificate program) and understand the State and local erosion and sediment control requirements;
 - b. Inspectors complete training every three years, unless the inspector is a qualified professional, as defined in Part VI.B. For a qualified professional, only initial training is required. The Permittee may ask for a certificate of completion or other such proof of training; and
 - c. It determines whether it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the Department pursuant to the Permittee's performing a site inspection or by accepting the owner/operator's Qualified Inspector final inspection certification(s) required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). The Permittee shall document its determination by signing the "MS4 Acceptance" statement on the NOT or most current version of the NOT.
10. Educates qualified professionals, municipal staff, and other individuals, to whom these regulations apply; about the Permittee's construction stormwater requirements; when and to whom construction stormwater requirements apply; and the procedures for submission of SWPPPs, construction site inspections and other procedures associated with control of construction stormwater;
11. Verifies that construction managers/site operators have received erosion and sediment control training before they do work within the urbanized area and have maintained records of that training. Completion of training must occur every three years unless the inspector is a qualified professional. For a qualified professional, only initial training is required;
- a. Training may be Department-sponsored or Department-approved (Department-endorsed certificate program);
 - b. The Permittee may ask for a certificate of completion or other such proof of training; and
 - c. The Permittee may provide notice of upcoming erosion and sediment control training by posting in the building department or local sewer offices, or by distributing with building or sewer connection permit applications.
12. Establishes and maintains an inventory of active construction sites, including the location of the site, owner/operator contact information; and
13. Assesses appropriate construction stormwater BMPs and measurable goals to ensure the reduction of pollutants in stormwater discharges to the MEP.

F. Post-Construction Stormwater Control

This part (Part IV.F) applies to covered development projects.

At a minimum, the Permittee must:

1. Implement, and enforce a program that:
 - a. Provides protection equivalent to the NYS SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) or current;
 - b. Addresses stormwater runoff to the Permittee's MS4 from covered development projects;
 - c. Includes a law, ordinance, or other regulatory mechanism to require for each land-disturbing activity a SWPPP that includes post-construction runoff controls that satisfy the standards of the NYC Stormwater Manual (most current version or its successor);
 - d. Implements approved procedures for SWPPP reviews by the Permittee that incorporate controls for expected water quality improvements and review of individual pre-construction SWPPPs to ensure consistency with State and local post-construction stormwater requirements. These procedures shall require that:
 - i. The individuals performing the reviews for SWPPPs as determined necessary by the Permittee are adequately trained, understand the State and local post-construction stormwater requirements that include post-construction stormwater management practices and are qualified professionals or under the supervision of a qualified professional;
 - ii. All SWPPPs are reviewed for covered development projects;
 - iii. After review of SWPPPs, the Permittee will use the "MS4 SWPPP Acceptance Form" or most current version, created by the Department, or DEC-approved NYC MS4 SWPPP Acceptance Form, and required by the SPDES General Permit for Stormwater Discharges from Construction Activity when notifying the applicant that its plans have been accepted by the Permittee;
 - iv. Ensure that all SWPPPs that are subject to post-construction stormwater management requirements comply with the sizing criteria as listed in the SPDES General Permit for Stormwater Discharges from Construction Activity;
 - v. If a stormwater management practice is designed and constructed in accordance with performance standards in the NYC Stormwater Manual and is properly operated and maintained, then the MEP will be assumed to be met for post-construction stormwater discharged by the practice; and

- vi. Ensure that SWPPPs for proposed flood management projects⁶ assess the impacts on the water quality of receiving waters.
- e. Annually updates an inventory of post-construction stormwater management practices within the urbanized area. The inventory must include post-construction stormwater management practices that:
 - i. Discharge to the MS4, authorized by the Department since March 10, 2003, until June 1, 2019 (based on data provided by the Department); and
 - ii. Discharge to the MS4 and permitted by DEP since June 1, 2019.
- f. Requires adequate long-term operation and maintenance of stormwater management practices by trained individuals, including inspections that follow the following provisions to ensure that practices are performing properly:
 - i. The inspections shall include items identified in the maintenance plan (NYC Stormwater Manual, SWPPP, or other maintenance information) for the practice. The Permittee is not required to collect stormwater samples or perform specific chemical analysis;
 - ii. The Permittee must document certifications of inspections and maintenance of post-construction stormwater management practices in the SWMP;
 - iii. The Permittee must implement a training program for all individuals whose job duties include inspection of long-term operation and maintenance of post-construction stormwater management practices. Provide follow-up training as needed to address changes in procedures, techniques, or staffing. The Permittee must document in the SWMP and maintain records of the training provided and the individuals trained; and
 - iv. Practices installed by the Permittee (including any applicable projects pursuant to section IV.G.2) shall be approved per requirements in section (IV.E.) and maintained in accordance with all requirements of sections IV.F.1.f.i-iii. and IV.G.
- g. May include provisions in the SWMP Plan for development of a banking and credit system that would allow for offsite alternative stormwater management in lieu of, or in addition to, on-site stormwater management in development projects. Use of a banking and credit system for new development is only acceptable in impaired watersheds to achieve the no-net increase requirement. In order to be considered approvable, a banking and credit system must, at a minimum, ensure that:
 - i. Pollutant reductions are achieved through retrofit or redevelopment that includes structural water quality treatment devices;
 - ii. Combination of on- and off-site stormwater management practice pollutant reductions exceeds standard reduction by a factor of at least 2;

⁶ Flood management projects, referenced in Part IV.F.1.d.vi of this Permit, refer exclusively to projects designed and functioning to capture, detain, or convey overland flow from a large drainage area to prevent downstream flooding associated with a 100-year or greater storm event. This excludes projects, such as installation and maintenance of storm sewers, high level storm sewers, Bluebelt storm sewers, and drainage inlets, and other projects to improve drainage, alleviate localized flooding, or reduce coastal flooding.

- iii. Off-site stormwater management practice pollutant reduction is implemented within the same watershed;
 - iv. Proposed pollutant reduction of on- and off-site stormwater management practices addresses the waterbody-specific POCs as identified in Appendix I of this Permit;
 - v. Tracking system is established for the watershed to accurately account for off-site stormwater management practices and ensure that they are not credited for more than one project;
 - vi. Offsite stormwater management practice project is completed prior to beginning the proposed construction; and
 - vii. A legal mechanism is established to implement the banking and credit system.
2. Implement and provide adequate resources for a program to ensure the continued efficacy of post-construction stormwater BMPs and to enforce and penalize violators;
 3. Assess appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of pollutants in stormwater discharges to the MEP; and
 4. With respect to covered development projects for road construction or reconstruction that are less than one acre, and for maintenance activities in municipal rights of way such as milling and paving that can contribute to contravention of water quality standards, erosion and sediment controls will be required, but post-construction stormwater management practices will not be required.

G. Pollution Prevention & Good Housekeeping for Municipal Operations and Facilities

At a minimum, the Permittee must:

1. Implement the pollution prevention/good housekeeping program for municipal operations and facilities in the urbanized area. The pollution prevention/good housekeeping program shall continue to:
 - a. Address municipal operations and facilities that contribute or potentially contribute pollutants to the Permittee's MS4 and to the waters of the State through direct drainage. The operations and facilities shall include, but are not limited to: street and bridge maintenance; winter road maintenance including de-icing activities; road salt storage facilities; stormwater system catch basin inspection and maintenance program; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management (i.e. operating or closed municipal landfills or other exposed treatment, transfer, storage or disposal facilities for municipal waste); new construction and land disturbances; right-of-way maintenance; marine operations; and hydrologic habitat modification;
 - b. Comply with existing regulations associated with the application of pesticides, herbicides, and fertilizers, which will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial

- applicators and distributors, and controls for application in public rights-of-way and at municipal facilities;
- c. Maintain an inventory of municipal operations and facilities with designation of operations and facilities as high, medium and low priority on the basis of the potential for water quality impact using criteria such as discharges of POCs to impaired waters, pollutant sources on site, proximity to a waterbody, and history of problems at the facility that would impact water quality;
 - d. Implement the procedure for self-assessment of municipal operations and facilities that:
 - i. Prescribes assessment frequencies of every two years for high priority, every five years for medium priority and every seven years for low priority facilities;
 - ii. Determines the sources of pollutants potentially generated by the Permittee's operations and facilities;
 - iii. Evaluates the adequacy of the pollution prevention and good housekeeping practices to minimize the discharge of pollutants;
 - iv. Provides recommendations and time frames for modification when pollution prevention and good housekeeping practices are determined to be inadequate;
 - v. Includes provisions for follow-up to ensure recommendations are implemented within the specified time frames; and
 - vi. Describes how the priority assigned to any one operation or facility may be modified based on the assessment results or potential to discharge pollutants.
 - e. Implement management practices, policies and procedures that will reduce or prevent the discharge of pollutants to the MEP. The Permittee may refer to management practices identified in the "NYS Pollution Prevention and Good Housekeeping Assistance Document" and other guidance materials available from the USEPA, State or other organizations;
 - f. Prioritize pollution prevention and good housekeeping efforts based on receiving waters and related sewersheds and facilities or operations most in need of modification or improvement;
 - g. Include an employee pollution prevention and good housekeeping training program and ensure that staff receive and use training; and
 - h. Require third party entities performing municipal operations as contracted services, including but not limited to street sweeping, snow removal and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed.
2. Consider, and if feasible and cost-effective, incorporate runoff reduction techniques and green infrastructure during planned municipal upgrades including municipal rights of way.⁷ Some examples include bioswales, green streets, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with rain gardens or

⁷ Planned municipal upgrades do not include trenchwork-only projects.

curb cuts to route the flow through below-grade infiltration areas, or other low-cost improvements that provide runoff treatment or reduction. Consideration of feasibility should include type of land use or municipal operation, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements and expected lifespans of available technologies.

