# DRAFT
# FY 2016 MS4 Annual Report
## in Compliance with
## Watershed Based Permit NMR04A000

***County of Bernalillo***

***State of New Mexico***

***Natural Resource Services***

Draft - October 2016

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## List of Attachments

1 Draft Bernalillo County MS4 Stormwater Management Plan (SWMP)

**National Pollutant Discharge Elimination System Stormwater Program**

**MS4 Annual Report Format**

Check box if you are submitting an individual Annual Report with one or more cooperative program elements. ☒

Check box if you are submitting an individual Annual Report with individual program elements only. ☐

Check box if this is a new name, address, etc. ☐

## 1. MS4(s) Information

Bernalillo County

Name of MS4

Kali | Bronson | Stormwater Prog. Compl. Manager

Name of Contact Person (First) (Last) (Title)

(505) 848-1544 | kbronson@bernco.gov

Telephone (including area code) E-mail

2400 Broadway Blvd. SE, Building N

Mailing Address

Albuquerque | NM | 87102

City State ZIP code

What size population does your MS4(s) serve? 111,000 NPDES number

What is the reporting period for this report? (mm/dd/yyyy) From Jul 1, 2015 to Jun 30, 2016

## 2. Water Quality Priorities

A. Does your MS4(s) discharge to waters listed as impaired on a state 303(d) list? ☒ Yes ☐ No

B. If yes, identify each impaired water, the impairment, whether a TMDL has been approved by EPA for each, and whether the TMDL assigns a wasteload allocation to your MS4(s). Use a new line for each impairment, and attach additional pages as necessary.

| Impaired Water | Impairment | Approved TMDL | | TMDL assigns WLA to MS4 | |
|---|---|---|---|---|---|
| Rio Grande NM 2105_50 (Islet | E. coli | ☒ Yes | ☐ No | ☒ Yes | ☐ No |
| Rio Grande NM 2105_50 (Islet | Dissolved Oxygen | ☐ Yes | ☒ No | ☐ Yes | ☐ No |
| Rio Grande NM 2105_50 (Islet | PCBs in Fish Tissue | ☐ Yes | ☒ No | ☐ Yes | ☐ No |
| Rio Grande NM 2105_50 (Islet | Temperature, water | ☐ Yes | ☒ No | ☐ Yes | ☐ No |

**2. B. Continued**

| Impaired Water | Impairment | Approved TMDL | | TMDL assigns WLA to MS4 | |
|---|---|---|---|---|---|
| Tijeras Arroyo NM-9000.A_001 | Nutrient/Eutrophication Biolo | ☐ Yes | ☒ No | ☐ Yes | ☐ No |
| | | ☐ Yes | ☐ No | ☐ Yes | ☐ No |
| | | ☐ Yes | ☐ No | ☐ Yes | ☐ No |
| | | ☐ Yes | ☐ No | ☐ Yes | ☐ No |

C. What specific sources contributing to the impairment(s) are you targeting in your stormwater program?

Pet waste (E. coli); septic waste (E. coli); household hazardous waste (nutrients & potential PCBs); and fats, oils and grease (FOG) (dissolved oxygen, nutrients & E. coli).

D. Do you discharge to any high-quality waters (e.g., Tier 2, Tier 3, outstanding natural resource waters, or other state or federal designation)? ☐ Yes ☒ No

E. Are you implementing additional specific provisions to ensure their continued integrity? ☐ Yes ☒ No

## 3. Public Education and Public Participation

A. Is your public education program targeting specific pollutants and sources of those pollutants? ☒ Yes ☐ No

B. If yes, what are the specific sources and/or pollutants addressed by your public education program?

Pet waste, trash & debris, household hazardous waste, and septic system waste.

C. Note specific successful outcome(s) (e.g., quantified reduction in fertilizer use; NOT tasks, events, publications) fully or partially attributable to your public education program during this reporting period.

Please refer to the attached Annotations document for public education program and outcome information.

D. Do you have an advisory committee or other body comprised of the public and other stakeholders that provides regular input on your stormwater program? ☒ Yes ☐ No

## 4. Construction

A. Do you have an ordinance or other regulatory mechanism stipulating:

Erosion and sediment control requirements? ☒ Yes ☐ No

Other construction waste control requirements? ☒ Yes ☐ No

Requirement to submit construction plans for review? ☒ Yes ☐ No

MS4 enforcement authority? ☒ Yes ☐ No

B. Do you have written procedures for:

Reviewing construction plans? ☒ Yes ☐ No

Performing inspections? ☒ Yes ☐ No

Responding to violations? ☒ Yes ☐ No

C. Identify the number of active construction sites ≥ 1 acre in operation in your jurisdiction at any time during the reporting period. 25

D. How many of the sites identified in 4.C did you inspect during this reporting period? 25

E. Describe, on average, the frequency with which your program conducts construction site inspections.

On average, three site inspections are conducted for each project. A minimum of one inspection occurs with as many as five inspections, depending on the duration and complexity of the construction project.

