

**Phase II SPDES General Permit for  
Stormwater Discharges from  
Municipal Separate Storm Sewer Systems (MS4s), GP-02-02  
INFORMATION PACKET**

**The information below is included in this document:**

- Municipal Compliance Certification Form Instructions and Helpful Information
- Annual Report Table Instructions and Helpful Information
- Example Completed MCC Form
- Example Completed Annual Report Table
- Responsiveness Summary to the Public Comments Received on the Annual Report

**PLEASE NOTE:**

**Each MS4 must submit their own MCC Form and Annual Report Tables.**

JOINTLY PREPARED OR INTERMUNICIPALLY PREPARED ANNUAL REPORTS WILL NOT BE ACCEPTED. This means a group of MS4s cannot submit one Annual Report Table for the group and an MCC Form for each MS4.

If a coalition prepares Annual Report Tables for all coalition members, an MS4 can only take credit for coalition activities that the individual MS4 participated in. As the MS4 completes their individual Annual Report Tables they can:

- refer to the applicable sections of the coalition report within the individual report;
- copy the applicable sections of the coalition report, paste them into the individual report, and identify those sections as ones completed by the coalition; OR
- put their individual information into the coalition report and delete the sections that don't apply.

**The MCC Form and Annual Report Tables provided must be used. Any Annual Reports not submitted on the tables will be returned.**

**TO PRINT THIS DOCUMENT IN ADOBE ACROBAT:**

Open the document;

Go to FILE → PRINT → select "AUTO-ROTATE AND CENTER PAGES";

Print the document.



## Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-02-02 ANNUAL REPORT INSTRUCTIONS

### Introduction

The Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-02-02 (MS4 Permit) requires regulated MS4s to complete a Municipal Compliance Certification (MCC) Form and an Annual Report (AR) Table every year. The MCC Form and AR Table for the annual reporting year ending March 9 are due June 1 of each year. The completed MCC Form, Annual Report Tables and pertinent attachments submitted by a regulated MS4 comprise the Stormwater Management Program Annual Report (SWMPAR).

The next few pages contain background information and instructions on how to complete the MCC Form and AR Table. The MCC Form and AR Table are located after the instructions. These forms MUST be used for the annual reporting.

## MUNICIPAL COMPLIANCE CERTIFICATION FORM

### General Report Information

**Instructions:** Fill in regulated MS4 name and the SPDES permit number provided to you in the DEC's 'Acknowledgement of Notice of Intent for Coverage Under General SPDES Permit No. GP-02-02' letter sent to the MS4 from department staff after receipt of the NOI. If you are unsure of the permit number, contact the MS4 Program Coordinator at the DEC Central Office at (518) 402-8111.

Put an "X" in the line to indicate the reporting year.

### Section A. MS4 Owner/Operator and Contact Person Information

All MS4 Permit correspondence will be sent to the mailing address for the owner/operator. Some of the correspondence will also be sent to the appropriate contact person.

Contact persons are defined as follows:

#### *Owner/Operator*

- the representative of legal entity that operates the MS4
- ex. mayor, town supervisor, DPW supervisor, school district superintendent, etc.

#### *Local Stormwater Public Contact*

- the local point of contact; required by permit minimum control measure 2
- ex. village clerk, mayor, DPW supervisor, etc.
- this contact person cannot be a consultant

#### *Stormwater Management Program (SWMP) Coordinator*

- the person responsible for the implementation / coordination of the SWMP within the MS4
- ex. engineer, consultant, mayor, DPW supervisor, superintendent, etc.

#### *Annual Report Preparer*

- the person responsible for preparing the annual report
- ex. village clerk, consultant, DPW supervisor, superintendent, etc.

**Instructions:** Typically, one person is responsible for multiple program responsibilities. If one person fills multiple contact person roles:

- provide the name and information in one of the applicable contact person roles; and
- place a check mark to indicate the other contact person roles that individuals is responsible for.

Provide the most up-to-date information. Indicate if any contact persons information is new or has changed.

## Section B. Local Water Quality Information

### Inventory of Water Quality in New York State

The Federal Clean Water Act, Section **303(d)**, requires states to identify and prioritize waterbodies for which designated uses (fishing, swimming, etc) are not supported; they are considered impaired. The name of the waterbody and information about the source of the pollutant of concern that contributed to the impairment are provided on the 303(d) list.

Waters placed on the 303(d) list generally require a Total Maximum Daily Load (**TMDL**) study. A TMDL study calculates the maximum amount of a pollutant that a waterbody can receive from all sources within its watershed and still support its designated uses.

#### Check the status of the waters in your area.

Determine if your MS4 discharges to a waterbody on the **303(d)** list by:

- looking on the NY State 303(d) list (<http://www.dec.state.ny.us/website/dow/303dcalm.html>)

Determine if your MS4 is in one of the **TMDL** watersheds by:

- looking at the NY State Stormwater Interactive Map for TMDL watersheds (Oyster Bay is not yet on this map March 2006) (<http://www.dec.state.ny.us/website/imsmaps/stormwater/viewer.htm>);
  - select TMDL Watersheds on the “Map Layers” list on the right hand side;
  - click on “Refresh” above the “Map Layers”;
  - select the “Search” button on the left hand side;
  - search for the MS4 jurisdictional area by the municipality name;
- check with department staff; some MS4s have received notification informing them that the MS4 is in a TMDL watershed.

These lists periodically change; they should be rechecked prior to January 2008 when SWMP need to be fully developed to ensure that the appropriate pollutants are addressed.

#### Address sources of impairment associated with stormwater.

Part III.B.1 of the MS4 Permit states that the SWMP must ensure no increase of the listed pollutant of concern to the **303(d)** listed water. Waterbodies on the 303(d) list have a water quality problem, likely due to the listed source. However, the potential exists that other pollutant sources also contributed to the problem. The MS4s should determine where all waterbodies on the 303(d) list exist within their jurisdiction. This information is important because the MS4s must comply with Part III.B.1 of the MS4 Permit, even if the listed source of the pollutant is not stormwater related.

Part III.B.2 of the MS4 Permit states that if a **TMDL** has been approved by EPA for any waterbody into which an MS4 discharges, the MS4 must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations it must modify its SWMP to ensure that reduction of the pollutant of concern specified in the TMDL is achieved. As of March 2006, regulated MS4s within the New York City Watershed East of the Hudson River, Onondaga Lake and Oyster Bay watersheds will need to take into account the TMDL criteria when designing and implementing their SWMP. Other TMDLs will be developed in the future that MS4s may need to take into account.

**Instructions:** Indicate if the MS4 discharges to waters on the 303(d) list or if the MS4 is in a TMDL watershed. List the name of the impaired waters, pollutant(s) of concern and the source of the information. Additionally, indicate if the MS4 received written notification from the Division stating that they are subject to Part III.B. of the permit and if the SWMP had been changed to ensure compliance with Part III.B.

Contact the MS4 Program Coordinator at (518) 402-8111 if you have questions about the information presented in this section. If you have technical, site specific questions, contact Regional Office Stormwater Program staff.

### Section C. Partnership Information

Partners can include, but are not limited to, other MS4s, stormwater coalitions, government agencies (ie. Soil and Water Conservation Districts, Cornell Cooperative Extension), non-government agencies (ie. watershed protection groups, land conservation groups), volunteer groups, etc. Provide the partner's name in the appropriate row to indicate the existence of (planned) Legally Binding Agreements, contracts or other agreements between the MS4 and any partners. Includes grant administration contracts, memorandums of agreement and memorandums of understanding.

**Instructions:** Check "Yes" if the MS4 works with partners and list who the partners are. Indicate the status of any legally binding agreements. If there are non-legally binding agreements in place between partners, check "No". The existence of all agreements (legally binding and others) and the activities performed to comply with those agreements should be included in the pertinent section of AR table.

### Section D. Geographic Areas Addressed by Stormwater Management Program (SWMP)

MS4 areas with at least 50,000 people and densities of at least 1,000 people per square mile, based on the 2000 Census were automatically designated by the USEPA. Additional MS4 areas were designated by criteria determined by New York State. NYS designated MS4 areas that discharge to TMDL waters where the TMDL requires a level of reduction of a stormwater associated pollutant beyond that which could be achieved with existing programs. NYS also designated areas that are contiguous to automatically designated areas that discharged to sensitive waters. EPA regulation 40 CFR 122.32(a) states that stormwater discharges from all automatic and additionally designated MS4s must be authorized by the MS4 Permit unless the MS4 qualifies for a waiver of coverage. A list of the automatically and additionally designated areas can be found in MS4 overview document at [http://www.dec.state.ny.us/website/dow/toolbox/ms4toolbox/ms4\\_overview.pdf](http://www.dec.state.ny.us/website/dow/toolbox/ms4toolbox/ms4_overview.pdf).

**Instructions:** Check "Yes" if the SWMP covers all jurisdictional areas. Check "No" if it does not and explain in the box provided.

### Section E. Funding and Resource Allocation

**Instructions:** Indicate if resources (funding mechanism, equipment, staff, etc) are in place or planned to fully implement the SWMP by January 8, 2008. This question does not mean that MS4s are expected to have funding in place for the entire program in one budget item. Rather, it is asking what funding mechanisms are in place or planned to fund the program by January 8, 2008. Please indicate the sources, estimated amounts and frequency of funding for the MS4 program. If there is no current funding, please explain plans for obtaining future funding.

### Section F. Compliance Certification

**Instructions:** Please explain the MS4s progress towards full implementation and achieving measurable goals scheduled to be completed during **this reporting year**. Explain any "No" or "N/A" answers in the space provided.

**Be sure to sign the Certification Statement.** A principle executive officer, ranking elected official, or duly authorized representative of that person can sign. Per MS4 Permit Part VI.I.2., a duly authorized representative is an individual or position that has responsibility for the overall operation of the regulated facility (ie. manager, operator, superintendent, or position of equivalent responsibility) or an individual or position having overall responsibility for environmental matters for the MS4. This authorization must be made in writing to the MS4 Program Coordinator at the DEC Central Office. A consultant cannot be a duly authorized representative.

## ANNUAL REPORT TABLE

### Overall Information

Regulated MS4s should summarize in the following Annual Report Table work done as part of their stormwater management program (SWMP). The information provided should demonstrate their progress towards meeting the MS4 Permit requirements. Before completing the tables, MS4s should read the assistance documents released by the Division of Water (Division) and include any pertinent information when reporting about planned or completed plans, programs, procedures, activities, etc. that are part of the SWMP (referred to as 'activities' for the rest of the instructions).

Information is provided below to help regulated MS4s complete the Annual Report Tables. The Responsiveness Summary for the *Annual Report for Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)*, GP-02-02 included with this document also addresses a lot of questions and comments about the new Annual Report Tables.

**Instructions:** Provide the MS4 name and permit number on the first page and in the header of the Annual Report Tables.

*The MS4s should complete the sections of the Annual Report Tables that they have worked on.* If there are Permit References that they have not yet addressed:

- the MS4 should state that the activity has not yet been addressed; and
- indicate when they plan to address it (based on the most recent information from the NOI or other Annual Reports).

### *Non-traditional MS4s*

The Department understands that some of the information asked for in the Annual Report Tables does not always apply to the tasks performed by the non-traditional MS4s (school districts, county agencies, statewide agencies, etc.). The non-traditional MS4s should do one of two things:

- describe their plans, programs, procedures and activities under the permit references provided;  
OR
- for a given Permit Reference:
  - write that because they are a non-traditional MS4 and their governing structure is different that at traditional MS4s they cannot accurately report under the topics provided; and
  - provide the information about their program employed by the non-traditional MS4 in the additional techniques section.

### Annual Report Table Components

The **Permit Referenced Activities / Technique** column, which contains:

- references to the activities required by MS4 Permit (and a few activities that are not required by the permit, but are needed to assess the progress towards complying with certain permit requirements);
- prompts about the activities, materials, personnel, organizations, and other information the regulated MS4 should include in the Annual Report Tables to help describe the components of their SWMP; and
- space for the regulated MS4s to describe Additional Techniques that may not conform with the permit requirements and any changes that were made to the SWMP.

**Instructions:** When the MS4 fills in this column of the table, they should describe the activities and include information they are prompted for. More information specific to each minimum control measure (MCM) is provided below.

The **Measurable Goals** column that contains areas for the MS4 to:

- describe the **measurable goals** associated with the activities that comprise the SWMP;
- provide **results** if there are any results associated with the measurable goals;
- indicate if the task is completed by including a **completion date** with the description or state if it is **ongoing**; and
- describe tasks planned for the following year and indicate the **scheduled date** (planned date for accomplishing tasks).