- a. Runoff reduction techniques and green infrastructure installed (including in the municipal right of way) under this section shall be approved per requirements in Part IV.E when applicable and maintained in accordance with requirements in IV.F.1.g.i-iii and Part IV.G.
 - b. Stormwater management practices must be designed and constructed in accordance with the technical standards for performance and design in the NYC Stormwater Manual.
 - c. City agencies will develop operation and maintenance plans for publicly built SMPs⁸ including those installed pursuant to requirements in Part IV.F and those installed pursuant to this section.
 - d. In accordance with section IV.G.1.g, each agency covered by this permit shall implement a training program for all staff whose job duties include inspection and maintenance of municipal green infrastructure installations and post-construction stormwater management practices.
3. Select and assess appropriate pollution prevention and good housekeeping BMPs and measurable goals to ensure the reduction of pollutants in stormwater discharges to the MEP.

H. Industrial and Commercial Stormwater Sources

At a minimum, the Permittee must manage:

1. Facility Inventory
 - a. The Permittee must maintain an inventory of all potential industrial and commercial sites/sources within the urbanized area that could discharge pollutants to the MS4. The inventory shall include all facilities, as defined at 40 CFR § 122.26(b)(14)(i-ix and xi), including those subject to the SPDES MSGP or individual SPDES permit, which will remain under the jurisdiction of the Department; an active list of these facilities, with all necessary location information will be provided to the Permittee by the Department. The inventory shall also include other industrial and commercial sites/sources that the Permittee determines may contribute a significant pollutant load to the MS4. The sites/sources that the Permittee owns or operates and/or those where it maintains structural stormwater controls, but does not use the sites/sources, must also be

⁸ Such SMPs include any on-site SMPs built by agencies pursuant to construction/post-construction or planned municipal upgrade requirements and SMPs in the right of way built as part of capital road reconstruction projects.

included in the inventory. The Permittee must update the inventory annually, based on observations made during field assessments, and make the inventory available for review by the Department upon request.

b. The inventory, organized by drainage area, must include the following information, at a minimum, for each industrial and commercial site/source (the use of a geo-locational database system is highly recommended.):

- i. Name;
- ii. Address;
- iii. Facility contact information;
- iv. Physical location of storm drain receiving discharge;
- v. Name of receiving water;
- vi. Pollutants potentially generated by the site/source;
- vii. Identification of (1) whether the site/source is tributary to an impaired water segment and (2) whether it generates POCs for which the water segment is impaired;
- viii. Narrative description including North American Industry Classification System (NAICS) standard industrial classification and standard industrial classification (SIC) codes, which best reflect the principal products or services provided by each facility;
- ix. Indication of whether the Permittee's Industrial Pretreatment Program already regulates these industrial and commercial sites/sources;
- x. Indication of whether the SPDES MSGP or an individual SPDES permit already regulates these industrial and commercial sites/sources; and
- xi. Indication of the Permittee-owned SPDES MSGP facilities, which will remain under the Department's jurisdiction.

c. At a minimum, the inventory must include:

i. Industrial Sites/Sources:

- 1) Industrial Facilities, as defined at 40 CFR § 122.26(b)(14)(i-ix and xi), including those subject to the SPDES MSGP or individual SPDES permit;
- 2) Facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA), that process, store or handle hazardous or toxic chemicals or substances exposed to stormwater; and
- 3) Hazardous waste treatment, disposal, storage and recovery facilities.

ii. Other industrial or commercial sites/sources that the Permittee determines may contribute a significant pollutant load to the MS4.

2. Stormwater Control Measures Assessment Program for Unpermitted Industrial and Commercial Facilities

a. Implement the plan to assess industrial and commercial facilities not covered under the SPDES MSGP or individual SPDES Permit to determine if the facilities perform

activities as specified in Sectors A through AC of the SPDES MSGP by continuing to assess and report in the Annual Report any newly identified, unpermitted industrial and commercial facilities.

- b. If the Permittee finds that a facility performs activities as specified in Sectors A through AC of the SPDES MSGP, the Permittee shall implement the procedure for referral of the facility to the Department for SPDES permitting, including the reason or justification for permitting the facility. If the Permittee identifies any illicit discharges, the Permittee shall direct the facility to eliminate such discharges.
- c. Upon the Department's acknowledgment to the facility and notice to the Permittee that the Department approves MSGP coverage, the Permittee shall add the facility to the inventory as per Part IV.H.1.

3. SPDES Industrial Stormwater Multi-Sector General Permit (MSGP) Facility Inspections

a. Implement the Inspection Program

- i. Implement the program to inspect the facilities covered under the current SPDES MSGP, with the exception of Permittee-owned MSGP facilities, which will remain under the Department's jurisdiction.
- ii. The inspection program must:
 - 1) Designate facilities into high, medium and low priority categories based on the potential for water quality impact using criteria such as discharges of POCs to impaired waters, pollutant sources on site, proximity to a water body and violation history of the facility. The different priority categories will be assigned different inspection frequencies, with the highest-priority facilities receiving the most frequent inspections. The program must describe the process for prioritizing inspections and frequency of inspections in the SWMP Plan.
 - 2) Explain how the priority assigned to any one facility may be modified based on the site inspection findings and on the facility's potential to discharge pollutants.

b. Minimum Inspection Requirements

- i. Inspection Frequency – The Permittee must conduct inspections at the following minimum frequencies:
 - 1) Facilities with high potential for water quality impact must be inspected annually.
 - 2) Facilities with medium potential for water quality impact must be inspected at least once every three years.
 - 3) Facilities with low potential for water quality impact must be inspected at least once every five years.

- 4) Facilities with a written violation by the Permittee occurring in the previous year must be inspected within a year of the violation or as per the conditions in the enforcement action until compliance is achieved.
 - 5) For facilities with no exposure of industrial activities to stormwater, no regular inspections are required. However, the Permittee must continue to track these facilities for significant change in the exposure of their operations to stormwater and will inspect such facilities following receipt of a complaint.
- ii. Scope of Inspection – Inspections must at a minimum:
 - 1) Evaluate the facility’s compliance with the SPDES MSGP requirements.
 - 2) Conduct a visual observation for evidence of unauthorized discharges, illicit connections and potential discharges of pollutants to stormwater.
 - 3) Evaluate the facility’s compliance with any other relevant local stormwater requirements.
 - iii. Documentation Requirements – At a minimum, the Permittee must document the following for each inspection:
 - 1) The inspection date and time;
 - 2) The name(s) of the inspector(s);
 - 3) Weather information;
 - 4) A description of any discharges occurring at the time of the inspection;
 - 5) Any previously unidentified discharges of pollutants from the site;
 - 6) Any control measures needing maintenance or repairs;
 - 7) Any failed control measures that need replacement;
 - 8) Any incidents of noncompliance observed; and
 - 9) Any additional control measures needed to comply with the Permit requirements.
 - iv. Track Inspections – The Permittee must track inspections to ensure they are conducted at the frequency specified in Part IV.H.3.b.i, and must track inspection findings to highlight and document any chronically noncompliant facilities, and to aid follow-up and enforcement activities.
- c. Enforcement – The Permittee must conduct all follow-up and enforcement activities as necessary to require implementation and maintenance of the applicable control measures described in the SPDES MSGP or Part IV.H.2. The Permittee is required to use the approved Enforcement Response Plan per Part III.C of this permit for all enforcement actions.
4. Staff Training: The Permittee must ensure that all staff whose primary job duties are implementing the industrial stormwater program are trained to conduct facility inspections. The training must cover what is required under this permit in terms of stormwater control measures, the requirements of other applicable industrial stormwater general permits or other related local requirements, the Permittee’s site inspection and documentation

protocols, and enforcement procedures. The Permittee must provide follow-up training every other year to address changes in procedures, techniques, or staffing. The Permittee must document in the SWMP Plan and maintain records of the training provided and the staff trained.

I. Control of Floatables and Settleable Trash and Debris

The Permittee shall implement a floatable and settleable trash and debris management program. The objectives of the floatable and settleable trash and debris management program shall be to determine the loading rate of floatable and settleable trash and debris, including from land-based sources, from the MS4 to waterbodies listed as impaired for floatables in the MS4 areas, and to assess and implement strategies to reduce floatable and settleable trash and debris to waterbodies listed as impaired for floatables in the MS4 areas. The program may prioritize waterbodies and/or drainage areas for floatable and settleable trash and debris control strategies based on the relative significance of the MS4 contribution to floatable and settleable trash and debris loads.

The program shall:

1. Complete, within three years from EDP, a study to determine the loading rate of floatable and settleable trash and debris from the MS4 to waterbodies listed as impaired for floatables in the MS4 areas, using the workplan approved by the Department. If the Permittee is unable to complete the loading rate study in three years from commencement, the Permittee shall request an extension from the Department and provide justification for the extension;
2. Propose, by end of permit term, for Department review and approval, a methodology for selecting, sizing and siting the best management practices and controls that will be implemented to reduce floatable and settleable trash and debris; and
3. Continue to implement existing or improved controls to reduce floatable and settleable trash and debris from the MS4 areas to waterbodies with the goal of achieving elimination of trash, debris, and floatables in the receiving waters. The Permittee shall:
 - a. continue to inspect each catch basin in the NYCDEP MS4 system a minimum of once every three years. The Permittee shall clean catch basins in the NYCDEP MS4 system as needed, based on these inspections, and in accordance with the Permittee's criteria for catch basin cleaning.
 - b. replace missing or damaged catch basin hoods in the NYCDEP MS4 system within 90 days after the date of inspection for basins known to be hooded upon completion of the catch basin hooding program. For all subsequently installed catch basins in the NYCDEP MS4 system found by inspection to require extensive repairs before a hood can be installed, the Permittee shall repair and install a hood within two years.

