

Six Month Compliance Check-in_4June2024

0:01

Hello, my name is Christina Chiappetta and I am the MS-4 General Permit Coordinator here at the New York State Dec.

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For today, I'm going to go through some of the bigger items with a due date of within six months of the effective date of coverage.

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To start, I am going to address a topic that is not due within six months of effective date of coverage, but I have been getting a lot of questions about it recently and that's the alternative implementation options component of the permit.

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I'm addressing this again, not only because I've gotten a lot of questions, but because it does include more of a rolling compliance time frame.

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As alternative implementation options are employed, they would get added to your your inventory and I'll explain that in this slide.

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MS-4 operators may opt to enter into alternative implementation options to complete specific stormwater management program components included in the final Ms.

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4 general permit that is GP 024001.

1:02

Some of those stormwater management program components might include things like maintenance of roads, removal of snow, sweeping of your streets, things along those lines.

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Those alternative implementation options may include other MS-4 operators, consultants, businesses, regional stormwater entities or coalitions.

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This approach is unchanged from previous iterations of the permit and provides a cost effective means of development, implementation and enforcement of the stormwater management program components through cooperative efforts which where resources can be shared and duplication of effort can be avoided.

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Should the MS4 operator choose to utilize alternative implementation options, the MS4 operator must

have a legally binding written agreement with the cooperating entity specifying the services to be provided to the MS4 by that entity.

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Along with this, the MS4 operator must develop and maintain an inventory of entities assisting with permit implementation.

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Regardless of any agreements, each MS-4 operator is responsible for obtaining its own permit coverage.

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That permit coverage was satisfied through submission of your notice of intent, and also the MS-4 operators are responsible for satisfying all the other permit requirements for their own discharges.

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So in essence here it makes sense if you want someone to do something on behalf of you.

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The MS-4 operator, which involves the development, implementation, or enforcement of your stormwater management program.

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You would have some kind of agreement with them.

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Question that I've gotten recently is what vendors do I need to have a written agreement with what?

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Who should I include here?

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It seems like it could be really all-encompassing, and the answer here is that you'd want to include an agreement with any of the vendors that are again, developing, implementing, or enforcing your stormwater management program on behalf of that MS-4 operator.

3:04

If they're doing something like street sweeping, you do not need to include vendors that are doing things outside of that.

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The vendor who is delivering copy paper is not developing, implementing, or enforcing your stormwater management program and therefore does not need to be included here.

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Ultimately, it is again up to the MS-4 operator to determine if an activity that is occurring impacts the stormwater management program.

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If you'd like more information on this, see page 10:50 of the fact sheet.

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OK, Next we are going to jump into the requirements that are due within the first six months of effective date of coverage.

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Again, I'm not going to be addressing all of the compliance items within the first six months, but I'm going to hit some of the bigger ones, some that may be a little more time consuming, more resource intensive here.

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So for today, we're going to talk about the updating of your stormwater management program plan, getting all the required components in your comprehensive system mapping again, those that are due at six months, the development and implementation of an enforcement response plan.

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And then I'm also going to be going over the construction site inventory that needs to be developed within six months.

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And if you're looking for where I got this table, I should have mentioned just before, I'm using the table that is on our MS-4 toolbox and I'll give you a link to that in a minute.

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It's called the compliance item summary tool and it's all of this information can be found in there.

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So we will begin here with, again, due within six months is our stormwater management program plan.

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Update The Stormwater Management Program Plan, which is developed by the MS-4 operator, must reflect the applicable requirements for the minimum control measures contained in the general permit.

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The Stormwater Management Program plan must be retained in written format that can be either hard copy or electronic.

5:07

It needs to be annually updated for compliance with the terms and conditions of the permit and it needs to include records of all the activities that have been completed, things like your procedures, inventories and assessments.

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The stormwater management program plan can incorporate by reference components which must be documented in the swim plan.

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They do not need to have everything physically included in the stormwater management program plan.

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Let me rephrase this a little bit.

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The stormwater management program plan serves as the basis of this program, and it needs to either contain physically or by reference, everything needed to implement the program and respond to questions maybe from the public, regulators, or anyone else.

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So if the stormwater management program coordinator retires, could someone pick up the stormwater management program plan and run the program?

6:02

If yes, then the stormwater management program plan is likely adequate.

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If no, it may need some updates.

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Everything that is required by the permit should in some way be documented in the stormwater management program plan.

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In turn, that stormwater management program plan is made available to the public.

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So Mike, the question that I've gotten of late about this update to the stormwater management program plan is what has to be in the stormwater management program plan at the six month mark.

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And the answer is that at six months, your swim plan needs to contain everything that you were doing previously and then be updated with what is required of the new general permit at six months.