The **measurable goals** that were provided in the draft Annual Report for MCM 3, 4 and 5 have been changed to **example measurable goals**. This information will be critical to the assessment of SWMPs when they are implemented. MS4s should strongly consider incorporating a way to collect this information as the SWMP activities are developed. This should result in fewer changes needed as the SWMPs approach implementation.

The *Critical Path to Compliance* document should be consulted for ideas on **scheduled dates** if the MS4 is uncertain of when they should plan to complete tasks.

**Instructions:** Describe the measurable goals, applicable results and indicate the status of the measurable goals by reporting the information described above.

The **Additional Techniques** section is an area where MS4s can describe techniques that are:

- performed in addition to the basic permit requirements; or
- don't fit the reporting in the Permit Reference section.

**Instructions:** Explain any **Additional Techniques** that were part of the program but not captured in the reporting of the other SWMP components in the Permit Reference section. Also provide any information on associated measurable goals, scheduled dates and completion dates. Non-traditional MS4s will likely use this section for some of their reporting because their activities don't always conform to the Permit References.

The **Changes or Additions** section is provided for each MCM. The MS4 can indicate any changes, additions or deletions to the Permit Referenced Activities / Techniques, Measurable Goals and / or Scheduled Dates as long as they meet the minimum MS4 Permit requirements.

**Instructions:** The MS4 should explain any **Changes or Additions** in the rows at the bottom of the table of the appropriate MCM.

### **Information to Include in All Minimum Control Measures**

**Extent of SWMP application** – If the jurisdictional area does not extend to the municipal boundaries of the regulated MS4, indicate if the SWMP is applied to the municipal boundaries when describing programs, plans, activities, etc. This will allow those MS4s to take credit for applying the program to the municipal boundaries.

**Partnering activities** - In the pertinent Annual Report section, activities performed *with* partners through legally binding or other agreements should be indicated and tasks performed on behalf of the MS4s *by* partners should be described.

## Information to help Report on Individual Minimum Control Measures

### MCM 1 – Public Education and Outreach

Be sure to include information about all additional activities that were indicated in the NOI or on subsequent Annual Reports.

### MCM 2 – Public Involvement / Participation

When comments are received on the Annual Report, MS4s are asked to summarize **intended responses** to those comments. Intended responses are simply how the MS4 plans to address those comments in the future year of the SWMP.

**Non-traditional MS4s** do not have a public meeting where they can present their Annual Report and many do not have a central office where they can make their Annual Report available for public viewing. The Annual Report can be made available by posting it at a headquarters office, division offices and/or on an internal website.

### MCM3 – Illicit Discharge Detection and Elimination

Refer to the *Annual Report for Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)*, GP-0-02 responsiveness summary and the *Illicit Discharge Detection and Elimination (IDDE) Assistance for Implementation of Municipal Separate Storm Sewer System (MS4) Permit* responsiveness summary for more information. They both address frequent questions and contain information to help with this reporting.

Permit Reference IV.C.3.e requires public employees, businesses and the general public be informed of hazards associated with illegal discharges and improper disposal of waste. The MS4 should design their own program to address topics specific to the MS4. They can also work with other MS4s, regional planning agencies, Cooperative Extension, or other agencies to have training on a more regional level to address topics that are common among the MS4s in the area. The MS4 should report on the local and joint activities used to meet this permit requirement.

### MCM3 – Illicit Discharge Detection and Elimination Regulatory Mechanism

The MS4s need to assess the regulatory mechanisms within the MS4 to determine what is currently in place that relates to IDDE.

The MS4s should:

- indicate what work has been done up to the time of reporting;
- indicate what work is planned for following year(s), based on the NOI and subsequent Annual Reports; and
- report as the work is completed.

Adoption of the regulatory mechanism and associated reporting are not required to be completed by year three. The MS4s can indicate when the work is planned and report as it is completed. This process and reporting must be complete by the end of annual reporting year five. If all the adoption process is completed and reported in the year three or four annual report, the information provided does not have to be updated in the following years.

**Traditional MS4s** with the legal authority to adopt a regulatory mechanism must complete the reporting about the IDDE Regulatory Mechanism. The reporting has been divided into two sections, one for reporting on the assessment of existing regulatory mechanisms, the other for the development of the regulatory mechanism.

**Non-traditional MS4s** and some **county MS4s** do not have legal authority to adopt a regulatory mechanism for IDDE. A reporting format that is applicable to those MS4s was created and is included as an **ADDENDUM** to the Annual Report Tables.

## **MCM 4 & 5 – Construction Site and Post-Construction Stormwater Runoff Control Regulatory Mechanism**

Refer to the *Annual Report for Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)*, *GP-02-02* responsiveness summary and *Gap Analysis Workbook for Local Officials* responsiveness summary. They both address frequent questions and contain information to help with this reporting.

The MS4s should:

- indicate what work has been done up to the time of reporting;
- indicate what work is planned for following year(s), based on the NOI and subsequent Annual Reports; and
- report as the work is completed.

Adoption of the regulatory mechanism and associated reporting are not required to be completed by year three. The MS4s can indicate when the work is planned and report as it is completed. This process and reporting must be complete by the end of annual reporting year five. If all the adoption process is completed and reported in the year three or four annual report, the information provided does not have to be updated in the following years.

**Traditional MS4s** with the legal authority to adopt a regulatory mechanism must complete the reporting about the Construction Site and Post-Construction Stormwater Runoff Control Regulatory Mechanism. The reporting has been divided into two sections, one for reporting on the preliminary assessment of existing regulatory mechanisms, the other for the assessment and development of the regulatory mechanism. The MS4s should report on the process utilized, whether it was the Gap Analysis Workbook or an equivalent process. If an MS4 is adopting the Sample Local Law, they need to indicate on the Gap Analysis Worksheets all of the provisions adopted.

**Non-traditional MS4s** and many **county MS4s** do not have legal authority to adopt a regulatory mechanism for Construction Site and Post-Construction Stormwater Runoff Control Regulatory Mechanism. A reporting format that is applicable to those MS4s was created and is included as an **ADDENDUM** to the Annual Report Tables.

The erosion, sedimentation and stormwater management requirements asked for in this section are requirements from the *Sample Local Law for Stormwater Management and Erosion & Sediment Control*. Department staff are compiling erosion, sedimentation and stormwater management requirement language used by non-traditional MS4s and county MS4s. This language will be provided as sample language to help MS4s that do not have all of the requirements in place.

### **MCM 4 – Construction Site Stormwater Runoff Control**

Permit Reference IV.C.4.b.v asks the MS4 to explain procedures developed and implemented for the receipt and consideration of information submitted by the public. The information submitted is anticipated to be concerns or complaints about projects. The MS4 needs to develop and implement a program to accept those concerns or complaints and respond to them.

Permit Reference IV.C.4.b.viii requires education and training of construction site operators about SWPPP requirements and any other requirements for construction projects within the MS4s jurisdiction. The MS4s are not expected to create their own individual training programs. They are expected to utilize and report on training provided at more of a regional level, such as training performed by department staff, Soil and Water Conservation Districts, Cooperative Extension, MS4 coalitions or other MS4s, etc. The MS4s need to report on training performed on their behalf and determine a way to notify construction site operators about specific requirements within their jurisdiction.

### **MCM 5 – Post-Construction Stormwater Management**

Permit Reference IV.C.5.a, c asks for the MS4s to example their post-construction stormwater management program. There are five main components that must be included in the program. Each component the MS4s are asked to report on and specific instructions for reporting are identified as bulleted items within the tables.



**MCM 6 – Pollution Prevention / Good Housekeeping for Municipal Operations**

The MS4s are required to report information about the management practices that are most up-to-date in their SWMP (either selected on the NOI or changed in subsequent Annual Reports). Most of the management practices on the NOI can be applied to more than one municipal operation within an MS4's jurisdiction. The municipal operations addressed by the permit are: streets and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; and solid waste management. A table is provided below that lists all of the possible municipal operation type(s) addressed by each management practice from the NOI.

<b>Management Practices (on MS4 Permit NOI)</b>	<b>Operation Type (in MS4 Permit, GP-02-02)</b>
Street cleaning	Street and Bridge Maintenance, Park and Open Space Maintenance, Municipal Building Maintenance
Catch basin and storm drain system cleaning	Stormwater System Maintenance
Alternative discharge options for chlorinated water	Park and Open Space Maintenance
Vehicle maintenance and washing	Street and Bridge Maintenance, Winter Road Maintenance, Vehicle and Fleet Maintenance
Hazardous and waste materials management	Vehicle and Fleet Maintenance, Park and Open Space Maintenance, Municipal Building Maintenance, Solid Waste Management
Landscaping and lawn care	Park and Open Space Maintenance, Municipal Building Maintenance
Integrated Pest Management (IPM)	Park and Open Space Maintenance, Municipal Building Maintenance
Marina management	Park and Open Space Maintenance
Road salt storage	Winter Road Maintenance
Roadway and bridge management	Street and Bridge Maintenance
Municipally-owned septic system management	Park and Open Space Maintenance, Municipal Building Maintenance
Spill response and prevention	Street and Bridge Maintenance, Winter Road Maintenance, Vehicle and Fleet Maintenance, Park and Open Space Maintenance, Municipal Building Maintenance

The Annual Report has two types of tables for reporting on MCM 6. Both tables apply to the municipal operations that the MS4 is addressing with the selected management practice(s). The first table asks for information about the overall municipal pollution prevention program. The second table asks for information about management practices that are performed within the municipal operations. This table is set up to be completed in a way that works with the structure of municipal operations within an MS4:

- If staff in one municipal office or department are responsible for reporting on the management practice(s) performed, place an 'X' in front of the municipal operation(s) addressed by the program and complete the table; OR
- If staff in different offices or departments are responsible for reporting, the table can be copied and given to the appropriate staff. Put an 'X' in front of the municipal operation(s) addressed by each office or program the department is responsible for and then complete the form.

Refer to the *Municipal Pollution Prevention / Good Housekeeping Assistance* document. This document identifies example policies, procedures and best management practices that apply to the municipal operation types in the MS4 Permit.

Permit Reference IV.C.6.a requires a municipal pollution prevention training component for staff. The program should address topics specific to the MS4, including the policies and procedures within their MS4 that staff should be aware of. They can also work with other MS4s, regional planning agencies, Cooperative Extension, or other agencies to have training on a more regional level to address topics that are common among the MS4s in the area, such as maintenance of best management practices. The MS4 should report on the local and joint activities used to meet this permit requirement.

The **solid waste management municipal operation** does not apply to landfills. It applies to how waste (garbage / recyclable materials) are handled at municipal facilities.

## **IMPORTANT NOTES**

### **Editing Tables**

#### *Microsoft Word*

Rows can be added to the tables in the following sections by going to the rightmost cell in the bottom row of the table and hitting tab.

Additional rows can also be added within a table by copying the row (highlight the row you want by clicking the mouse to the left of the row) → select the “Edit” menu → select “copy” → select the “Edit” menu → select “paste”. **DO NOT COPY AND PASTE THE BOTTOM ROW OF A TABLE IF IT HAS BOLDED LINES, THE LINES YOU PASTE WILL ALSO END UP BOLDED.**

Hitting the enter key in a given row will make it the row wider, creating more room to type.

#### *Word Perfect*

Rows can be added to the tables in the following sections by going to the rightmost cell in the bottom row of the table and hitting tab.

Additional rows can also be added within a table by copying the row (highlight the row you want by dragging the mouse over the row) → select the “Edit” menu → select “copy” → hit “OK” when asked if you want to cut or copy current selection → select the “Edit” menu → select “paste”. **DO NOT COPY AND PASTE THE BOTTOM ROW OF A TABLE IF IT HAS BOLDED LINES, THE LINES YOU PASTE WILL ALSO END UP BOLDED.**

Hitting the enter key in a given row will make it the row wider, creating more room to type.

**EXAMPLE COMPLETED  
MCC FORM AND ANNUAL REPORT TABLES**

These examples do not necessarily show what is considered outstanding, good or poor information to include. They are provided to try to clarify how to fill out the form.



**IMPORTANT NOTE:** Rows can be added to the tables in the following sections by going to the rightmost cell in the bottom row of the table and hitting tab. Hitting return in a given row will make the row wider, creating more room to type or write.

**Section B. Local Water Quality Information**  
Information to help complete this section can be found in the instructions.

1. Does the MS4 discharge to 303(d) listed waters or is it in a TMDL watershed?  
 Yes (complete the table below)     No     Not Yet Determined  
(Put an X in the 'Classification' cell to indicate if the MS4 discharges to a waterbody on the 303(d) list and / or if it is in a TMDL watershed.)