J. Monitoring

1. The Permittee shall implement an outfall monitoring program, designed to meet the following objectives:
 - a. Characterization and assessment of the quality of stormwater discharges at representative MS4 outfalls;
 - b. Identification of sources of specific pollutants, including POCs; and
 - c. Detection and elimination of illicit discharges and illegal connections to the MS4.
2. The Permittee shall evaluate long-term trends in receiving water quality. Within two years of EDP, the City will provide to the Department an analysis of five years of Harbor Survey data to establish baseline conditions prior to SWMP implementation.
3. The Permittee shall begin developing urban stormwater quality models. Within two years of EDP, the Permittee shall annually submit an interim report to the Department on the development of the urban stormwater quality models for the MS4.

K. Reliance on Third Parties

This subpart applies to activities for which the Permittee 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-governmental, commercial entity that receives payment from the Permittee for services provided (for example, businesses that create policies or procedures for the Permittee, perform illicit discharge identification and track down, maintain roads, remove snow, clean storm sewer systems, and sweep streets) as contracted by the Permittee.

The Permittee 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:

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

L. Recordkeeping

The Permittee must keep records required by this permit (records that document the SWMP Plan, records included in the SWMP Plan, other records that verify reporting required by the permit, past annual reports, and comments from the public and the Department) for at least five years after they are generated. The Permittee must submit records to the Department within 25 business days of

receipt of a Department request for such information. The Permittee shall keep duplicate records (either hard copy or electronic or online version), to have one copy for public observation and a working copy where the Permittee's staff, other individuals responsible for the SWMP and regulators, such as the Department and USEPA staff, can access them. Records, including the annual reports and the SWMP Plan, must be available to the public at reasonable times during regular business hours.

M. Annual Reporting and Assessment of Controls

The annual reporting period ("reporting year") begins January 1 and ends December 31 of each year. The Permittee shall comply with the requirements of Part IV.B.3 concerning an annual report presentation. The Permittee shall maintain the Consolidated Information Tracking System (CITS) to track the information required in the permit as well as the information that the Permittee must report in the annual report. Within a year of EDP, Permittee shall update CITS to include the new metrics listed below and will include those new metrics in the next annual report following those updates. The Department's Central and Regional offices must receive the final annual report, no later than September 30 following each reporting year. Send the Annual Report to the following addresses:

NYS DEC
Chief, Stormwater Permits Section
Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505

and

Regional Water Engineer, Region 2
1 Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407
Phone: (718) 482-4933

The annual report shall summarize the activities performed throughout the reporting period (January 1 to December 31) and must include at a minimum:

1. The status of compliance with permit conditions;
2. The status of compliance with the no-net increase or additional requirements for impaired waters required by Parts II.B.1 and II.B.2 of this Permit, if applicable. These results may be submitted as an attachment;
3. Notice that the Permittee is relying on another jurisdictional entity to satisfy some or all of its permit obligations (if applicable); and

4. Specific reporting requirements for each of the SWMP requirements as stated in the following subsections. The Permittee must provide:
 - a. Public Education and Outreach
 - i. List of education and outreach activities performed for the general public and target audiences and any results (for example, number of people attending, amount of materials distributed, effectiveness of message);
 - ii. IDDE educational activities planned or completed for the general public, as required under the permit, Part IV.D;
 - iii. Information on the effectiveness of the program, BMP and measurable goal assessment, including any change in identified BMPs or measurable goals and justification for those changes; and
 - iv. Goals for the stormwater activities the Permittee plans to undertake during the next reporting cycle (including a timeline for development and implementation).
 - b. Public Involvement/Participation
 - i. Annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
 - ii. Summary of the public comments received on this annual report, how the Permittee responded to comments and, as appropriate, how it modified the program in response to the comments;
 - iii. Statement that the final report and the SWMP Plan are available for public review and the location where they are available;
 - iv. Public involvement/participation activities (e.g., beach cleanups including the number of people participating, the number of calls to a water quality hotline, means of engaging key stakeholders in program development and implementation);
 - v. Report on effectiveness of program, BMP and measurable goal assessment, including any change in identified BMPs or measurable goals and justification for those changes; and
 - vi. Goals for the stormwater activities the Permittee plans to during the next reporting cycle (including a timeline for development and implementation).
 - c. Mapping
 - i. Number of known MS4 outfalls mapped and
 - ii. Status of the MS4 drainage map.
 - d. Illicit Discharge Detection and Elimination (IDDE)
 - i. Number of illicit discharges detected and eliminated;
 - ii. Number and type of enforcement actions;
 - iii. Report of the locations and ownership of illicit discharges to the MS4 where MS4 discharges to waterbodies are shown to have over 200 colonies/100 ml of fecal coliform;

- iv. Report that includes unauthorized non-stormwater discharges from NYC's MS4 or CSO outfalls downstream of the regulator;
 - v. Number of MS4 outfalls for which an outfall reconnaissance inventory (ORI) has been performed;
 - vi. IDDE education activities planned or completed for public employees and businesses;
 - vii. Number of staff trained;
 - viii. Report on effectiveness of program, BMP and measurable goal assessment, including any change in identified BMPs or measurable goals and justification for those changes; and
 - ix. Goals for the stormwater activities the Permittee plans to undertake during the next reporting cycle (including a timeline for development and implementation), as applicable.
- e. Construction Site Stormwater Runoff Control
- i. Number of active construction sites within MS4 authorized by the Department based on Department permit data;
 - ii. Number of SWPPPs reviewed;
 - iii. Percent of active construction sites inspected once;
 - iv. Percent of active construction sites inspected more than once;
 - v. Number and type of enforcement actions;
 - vi. Construction site stormwater control training planned or completed;
 - vii. Report on effectiveness of program, BMP and measurable goal assessment, including any change in identified BMPs or measurable goals and justification for those changes; and
 - viii. Goals for the stormwater activities the Permittee plans to undertake during the next reporting cycle (including a timeline for development and implementation).
- f. Post-Construction Stormwater Management
- i. Number of SWPPPs reviewed;
 - ii. Number and type of enforcement actions;
 - iii. Number of post-construction stormwater management practices, including the type of practice and the contributing impervious area managed by each practice within the MS4 areas;
 - iv. Number and type of post-construction stormwater management practices inspected;
 - v. Number and type of post-construction stormwater management practices maintained based on inspections program;
 - vi. Number of individuals trained in inspection of long-term operation and maintenance of post-construction stormwater management practices;
 - vii. Report on effectiveness of program, BMP and measurable goal assessment, including any change in identified BMPs or measurable goals and justification for those changes; and
 - viii. Goals for the stormwater activities the Permittee plans to undertake during the next reporting cycle (including a timeline for development and implementation).

- g. Pollution Prevention/Good Housekeeping for Municipal Operations and Facilities:
The Permittee must report on all municipal operations and facilities served by the Permittee's MS4 for the following items; the Permittee may modify this list to reflect the specific pollution prevention management practices, policies and procedures developed for municipal operations and facilities in the SWMP Plan, which will specify items to be included in the annual report:
- i. Inventory of municipal operations and facilities;
 - ii. Acres of parking lot swept;
 - iii. Miles of street swept;
 - iv. Number of catch basins inspected and, where necessary, cleaned or maintained;
 - v. Miles of storm sewers inspected, and miles of storm sewers cleaned;
 - vi. Number of self-assessments conducted at municipal operations and facilities;
 - vii. Pollution prevention/good housekeeping training for municipal employees planned or completed;
 - viii. Number of municipal upgrade projects where green infrastructure or runoff reduction techniques were incorporated;
 - ix. Report on effectiveness of program, and BMP and measurable goal assessment, including identification of changes as a result of the self-assessments and schedules for making the changes;
 - x. Goals for the stormwater activities the Permittee plans to undertake during the next reporting cycle (including a timeline for development and implementation);
 - xi. Number of staff trained in inspection and maintenance of municipally constructed green infrastructure assets and post-construction SMPs; and
 - xii. Number of municipally constructed green infrastructure assets and post-construction SMPs inspected and maintained.
- h. Industrial and Commercial Stormwater Sources
The Permittee must report on industrial and commercial activities identified under Part IV.H.1 for the items below:
- i. Number of SPDES MSGP facilities inspected;
 - ii. Number of noncompliant SPDES MSGP facilities;
 - iii. Number of repeat noncompliant SPDES MSGP facilities;
 - iv. Number and type of enforcement actions;
 - v. Report on number of unpermitted industrial and commercial facilities assessed, by priority;
 - vi. Report on stormwater controls for permitted industrial and commercial facilities;
 - vii. Report on number of facilities identified as significant contributors of POCs;
 - viii. Report on effectiveness of program, BMP and measurable goal assessment; and
 - ix. Goals for the stormwater activities the Permittee plans to undertake during the next reporting cycle (including a timeline for development and implementation).
- i. Floatable and Settleable Trash and Debris Control
- i. Number of catch basins inspected;
 - ii. Number of catch basins cleaned;
 - iii. Number of catch basin hoods installed/replaced;

- iv. Report on public education and outreach program;
 - v. Report on effectiveness of program, BMP and measurable goal assessment; and
 - vi. Goals for the stormwater activities the Permittee plans to undertake during the next reporting cycle (including a timeline for development and implementation).
- j. Monitoring
- Reporting per Part IV.O, Table 2 Deliverables.
- k. The Permittee must show SWMP effectiveness by annually evaluating:
- i. The appropriateness of significant BMPs;
 - ii. The effectiveness of implementation of each major component of the Stormwater Management Program [Public Education and Outreach, Public Involvement/Participation, Mapping, Illicit Discharge Detection and Elimination, Construction Stormwater Runoff Control, Post-Construction Stormwater Management, Pollution Prevention/Good Housekeeping for Municipal Operations/Facilities, Industrial and Commercial Stormwater Sources, and Floatable and Settleable Trash and Debris Control]
 - iii. Progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP.