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So don't just take the swim plan that you have from the old permit and throw it in the garbage.

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You're going to use that as the building block here.

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Take that old swim plan and we're now adding to it those requirements that are due at six months.

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Something due at the one year mark does not need to be included in the swim plan at six months.

7:05

Something due at six months needs to be included in the swim plan at six months, and we'll go through some examples of that as we continue through the slides here.

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It is a good idea though to reserve space for items due in the future in your swim plan so you can just insert things as they as they become finalized.

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Great way that in a tool that has been developed for you to organize your swim plan.

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It's on our MS-4 Toolbox web page.

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Yet again, it's called the Stormwater Management Program Plan components tool.

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I had to think about that swim plan components tool and that has everything itemized, all the things that need to be in your swim plan.

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It's all in a list there that could really serve as your table of contents.

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Stick that in the front of your swim plan and as you start to go through the next five years getting your permit requirements completed, you can just insert them into those placeholders.

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If you are looking For more information on the Stormwater Management program plan update, you can see pages 11 to 12 of the fact sheet.

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The next item that I'm going to go over that is due within six months has to do with mapping.

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Mapping is the foundation of an MS-4 operator's proper implementation of its stormwater management program.

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Comprehensive system mapping is necessary to facilitate a clear understanding of the MS-4 using geographical representation, and it can also serve as a planning tool which can increase the efficiency of program implementation.

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MS-4 operators must develop and maintain comprehensive system mapping, and here's now the within six months component within six months of the effective date of coverage.

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The comprehensive system mapping must include MS-4 outfalls, interconnections, preliminary storm sewer shed boundaries, Ms.

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4 infrastructure for select TMDLS.

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Please read the citations closely there and also base map information.

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I have been asked why items on the on this list have such a short compliance time frame.

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Six months is a quick, quicker turn around time.

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The compliance time frame for these items is short because for a couple of different reasons, but one is for MS-4 outfalls, interconnections, preliminary storm sewer sheds and that MS-4 infrastructure for select team DLS.

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Those items were required under a previous iteration of the permit.

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The reason that we are giving six months to satisfy this requirement is because now we're asking everyone to have things organized nice and neatly and also to have documentation in your swim plan.

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So this is really a time frame for everyone to just get themselves organized and make sure they know where everything is for the base map information.

10:07

That information is also due at a quicker turn around that six month time frame because a lot of that information is publicly, publicly available.

10:17

A question that I have received was how to define or map a preliminary storm sewer shed and my answer to that is the same as the answer given in our response responsiveness summary.

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It's comment #391 the responsiveness summary can be found on our MS-4 permit website and the response is as follows.

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The department did not want to limit the techniques used to delineate the preliminary storm sewer shed.

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However, the final general permit, GP O2 four OO one includes a definition of storm sewer sheds, the catchment that drains to a water body based on the MS-4 and surface topography.

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This means preliminary storm sewer sheds can be mapped prior to the mapping of MS-4 infrastructure.

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For example, a watershed delineation or local knowledge are suitable techniques to delineate a preliminary storm sewer shed.

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So if you did map storm sewer sheds using possibly using watershed boundaries, that is appropriate.

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You could also have had someone you know, circle area catchment areas on a hard copy map.

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That also could be appropriate.

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Another question that I have gotten about the mapping is do I have to map in a GIS?

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And my response is as follows.

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The final general permit does not specify the format for the comprehensive system mapping, but it does require that the chosen map format allow the MS-4 operator to develop a map demonstrating a clear understanding of the MS-4.

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The final general permit does not prohibit the use of multiple tools for to comply.

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For example, you could use as built a the stormwater interactive map and an in house GIS to satisfy the permit requirements.

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All these different tools together give you your comprehensive system mapping.

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For more information, again, reflected here is responsiveness summary comment #391 That's about preliminary storm sewer sheds.

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And you can also view pages 12 through 16 of the fact sheet that goes through more of the comprehensive system mapping rationale.

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I wanted to go into a little more detail about the requirements for the basemap information.

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I mentioned just earlier that Basemap information is largely publicly available.

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So I wanted to just kind of go through a little bit of this with you folks.

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So base map information that is required includes readily available data and data that needs to be assembled or a tool used to view this table needs to be referenced.

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So let me let me tease all that out a little bit here.

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The required base map information includes automatic and additionally designated areas.

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That information is available on the New York State DE CS Stormwater Interactive Map, and it's also available for download from the New York State GIS Clearinghouse.

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Names and location of surface waters.

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Again, that information is publicly available.

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Land use is one of the items that is a little bit different here.

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The Dec does not require the use of a specific tool for the land use.

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In the fact sheet I go in to explain a little bit more about how you can determine your land use or tools that are available to German to determine your land use.