Impaired Waters Name (from 303 (d) list and/or TMDL)	Pollutant(s) of Concern (from 303 (d) list and/or TMDL)	Classification	
		303 (d)	TMDL
SLOW RIVER	PHOSPHORUS	X	

2. Have you received notification from the Department that you are subject to the special conditions in Part III.B. of the permit?  
 Yes  
 No

3. Have all necessary changes been made to the Stormwater Management Program (SWMP) to ensure compliance with Part III.B. of the MS4 permit for discharges to 303(d) or TMDL waters?  
 Yes  
 No (explain below)

Explanation: SWMP INCLUDES SOME PROCEDURES TO REDUCE PHOSPHORUS IN DISCHARGES FROM MUNICIPAL FACILITIES. NEED MORE INFORMATION ON WHAT KIND OF CHANGES NEED TO BE MADE.

**Section C. Partnership Information**

Information to help complete this section can be found in the instructions.

1. Does your MS4 work with partners?  Yes (complete table below)  No (Proceed to Section D)

**List MS4 Partners with Legally Binding Agreements or Contracts in Place**

COUNTYWIDE COUNTY, VILLAGE OF RIVERTOWN

**List MS4 Partners with Planned Legally Binding Agreements**

**List MS4 Partners with Other Agreements in Place**

COUNTYWIDE SOIL AND WATER CONSERVATION DISTRICT

**Section D. Geographic Areas Addressed by Stormwater Management Program (SWMP)**

Information to help complete this section can be found in the instructions.

1. Does your SWMP cover all jurisdictional (automatic and additionally designated) areas within the MS4, as required by 40 CFR 122.32(a)?  Yes  No (Explain below)

Explain: THE SWMP IS EXTENDED TO THE MUNICIPAL BOUNDARIES, BEYOND THE JURISDICTIONAL AREA, BUT PART OF THE TOWN IS A CSO AREA AND CSO MANAGEMENT PRACTICES ARE IN PLACE THERE INSTEAD OF THE MS4 SWMP.

**Section E. Funding and Resource Allocation**

Information to help complete this section can be found in the instructions.

1. Are adequate resources (funding mechanism, equipment, staff, etc.) planned or in place to fully implement your SWMP no later than January 8, 2008?  Yes  No (explain below)

Explain: WE ARE WORKING ON A FUNDING MECHANISM TO HAVE MORE STAFF AND JOINTLY PURCHASE A VAC-TRUCK WITH THE VILLAGE OF RIVERTOWN.

2. If the MS4 is receiving funding through the municipal budget, a grant, or other source, explain below: what are the sources, estimated amounts, and frequency of funding for the MS4?

Explain: RECEIVING FUNDING THROUGH A GRANT WITH THE COUNTY AND OTHER MS4S.

3. If the MS4 is not receiving funding, explain below: what plans does the MS4 have for obtaining future funding?

Explain:

<b>Section F. Compliance Certification</b>			
<p><b>Compliance Assessment</b> - For each of the minimum control measures, indicate below if your program has made steady progress toward full implementation <i>and</i> has achieved all measurable goals scheduled to be completed <b>during this reporting year</b>. Refer to the NOI and prior Annual Reports for information about measurable goals scheduled for this reporting year.</p>			
Permit Part	Minimum Control Measure	ANSWER BOTH COLUMNS FOR THIS REPORT YEAR ONLY	
		Steady Progress	Goals Achieved
IV.C.1.	Public Education and Outreach on Stormwater Impacts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Explain 'no' / 'N/A' answer:		
IV.C.2.	Public Involvement / Participation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Explain 'no' / 'N/A' answer:		
IV.C.3.	Illicit Discharge Detection and Elimination	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Explain 'no' / 'N/A' answer: WE HAVE BEEN WORKING ON THE LOCAL LAW. IT WAS SCHEDULED TO BE COMPLETED BY THE END OF THIS YEAR. WE DIDN'T GET IT DONE, IT WILL BE COMPLETED NEXT YEAR.		
IV.C.4.	Construction Site Stormwater Runoff Control	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Explain 'no' / 'N/A' answer:		
IV.C.5.	Post-Construction Stormwater Management	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Explain 'no' / 'N/A' answer:		
IV.C.6.	Pollution Prevention / Good Housekeeping for Municipal Operations	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
	Explain 'no' / 'N/A' answer: WE HAD PLANNED TO WORK WITH THE COUNTY TO DETERMINE PROCEDURES AND BEST MANAGEMENT PRACTICES TO HELP ADDRESS POLLUTANT DISCHARGES. THAT WORK WAS NOT DONE THIS YEAR. IT IS PLANNED FOR NEXT YEAR.		







**Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-02-02  
STORMWATER MANAGEMENT PROGRAM ANNUAL REPORT (SWMPAR) TABLE**

**Regulated MS4:**       RIVERTOWN       **SPDES Permit Number:**       NYR20A 9\_9\_9      

Annual Report Table for year ending: March 9,   X   2006 (Year 3)          2007 (Year 4)          2008 (Year 5)

Information about how to complete the follow tables is in the instruction packet. Please complete the tables electronically, if possible. Send two completed **hard copies** (an original and a photocopy) of this Annual Report Table, the MCC form and any attachments to the DEC Central Office (MS4 Permit Coordinator, 625 Broadway, Division of Water - 4<sup>th</sup> Floor, Albany, NY 12233-3505). **DO NOT SUBMIT REPORTS IN THREE-RING BINDERS.**

**Minimum Control Measure 1. Public Education and Outreach**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<p><b>Permit Reference IV.C.1.a, b:</b> Plan and conduct an ongoing public education and outreach program to ensure the reduction of all pollutants of concern in stormwater discharges to the maximum extent practicable (MEP).</p> <ul style="list-style-type: none"> <li>• <i>Explain the program, including activities and materials used</i></li> <li>• <i>Identify the personnel or outside organization conducting the activity.</i></li> <li>• <i>Indicate activities planned for next year.</i></li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p>EX. DESIGN AN OUTREACH PROGRAM TO COMMERCIAL ENTITIES INCORPORATING PRINTED MATERIAL AND TRIANING SESSIONS</p>	<p>- COMPLETE PROGRAM DESIGN (Completed April 2005)</p>
<p>EX. PROJECT WET - MS4 STORMWATER PROGRAM COORDINATOR ATTENDS PROJECT WET WORKSHOP TO RECEIVE TRAINING IN CONDUCTING PROJECT WET EDUCATIONAL AND OUTREACH ACTIVITIES AT PUBLIC EVENTS AND PROGRAMS TO EDUCATE THE PUBLIC (ADULTS AND/OR CHILREN) ON STORMWATER IMPACTS.</p>	<p>- COMPLETION OF TRAINING (Completed Sept 2005) - NUMBER OF STAFF TRAINED BY MS4 STORMWATER PROGRAM -COORDINATOR TO CONDUCT PROJECT WET ACTIVITIES - TRAINING SESSIONS PLANNED APRIL 2006</p>
<p>EX. PROJECT WET - MS4 CONDUCTS PROJECT WET ACTIVITIES AT PUBLIC EVENTS AND PROGRAMS TO EDUCATE THE PUBLIC ON STORMWATER IMPACTS. KEEP RECORDS ON THE EVENTS HELD (LOCATION, DATE, INFORMATION PRESENTED, AUDIENCE, PUBLICS QUESTIONS / CONCERNS ABOUT THE PROGRAM, ETC.)</p>	<p>- 5 EVENTS HELD FOR YEAR 3 - PLANNED 8 FOR YEAR 4</p>
<p> </p>	<p> </p>
<p><b>Additional Techniques</b></p>	<p><b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p>TOWN IS WORKING WITH COMPUTER CLASS AT THE HIGH SCHOOL TO DEVELOP A WEB PAGE FOR THE TOWN'S STORMWATER PROGRAM. THE PAGE WILL CONTAIN CONTACT INFORMATION, UPDATES ON STORMWATER ACTIVITIES IN THE TOWN AND OTHER MS4S IN THE COUNTY. IT WILL ALSO PROVIDE LINKS TO THE STATES STORMWATER</p>	<p>MET WITH THE TEACHER AND TWO STUDENTS THAT ARE GOING TO WORK ON THE WEB PAGE ON JANUARY 21, 2006. THEY ARE PLANNING TO COMPLETE THE WEB PAGE BY MAY 1, 2006. PLAN TO HAVE WEBSITE UPDATED ONCE A SEMESTER.</p>

WEB PAGE. AGREED WITH THE TEACHER TO ALLOW A STUDENT OR TWO TO UPDATE THE WEBSITE FOLLOWING THE PROTOCOL ESTABLISHED.	
<b>Explain any changes or additions to the Permit Referenced Activities / Techniques, Measurable Goals and / or Scheduled Dates above and provide a reason(s) for the change:</b>	

**Minimum Control Measure 2. Public Involvement/Participation**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<p><b>Permit Reference IV.C.2.c.iii.:</b> Design and conduct a public involvement / participation program.</p> <ul style="list-style-type: none"> <li>Describe activities that the MS4 has/will undertake to provide program access to interested individuals and to gather needed input.</li> <li>Indicate activities planned for next year.</li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>	
<p>EX. MAILING LIST DEVELOPMENT AND USE TO KEEP PEOPLE WHO ARE INTERESTED IN WATER QUALITY ACTIVITIES INFORMED OF PARTICIPATION OPPORTUNITIES AND UPCOMING DECISIONS, ETC.</p>	<p>THIS LIST IS COMPILED FROM RESPONSES TO FLYERS SENT WITH WATER BILLS. IT IS UPDATED CONTINUOUSLY.</p>	
<p>EX. IMPLEMENT STORM DRAIN STENCILING PROGRAM USING "NO DUMPING – DRAINS TO RIVER" LOGO. (SEE ATTACHED LOGO)</p>	<p>STENCILED 40% OF THE STORM DRAINS (completed Nov 2005); PLANNED Nov 2006 – 60% OF STORM DRAINS</p>	
<p>EX. HOUSEHOLD HAZARDOUSE WASTE DAY - COLLECT HOUSEHOLD HAZARDOUS WASTE THE FIRST SATURDAY EVERY MAY. THIS PROGRAM IS OPERATED BY THE TOWN LANDFILL STAFF AT THE LANDFILL. ANY SPRA Y PAINT COLLECTED WILL BE USED FOR THE STORM DRAIN STENCILLING PROGRAM.</p>	<p>- 75 HOUSEHOLDS WERE REPRESENTED AT YEAR 3 EVENT. WORKING TO DETERMINE THE TOTAL NUMBER OF HOUSEHOLDS IN THE MUNICIPALITY TO ESTIMATE PERCENT OF HOUSHOLDS REPRESENTED IN YEAR 4.</p>	
<p>EX. MS4 SPONSORS PROJECT WET TO LEAD STEWARDSHIP ACTIVITIES THAT INVOLVE THE PUBLIC. PROJECT WET WILL HELP COORDINATE STREAM CLEAN UP AND EDUCATION DAYS WITH STUDENT ORGANIZATIONS AND THEIR FAMILIES. RECORDS WILL BE KEPT ABOUT THE NUMBER OF EVENTS HELD AND THE NUMBER OF PEOPLE AND ORGANIZATIONS THAT PARTICIPATE.</p>	<p>EARTH DAY CLEANUP - APRIL 20, 2005 - 2 BOY SCOUT TROOPS AND ONE GIRL SCOUT TROOP PARTICIPATED. 20 PEOPLE TOTAL. PLANNING A CLEAN-UP DAY FOR JUNE 1, 2006 WITH HIGH SCHOOL ENVIRONMENTAL CLUB.</p>	
<p>EX. DEVELOP PROGRAM TO SOLICIT INFORMATION FROM THE PUBLIC THAT CONTRIBUTES TO THE CONTENT OF THE LOCAL LAWS.</p>	<p>GET PUBLIC INPUT ABOUT LOCAL LAW CONTENT.</p>	
<p><b>Permit Reference IV.C.2.a, f:</b> Develop procedures to provide public notice about and access to documents and information in a manner that complies with state and local public notice requirements. <i>Describe procedures below and state the methods used to publicize the AR public presentation.</i></p>		
<p>EX. PRESS RELEASE IN DAILY TIMES APRIL 23, 2006, MAILINGS SENT TO INTERESTED PEOPLE</p>		
<p> </p>		
<p><b>Permit Reference IV.C.2.e:</b> Public presentation of; <b>f:</b> summary of comments received on; and <b>g:</b> intended response to comments on the SWMPAR.</p>		
<p><b>Summarize attendance at the public presentation of the Annual Report. Include number of attendees and who was represented:</b></p>		
<p>EX. MAYOR, CLERK, RIVER KEEPER, 3 PEOPLE FROM GENERAL PUBLIC</p>		
<p><b>Comments on Annual Report Meeting</b> __X__ No public comments received on Annual Report. __ Comments received. <b>Attach summary of comments and intended responses.</b></p>	<p><b>Date of Annual Report Meeting:</b> MAY 2, 2006</p>	<p><b>Approximate Date of Meeting Next Year:</b> MAY 2007</p>
<p><b>Additional Techniques</b></p>	<p><b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>	