To the extent practicable, the Permittee should identify and use measurable goals, assessment indicators, and assessment methods for each program. Based on the results of the annual assessment, the Permittee must annually review its activities or control measures to identify modifications and improvements needed to maximize SWMP effectiveness, as necessary to achieve compliance with this permit, and a plan to implement the identified modifications and improvements to the MEP.

N. Annual Report Certification

The Permittee must submit to the Department a signed original hard copy of the Municipal Compliance Certification (MCC) form no later than September 30 of each reporting year. If the Permittee mails annual report, the MCC form must be accompany with the annual report.

The MCC form, provided by the Department, certifies that the Permittee has developed, implemented and complied with all applicable permit conditions. An individual, as described in Part V.H., must sign the form. The certification provided by the MCC form does not affect, negate, or replace the certification required under Changes to Authorization subsection in Part V.H. If the Permittee is unable to certify on the MCC form, compliance with any requirement, the Permittee must include, as requested on the MCC form, a complete explanation with a description of corrective measures.

O. Program Development Compliance Schedule

In addition to the annual report outlined in Part IV.M, Table 2 lists the deliverables and the schedule that the Permittee must implement, submit to the Department, or present to the public. The requirements of each deliverable and related update cycles are described in the appropriate Parts of this permit. Pursuant to New York State Administrative Procedure Act §401, 6 NYCRR 621.11(b)(2), and 6 NYCRR 750-1.16(a), the Permittee must apply for permit renewal 180 days prior to the expiration of the permit.

Table 2. Deliverables in the NYC MS4 Permit and Schedule

Deliverable	Schedule
II.B Impaired Waters	
III.B. Requirement to Maintain Adequate Legal Authority to Implement and Enforce Stormwater Management Program	
Recertification of legal authority to implement and enforce the most current version of the technical standard for all activities characterized by this Permit	30 days from EDP
IV.C MS4 Drainage Map	
Updated MS4 Drainage Map (Part IV.C.2)	Five years from EDP
IV.D Illicit Discharge Detection and Elimination	
Development of an IDDE Plan in accordance with the “Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments” (Center for Watershed Protection and Robert Pitt, October 2004) for Department review and approval. (Part IV.D.1	Six months from EDP
Updated list of IDDE points of contact for each agency	At EDP and annually thereafter
Illicit discharge track down and abatement (Phase I) schedule (Part IV.D.5)	Within 30 days of discovery of discharge
Illicit discharge abatement completion (Phase II) (Part IV.D.5)	On or before end date of Phase 1 schedule
Report of the location and ownership of illicit discharges to the MS4 discovered, and a schedule to eliminate those discharges, as necessary; the annual report must also include information on unauthorized non-stormwater discharges (Part IV.D.6.d)	Annually
IV.F Post-Construction Stormwater Management	
Updated inventory of post-construction stormwater management practices within the MS4 storm sewershed area (Part IV.F.1.e)	Annually from EDP
IV.H Industrial and Commercial Stormwater Sources	
Updated inventory of industrial/commercial facilities that are possible sources (Part IV.H.1.a.i)	Annually
Certification that training to inspectors to conduct industrial stormwater facility inspections has been completed (Part IV.H.4)	Every two years after March 2019

IV.I Floatable and Settleable Trash and Debris Control	
Completion of loading rate study	Within three years of EDP
Proposal of methodology for selecting, sizing, and siting the best management practices and controls that will be implemented to reduce floatable and settleable trash and debris for Department review and approval, following completion of the loading rate study.	Propose by end of permit term
IV.J Monitoring	
Outfall monitoring data analysis (Part IV.J.1)	Within one year of completing sample collection
Baseline analysis of Harbor Survey data from the five years prior to SWMP implementation (Part IV.J.2)	Within two years of EDP
Interim report updating progress towards completion of the urban stormwater quality models (Part IV.J.3)	Within two years of EDP and annually thereafter
IV.M, IV.N, & IV.O Annual Reporting and Assessment of Controls	
Public presentation of draft annual report (Part IV.B.4.a)	Every July 1st after every annual reporting year
Annual Report submission (Part IV.M) and MCC Form (Part IV.N)	Every September 30th after every annual reporting year
Application for Permit Renewal (Part IV.O)	180 days prior to permit expiration

V. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The Permittee 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.

B. Enforcement

Failure of the Permittee, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the SPDES 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. Department may assess fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years depending upon the nature and degree of the offense.

C. Technology Standards

The Permittee, in accordance with written notification by the Department, must comply with all applicable technology-based effluent standards or limitations promulgated by USEPA pursuant to Sections 301 and 304 of the CWA. If an effluent standard or limitation more stringent than any effluent limitation in the SPDES permit or controlling a pollutant not limited in the permit is

promulgated or approved after the permit is issued, the SWMP plan shall be promptly modified to include that effluent standard or limitation. In addition, the Department may direct the Permittee to apply to modify the permit or the Department may initiate modification of the permit itself, if appropriate.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Permittee 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 permit.

E. Duty to Mitigate

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

F. Duty to Provide Information

The Permittee shall, within twenty-five (25) business days, make available for inspection and copying or furnish to the Department, or an authorized representative of the Department, any information the Department requested to determine compliance with this SPDES permit. Failure to provide information requested shall be a violation of the terms of this SPDES permit and 6 NYCRR 750-2.5(c)(4).

G. Other Information

If the Permittee becomes aware of a failure to submit any relevant facts, or that it has submitted incorrect information in any report to the Department, the Permittee must promptly submit such facts or corrected information.

H. Signatory Requirements

1. All permit applications 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. All reports, plans, annual reports, MCC forms, discharge monitoring reports, certifications or information submitted to the Department, or that this SPDES permit requires be maintained by the Permittee, shall be signed by a person described in Part V.H.1 or by a duly authorized representative⁹. A person is a duly authorized representative only if:

⁹ 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.

- a. The authorization is made in writing by a person described in Part V.H.1 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 Permittee (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 submitted to the Department per Part IV.M.

Changes to authorization: If an authorization to discharge is no longer accurate because a different entity has responsibility for the overall operation of another entity's program, indicate these changes on the MCC form.

Initial signatory authorization or changes to signatory authorization: Submit to the Department the initial signatory authorization with any reports a signatory representative is to sign. If a signatory authorization under Part V.H is no longer accurate because a different individual, or position, has responsibility for the overall operation of the facility, submit to the Department a new signatory authorization satisfying the requirements of Part V.H with any reports to be signed by an authorized representative.

Certification: Any person signing documents under paragraph Part V.H shall make the following certification: "I certify under penalty of law that this document and its 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, 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 V.H (Signatory Requirements), it shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, and/or reports.

I. Penalties for Falsification of Reports

Article 71 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.

J. Oil and Hazardous Substance Liability

Nothing in this SPDES permit shall be construed to preclude the institution of any legal action or relieve the Permittee 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).

K. Property Rights

The issuance of this SPDES 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.

L. Severability

The provisions of this SPDES permit are severable, and if any provision of this SPDES permit, or the application of any provision of this SPDES 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.

M. Other State Environmental Laws

1. Nothing in this SPDES permit shall be construed to preclude the institution of any legal action or relieve a Permittee 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 permit releases the Permittee from any responsibility or requirements under other environmental statutes or regulations.

N. Proper Operation and Maintenance

The Permittee 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 permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance require the operation of backup or auxiliary facilities or similar systems, installed by the Permittee only when necessary to achieve compliance with the conditions of the SPDES permit.

O. Inspection and Entry

The Permittee shall allow the Commissioner of the 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 Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this SPDES 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.

P. Retention of Records

The Permittee shall continue to retain records of all documents pertaining to this permit not otherwise required herein, including but not limited to copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five (5) years after they are generated. This period may be extended by request of the Department at any time.

Q. Permit Actions

At the Department's sole discretion, this SPDES permit may be modified, revoked, suspended, or renewed for cause at any time.

R. Anticipated Noncompliance

The Permittee 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.

VI. ACRONYMS AND DEFINITIONS

A. Acronym List

BMP – Best Management Practice
BSD – Better Site Design
CAFO – Concentrated Animal Feeding Operations
CEQR – City Environmental Quality Review
CFR – Code of Federal Regulations
CITS – Consolidated Information Tracking System
CSO – Combined Sewer Overflows
LTCPs – Long Term Control Plans
CWA – Clean Water Act
ECL – Environmental Conservation Law
EDP – Effective Date of Permit
ERP – Enforcement Response Plan

IDDE – Illicit Discharge Detection and Elimination
LID – Low Impact Development
MCC – Municipal Compliance Certification
MEP – Maximum Extent Practicable
MS4 – Municipal Separate Storm Sewer System
MSGP – Multi-Sector General Permit
NAICS – North American Industry Classification System
NOT – Notice of Termination
NOVs – Notice of Violations
NPDES – National Pollutant Discharge Elimination System
NYC – New York City
NYS – New York State
NYCDEP – New York City Department of Environmental Protection
NYSDEC – New York State Department of Environmental Conservation
ORI – Outfall Reconnaissance Inventory
PAHs – Poly Aromatic Hydrocarbons
POCs – Pollutants of Concern
POTWs – Publicly-Owned Treatment Works
SARA – Superfund Amendments and Reauthorization Act
SIC – Standard Industrial Classification
SMP – Stormwater Management Practice
SPDES – State Pollutant Discharge Elimination System
SWMP – Stormwater Management Program
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
USEPA – United States Environmental Protection Agency
WRRF – Wastewater Resource Recovery Facility

B. Definitions

Activities – see best management practice.