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Maybe you are using some kind of tax parcel information or maybe you've decided that you know you have a locals local person doing some surveying and that information is adequate as well as roads and topography.

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That information is all publicly available.

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This base map information can be found for downloading or viewing and on the Internet and all of the websites are listed in table one of the fact sheet.

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The next topic that I'm going to go over is the enforcement response plan.

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MS-4 operators have the legal authority for to address illicit discharges, issues with construction and post construction.

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That's all listed in Part 4, E of the general permit.

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This legal authority gives the MS4 operator the ability to initiate a range of enforcement actions to address any variability and severity of non compliance.

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Again, now this legal authority gives you the ability to deal with any issues that you're having.

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So what is the enforcement response plan?

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The enforcement response plan describes the actions that you're taking, verbal warnings, written notices, citations, things like that.

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For any of the violations that the MS4 operator has enacted for illicit discharge construction and post construction, the ERP must, excuse me, enforcement response plan or ERP must set forth a protocol to address repeat and continuing violations through progressively stricter responses.

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In other words, an escalation of enforcement and that's an as needed basis to achieve compliance with the terms and conditions of the general permit.

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The enforcement response plan must describe how the MS-4 operator will use the types of enforcement responses.

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Enforcement responses are based on the magnitude and duration of the violation, effect of the violation on the receiving water, compliance, history of the operator, and good faith of the operator in compliance efforts.

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In addition to this, the MS-4 operator must track instances of non compliance.

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All of this is to say, now you've seen a problem with regards to either illicit discharge construction or post construction.

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Your legal authority again gives you the ability to do something about it.

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The enforcement, excuse me, enforcement response plan is what you are doing about it.

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For more information on this, see pages 1718 of the fact sheet.

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The next topic that I'm going to go over is the construction site inventory, again due at six months from the effective date of coverage.

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The construction site inventory includes the following needs to include the following location owner, operator information, receiving water body information, prioritization, the Speedy's ID number for the construction project, the Swift approval date, inspection history, and the current status.

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One of the questions that I've gotten about the construction site inventory is where can I find a list of my active construction sites?

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And in a second I'll show you.

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But that can be found on the Stormwater interactive map database.

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And I did want to give a quick tip here another some of our MS-4 operators have already gone this route.

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And although it is not a permanent requirement, Ms.

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robbers may find it helpful to develop the construction site inventory simultaneous to the post construction stormwater management practices inventory.

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In this way, information from your construction site inventory is feeding into the post construction SMP inventory.

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For more information on this, you can see pages 37 to 38 of the fact sheet.

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With regards to the stormwater interactive map, I wanted to show you again where you can find the list of active construction sites.

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The the link is listed on the screen there and on the left hand side there we go.

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On the left hand side you would go to the general permit information tab and in there there's a link for construction permit Tees that will give you a list of excel spreadsheets.

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You can download either the entire list for the whole state or you can download it by county.

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Probably the biggest question I've gotten recently is how will MS-4 operators be asked to report on the six month compliance items?

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The items with due dates within the first six months will be asked about on the 1st Interim Progress certification and that is due on October 1st of 2024.

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The interim progress certifications are required for any of the compliance items that are due with a date beyond nine months.

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So anything that has a longer time frame than nine months, we have to ask about.

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That is that's a federal regulation.

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The interim progress certifications are broken out in the MS-4 general permit from January to June.

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We have that first six months there and then July to January, the last six months of the year there.

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The annual report is still required once a year, again January to January.

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Our first annual report is going to be due January, excuse me, April 1st of 2025.

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And you'll see that for both of those reports, the time frame between the end of the time frame and the annual and the reports being due, it's about 3 months to get that report into the Dec.

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All of these reports will be submitted electronically to the New York State Dec.

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The USEPA finalized the NPDES electronic reporting rule, the E rule, which required MS4 operators to submit NOIS and reports electronically to the department, New York State Dec.

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And that is beginning in December of 2025.

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So we're a little bit ahead here, but we are trying to make sure that we're getting items electronically.

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For more information on that, you can see pages 8 and 18 to 19 of the fact sheet.

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I like to wrap up with some tools, so I've mentioned a few things here today.

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The biggest tools that you can have are the permit, the fact sheet, and the responsiveness summary.

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Those are found on our Permit and Forms web page, the MS-4 toolbox.

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There's a link to that off of the Permit Forms web page that has the Stormwater Management Program Plan Components tool as well as the Compliance Item summary tool.

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If there are any conflicts between the tools and the permit, the permit is the ruling document.

21:05

And lastly, if you do have any questions, feel free to reach out to me, Christina Ciopeta, the New York State DECM S4 General Permit coordinator.

21:16

Thank you.