<b>Explain any changes or additions to the Permit Referenced Activities / Techniques, Measurable Goals and / or Scheduled Dates above and provide a reason(s) for the change:</b>	

**Minimum Control Measure 3. Illicit Discharge Detection and Elimination (IDDE)**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<p><b>Permit Reference IV.C.3.a:</b> Develop, implement and enforce a program to detect, identify and eliminate illicit discharges, including illegal dumping, into the MS4.</p> <ul style="list-style-type: none"> <li>• <i>Explain the activities and methods used to meet this requirement this year and planned for next year.</i></li> <li>• <i>Revised as procedures are updated.</i></li> <li>• <i>Identify personnel or outside organization conducting the activities</i></li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p> <ul style="list-style-type: none"> <li>• <i>Example measurable goals: number of illicit discharges detected; number of illicit discharges eliminated.</i></li> </ul>
<p>EX. WORKING WITH COUNTY TO DEVELOP A LAW. PROGRAM INVOLVES DETERMINING THE LAWS THAT EXIST, WHAT CHANGES ARE NEEDED AND ADOPTING THE LAW.</p>	<p>REVIEWED EXISTING LAWS - COMPLETED FEB 2006 PLAN TO DRAFT ADOPTIONS - JULY 2007 LAW WORK PLANNED TO BE COMPLETED JAN 2007</p>
<p>EX. WE ARE WORKING ON ENFORCEMENT PROGRAM AS WE DEVELOP THE LAW. IT IS LIKELY THAT FAILING SEPTIC SYSTEMS WILL HAVE TO WORK WITH THE HEALTH DEPARTMENT TO BE REPAIRED AND ANY ENFORCEMENT WILL BE HANDLED BY THE HEALTH DEPARTMENT. ILLEGAL DUMPERS WILL BE CHARGED A FINE, AMOUNT TO BE DETERMINED. IF THEY ARE ILLEGALLY CONNECTED TO THE MS4 SYSTEM, THEY WILL BE REQUIRED TO DISCONNECT AND BE INSPECTED BY THE BUILDING INSPECTOR.</p>	<p>WORKING TO COMPLETE THE ENFORCEMENT PROGRAM BY JULY 2006 TO INCLUDE IN THE LAW.</p>
<p>EX. MS4 WILL DEVELOP A SYSTEM TO RECORD THE LOCATION OF ILLICIT DISCHARGES, TYPE OF DISCHARGE, RESPONSIBLE PARTY, ENFORCEMENT ACTION TAKEN AND DATE DISCHARGE ELIMINATED.</p>	<p>WORKING TO COMPLETE THE ENFORCEMENT PROGRAM BY JULY 2006 TO INCLUDE IN THE LAW. MEASURABLE GOALS WILL BE THE NUMBER OF ILLICIT DISCHARGES DETECTED AND ELIMINATED.</p>
<p><b>Permit Reference IV.C.3.b:</b> Develop and maintain a map showing the location of all outfalls and the names and location of all waters of the US that receive discharges from outfalls. <i>Explain activities performed this year and planned for next year, including work on the following IDDE guidance prerequisites:</i></p> <ul style="list-style-type: none"> <li>• field verification of outfall locations;</li> <li>• mapping all inter-municipal subsurface conveyances;</li> <li>• delineating storm sewershed; and</li> <li>• developing and retaining MS4 mapping as needed to find the source and identify illicit discharges. <b>State if maps are in GIS.</b></li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p> <ul style="list-style-type: none"> <li>• <i>Example measurable goals: percent of outfalls mapped</i></li> </ul>
<p>EX. CREATE A PLAN FOR COMPLETING THE MAP WITH TOWN ENGINEERS, UNIVERSITY, SOIL AND WATER. THE PLAN INCLUDES THE COMPONENTS DESCRIBED BELOW:</p>	<p>COMPLETED PLAN (June 2005)</p>
<p>EX. DETERMINE OUTFALL LOCATIONS WITH GPS. STUDENTS FROM SUNY ARE INTERNS WORKING ON PROGRAM. LOCATION ACTIVITIES</p>	<p>PERCENTAGE OF OUTFALLS LOCATED - Aug 2005 : Planned 100%; Result 0% GPS fell in river, due to no</p>

COORDINATED WITH SOIL AND WATER.	equipment and lost data, will complete next year - Aug 2006 : Planned 100%
OUTFALL LOCATION FIELD VERIFIED WHEN GPS WORK PERFORMED BY UNIVERSITY/SOIL AND WATER INTERNS.	ALL OUTFALLS FIELD VERIFIED (PLANNED AUG 2006)

**Minimum Control Measure 3. Illicit Discharge Detection and Elimination (IDDE) Regulatory Mechanism**

**Permit Reference IV.C.3.c:** Prohibit, through an ordinance, local law or other regulatory mechanism, illicit discharges into the MS4. The MS4s have until year 5 to complete the local law work. **See the instructions for information about completing this section.**

Does the MS4 have the legal authority to enact ordinances, local laws or other regulatory mechanisms?	<input type="checkbox"/> No (go to ADDENDUM 1) <input checked="" type="checkbox"/> Yes (complete questions below)
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**Assessment of Regulatory Mechanism (Local Code)**

1) When was this assessment completed or planned to be completed?	Date completed: <u>FEB 2006</u> <input type="checkbox"/> Not yet completed (proceed to next table) Plan to complete for reporting in year: <input type="checkbox"/> 4; <input type="checkbox"/> 5.
2) Is there an existing ordinance, local law or other regulatory mechanism?	<input type="checkbox"/> No (go to question 5) <input checked="" type="checkbox"/> Yes
3) Does the existing regulatory mechanism prohibit illicit discharges as required by the MS4 Permit?	<input checked="" type="checkbox"/> No (amendments needed) <input type="checkbox"/> Yes
4) Does the existing regulatory mechanism include enforcement authorities and procedures as required by the MS4 Permit?	<input checked="" type="checkbox"/> No (amendments needed) <input type="checkbox"/> Yes

**Development of Regulatory Mechanism (Local Codes)**

5) When was this work completed or planned to be completed?	Date completed: _____ <input checked="" type="checkbox"/> Not yet completed (proceed to next table) Plan to complete work below for reporting in year: <input checked="" type="checkbox"/> 4; <input type="checkbox"/> 5.
6) If you answered 'No' to question 1, 2 or 3, what regulatory mechanism or amendments will be adopted to meet the MS4 permit requirements?	<input type="checkbox"/> NYS IDDE Model Law in its entirety <input type="checkbox"/> Selected NYS IDDE Model Law articles adopted as amendments to existing code(s) that are equivalent to the NYS IDDE Model Law <input type="checkbox"/> MS4 will write language equivalent to NYS IDDE Model Law
7) If you answered 'No' to question 1, 2 or 3, has a list of needed changes to local codes been developed for adoption of the regulatory mechanism?	<input type="checkbox"/> No <input type="checkbox"/> Yes, list the <b>local code(s)</b> that will be changed:
8) If the existing regulatory mechanism does not require amendments, what language is in the mechanism?	<input type="checkbox"/> NYS IDDE Model Law in its entirety <input type="checkbox"/> Selected NYS IDDE Model Law articles adopted as amendments to existing code(s) that are equivalent to the NYS IDDE Model Law <input type="checkbox"/> Language equivalent to NYS IDDE Model Law
9) What was the date or is the planned date of local law adoption?	Date:
10) Provide a web address if adopted local law can be found on a web site.	Web Address:



**Minimum Control Measure 3. Illicit Discharge Detection and Elimination (IDDE)**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<b>Permit Reference IV.C.3.e:</b> Inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste. <ul style="list-style-type: none"> <li>• <i>Explain activities and materials used to meet this requirement this year <u>and</u> planned for next year</i></li> <li>• <i>Identify personnel or outside organization conducting activities</i></li> </ul>	<b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)
EX. HOUSEHOLD HAZARDOUS WASTE COLLECTION AND WEBSITE ARE USED TO EDUCATE THE PUBLIC	
EX. WHEN INSTANCES OF ILLEGAL DUMPING ARE FOUND / REPORTED, A FLYER IS PUT ON HOMEOWNER’S DOORS INFORMING THEM ABOUT THE HAZARDS OF ILLEGAL DUMPING AND WHAT TO DO IF THEY SEE ILLEGAL DUMPING	PLAN TO RECORD THE NUMBER OF HOUSES THAT RECEIVE THIS INFORMATION AND TRY TO COMPARE THAT WITH THE NUMBER OF INCIDENCES OF ILLEGAL DUMPING IN THE AREA - AFTER LAW IN PLACE
EX. PLAN TO UPDATE THE WEBSITE WITH INFORMATION ABOUT THE HAZARDS OF SPILLS ONCE WEBSITE IS COMPLETED AND ONCE A SEMESTER AFTER THAT.	
<b>Additional Techniques</b>	<b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)
<b>Explain any changes or additions to the Permit Referenced Activities / Techniques, Measurable Goals and / or Scheduled Dates above and provide a reason(s) for the change:</b>	

**Minimum Control Measure 4 and 5. Construction Site and Post-Construction Stormwater Runoff Control Regulatory Mechanism**

**Permit Reference IV.C.4.b.i, 5.a.i:** Require development and implementation of erosion and sedimentation controls through a local law or other regulatory mechanism. Report on assessment process used (*Stormwater Management Gap Analysis Workbook for Local Officials* or equivalent process). The MS4s have until year 5 to complete the local law work. **See the instructions for information about completing this section.**

Does the MS4 have the legal authority to enact land use ordinances, local laws or other regulatory mechanisms?	<input type="checkbox"/> No (go to ADDENDUM 2) <input checked="" type="checkbox"/> Yes (complete questions below)
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**Preliminary Assessment of Regulatory Mechanism (Local Code)**

1. When was the preliminary assessment of existing local codes completed or when will it be completed?	Date completed: _JAN 2006_____ <input type="checkbox"/> Not yet completed (proceed to next table) Plan to complete for reporting in year: ___4; ___5. <input type="checkbox"/> Did not do preliminary assessment; proceeded directly to Gap Analysis Worksheets 1-4 or adopted <i>Sample Local Law for Stormwater Management and Erosion &amp; Sediment Control</i> (Sample Local Law).
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2. If preliminary assessment was completed, indicate the results.	<input checked="" type="checkbox"/> If none of Sample Local Law provisions appear in local code; consider adopting Sample Local Law or equivalent <input type="checkbox"/> If few Sample Local Law provisions appear in local code; major revisions needed or consider adopting Sample Local Law or equivalent <input type="checkbox"/> If most of the Sample Local Law provisions appear in local code; minor revisions needed
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**Assessment and Development of Regulatory Mechanism (Local Code)** (continued on next page)

3. When was the Gap Analysis or equivalent process completed or when will it be completed?	Date completed: _FEBRUARY 2006_____ <input type="checkbox"/> Not yet completed (proceed to next table) Plan to complete for reporting in year: ___4; ___5.
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4. How was the local code adopted*?  <i>*If MS4 has some existing local code equivalent to Sample Local Law and adopted parts of Sample Local Law as amendments to make a complete local code, check b and c.</i>	a. <input checked="" type="checkbox"/> The entire Sample Local Law adopted as amendments to existing code or as stand alone law. <ul style="list-style-type: none"> <li>• If no portions of the Sample Local Law were moved or deleted, all provisions would be exactly the same as the Sample Local Law.</li> <li>• If ANY provisions of the Sample Local Law were moved or deleted, the moved or changed provisions must be reviewed (use the <i>Gap Analysis</i> or equivalent process) to ensure the intent of the law has not been changed.</li> </ul> b. ___ Parts of NYS Sample Local Law adopted as amendments to existing code c. ___ Language developed by municipality was demonstrated to be equivalent
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**Minimum Control Measure 4 and 5. Construction Site and Post-Construction Stormwater Runoff Control Local Law**

**Permit Reference IV.C.4.b.i, 5.a.i** (continued)

**Assessment and Development of Regulatory Mechanism (Local Code)** (continued)

5. Answer the following questions about the Gap Analysis or equivalent processes.

Provisions are defined as: All the Sample Local Law sections or subsections in the Gap Analysis Worksheets 1-4 that have a box in the “Equivalence” column, meaning that there is an associated “Equivalence” sheet (with the exception of Article 6, Section 4 which does not have an Equivalence sheet).