Best Management Practice (BMP) – 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 Permittee), 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. BMPs are referred to in EPA’s fact sheets and other materials. BMPs are also referred to as “activities” or “management practices” throughout the MS4 requirements under this SPDES individual permit.

Better Site Design (BSD) – incorporation of 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.

Chronic Violator – a person or facility that has continuing or repeated violations of the applicable stormwater requirements.

Construction Activity– as defined by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). Construction activity means any clearing, grading, excavation, demolition or stockpiling activity that results in soil disturbance. Clearing activities can include but are not limited to logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance.

Covered Development Project – development activity, public or private, that involves or results in an amount of soil disturbance greater than or equal to 20,000 square feet or creation of 5,000 square feet or more of impervious surface, or covered maintenance activity. Such term includes construction activity that is part of a larger common plan of development or sale involving or resulting in soil disturbance within the MS4 area greater than or equal to 20,000 square feet or creation of 5,000 square feet.

Covered Maintenance Activity – Roadway maintenance that involves 20,000 square feet or more.

Department – New York State Department of Environmental Conservation (NYSDEC)

Development – period after EDP under this permit when the Permittee creates, designs or develops activities, BMPs, tasks or other measures to include in its SWMP plan.

Development Activity – the creation of impervious surface and/or soil disturbance on a site including, but not limited to land contour work, clearing, grading, excavation, demolition, construction, reconstruction, stockpiling activities or placement of fill. Clearing activities include, but are not limited to logging equipment operation, the cutting and skidding of trees, stump removal, and/or brush root removal. Such term does not include routine maintenance.

Green Infrastructure – infrastructure that essentially infiltrates, evapotranspires or reuses stormwater, with significant use 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.

Illicit Discharges – shall have the same meaning as set forth in 40 CFR § 122.26(b)(2). Examples of illicit discharges are unauthorized sanitary sewage, garage drain effluent, and waste motor oil. However, an illicit discharge could be any other unauthorized discharge which the Permittee or Department has determined to be a significant contributor of pollutants to the 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.

Industrial Activity – as defined by the SPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity (GP-0-12-001).

Larger Common Plan of Development or Sale – a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term “plan” in “larger common plan of development or sale” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) or City Environmental Quality Review (CEQR) Application, zoning request, computer design, or physical demarcation (e.g. boundary signs, lot stakes, and surveyor markings) indicating that construction activities may occur on a specific plot, however, the term does not include area-wide rezonings or projects discussed in general planning documents.

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 (LID) – 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 microscale 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 (MEP) – 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 the MS4 operators as they develop their programs (40 CFR 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 the Permittee may not lightly reject practical solutions. If a Permittee employs all applicable BMPs except those where it can be shown, if requested, 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 requires the permittee 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 – the goals of the SWMP that reflect the needs and characteristics of the Permittee and the areas served by its MS4. Furthermore, the Permittee should choose the goals using an integrated approach that fully addresses the requirements and intent of the MS4 requirements of this SPDES permit. Goals may be qualitative or quantitative.

Municipal Operations and Facilities – any operation or facility serving a New York City governmental purpose and over which New York City has operational control.

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

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

New York City (NYC) – the municipal corporation constituting the city of New York, including all offices, administrations, departments, boards, commissions, bureaus, divisions or agencies of such city organized or created by the New York City Charter. For purposes only of this Permit, New York City shall also be deemed to include the New York City Department of Education.

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

Outfall – any point where a municipally owned or 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.

Pollutant of Concern (POC) – a pollutant causing the impairment of an impaired water segment listed in Appendix I, including nitrogen, phosphorus, pathogens, and floatables.

Pollutant – dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, and agricultural waste discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards or guidance values adopted as provided in 6 New York Code of Rules and Regulations (“NYCRR”) Part 750-1.2a.

Qualified Inspector – a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, a Certified Professional in Erosion and Sediment Control (CPESC), or a Registered Landscape Architect. It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years. It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Qualified Professional – a person who is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, licensed 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 New York State 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.

Retrofit – 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 and cisterns;
- Rehabilitation of existing storm sewer system by installation of standard stormwater treatment systems (ponds, wetlands, filtering, infiltration) or proprietary practices;
- 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 buildings 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; and
- Reforestation

Routine Maintenance Activity – maintenance activity including, but not limited to:

- Re-grading of gravel roads or parking lots;
- Stream bank restoration projects (does not include the placement of spoil material);
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch;
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original 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);
- Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment;
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment;
- Replacement of curbs, gutters, sidewalks and guide rail posts; and
- Repairs made to SMPs to restore them to former condition or to operating order.

Section 303(d) Listed Waters – Section 303(d) is part of the federal Clean Water Act that requires the Department to periodically 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.

Staff – actual employees of the Permittee or contracted entity.

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

Stormwater Management Program (SWMP) – the program developed and implemented by the Permittee which provides a comprehensive integrated planning approach involving public participation and, where necessary, intergovernmental coordination, to reduce the discharge of POCs and specified pollutants to the MEP, using management practices, control techniques and systems, design and engineering methods, and other appropriate provisions. Permittees are required at a minimum to develop, implement and enforce a SWMP designed to address POCs and reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the ECL and the Clean Water Act. The SWMP must address all MS4 requirements in Part II and IV of this SPDES Permit.

Stormwater Management Program Plan (SWMP Plan) – used by the Permittee to document developed, planned and implemented SWMP elements. The SWMP plan must describe how pollutants in stormwater runoff will be controlled.

Stormwater Pollution Prevention Plan (SWPPP) – as defined per the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity or the NYSDEC SPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity.

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.

Total Maximum Daily Load (TMDL) –the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation

of that amount to the pollutant's sources. A TMDL stipulates waste load allocations for point source discharges, load allocations for nonpoint sources, and a margin of safety.

Urbanized Area – for the purposes of this permit, any drainage area within the five boroughs of New York City that is served by the Permittee's MS4.

Urban Stormwater Quality Model – a physically-based mathematical program that generates time-varying estimates of runoff volume (hydrographs) and pollutant loads (pollutographs) for individual source areas in a watershed.

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

VII. APPENDICES

Appendix I – IMPAIRED WATER SEGMENTS AND POLLUTANTS OF CONCERN

COUNTY	WIN	WATERBODY NAME	POLLUTANT
Bronx	(MW2.4) ER-3	Bronx River, Lower	Fecal Coliform
Bronx	(MW2.4) ER-3	Bronx River, Lower	Garbage & Refuse
Bronx	(MW2.4) ER-3	Bronx River, Middle, and tribs	Fecal Coliform
Bronx	(MW2.4) ER-3	Bronx River, Middle, and tribs	Garbage & Refuse
Bronx	(MW3.2) LIS- 2	Hutchinson River, Lower, and tribs	Garbage and Refuse
Bronx	(MW2.3) ER-1-5-P1043	Van Cortlandt Lake	Phosphorus
Bronx	(MW2.4) ER-4	Westchester Creek	Garbage & Refuse
Kings	(MW1.1) LB/GB-253	Coney Island Creek	Fecal Coliform
Kings	(MW1.1) LB/GB-253	Coney Island Creek	Garbage & Refuse
Kings	(MW1.3) UB-EB- 1	Gowanus Canal	Garbage & Refuse
Kings	(MW8.6) JB-249a	Hendrix Creek	Fecal Coliform
Kings	(MW8.6) JB-249a	Hendrix Creek	Nitrogen
Kings	(MW8.6) JB-249a	Hendrix Creek	Garbage & Refuse
Kings	(MW8.6a) JB-250b	Mill Basin and tidal tribs	Garbage & Refuse
Kings	(MW8.6a) JB-250a	Paerdegat Basin	Garbage & Refuse
Kings	(MW8.6a) JB-P0009	Prospect Park Lake	Phosphorus
New York	(MW2.1) ER (portion 1)	East River, Lower	Garbage & Refuse
New York	(MW2.2) ER..P1036	Harlem Meer	Phosphorus
New York	(MW2.3) ER-1	Harlem River	Garbage & Refuse
New York	(MW2.2) ER..P1029	The Lake in Central Park	Phosphorus
Queens	(MW2.5) ER/LIS-LNB-19 thru 20	Alley Creek/little Neck Bay Trib	Fecal Coliform
Queens	(MWO.O) AO (portion 1)	Atlantic Ocean Coastline	Fecal Coliform
Queens	(MW8.5a) JB-247	Bergen Basin	Fecal Coliform
Queens	(MW8.5a) JB-247	Bergen Basin	Nitrogen
Queens	(MW8.5a) JB-247	Bergen Basin	Garbage & Refuse
Queens	(MW2.3) ER (portion 2)	East River, Upper	Garbage & Refuse
Queens	(MW2.3) ER (portion 3)	East River, Upper	Garbage & Refuse
Queens	(MW2.5) ER-LI-12	Flushing Creek/Bay	Fecal Coliform
Queens	(MW2.5) ER-LI-12	Flushing Creek/Bay	Garbage & Refuse
Queens	(MW8.5b) JB	Jamaica Bay, Eastern, and tribs (Queens)	Fecal Coliform
Queens	(MW8.5b) JB	Jamaica Bay, Eastern, and tribs (Queens)	Nitrogen
Queens	(MW8.5b) JB	Jamaica Bay, Eastern, and tribs, Queens	Garbage & Refuse
Queens	(MW2.5) ER-LI-12-P76	Kissena Lake	Phosphorus
Queens	(MW2.5) ER/LIS-LNB	Little Neck Bay	Fecal Coliform
Queens	(MW2.5) ER-LI-12-100a	Meadow Lake	Phosphorus
Queens	(MW2.1) ER- LI- 4	Newtown Creek and tidal tribs	Fecal Coliform
Queens	(MW2.1) ER- LI- 4	Newtown Creek and tidal tribs	Garbage & Refuse
Queens	(MW8.5a) JB-248a	Shellbank Basin	Nitrogen
Queens	(MW8.5a) JB-249	Spring Creek and tribs	Garbage & Refuse
Queens	(MW8.5a) JB-241a	Thurston Basin	Fecal Coliform
Queens	(MW8.5a) JB-241a	Thurston Basin	Garbage & Refuse
Queens	(MW2.5) ER-LI-12-100f	Willow Lake	Phosphorus
Richmond	(MW1.2) SI (portion 1)	Arthur Kill (Class I) and minor tribs	Garbage & Refuse
Richmond	(MW1.2) SI (portion 2)	Arthur Kill (Class SD) and minor tribs	Garbage & Refuse
Richmond	(MW1.2) SI.P1039,P1051,P1053	Grasmere Lake/Brady's Pond	Phosphorus
Richmond	(MW1.2) SI (portion 4)	Kill Van Kull	Garbage & Refuse
Richmond	(MW1.2) SI (portion 3)	Newark Bay	Garbage & Refuse
Richmond	(MW1.2) RB (portion 1)	Raritan Bay (Class SA)	Fecal Coliform

Appendix II – TABLE OF SWMP COMPONENTS/Requirements

Permit Section	Description of SWMP Component/Requirement
II	Special Conditions
II.B.1.c	Procedures used to ensure SWPPPs contain adequate control measures to meet the no net increase including but not limited to pollutant specific land use coefficients and pollutant removal efficiencies for the different SW management practices that will be required for developers as part of the pollutant load analysis
II.B.2.a	Report for waterbodies meeting the criteria of II.B.2.a on additional or customized nonstructural stormwater control measures to address the POCs causing the impairments identified in the CSO LTCPs
III	Legal Authority and Stormwater Program Administration
III.A.2	Contents of the SWMP plan: a. A list of citations to ordinances that provide the legal authority necessary to implement and enforce the requirements of this permit; b. Statement by legal counsel certifying to adequacy of legal authority; c. Written procedures for implementation of provisions in Part IV.
III.B.3	The SWMP plan includes: a. Signed certification of full authority b. Identification of all agencies within the Permittee’s urbanized area that conduct SW-related activities and their roles and responsibilities under permit, with up-to-date organizational chart. c. Identification of the local administrative procedures and laws available to mandate compliance with stormwater requirements in permit
III.C.1	Enforcement response plan (ERP)
IV	Stormwater Management Program (SWMP) Requirements
IV. Introduction (General Requirements)	1. Includes measurable goals for each of the best management practices (BMPs) to reduce or prevent the discharge of POCs to the MEP 2. For each of the elements of the SWMP plan, identifies the agencies and/or offices responsible for implementing the element and a communication and coordination procedure among all responsible parties 3. Describes how minimum control measures are prioritized and implemented
IV.A	Public Education and Outreach
IV.A.1	Identifies stormwater pollutants, impaired waterbodies (as listed in Appendix I) and related sewersheds, and target audiences
IV.A.2-5	Public outreach and education program with the elements listed in Part IV.A.2-5
IV.B	Public Involvement/Participation
IV.B.2, 3 and 5	Public involvement program with the elements listed in Part IV.B.2, 3 & 5

IV.B.4	Prepare and publicly present the annual report
IV.C	Mapping
IV.C.2	Map of MS4 drainage areas and MS4 outfalls
IV.D	Illicit Discharge Detection and Elimination (IDDE)
IV.D.1, 4, 5 and 9-11	Program to prevent illicit discharges and illicit connections to the MS4
IV.D.6	Requires including link to report of the locations and ownership of illicit discharges to the MS4 where the MS4 discharges to waterbodies are shown to have over 200 colonies/100 ml of fecal coliform, and a separate report on unauthorized non-SW discharges to NYC's MS4 or CSO outfalls downstream of the regulator
IV.E	Construction Site Stormwater Runoff Control
IV.E.1	Program that provides protection equivalent to the NYS SPDES GP for Stormwater Discharges from Construction Activity (GP-0-15-002)
IV.F	Post-Construction Stormwater Management
IV.F.1	Program that provides protection equivalent to the NYS SPDES GP for Stormwater Discharges from Construction Activity (GP-0-15-002)
IV.F.1.d	Procedures for SWPPP reviews by the Permittee that incorporate controls for expected water quality improvements and review of individual pre-construction SWPPPs to ensure consistency with local post-construction stormwater requirements
IV.F.1.e	Maintain an inventory of post-construction stormwater management practices
IV.F.1.h	If Permittee develops a banking and credit system, provisions that would allow for offsite alternative stormwater management in lieu of or in addition to on-site stormwater management in development projects
IV.G	Pollution Prevention/Good Housekeeping for Municipal Operations and Facilities
IV.G.1 and 3	Program for pollution prevention / good housekeeping for municipal operations and facilities in New York City
IV.H	Industrial and Commercial Stormwater Sources
IV.H.1	Maintain an inventory of all industrial and commercial sites/sources within its urbanized area (regardless of ownership) that could discharge POCs in stormwater to the MS4
IV.H.2	Plan to inspect and assess inventoried industrial and commercial facilities to determine if they generate significant contributions of POCs to impaired waters and are not covered under SPDES MSGP or individual SPDES Permit
IV.H.3	Program to inspect the facilities covered under the SPDES MSGP (GP-0-12-001)

IV.I	Control of Floatable and Settleable Trash and Debris
IV.I	Program to manage floatable and settleable trash and debris; propose a methodology for selecting, sizing and siting the best management practices and controls that will be implemented to reduce floatables and settleable trash and debris; and implement approved work plan to determine the loading rate of and assess strategies to reduce floatable and settleable trash and debris from the MS4 to waterbodies listed as impaired for floatables
IV.J	Monitoring
IV.J.2	Program to evaluate long-term trends in receiving water quality
IV.M	Annual Reporting and Assessment of Controls
IV.M.4	Annually evaluate the compliance with the permit, appropriateness of significant BMPS, and effectiveness of implementation of each major component of the SWMP



FACT SHEET

For

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES PERMIT
for
STORMWATER DISCHARGES
from
Municipal Separate Storm Sewer Systems
of
New York City**

Final Permit Renewal

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

July 15, 2022

INTRODUCTION

The New York State Department of Environmental Conservation (Department) has finalized a renewal of the State Pollutant Discharge Elimination System (SPDES) permit for Stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s) Owned or Operated by the City of New York (Permittee), NY0287890. On August 1, 2015, the Department issued the first SPDES permit for the NYC Municipal Separate Storm Sewer System (NYC MS4). The permit was issued for a five-year term. On January 31, 2020, the Permittee submitted a timely and sufficient renewal application allowing for a State Administrative Procedures Act (SAPA)¹ extension of the 2015 permit.

The Department proposes to renew and modify NY0287890, which when finalized will be effective for a new five (5) year term and will continue to authorize discharges of stormwater to surface waters of the State from the NYC MS4.

BACKGROUND

The NYC MS4 is a large MS4 subject to the Phase I stormwater permitting requirements specified in the Clean Water Act. The requirements in the Code of Federal Regulations, 40 CFR §122.26(d), for large MS4 discharges formed the basis of the requirements in the initial permit, which required the submission of an approvable Stormwater Management Program (SWMP) Plan. The SWMP Plan was submitted by the Permittee on August 1, 2018, and was approved by the Department on March 14, 2019. The final renewal permit will require the Permittee to implement the various programs developed under the previous permit and in the approved SWMP Plan. In addition, the following sources were consulted in constructing this permit:

1. NYSDEC SPDES General Permit for Stormwater Discharges from MS4s (GP-0-10-002, dated May 2010 and modified October 2011 and GP-015-003, dated May 2015 and modified July 15, 2015);
2. MS4 Improvement Guide (EPA Publication 833-R-10-001), April 2010;
3. Individual MS4 permit programs from other Phase I MS4s such as Philadelphia, Los Angeles, Chicago, Houston, and District of Columbia.

PERMIT COVERAGE AND LIMITATIONS

The final renewal permit will continue to authorize the stormwater discharges from the Permittee, as a large MS4, currently existing within the jurisdictional boundaries of NYC

¹ State Administrative Procedures Act Section 401(2) and 6 NYCRR 621.11(l)

(urbanized area), and limited to those MS4 outfalls owned by the Permittee, provided the Permittee implements the SWMP Plan as it is written, and maintains the legal authority to do so. The intent of this final renewal permit is to build off the requirements contained in the previous permit and continue to manage urban sources of stormwater runoff to protect overall water quality and improve water quality in impaired waters. The final renewal permit acknowledges current and future planned improvements as part of NYC's Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) process and the impact of non-MS4 sources and planned controls for those sources.