Total number of provisions in each worksheet: Sample Local Law Article 1 (Gap Analysis Worksheet 1) - 8 provisions; Sample Local Law Article 2 (Gap Analysis Worksheet 2) - 51 provisions; Sample Local Law Article 3, 4, 5 (Gap Analysis Worksheet 3) - 3 provisions; Sample Local Law Article 6 (Gap Analysis Worksheet 4) - 9 provisions.

MS4s that adopt the entire Sample Local Law as amendments to existing code or as stand alone law need to indicate the number of provisions being adopted that are exactly the same as the Sample Local Law, or equivalent, in the right-hand column below.

Sample Local Law Articles	NUMBER OF PROVISIONS IN LOCAL LAW		
	Existing provisions <b>exactly the same</b> as the Sample Local Law language	Existing provisions <b>equivalent</b> to the Sample Local Law language (see Gap Analysis Workbook Equivalence Sheets for information to help determine equivalence)	Sample Local Law or equivalent language to be <b>adopted</b> , listed as <b>legislative agenda</b> items.
1			EX. 8
2			EX. 51
3, 4, 5			EX. 0 (NO SUBDIVISION, SITE PLAN OR EROSION AND SEDIMENT CONTROL REGULATIONS EXIST)
6			EX. 9
TOTAL			EX. 68

6. Has a list of needed changes (legislative agenda) been developed for adoption of amendments to local codes (or for deletion of existing codes that are addressed by adoption of a stand alone law)?

\_\_\_ No  
 Yes, list the **local codes** that will be changed:  
 EX. ZONING

7. What was the date or is planned date of local code adoption?  
 Date: EX. JAN 2007

8. Provide a web address if the adopted local law can be found on a web site.  
 Web Address:

**Minimum Control Measure 4. Construction Site Stormwater Runoff Control**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<p><b>Permit Reference IV.C.4.b. v:</b> Develop and implement procedures for site plan review by the MS4 that incorporate consideration of potential water quality impacts and review individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements.</p> <ul style="list-style-type: none"> <li>Describe the procedures below. <u>Revise as procedures are updated.</u></li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p> <ul style="list-style-type: none"> <li>Example measurable goals: number of plans received; number of plans reviewed; percent of plans received that are reviewed.</li> </ul>
<p>EX. THE SITE PLANS ARE REVIEWED BY THE CODE ENFORCEMENT OFFICER ON A WEEKLY BASIS TO ENSURE THEY COMPLY WITH STATE STANDARDS AND LOCAL SEDIMENT AND EROSION CONTROL REQUIREMENTS. THE FINDINGS ARE PRESENTED AT THE WEEKLY TOWN MEETING. INTEND TO RECORD THE NUMBER OF SITE PLANS THAT ARE REVIEWED FOR PROJECTS FROM 1 TO 5 ACRES AND PROJECTS OVER 5 ACRES. REVIEWS WILL BE DONE ON A WEEKLY BASIS OR AS NEEDED.</p>	<p>DEVELOPED INITIAL PROCEDURES - JAN 2006 PROCEDURES IN PLACE - planned for JAN 2007 INTENDED MEASURABLE GOAL WILL BE THE NUMBER OF PLANS THAT RECEIVED AND REVEIWED EVERY QUARTER FOR THE DIFFERENT SIZE PROJECTS.</p>
<p><b>Permit Reference IV.C.4.b. vi:</b> Develop and implement procedures for the receipt and consideration of information submitted by the public.</p> <ul style="list-style-type: none"> <li>Explain the procedures below. <u>Revise as procedures are updated.</u></li> <li>Identify the responsible personnel or outside organizations.</li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p>EX. THE PROCEDURES ARE POSTED ON OUR WEBSITE. THE PUBLIC CAN CONTACT THE TOWN CLERK OR COME TO THE PLANNING BOARD MEETINGS WHEN PLANS ARE DISCUSSED. ALL INFORMATION WILL BE CONSIDERED BY THE PLANNING BOARD.</p>	<p>MEASURABLE GOALS ARE THE NUMBER OF PROJECTS THAT RECEIVED PUBLIC INPUT AND WHAT ACTION WAS TAKEN IN RESPONSE TO THE INPUT. FOR YEAR 3 - NO INPUT RECEIVED.</p>

**Minimum Control Measure 4. Construction Site Stormwater Runoff Control**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<p><b>Permit Reference IV.C.4.b. iii, vii:</b> Develop and implement procedures for site inspections, enforcement of control measures and sanctions to ensure compliance with GP-02-02.</p> <ul style="list-style-type: none"> <li>Describe each procedure below. <u>Revise as procedures are updated.</u></li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p> <ul style="list-style-type: none"> <li>Example measurable goals are number of: inspections; fines assessed; stop work orders; other sanctions.</li> </ul>
<p>EX. WE ARE WORKING ON DEVELOPING THESE PROCEDURES AS WE WORK ON THE LOCAL LAW.</p>	<p>BEGAN DISCUSSING PROCEDURE - MARCH 2006 PLAN TO HAVE INITIAL PROCEDURES DEVELOPED - JUNE 2006 PROCEDURES IN PLACE - Planned JAN 2007</p>
<p><b>Permit Reference IV.C.4.b. viii:</b> Educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements they must meet <b>within the MS4s jurisdiction</b></p> <ul style="list-style-type: none"> <li>Explain the activities and materials used to meet this requirement.</li> <li>Identify the personnel or outside organization conducting this activity.</li> <li>Indicate activities planned for next year.</li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p>EX. REQUIRE ALL CONSTRUCTION SITE OPERATORS TO ATTEND EROSION AND SEDIMENT CONTROL TRAINING OFFERED BY SOIL AND WATER CONSERVATION DISTRICT.</p>	<p>NUMBER OF SITE OPERATORS TRAINED - planned March 2006</p>
<p><b>Additional Techniques</b></p>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p><b>Explain any changes or additions to the Permit Referenced Activities / Techniques, Measurable Goals and / or Scheduled Dates above and provide a reason(s) for the change:</b></p>	

**Minimum Control Measure 5. Post-Construction Stormwater Management**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<b>Permit Reference IV.C.5.a, c.</b> Develop and implement a post-construction stormwater management program that addresses stormwater runoff from new development and redevelopment and will reduce the discharge of pollutants to the MEP. Program requirements should include:	<b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)
<ul style="list-style-type: none"> <li>A combination of structural and/or non-structural management practices.</li> <li><i>Identify and describe below procedures to ensure installation of post-construction management practices. <u>Revise as procedures are updated.</u></i></li> </ul>	DO NOT ENTER INFORMATION IN THIS CELL
EX. TOWN ENGINEER INSPECTS PRACTICES DURING AND AFTER CONSTRUCTION, PRIOR TO OPERATION. REPORTS ON THEM AT WEEKLY TOWN MEETINGS.	NUMBER OF IMPROPERLY INSTALLED PRACTICES- evaluation ongoing
<ul style="list-style-type: none"> <li>Procedures for site plan and SWPPP review to ensure SWMPs meet state standards.</li> <li><i>Describe procedures below. <u>Revise as procedures are updated.</u></i></li> </ul>	<ul style="list-style-type: none"> <li><i>Example measurable goals include: number of plans received; number of plans reviewed; percent of plans received that are reviewed.</i></li> </ul>
EX. PROCEDURES ARE BEING DEVELOPED AS WE WORK ON LOCAL LAW. WE ARE TRYING TO FIND FUNDING TO HIRE AN ENGINEER TO REVIEW PLANS AS NEEDED.	BEGAN DISCUSSING PROCEDURE - MARCH 2006 PLAN TO HAVE INITIAL PROCEDURES DEVELOPED - JUNE 2006 PROCEDURES IN PLACE - Planned JAN 2007

**Minimum Control Measure 5. Post-Construction Stormwater Management**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<b>Permit Reference IV.C.5.a, c.</b> (continued): Develop and implement a post-construction stormwater management program that addresses stormwater runoff from new development and redevelopment and will reduce the discharge of pollutants to the MEP. Program requirements should include:	<b>Describe Measurable Goals and Results</b> (when applicable) <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)
<ul style="list-style-type: none"> <li>• Procedures for inspection and maintenance of post-construction management practices.</li> <li>• <i>Explain procedures below. <u>Revise as procedures are updated.</u></i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Example measurable goals are number of: inspections maintenance activities performed.</i></li> </ul>
EX. PROCEDURES ARE BEING DEVELOPED AS WE WORK ON LOCAL LAW. WE WILL PROBABLY TRY TO HAVE THE TOWN ENGINEER WORK WITH THE DPW STAFF TO DETERMINE AN INSPECTION PROCEDURE AND PROTOCOL FOR DETERMINING WHEN MAINTENANCE IS NEEDED.	BEGAN DISCUSSING PROCEDURE - MARCH 2006 PLAN TO HAVE INITIAL PROCEDURES DEVELOPED - JUNE 2006 PROCEDURES IN PLACE - Planned JAN 2007
<ul style="list-style-type: none"> <li>• Procedures for enforcement and penalization of violators.</li> <li>• <i>Explain procedures below. <u>Revise as procedures are updated.</u></i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Example measurable goals: number enforcement activities performed.</i></li> </ul>
EX. ENFORCEMENT CURRENTLY TAKEN IF PROPERTY DAMAGE OCCURS	NUMBER OF ENFORCEMENTS - ONGOING NO ENFORCEMENTS FOR YEAR 3.
EX. PROCEDURES BEING DEVELOPED AS WE WORK ON LOCAL LAW.	BEGAN DISCUSSING PROCEDURE - MARCH 2006 PLAN TO HAVE INITIAL PROCEDURES DEVELOPED - JUNE 2006 PROCEDURES IN PLACE - Planned JAN 2007

Municipality:

Permit Number: NYR40A \_ \_ \_

**Minimum Control Measure 5. Post-Construction Stormwater Management**

Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.

<p><b>Permit Reference IV.C.5.a, c.</b> (continued): Develop and implement a post-construction stormwater management program that addresses stormwater runoff from new development and redevelopment and will reduce the discharge of pollutants to the MEP. Program requirements should include:</p>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<ul style="list-style-type: none"> <li>• Adequate resources for a program to inspect new and re-development sites and for enforcement and penalization of violators.</li> <li>• <i>Describe resources below. Update annually.</i></li> </ul>	<p>DO NOT ENTER INFORMATION IN THIS CELL</p>
<p>EX. THE TOWN IS TRYING TO CREATE A FUNDING MECHANISM WITHIN THE LOCAL LAW WHERE FEES AND FINES LEVIED WILL CONTRIBUTE TO THE NECESSARY RESOURCES</p>	<p>BEGAN DISCUSSING PROCEDURE - MARCH 2006 PLAN TO HAVE INITIAL PROCEDURES DEVELOPED - JUNE 2006 PROCEDURES IN PLACE - Planned JAN 2007</p>
<p><b>Additional Techniques</b></p>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p><b>Explain any changes or additions to the Permit Referenced Activities / Techniques, Measurable Goals and / or Scheduled Dates above and provide a reason(s) for the change:</b></p>	



Municipality:

Permit Number: NYR40A \_ \_ \_

**Minimum Control Measure 6. Pollution Prevention/Good Housekeeping for Municipal Operations**

OVERALL MUNICIPAL POLLUTION PREVENTION PROGRAM INFORMATION

<ul style="list-style-type: none"> <li>• This table is for MS4s to report on their OVERALL Municipal Pollution Prevention / Good Housekeeping Program.</li> <li>• A separate table follows that is for MS4s to report on management practices performed in identified municipal operations.</li> <li>• Refer to the Municipal Pollution Prevention / Good Housekeeping Assistance document for example best management practices, policies and procedures.</li> <li>• Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.</li> </ul>	
<p><b>Permit Reference IV.C.6.a:</b> Develop and implement an operation and maintenance program to reduce and prevent pollutant discharges from municipal operations to the MEP.</p>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<ul style="list-style-type: none"> <li>• <i>List pollutants that will be addressed by the municipal pollution prevention program.</i></li> </ul>	
<p>PHOSPHORUS                  SEDIMENT</p>	
<ul style="list-style-type: none"> <li>• <i>Set and describe pollution prevention priorities by geographic areas, municipal operation type, and facilities.</i></li> </ul>	<p>DO NOT ENTER INFORMATION IN THIS CELL</p>
<p>EX. STREET CLEANING AND CATCH BASIN CLEANING AS PART OF STREET AND BRIDGE MAINTENANCE AND STORMWATER SYSTEM MAINTENANCE ARE GOING TO FOCUS ON THESE POLLUTANTS. WORKING ON DEVELOPING A PROCEDURE.</p>	<p>PLAN TO MEET TO DISCUSS PROCEDURES MAY 2006</p>
<p><b>Permit Reference IV.C.6.a:</b> Include a municipal pollution prevention training component for staff.</p> <ul style="list-style-type: none"> <li>• <i>Explain activities and materials used to meet this requirement.</i></li> <li>• <i>Identify training needs and design training components</i></li> <li>• <i>Determine the adequacy and appropriate frequency of staff training.</i></li> <li>• <i>Identify personnel or outside organization conducting activities.</i></li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p>EX. TRAINING IS A PART OF HAZARDOUS MATERIALS AND SPILL RESPONSE TRAINING. ALSO INCORPORATES ILLICIT DISCHARGE TRAINING. COOPERATIVE EXTENSION PERFORMS THE TRAINING ANNUALLY.</p>	<p>NUMBER OF EMPLOYEES TRAINED: 15 – DPW; 10 – PARKS AND REC (Annually in April)</p>
<p>EX. SPILL RESPONSE PLAN IN PLACE. ADDRESSES CONTAINMENT AND CLEANUP</p>	<p>NUMBER OF SPILLS AT MUNICIPAL FACILITIES. FOR YEAR 3: 5 SPILLS OCCURRED, ALL WERE CONTAINED AND CLEANED PRIOR TO REACHING STORM DRAIN (Ongoing Procedure)</p>
<p><b>Additional Techniques</b></p>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>