This permit requires measures that will ensure that the Permittee implements specific practices that will control the various sources of pollutants and their means of entry into the MS4, reducing pollution system-wide to the maximum extent practicable (MEP) with the goal of attainment of water quality standards. Under the final renewal permit, the Permittee will implement the approved Stormwater Management Program (SWMP) Plan that addresses public education and participation, illicit discharges, construction site stormwater runoff, post-construction stormwater management practices and its own (municipal) facilities and operations similar to the controls required for every small MS4 under the SPDES General Permit for Stormwater from Municipal Separate Storm Sewer Systems (MS4 General Permit). In addition, the permit requires an industrial user and industrial source control program, as required by the Phase I regulations, and a program to control floatable and settleable trash and debris. Part IV of the permit contains prescriptive requirements as to the SWMP Plan contents that represent the technology based effluent limits. The requirements found in Part II of the permit include further control measures for impaired waters that constitute the water quality based effluent limits. Attainment of water quality standards in waters to which the Permittee discharges will require an iterative approach consistent with Section 402(p)(3)(b) of the Clean Water Act, and the permit will operate in conjunction with other efforts such as CSO LTCPs.

The following provides a brief summary of the major components of the final renewal permit requirements:

Summary of Permit Changes

- The Permittee has developed legal authority to enforce the requirements of this permit, and must submit recertification of this authority annually;
- Coney Island Creek is subject to the criteria laid out under Impaired Waters with Approved LTCPs;
- At EDP, the Permittee must provide a list of people at municipal agencies for the Department to contact in the event of an illicit discharge. That list must be updated annually. The Permittee has implemented a new threshold of 20,000 square feet for covered development projects, including in the right of way, under construction and post-construction requirements. However, road reconstruction projects that disturb less than an acre of land will require erosion and sediment controls only;
- The 20,000 square-foot for covered development projects under construction and post-construction requirements will also apply to

maintenance activities in the right of way, however, those projects will require erosion and sediment controls only;

- The Permittee must maintain an inventory with location information of all sites with post-construction BMPs. The Permittee will be responsible for providing information for sites that have applied for coverage since June 2019, with the remaining information for sites that have been covered since 2003 to be provided by the Department;
- During the last permit term, the Permittee discovered that there are currently no structural flood management controls within the Urbanized Area. Because of this, the evaluation requirement under Pollution Prevention and Good Housekeeping has been removed;
- The Permittee must conduct a loading rate study to characterize the floatables discharged from the MS4. The study must be completed within three years from its start; and
- The Permittee is required to evaluate long term trends in the MS4 and to ultimately develop urban stormwater quality models to estimate runoff volume and pollutant loads for individual source areas within a watershed.

Jurisdictional Authority & Communication

The permit defines the jurisdictional authority, responsibilities and roles of the Permittee in managing stormwater within the jurisdictional boundaries of NYC, referenced in this permit as the “urbanized area.” The following areas continue to be regulated under the permit, which ultimately discharge to MS4 outfalls owned by the Permittee: NYC-owned storm sewers; High Level Storm Sewers (with the exception of facilities that are sited near High Level Storm Sewers but discharge to combined sewers) and Bluebelts; construction activities covered under a general SPDES permit; and industrial stormwater facilities/areas. Consistent with the previous permit, the final renewal permit will continue to regulate NYC municipal operations and facilities that drain by overland flow (direct drainage) to surface waters of New York State. As with the previous permit the Permittee is not required to administer and monitor the construction and industrial stormwater facilities/areas, permitted under general SPDES permits, for: 1) facilities and operations that drain directly into surface waters of New York State through pipes or open channel conveyances, which are not NYC-owned or -operated separate storm sewers; and 2) facilities and operations, which are not NYC municipal facilities and operations, that drain by overland flow to surface waters of New York State.

The Department will continue to regulate facilities covered under a SPDES individual permit, SPDES general permitted non-traditional MS4s and concentrated animal feeding operation (CAFO) facilities/areas that discharge directly and wholly to waters of New York State, including those that discharge through NYC’s MS4.

Impaired Waters

The permit includes additional controls for impaired waters where more stringent controls are necessary:

Impaired Waters without TMDLs - The permit does not authorize new discharges of pollutants causing existing water quality impairments so that reductions achieved through the required pollution control measures are not negated by new development. To meet this requirement, the Permittee must implement a program that ensures no net increase (NNI) of pollutants of concern (POCs) to impaired waters resulting from non-negligible land use changes.

Impaired Waters with Approved LTCPs – The previous permit required the Permittee to identify “priority MS4 waterbodies.” Where information indicates that a waterbody listed in a CSO LTCP is not expected to result in compliance with applicable water quality standards, and stormwater from the MS4 is identified as a significant contributor to the water quality impairment, the permit requires the Permittee to implement, as part of the SWMP Plan, additional or customized best management practices (BMPs) for each control measure that addresses the POCs causing the impairment identified in the CSO LTCP. At the time of the EDP, the only impaired water that falls into this category is Coney Island Creek. If additional LTCPs get approved after the EDP, and new waterbodies fall under this classification, under the final renewal, the Permittee must, within two years of LTCP approval, document in the Annual Report:

- A determination of priority source categories for POCs causing the impairments;
- A list of additional non-structural BMPs for each control measure outlined in the SWMP Plan and an implementation schedule; and
- A description of opportunities to implement green infrastructure that are cost effective and feasible.

The Permittee identified one priority MS4 waterbody under the previous permit: Coney Island Creek, featured in the approved Coney Island Creek LTCP, which will be subject to the terms dictated in the final renewal permit under Part II.B.2.a-b, and e.

Legal Authority

The previous permit required that the Permittee develop and maintain the authority to carry out all aspects of its SWMP, including requiring the control of pollutants flowing into the MS4, having access to inspect sources of pollutant discharges, and being able to compel compliance and issue citations in the event of violations. Legal authority for construction site runoff control, post-construction/permanent runoff control, industrial and commercial inspections, and illicit discharge detection and elimination programs was attained in the previous permit term when the New York City Council enacted Local Law No. 97, the NYC

Stormwater Law, on May 30, 2017. Under the final renewal permit, the Permittee must submit a re-certification by the NYC Corporation Counsel, or their designee, that the legal authority previously outlined is maintained.

Enforcement Measures & Tracking

Under the previous permit, the Permittee developed an escalating enforcement policy that clearly describes the action to be taken for common violations. The policy describes the procedures to ensure compliance with local ordinances and standards, including the sanctions and enforcement mechanisms that will be used to ensure compliance. The final renewal permit will require ongoing implementation of the adopted policy and procedures for enforcement and tracking.

Stormwater Management Program (SWMP) Plan

The Permittee submitted its Stormwater Management Program (SWMP) Plan on August 1, 2018, as required by the previous permit, and it was subsequently approved by the Department on March 14, 2019. The approved SWMP Plan, when implemented as prescribed in the final renewal permit, will reduce stormwater pollutants to the MEP and allows the Permittee some flexibility in selection of the management practices that will be used to meet the permit requirements. The SWMP Plan also describes how the Permittee will address pollutants and includes BMPs and associated measurable goals. The Permittee shall keep the SWMP Plan current and shall revise it annually, as described in III.A.2 and IV.B.3.b to incorporate any new or modified BMPs and measurable goals, and associated timelines for their implementation. The SWMP Plan is a consolidation of all the Permittee's relevant ordinances or other regulatory requirements; a description of all programs and procedures (including standard forms to be used for reports and inspections) that will be implemented and enforced to comply with the final renewal permit; and an up-to-date document of the selection, design and implementation of all stormwater control measures. The permit requires the Permittee implement the following programs as best management practices, as documented in the SWMP Plan.

Public Education & Outreach – Under the previous permit the Permittee developed an education/outreach program tailored and targeted to specific water quality issues of concern within the urbanized area. In addition, the Permittee developed a process to assess how well its program is changing public awareness and behaviors and determine what changes are necessary to maximize the effectiveness of its public education program. The final renewal permit will require the Permittee to implement the approved processes and procedures developed under the previous permit and contained in the approved SWMP Plan.

Public Involvement/Participation – The permit requires that the Permittee, building off the progress of the previous permit cycle, implement a public involvement/participation program that provides the

opportunity for the public to participate in the implementation, review and major revision of the SWMP. The Permittee must also maintain a mechanism for the public to request and receive any stormwater-related information, including facilitation of public comments on the program's annual report.

Mapping– The permit requires that the Permittee provide a storm sewer system drainage area map, showing the location of Permittee-owned or -operated MS4 outfalls discharging to surface waters of the State. This map is to be updated within five years of EDP.

Illicit Discharge Detection & Elimination (IDDE) – The permit requires that the Permittee continue to implement and enforce an IDDE program. To the extent existing programs do not satisfy the requirements of this program, the Permittee is required to include appropriate modifications or additions in the SWMP Plan. This program must include the following:

- A law, ordinance, or other regulatory mechanism that prohibits (to the extent allowable under State or local law) illicit discharges and certain non-storm water discharges into the MS4, and appropriate enforcement procedures and actions. The Permittee accomplished this requirement under the previous permit by enacting the NYC Stormwater Law (Local Law No. 97) on May 30, 2017;
- A plan to detect and eliminate unauthorized non-stormwater discharges, including illegal dumping, into the MS4 which must:
 - Delineate procedures for identifying and detecting illicit discharges
 - Delineate procedures of how to prevent illicit discharges, and necessary corrective actions to eliminate them;
 - Delineate procedures of how to prevent, contain and respond to spills to the MS4;
 - Delineate procedures for conducting investigations into the track down of identified illicit discharges and illegal connections; and
 - Delineate procedures for timely reporting and public notifications.
- A plan to ensure staff performing IDDE tasks are adequately trained;
- The education of public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste;
- A list of contacts at different municipal agencies, under the final renewal permit, for the Department to contact in the event of an identified illicit discharge in its respective sewer service area;
- The determination of appropriate BMPs and measurable goals to ensure no illicit discharges to the MS4;
- An outfall reconnaissance inventory (ORI), a continuous ongoing DEP effort, that follows requirements of the Shoreline Survey dictated in the SPDES WRRF permits. Under this requirement, the Permittee must survey every outfall in its system at least once every 10 years. The

Permittee must make reasonable progress every year; it will document that progress in its annual report to the Department; and

- A sentinel monitoring program, another ongoing effort by DEP, that conducts sampling in dry weather conditions at a certain number of specified stations. The stations will be agreed upon by technical staff between the Permittee and the Department.

Construction Site Stormwater Runoff Control –

The final renewal permit requires the Permittee implement and enforce its construction site stormwater runoff control program, developed and approved in the SWMP Plan under the previous permit, to reduce pollutants in stormwater runoff to its MS4 from eligible construction activities, which will now be referred to as “covered development projects.” This program includes:

- A law, ordinance or other regulatory mechanism requiring the implementation of measures to control water runoff, construction materials and debris, and erosion and sediment from construction sites. The Permittee accomplished this requirement under the previous permit by enacting the NYC Stormwater Law (Local Law No. 97) on May 30, 2017;
- Written procedures for site plan review of construction plans that consider potential water quality impacts;
- Written procedures for site inspection and enforcement of control measures;
- Sanctions to ensure compliance;
- Procedures for the receipt and consideration of complaints and other information submitted by the public;
- Develop and maintain an inventory of active construction sites within its jurisdiction; and
- Appropriate construction BMPs and measurable goals to ensure the reduction of Pollutants of Concern (POCs).

Under the final renewal permit, the permittee must implement the approved procedures and continue to:

- Address stormwater runoff to the Permittee’s MS4 from covered development projects and provide protection equivalent to the SPDES General Permit for Stormwater Discharges from Construction Activity (CGP);
- Require construction managers for road construction or reconstruction projects less than one acre to implement erosion and sediment controls;
- Maintain an inventory of active construction sites within the urbanized area; and

- Verify that construction managers and site operators have received the proper erosion and sediment control training before working in the urbanized area.

During the previous permit term, the Permittee conducted a soil disturbance threshold study and determined the appropriate threshold of soil disturbance to trigger permit coverage under the construction site stormwater runoff control program is 20,000 square feet, or a creation of 5,000 square feet or more of impervious surface. That means construction activities that disturb 20,000 square feet or more, covered maintenance activities, or smaller disturbances that are part of a greater development plan that disturb 20,000 square feet or more, and/or create 5,000 square feet or more of impervious surface, will require coverage under the construction program. This new threshold went into effect on February 15, 2022, as stated in the Unified Stormwater Rule, promulgated by DEP pursuant to legislation enacted by the New York City Council on September 27, 2020 (Local Law 91 of 2020). Construction activities that meet these criteria will from here on be called “covered development projects.”

Post Construction Stormwater Management – The previous permit required the Permittee develop, implement and enforce a Post Construction Stormwater Management program to reduce pollutants in post construction runoff to its MS4 from new development and redevelopment projects. To meet this permit requirement, the Post Construction Stormwater Management Program in the approved SWMP Plan includes:

- Strategies which include a combination of structural and/or nonstructural BMPs;
- A law, ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls to the extent required by the SPDES CGP. The Permittee accomplished this requirement under the previous permit by enacting the NYC Stormwater Law (Local Law No. 97) on May 30, 2017;
- Written procedures for Stormwater Pollution Prevention Plan (SWPPP) reviews and inspections to ensure that all projects that are subject to post-construction stormwater management requirements comply with the SPDES CGP; and
- Provisions for adequate long-term operation and maintenance of stormwater management practices by trained individuals, including inspections to ensure practices are performing properly.

Under the final renewal permit, the Permittee must maintain an inventory of post-construction stormwater management practices within its jurisdiction. The inventory, which will include all relevant information,

including location, must include practices within the urbanized area that discharge to the MS4 and were both permitted by the Permittee since June 1, 2019, and implemented and authorized by the Department between March 10, 2003, and June 1, 2019. Information applicable to the latter practices will be provided by the Department.

The Permittee has, in accordance with the final renewal permit and pursuant to local law, reduced the lot size soil disturbance threshold for applicability of post-construction stormwater management practices to 20,000 square feet (implemented as of February 15, 2022). However, for covered development projects for road construction and reconstruction that are less than one acre, and for maintenance projects in the municipal rights of way, including road paving and milling, it will be required that erosion and sediment control practices be implemented, but post-construction stormwater control practices will not be required.

The previous permit included a requirement for SWPPPs pertaining to structural flood controls for flood management projects in the urbanized area. However, the Permittee reported that no such projects or controls exist within the urbanized area. Therefore, the final renewal permit removes these requirements.

Pollution Prevention/Good Housekeeping for Municipal Operations –

The Permit requires that the Permittee implement a pollution prevention/good housekeeping program for municipal operations and facilities to ensure that such operations and facilities are not a significant source of pollutants. To meet this requirement, the Permittee must continue to implement a plan that:

- Includes a prioritized inventory of municipal operations and facilities with initial prioritization into high, medium and low categories on the basis of potential for water quality impact. The initial prioritized list with prioritization tiers was created under the previous permit, and is updated annually;
- Assesses all municipal operations and facilities at specified frequencies based on their potential for water quality impacts according to the prioritized inventory;
- Implements management practices, policies and procedures to reduce or prevent the discharge of pollutants from its municipal operations and facilities;
- Ensures that all municipally owned or operated facilities or operations discharging stormwater associated with industrial activity have coverage under the SPDES Multi-Sector General Permit (MSGP) or this MS4 permit; and
- Incorporates runoff reduction techniques and green infrastructure during planned municipal upgrades, including in the municipal right of

way, if feasible and cost-effective. Green infrastructure will be designed per specifications of the NYC Stormwater Manual.

The previous version of the permit included a requirement that pertained to flood management projects and the associated existing flood control devices effects on water quality. However, the Permittee has reported that no such projects or controls exist within the urbanized area.

Industrial Stormwater Sources – The permit requires the implementation of an inspection program to assess whether unpermitted private industrial and commercial facilities require MSGP coverage, as well as maintain an inventory of facilities and make necessary referrals to Department. This permit also requires the Permittee, through adequately trained staff, to conduct inspections and appropriate enforcement of covered MSGP facilities. To meet this permit requirement, the Permittee must continue to implement a program that:

- Includes a law, ordinance or other regulatory mechanism providing NYC with the authority to require the implementation of proper control measures at applicable industrial and commercial sites. The Permittee accomplished this requirement under the previous permit by enacting the NYC Stormwater Law (Local Law No. 97) on May 30, 2017;
- Includes written procedures for site inspection and enforcement of control measures;
- Ensures that staff conducting inspections is adequately trained;
- Includes sanctions to ensure compliance;
- Includes procedures for tracking inspections; and
- Includes a plan to inspect and assess unpermitted industrial and commercial facilities not covered under SPDES MSGP or individual SPDES permits to determine whether they should be referred to the Department for such coverage.

Control of Floatable and Settleable Trash and Debris – The permit requires the Permittee’s stormwater program to target and control floatable and settleable trash and debris. To meet this permit requirement, the Permittee will be required to implement the approved methodology to determine the baseline load of trash and debris. Under the final renewal permit, this is referred to as the loading rate study, and must be completed within three years of EDP.

Monitoring & Assessment of Controls – The permit requires the Permittee to implement a Monitoring Program, which must meet the following objectives:

- Characterization and assessment of the quality of stormwater discharges at representative MS4 outfalls;

- Identification of sources of specific pollutants, including POCs; and
- Detection and elimination of illicit discharges and illegal connections to the MS4.

The Permittee is required, under the final renewal permit, to evaluate long-term trends in water quality and to develop urban stormwater quality models. The Permittee is required to report its progress on the development of the models to the Department starting two years after EDP, and annually thereafter.

Recordkeeping/Reporting – The permit specifies recordkeeping requirements and reporting to demonstrate compliance with the terms and conditions of the permit. The permit also includes reporting requirements for the remaining permit term to demonstrate that the stormwater management program is being implemented and is effective in achieving the goal of minimizing the discharge of pollutants from the MS4 to the MEP. The permit also requires that NYC develop a tracking system to track the information required in the permit, as well as the information required to be reported in the annual report.

Appendices

In the previous permit, Appendix I provided a map of all the impaired waterbodies to which the Permittee discharges stormwater. During the development of the final renewal permit, the Department issued an updated 303 (d) List of impaired waterbodies, which did not include a comparable map. Thus, the impaired waterbodies map has been omitted in the final renewal permit.

The 2018 303 (d) List issued by the Department in June 2020 also changed some of the terminology used for impairments. Between 2016 and 2018, “Floatables” was changed to “Garbage & Refuse,” and “Pathogens” was changed to “Fecal Coliform.” These changes are reflected in Appendix I of the final renewal permit. However, the final renewal permit still refers to “pathogens” and “floatables” to be consistent with the previous permit.