Municipality:

Permit Number: NYR40A \_ \_ \_

<b>Explain any changes or additions to the Permit Referenced Activities / Techniques, Measurable Goals and / or Scheduled Dates above and provide a reason(s) for the change:</b>
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Municipality:

Permit Number: NYR40A \_ \_ \_

**Minimum Control Measure 6. Municipal Operations:**  X  Street and Bridge Maintenance;   Winter Road Maintenance;  
 X  Stormwater System Maintenance;   Vehicle and Fleet Maintenance;   Park and Open Space Maintenance;   Municipal Building Maintenance;  
  Solid Waste Management;   Other: \_\_\_\_\_

<ul style="list-style-type: none"> <li>• Copy this page and give it to each municipal office or department responsible for reporting.</li> <li>• Put an 'X' in front of each municipal operation type addressed by the Municipal Pollution Prevention/Good Housekeeping Program in that office or department.</li> <li>• Refer to the Municipal Pollution Prevention / Good Housekeeping Assistance document for example best management practices, policies and procedures.</li> <li>• Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.</li> </ul>	
<p><b>Permit Reference IV.C.6.a, c:</b> Develop and implement an operation and maintenance program to reduce and prevent pollutant discharges from <b>the municipal operation(s) indicated above</b> to the MEP.</p> <ul style="list-style-type: none"> <li>• Describe how the bulleted items below focus on pollutants addressed by the municipal pollution prevention program and the pollution prevention priorities.</li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<ul style="list-style-type: none"> <li>• Briefly describe or reference any existing policies and procedures</li> <li>• Briefly describe or reference any policies and procedures being developed</li> </ul>	DO NOT ENTER INFORMATION IN THIS CELL
EX. POLICIES BEING DEVELOPED. CURRENT STREET SWEEPING POLICY IS THAT ALL TOWN ROADS BE SWEEPED ONCE A YEAR. NO POLICY ON CATCH BASIN CLEANING	MEASURABLE GOAL IS TO HAVE COMPLETED POLICY/PROCEDURE.
<ul style="list-style-type: none"> <li>• Briefly describe or reference any existing best management practices</li> <li>• Briefly describe or reference any planned best management practices</li> </ul>	DO NOT ENTER INFORMATION IN THIS CELL
EX. NONE YET	POSSIBLY WORK ON IDENTIFYING NEEDS TOWARDS THE END OF YEAR 4.
<ul style="list-style-type: none"> <li>• Identify and describe the equipment and staff that are in place</li> </ul>	DO NOT ENTER INFORMATION IN THIS CELL
EX. SHARE VAC-TRUCK WITH THE VILLAGE OF RIVERTOWN AFTER IT IS PURCHASED	N/A

Municipality:

Permit Number: NYR40A \_ \_ \_

**Minimum Control Measure 6. Municipal Operations:**  X  Street and Bridge Maintenance;   Winter Road Maintenance;  
 X  Stormwater System Maintenance;   Vehicle and Fleet Maintenance;   Park and Open Space Maintenance;   Municipal Building Maintenance;  
  Solid Waste Management;   Other: \_\_\_\_\_

<ul style="list-style-type: none"> <li>• Copy this page and give it to each municipal office or department responsible for reporting.</li> <li>• Put an 'X' in front of each municipal operation type addressed by the Municipal Pollution Prevention/Good Housekeeping Program in that office or department.</li> <li>• Refer to the Municipal Pollution Prevention / Good Housekeeping Assistance document for example best management practices, policies and procedures.</li> <li>• Use separate rows to explain the different processes, activities, procedures, practices, etc. used by the MS4. Add additional rows as needed.</li> </ul>	
<p><b>Permit Reference IV.C.6.a, c</b> (continued): Develop and implement an operation and maintenance program to reduce and prevent pollutant discharges from municipal operations to the MEP.</p>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<ul style="list-style-type: none"> <li>• <i>Assess if existing programs adequately reduce and/or prevent pollutant discharges</i></li> <li>• <i>Determine and list any operation type, location or facility that is in need of modification or updates.</i></li> </ul>	<p>DO NOT ENTER INFORMATION IN THIS CELL</p>
<p>EX. NOT PLANNING TO ASSESS UNTIL POLICIES DEVELOPED AND FIGURE OUT BMPS. THEN WE WILL TRY TO COMPARE THE VISUAL APPEARANCE OF DISCHARGES BEFORE AND AFTER BMP INSTALLATION.</p>	
<p><b>Permit Reference IV.C.6.a:</b> If there is a training component for staff specific to these municipal operations:</p> <ul style="list-style-type: none"> <li>• <i>explain the activities and materials;</i></li> <li>• <i>identify the personnel or outside organization conducting the activities.</i></li> </ul>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p>EX. STAFF GO TO CORNELL LOCAL ROADS TRAINING.</p>	<p>5 STAFF EVERY MARCH.</p>
<p><b>Additional Techniques</b></p>	<p><b>Describe Measurable Goals and Results</b> (when applicable)  <b>Indicate:</b> Date Completed, Ongoing Task, or Scheduled Date (for next years activities)</p>
<p><b>Explain any changes or additions to the Permit Referenced Activities / Techniques, Measurable Goals and / or Scheduled Dates above and provide a reason(s) for the change:</b></p>	

**Did you include any of the following documents as appendices? Put a mark each appended document.**

- Summary of public comments received on the annual report at the public presentation **(Required)**
- Intended response to comments on the annual report **(Required)**
- Results of information collected and analyzed, including monitoring data; evaluation of assessment (modeling) of pollutant discharges, including modeling results and pollutant transport trends.
- Other \_\_\_\_\_

**ADDENDUM REPORTING FOR  
MS4S THAT LACK LEGAL AUTHORITY TO ADOPT  
REGUALTORY MECHANISMS FOR IDDE AND  
CONSTRUCTION / POST-CONSTRUCTION STORMWATER RUNOFF CONTROL**

**BE SURE TO INDICATE THE MS4 NAME AND PERMIT NUMBER IN THE HEADER**

Municipality:

Permit Number: NYR40A \_ \_ \_

**ADDENDUM 1. Minimum Control Measure 3. Illicit Discharge Detection and Elimination (IDDE) Local Law**

<p><b>Permit Reference IV.C.3.c:</b> Prohibit, through an ordinance, local law or other regulatory mechanism, illicit discharges into the MS4. The MS4s have until year 5 to complete this work.</p>		
<p>1) When was this work completed or planned to be completed?</p>	<p>Date completed: _____ Not yet completed                  Plan to complete for reporting in year: ___4; ___5.</p>	
<p>2) Indicate which of the control mechanisms or procedures to the right could be / are used by the MS4 to notify staff and others doing work on behalf of the prohibition of and enforcement against illicit discharges:</p>	<p>___ Interconnection agreements                  ___ Maintenance directives / BMPS                  ___ Access Permits                  ___ Tenant Leases</p>	<p>___ Consultant Agreements                  ___ Construction/Bid Documents                  ___ Other _____                  _____</p>
<p>3) Indicate which of these control mechanisms or procedures contain specific language prohibiting illicit discharges:</p>	<p>___ Interconnection agreements                  ___ Maintenance directives / BMPS                  ___ Access Permits                  ___ Tenant Leases</p>	<p>___ Consultant Agreements                  ___ Construction/Bid Documents                  ___ Other _____                  _____</p>
<p>4) Explain how the MS4 intends to prohibit illicit discharges if:</p> <ul style="list-style-type: none"> <li>• none of the mechanisms in number 2 contain language prohibiting illicit discharges; or</li> <li>• the MS4 intends to add language to prohibit illicit discharges in other control mechanisms.</li> </ul>	<p>Explanation:</p>	
<p>5) Explain how the MS4 (intends to) enforce against illicit dischargers within their jurisdiction?</p>	<p>Explanation:</p>	

Municipality:

Permit Number: NYR40A \_ \_ \_

**ADDENDUM 2. Minimum Control Measure 4 and 5. Construction Site and Post-Construction Stormwater Runoff Control Local Law**

**Permit Reference IV.C.4.b.i, 5.a.i:** Require development and implementation of erosion and sedimentation controls through a local law or other regulatory mechanism. The MS4s have until year 5 to complete this work.

1) When was this work completed or planned to be completed?	Date completed: _____ <input type="checkbox"/> Not yet completed Plan to complete for reporting in year: ___4; ___5.
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2) Indicate which of the control mechanisms or procedures below are used by the MS4 to notify staff and others doing work on behalf of the MS4 about the erosion, sedimentation and stormwater management requirements for projects under the MS4s jurisdiction. (These requirements are based on the Construction Permit (GP-02-01) and MS4 Permit (GP-02-02)).

<input type="checkbox"/> Access Permits <input type="checkbox"/> Tenant Leases <input type="checkbox"/> Requests for Proposals (RFPs) <input type="checkbox"/> Scope of Services	<input type="checkbox"/> Consultant Agreements <input type="checkbox"/> Construction / Bid Documents <input type="checkbox"/> Other Policies / Procedures _____ _____
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3) All of the erosion, sedimentation and stormwater management requirements below must be addressed by the MS4’s control mechanisms. For the control mechanisms identified in number 2 above, indicate in the left hand cells below the control mechanism(s) that contain the language.

Control Mechanism	<u>Erosion, Sedimentation and Stormwater Management Requirements</u>
	Require all projects to have SWPPPs, as in GP-02-01
	Require all 16 components of a basic SWPPP (erosion and sediment control)
	Require all additional 7 components for a full SWPPP when post-construction control is required
	Meet the standards in the <i>Erosion and Sediment Control</i> and <i>Stormwater Management Design Manuals</i> (or otherwise meet the requirements of GP-02-01)
	Require contractor certification statements stating that the contractor will agree to comply with the terms and conditions of the SWPPP
	Require proper operation and maintenance of stormwater facilities during construction
	Require proper operation and maintenance of stormwater facilities after construction
	Require SWPPPs to be certified by a licensed / certified individual when there is a deviation from technical standards or direct discharge to a 303(d) segment or TMDL watershed subject to condition A of GP-0-01
	Have a process for review of SWPPPs
	Require site self inspections as in GP-02-01
	Have enforcement procedures during and after construction
	Require construction site operators to control waste
	Procedures for receipt and consideration of information submitted by the public

4) If any of the requirements in number 3 are not addressed, explain how the MS4 intends to incorporate them into the control mechanisms?	Explanation:
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5) Explain how the MS4 intends to enforce the requirements within their jurisdiction?	Explanation:
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**RESPONSIVENESS SUMMARY TO THE PUBLIC COMMENTS  
RECEIVED ON THE ANNUAL REPORT**

The responsiveness summary that follows should provide answers to many of the questions asked about the annual report and the reporting process.

**Responsiveness Summary**  
**Annual Report**  
**for Phase II SPDES General Permit for Stormwater Discharges from**  
**Municipal Separate Storm Sewer Systems (MS4s), GP-02-02**

NYSDEC  
March, 2006

The New York State Department of Environmental Conservation (DEC) prepared the *Annual Report for Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-02-02* with the help of Regional Planning Board staff. The document incorporates their recommendations about what information the MS4s should report on to demonstrate that their Stormwater Management Program (SWMP) is well developed and steadily progressing.

The DEC conducted a series of workshops on how to use this document, as well as other draft assistance documents, in September and October 2005. The DEC distributed this DRAFT assistance document at those workshops. It was distributed to all regulated Phase II MS4 municipalities in November 2005. The public comment period ran from September 2005 through January 2006. Below are responses to the issues raised for the *Annual Report for Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-02-02* during that comment period.

**MS4 Annual Report**  
**(Overall Comments Related to MCC Form and Annual Report Tables)**

**Annual Report Format**

**Comments:**

*It has been difficult to plan for annual reporting because the Annual Report has changed three times in three years. Why has it been changed so much? Will it stay the same?*

The format and content of the Annual Report have changed over the last three years to accommodate the needed Phase II Stormwater Program components. The changes between the year one and year two Annual Reports were largely to remove duplicative reporting requirements and were thought to be changes that made reporting less onerous. The more department staff worked with the MS4s and reviewed the year 2 Annual Reports, they learned that the Annual Report needed to be changed to obtain the information needed to effectively assess the SWMPs. One instance is the changes that were made to accommodate non-traditional MS4 reporting on local regulatory mechanisms. Many non-traditional MS4s do not have legal authority to adopt regulatory mechanisms. The annual report was changed to provide them the opportunity to report on the aspects of their SWMPs that have the same content of the regulatory mechanisms adopted by traditional MS4s.

This new report asks for information on plans, programs, procedures, activities and other activities that must be in place for the MS4s to have an effective SWMP by the permit deadline (January 8, 2008). The Annual Report will not change for the remainder of the permit cycle. The Annual Report is set up to be completed electronically to allow the MS4s to input information for year three and then update the information for the remainder of the permit cycle, instead of having to complete a new report from scratch. This should help MS4s save time in the long run.

**Comment:**

*To engage the public, the Annual Report needs to be in more of a narrative format.*

An MS4 can write a narrative summary if they feel it provides information to local officials and the public about what is being done to comply with the MS4 permit in an easier to read format. It is not required and should not be submitted with the Annual Report.

**Comments:**

*The report is not as streamlined as what we were initially told. It seems the report is a way to micro-manage municipalities.*

*The Year 2 Annual Report is adequate.*

The intent of the Annual Report is not to micro-manage municipalities. Department staff changed the Annual Report between the end of the public comment period and the release of the final document to make the report more flexible. Changing required reporting to example reporting on specific measurable goals and not requiring the MS4s to report on all municipal operation types in Minimum Control Measure 6 are examples of how the Annual Report is more flexible for reporting.

The Annual Report provides a way for the MS4s to report on all of the plans, programs, procedures and activities needed for an effective SWMP. Not asking for this information would be a detriment to both the MS4s and the DEC. The Annual Report completion process allows MS4s to demonstrate how they are complying with the permit requirements. The Annual Report review process provides a way for department staff to ensure that the MS4s are developing SWMPs and will be compliant with the MS4 Permit by January 8, 2008.

**Information Requested by and Reporting Required for Annual Report****Comments:**

*It is difficult to understand what reporting expectations are, especially within the Annual Report Tables.*

*A description of what the permit requirements really mean and examples of how to fill out the Annual Report would be helpful.*

*Examples of outstanding, acceptable and poor Annual Reports with measurable goals and best management practices would be helpful.*

Instructions and a description of the information asked for, including a description of what the permit requirements mean, have been included with the Annual Report. An example Annual Report has been provided with some measurable goals and best management practices.

Department staff are trying to be flexible in regards to the quality of information in the Annual Reports received. Over time, the quality of the measurable goals and best management practices submitted in Annual Reports is expected to improve. The measurable goals and best management practices considered to be outstanding in year three will likely not be considered as such in year five. Therefore, examples of outstanding, acceptable and poor Annual Reports have not been included. Department staff encourages similar MS4s to share and discuss Annual Reports. The MS4s should also talk with department staff, partners, or coalition leaders if they are concerned about the quality of their measurable goals or best management practices.

**Comments:**

*The information requested is geared more towards large municipalities.*

*The new Annual Report is too burdensome, and adds unnecessary expenses to villages.*

Regardless of the type of MS4 (traditional or non-traditional), designation criteria that resulted in the need for MS4 Permit coverage (automatic or additionally designated), or the size of the MS4, all designated MS4s must comply with the annual reporting requirements. The Annual Report was designed to provide flexibility for the MS4s completing the report. Small municipalities often work with partners to complete required permit tasks. It is expected that the small MS4s would incorporate information provided by partners to help complete some reporting requirements.

The Annual Report is set up to be completed electronically (using word processing software) and modified from one year to the next. MS4s that complete the Annual Report in electronic format should be able to save time in future years; a report submitted on this form can be modified with the up-to-date program information instead of completing a new report from scratch.

**Comment:**

*The new Annual Report will take more time to complete.*

As one commenter noted, “The new Annual Report will take more time to complete initially, but it will take less time in the future.” If MS4s complete the Annual Report electronically, they will input the information for the year three report and then hopefully update it in future years.

**Timing of Annual Report Distribution****Comments:**

*The final version of the new Annual Report will be released less than a month before the end of the year three reporting year. That will make it difficult to incorporate year three activities into the report. Releasing it for use in year four would be more effective and provide for better reporting.*

Department staff is asking the MS4s to do their best to complete their reporting in the new Annual Report. It is understood that the MS4s will receive the final Annual Report less than a month before the end of the reporting year. However, all MS4s received notification about the draft form and were aware that the report format for was going to be different than in prior reports. The MS4s should include what they can and look to improve the reports in the final two years of the program as their SWMPs are improved.

**Comments:**

*The new Annual Report is more applicable to the next permit cycle.*

The focus of the first permit cycle is for MS4s to develop and begin to implement their SWMP. The information asked for in the new Annual Report will be used to assess the development and implementation of the SWMPs. The intent for future permit cycles and annual reports is to ask for information that will assess how the SWMPs are being implemented. Because the SWMPs should be developed by the start of the next permit cycle, information describing their development should not be needed in the Annual Report for the next permit cycle.

**Municipal Compliance Certification (MCC) Form****Section A - Contact Information****Comments:**

*All of the contacts seemed redundant.*

Department staff has learned that much of the information sent to MS4s is not getting to the responsible staff person. The contact information is necessary for department staff to direct correspondence to the appropriate address and / or person.

**Section B - Local Water Quality Information****Comments:**

*Reporting annually about the status of local water bodies that the MS4 systems discharge to is burdensome. Provide a list of 303(d) water bodies and TMDL watersheds.*

The 303(d) list is updated every two years and the TMDL list is updated when there is a new TMDL watershed. The MS4s need to reexamine this information periodically to ensure that their program is still targeting pollutants of concern and does not need to be changed. A 303(d) list is available at <http://www.dec.state.ny.us/website/dow/303dcalm.html>. A map showing the TMDL watersheds is available from the interactive stormwater map (<http://www.dec.state.ny.us/website/ismmaps/stormwater/viewer.htm>). Instructions about how to use the interactive stormwater map are provided in the MCC form instructions.

## **Section C - Partnership Information**

### ***Comments:***

*Agreements that exist between regulated MS4s and other agencies extend beyond legally binding agreements. You should ask for information about all agreements with partners, not just legally binding agreements, and ask that all agreements be submitted.*

Questions asked on the MCC form are used to collect information to assess compliance with the MS4 Permit. The purpose of this question is to assess the legal status of agreements.

Other partner agreements / activities can and should be addressed on the MCC form and in the Annual Report. Department staff recognizes that regulated MS4s work with partners, such as other regulated MS4s, Soil and Water Conservation Districts, Cornell Cooperative Extension, and local watershed protection organizations. It is expected that the regulated MS4s will report on any activities performed with these partnering organizations in their Annual Report.

## **Section D - Geographic Areas Addressed by Stormwater Management Program (SWMP)**

### ***Comment:***

*There should also be a question in this section that asks if SWMPs are being extended to municipal boundaries in regulated MS4s where the jurisdictional areas do not extend to those boundaries.*

Questions asked on the MCC form are used to collect information to assess compliance with the permit. This question is not one that is used to assess an MS4's compliance, however, it is a useful question to ask. In the instructions for completing the Annual Report Tables, the MS4s are asked to identify in the MCMs if their SWMP activities are extended to the municipal boundaries if their jurisdictional area does not extend to those boundaries.

## **Section E - Funding and Resource Allocation**

### ***Comment:***

*It is difficult to foresee what resources will be available from one year to the next.*

The MS4s should indicate plans, programs, procedures and activities planned for the following year in their Annual Report. This information could be used to estimate funding needs for the upcoming year. It is understood that the availability of resources cannot be predicted. Because the program requirements are not going to be reduced or removed from one year to the next, the MS4s should try to establish a funding mechanism for their programs.

### ***Comment:***

*Questions should inquire about whether adequate funding is available to implement activities planned for the upcoming reporting year.*

The MS4s can indicate what plans they have for funding for the upcoming reporting year in question 2.

### ***Comment:***

*It is unclear in question 1 if the form is asking if adequate resources are provided by the MS4.*

Yes, question 1 is asking if resources are provided by the MS4.

## Section F - Compliance Certification

### **Comment:**

*It is unclear when certifying compliance, if it should be based on goals in the initial NOI, goals that were changed in subsequent annual reports or both.*

Certification should be based on the goals that are most up-to-date. The goals in the NOI should be referenced if they have not been changed. If goals have been changed in subsequent Annual Reports, the most up-to-date goals should be referenced.

## Annual Report Tables

### Overall Annual Report Tables Comments

#### **Comment:**

*The format is difficult to work with, it is confusing.*

The format has been changed to make the Annual Report Tables less confusing and more flexible.

#### **Comment:**

*The information asked for in the tables is too detailed.*

The information asked for is based on the plans, programs, procedures and activities that need to be developed by January 8, 2008 to begin implementing an effective SWMP.

#### **Comment:**

*The column that states “Scheduled Date (see Critical Path to Compliance)” makes it seem that the Critical Path to Compliance should dictate the date at which items are to be completed. Municipalities are concerned that their NOI must be altered to match the Critical Path to Compliance dates.*

The reference to the *Critical Path to Compliance* was removed from the Annual Report Table. It is now addressed in the Annual Report Table Instructions in an attempt to reduce confusion. The *Critical Path to Compliance* responsiveness summary addresses concerns related to changes that may need to be considered after comparing SWMPs to the *Critical Path to Compliance*.

#### **Comments:**

*There are many places in the tables that ask for information about plans, programs, procedures, activities, etc. that are not in place in year three and may only be in the development stages in year four (ex. local law adoption, training of review and enforcement staff, etc.). Asking for reporting on these items in year three is likely to be inconsistent with what the MS4s had planned in their NOI.*

The purpose of asking for all of the plans, programs, procedures and activities that comprise a complete SWMP is to ensure that all MS4s are aware now of the DEC's expectations for the SWMPs rather than waiting until the end of the permit cycle, January 8, 2008. Because an item is asked for in this report, it does not mean that the item must be reported on for year three. In instances such as the comment above, the person completing the Annual Report should indicate that the plans, programs, procedures and activities are scheduled for development in year four. The MS4s should perform activities in accordance with the schedules laid out in their NOI or changed in later Annual Reports, unless the MS4 decides to change when they complete activities within this Annual Report.

## SWMP Reporting Changes

### Comment:

*It is unclear if changes to the SWMP documented in the Year 2 Annual Report Tables need to be documented in the Annual Report Tables for the rest of the permit cycle.*

Changes to the SWMP only need to be documented as changes within the pertinent Annual Report. If changes in prior Annual Reports resulted in changed schedules for completing tasks, the most up-to-date schedules should be included in the Annual Reports.

## Measurable Goals

### Comment:

*It is unclear what measurable goals should be reported on each year:*

- *goals selected for the year in question from the NOI;*
- *goals determined for the entire program on the NOI; and / or*
- *goals determined as the SWMP evolves and changes from one year to the next.*

Measurable goals must be reported on for the given annual reporting year to evaluate the development of the SWMP. The measurable goals reported on should be those that are most up-to-date, whether they are on the NOI or changed as the SWMP evolves, provided the goals meet the minimum requirements of the permit. The goals for the entire program do not need to be reported on until the end of the permit cycle.

### Comment:

*To assist in the determination of how the SWMPs are progressing, it would help if the MS4s provided their prior years accomplishments along with the accomplishments for the year in question.*

Including the current year's accomplishments with the prior years within one Annual Report would make it easier for the MS4s and department staff to review and assess the MS4s progress. However, the same comparison can be made by having the current and prior SWMPs side-by-side. MS4s can determine if they want to include prior accomplishments with the accomplishments for the year in question.

### Comments:

*The metrics asked for by the DEC as specific measurable goals in Minimum Control Measures (MCMs) 3, 4, 5 and 6:*

- 1) *relate to tasks that have not yet been developed, they should be made pertinent to the tasks that are being done now;*
- 2) *limit the flexibility of a regulated MS4 to assess their SWMP with measurable goals determined specifically with their program in mind;*
- 3) *take too much time and effort to track; and*
- 4) *could subject a regulated MS4 to public scrutiny if the information reported from one year to the next is perceived as backsliding if the numbers decrease.*

The specific measurable goals asked for in the Annual Report are goals that need to be measured by the MS4s when they fully implement their SWMPs. The specific measurable goals have been changed to **example** measurable goals for this Annual Report. These example measurable goals are provided because the MS4s should strongly consider incorporating a way to collect this information into their plans, programs, procedures and activities. This will facilitate reporting during the implementation phase of their SWMP. The MS4s are not limited to reporting on the example measurable goals.

Some MS4s are concerned that when they a decrease in numbers when they report on measurable goals may be perceived by the public as backsliding. If this is a concern, MS4s can provide an explanation with the numbers to address potential questions by the public and Annual Report reviewers.

## **Local Law Adoption**

### ***Comments:***

*It is assumed that the MS4s are expected to comment on the hearings, meetings or other forms of public outreach associated with their local law adoption process.*

If the MS4 chooses, they can design their Public Involvement/Participation Program to include comments on the public outreach associated with the local law adoption process, but it is not required.

## **Applicability to Non-Traditional MS4s**

### ***Comments:***

*Some of the topics asked for in the Annual Report Tables do not apply to non-traditional MS4s. What should those MS4s do to ensure they are compliant with the annual reporting requirements?*

Department staff understand that some of the reporting information asked for does not always apply to the tasks performed by the non-traditional MS4s (school districts, county agencies, statewide agencies, etc.). The non-traditional MS4s should do one of two things:

- describe their plans, programs, procedures and activities as under the permit references provided; or
- for a given permit reference, write that because they are a non-traditional MS4 and their governing structure is different than traditional MS4s, they cannot accurately report on the given permit reference. They should provide the information about the plans, programs, procedures and activities employed by the non-traditional MS4 in the additional techniques section.

The inability of non-traditional MS4s to adopt laws, ordinances or other regulatory mechanisms required by MCMs 3, 4, and 5 has been specifically addressed by providing more applicable reporting in Addendums 1 and 2 to the Annual Report Tables.

## **MCM 1 - Public Education and Outreach**

### ***Comments:***

No comments received.

## **MCM 2 - Public Involvement and Participation**

### ***Comments:***

*It is difficult for non-traditional MS4s to have public presentations of their Annual Reports because there are no meetings, like a governing board meeting.*

*It is difficult for non-traditional MS4s that don't have one central office to make the Annual Report available for public viewing. Currently we post it at the headquarters office, division offices and notice it is available for public viewing.*

Non-traditional MS4s can also consider posting their draft Annual Report on their internal website. The method indicated in the second comment above is an acceptable way to make the draft Annual Report available to the public. It is important that the non-traditional MS4s also provide a way to receive comments on the report.



**MCM 3 - Illicit Discharge Detection and Elimination (IDDE)****Comment:**

*The regulated MS4s are only required to report on the requirements of the permit. Asking them to report on prerequisite tasks from the assistance documents should not be required.*

Illicit discharges cannot be tracked down and eliminated by simply having a map of outfalls to surface waters. The MS4s are asked to complete and report on prerequisite tasks for reasons including that the information will help MS4s track down illicit discharges and be used to determine which MS4 has jurisdiction over the separate storm sewer where the discharge is originating. The *Illicit Discharge Detection and Elimination (IDDE) Assistance for Implementation of Municipal Separate Storm Sewer System (MS4) Permit* Responsiveness Summary also contains pertinent information about this comment.

**Comment:**

*The prerequisite tasks have not been clearly defined. For example, how far down should an MS4 reduce its sewershed mapping and who will verify the accuracy?*

If there are questions on the prerequisite tasks, consult the *Outfall and System Mapping For Illicit Discharge Detection and Elimination (IDDE) in NY* assistance document, which is part of the *Illicit Discharge Detection and Elimination (IDDE) Assistance for Implementation of Municipal Separate Storm Sewer System (MS4) Permit* document. Contact department staff if that does not provide sufficient information. For the specific question of how far an MS4 should reduce its sewershed mapping, it should be reduced enough so that the MS4 knows what area has to be controlled for illicit discharges and to be able to determine what areas and other MS4s are tributary to their MS4 system.

**Comment:**

*The specific measurable goal asked for should be pertinent to the tasks being done now, like asking for the percent of outfalls mapped.*

The specific measurable goals asked for in the Annual Report Tables are goals that need to be measured by the MS4s when they fully implement their SWMPs. The specific measurable goals have been changed to example measurable goals for this Annual Report. See earlier responses for more information.

**Comment:**

*The Annual Report does not include a section to report on development of a program to address non-stormwater discharges.*

The commenter is correct about there not being a specific section for non-stormwater discharges. If the MS4 is addressing non-stormwater discharges, they can be addressed in the Additional Techniques section.

**MCM3 - IDDE Local Law Adoption Process****Comment:**

*Consider changing reporting on Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System (IDDE Local Law) adoption process. The reporting isn't reflective of the complexity of the adoption of this law.*

The Annual Report contains a reporting format that asks for information in a manner that better reflects the complexity of adoption of the IDDE Local Law.

**Comment:**

*The reporting on the IDDE Local Law adoption process was not required in the NOI and should not be required in the Annual Report.*

Part VI.G. of the MS4 Permit contains language about the MS4s duty to provide information. Part VI.G. says "An MS4 must furnish to the Department or an authorized representative of the Department any information which is requested to determine compliance with this permit or other information. Any refusal to provide requested information shall be a violation of the terms of this permit." MS4s need to report on the IDDE Local Law adoption process to help department staff determine the MS4s status towards meeting this requirement.

**Comments:**

*Some regulated MS4s do not have the legal authority to pass laws, ordinances or other regulatory mechanisms. Therefore, they cannot report on the adoption of such regulatory mechanisms.*

A reporting format that is applicable to those MS4s was created and is included as an addendum to the Annual Report Tables.

**Comment:**

*Does a county have legal authority to pass an IDDE local law?*

Counties may have the legal authority to pass an IDDE local law.

**MCM 4 and 5 - Construction Site and Post-Construction Stormwater Management Local Law****Comment:**

*Most municipalities are not aware of the local law or ordinances that need to be put into place. You should ask more general questions about local law or ordinance adoption.*

Information has been sent to the owner / operators of the MS4s about the *Stormwater Management Gap Analysis Workbook for Local Officials* (Gap Analysis) to evaluate regulatory mechanisms. Awareness can be improved by MS4s meeting with local officials to explain the Gap Analysis process or equivalent process they want to use to evaluate their regulatory mechanisms. Department staff consider this reporting information critical to determining if an MS4 has adequate legal authority to implement their SWMP.

**Comment:**

*Regulated MS4 municipalities should not have to report on their local law adoption process. They should be able to send their local law or ordinance into the DEC for review.*

Part VI.G. of the MS4 Permit contains language about the MS4's duty to provide information. Part VI.G. says "An MS4 must furnish to the Department or an authorized representative of the Department any information which is requested to determine compliance with this permit or other information. Any refusal to provide requested information shall be a violation of the terms of this permit." MS4s need to report on the local law adoption process to help department staff determine the MS4s status towards meeting this requirement.

The reporting process for the MS4 program is comparable to the self-reporting and certification process used by Publicly Owned Treatment Works. The MS4s are expected to perform tasks to comply with the MS4 Permit and report on those tasks in the required reporting documentation. The validity of the information included in the reports will be evaluated during the Annual Report review and future inspections.

**Comment:**

*The Gap Analysis reporting questions should not be asked in this year's Annual Report Tables because most regulated MS4 municipalities have not done the work.*

Because an item is asked for in this report, it does not mean that the item must be reported on for year three. In instances such as the comment above, the Annual Report Tables provide space to indicate if these activities are planned for year four or five. The MS4s should perform activities in accordance with the schedules laid out in their NOI or changed in later annual reports, unless the MS4 decides to change when they complete activities within this annual report.

**Comment:**

*Some regulated MS4s do not have the legal authority to pass laws, ordinances or other regulatory mechanisms. Therefore, they cannot report on the adoption of such regulatory mechanisms.*

A reporting format that is applicable to those MS4s was created and is included as an addendum to the Annual Report.

**Comment:**

*Does a county have legal authority to pass a stormwater management local law?*

Most counties in New York State do not have authority to regulate land use and pass a regulatory mechanism to meet this permit requirement. For this reason, at this time MS4 counties are responsible only for ensuring that their own land development activities meet the requirements of the MS4 Permit. Similarly, non-traditional MS4s such as school districts and state agencies lack authority to regulate land use and are responsible only for their own development activities.

If county personnel responsible for the MS4 program do not know if there are land use controls that must be applied to the entire county, they should contact their county government to determine if land use controls (zoning, site plan, subdivision, erosion and sediment control, building permits, etc.) exist at the county level.

**Comment:**

*It is unclear if municipalities that adopted the Sample Local Law for Stormwater Management and Erosion & Sediment Control to be in compliance with the permit have to complete the Gap Analysis.*

It is assumed that if a municipality adopted the *Sample Local Law for Stormwater Management and Erosion & Sediment Control* (Sample Local Law) they are in compliance with the permit. However, if the municipality changed or deleted any portions of the Sample Local Law, they will need to go through the Gap Analysis workbook (or equivalent process) to document that the changes have not altered the intent of the law and that all local land use decisions over 1 acre of disturbance (zoning, site plan, subdivision, special permit, building permits) will be required to prepare a stormwater pollution prevention plan. The analysis should be a quick process as many of the clauses in the law adopted by the municipality should be exactly the same as the clauses in the Sample Local Law. The process would simply consist of checking off boxes in the Gap Analysis worksheets to indicate the clauses that are exactly the same. If language has been changed or deleted, the regulated MS4 municipality will have to ensure their language is equivalent to the Sample Local Law.

**Comment:**

*The Federal Regulations and the MS4 General Permit contain no requirements for the regulated MS4s to report on the Gap Analysis process.*

Federal law [40 CFR 122.34] detailing the six minimum measures of control for NPDES storm water permits requires that all regulated small MS4s develop and implement "an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;" and, "use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law."

As a delegated NPDES state, DEC administers the NPDES storm water program through the State Pollutant Discharge Elimination System (SPDES) permit program. The SPDES General Permit for Stormwater Discharges from MS4s, GP-02-02 (MS4 Permit) includes requirements and conditions specific to New York State that are, tailored to New York State. One of those requirements is that the "ordinance or other regulatory mechanism" be equivalent to the SPDES General Permit for Stormwater Discharge from Construction Activity, GP-02-01.

To meet the equivalence requirement, DEC and DOS have determined that certain provisions must appear in local stormwater regulation. These provisions are expressed in detail in the MS4 Permit, the Stormwater Construction Permit, the *Sample Local Law for Stormwater Management and Erosion & Sediment Control* and the *Stormwater Management Guidance Manual for Local Governments*. Each MS4 must either adopt the sample local law in its entirety, or evaluate existing provisions of local code for equivalence, and then amend as needed.

**Comment:**

*The reporting on the Sample Local Law for Stormwater Management and Erosion & Sediment Control adoption process was not required in the NOI and should not be required in the Annual Report.*

Part VI.G. of the MS4 Permit contains language about the MS4s duty to provide information. Part VI.G. says "An MS4 must furnish to the Department or an authorized representative of the Department any information which is requested to determine compliance with this permit or other information. Any refusal to provide requested information shall be a violation of the terms of this permit." MS4s need to report on the *Sample Local Law for Stormwater Management and Erosion & Sediment Control* adoption process to help department staff determine the MS4s status towards meeting this requirement.

**MCM 4 - Construction Site Stormwater Runoff Control****Comments:**

No comments received.

**MCM 5 - Post-Construction Stormwater Management****Comments:**

No comments received.

**MCM 6 - Pollution Prevention and Good Housekeeping for Municipal Operations****Comment:**

*Municipalities were given the freedom to design their own program, taking into account the pollutants and water bodies that were of most concern. Municipalities weren't told to address all operations categories, just the ones selected on the NOI. The DEC shouldn't ask us to address discharges from all categories now.*

The reporting requirements have been changed to require the MS4s to report on the tasks they selected in the NOI or changed in subsequent Annual Reports.

**Comment:**

*Don't limit the reporting to the operations categories listed in the MS4 General Permit.*

The Annual Report has been changed to provide MS4s the opportunity to report on "Other" municipal operations categories.

**Comment:**

*It is difficult to determine the adequacy of reduction of pollutant discharges from municipal operations and of staff training.*

Department staff agree with this comment. This comment is something that we hope to address in the future, during implementation of the SWMPs, and not in the development stages.