F. Do you prioritize certain construction sites for more frequent inspections? ☒ Yes ☐ No

If Yes, based on what criteria? All construction sites are inspected. If there are prior or current complaints or construction delays, the County may conduct additional inspections.

G. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

| | | | | |
|---|---|---|---|---|
| ☒ Yes | Notice of violation | 1 | No Authority | ☐ |
| ☐ Yes | Administrative fines | | No Authority | ☒ |
| ☐ Yes | Stop Work Orders | 0 | No Authority | ☐ |
| ☐ Yes | Civil penalties | | No Authority | ☒ |
| ☐ Yes | Criminal actions | 0 | No Authority | ☐ |
| ☐ Yes | Administrative orders | 0 | No Authority | ☐ |
| ☒ Yes | Other | Turned issue over to EPA | | |

H. Do you use an electronic tool (e.g., GIS, data base, spreadsheet) to track the locations, inspection results, and enforcement actions of active construction sites in your jurisdiction? ☒ Yes ☐ No

I. What are the 3 most common types of violations documented during this reporting period?

There was only 1 violation during this reporting period. If inspectors find any issues/inconsistencies during an inspection, they will inform the site manager and are usually able to resolve the issue without needing enforcement.

J. How often do municipal employees receive training on the construction program? annually

## 5. Illicit Discharge Elimination

A. Have you completed a map of all outfalls and receiving waters of your storm sewer system? ☒ Yes ☐ No

B. Have you completed a map of all storm drain pipes and other conveyances in the storm sewer system? ☒ Yes ☐ No

C. Identify the number of outfalls in your storm sewer system. 5

D. Do you have documented procedures, including frequency, for screening outfalls? ☐ Yes ☒ No

E. Of the outfalls identified in 5.C, how many were screened for dry weather discharges during this reporting period?

All

F. Of the outfalls identified in 5.C, how many have been screened for dry weather discharges at any time since you obtained MS4 permit coverage? All

G. What is your frequency for screening outfalls for illicit discharges? Describe any variation based on size/type.

Maintenance crew screens all outfalls on a regular basis. At a minimum, the screening occurs at least quarterly.

H. Do you have an ordinance or other regulatory mechanism that effectively prohibits illicit discharges? ☒ Yes ☐ No

I. Do you have an ordinance or other regulatory mechanism that provides authority for you to take enforcement action and/or recover costs for addressing illicit discharges? ☒ Yes ☐ No

J. During this reporting period, how many illicit discharges/illegal connections have you discovered? 8

K. Of those illicit discharges/illegal connections that have been discovered or reported, how many have been eliminated? 8

L. How often do municipal employees receive training on the illicit discharge program? upon hire; some emplo

## 6. Stormwater Management for Municipal Operations

A. Have stormwater pollution prevention plans (or an equivalent plan) been developed for:

| | | |
|---|---|---|
| All public parks, ball fields, other recreational facilities and other open spaces | ☒ Yes | ☐ No |
| All municipal construction activities, including those disturbing less than 1 acre | ☒ Yes | ☐ No |
| All municipal turf grass/landscape management activities | ☒ Yes | ☐ No |
| All municipal vehicle fueling, operation and maintenance activities | ☒ Yes | ☐ No |
| All municipal maintenance yards | ☒ Yes | ☐ No |
| All municipal waste handling and disposal areas | ☒ Yes | ☐ No |

Other: Procedures are in place in the County's Pollution Prevention and Good Housekeeping Program document. The Stormwater Program Compliance Manager will continue to coordinate with specific

B. Are stormwater inspections conducted at these facilities? ☒ Yes ☐ No

C. If Yes, at what frequency are inspections conducted? bi-annual

D. List activities for which operating procedures or management practices specific to stormwater management have been developed (e.g., road repairs, catch basin cleaning).

Procedures in place for drainage and street sweeping, but not formalized as written protocols.

E. Do you prioritize certain municipal activities and/or facilities for more frequent inspection? ☐ Yes ☒ No

F. If Yes, which activities and/or facilities receive most frequent inspections?

The County's Risk Management Department conducts inspections at all facilities on a regular basis.

G. Do all municipal employees and contractors overseeing planning and implementation of stormwater-related activities receive comprehensive training on stormwater management? ☒ Yes ☐ No

H. If yes, do you also provide regular updates and refreshers? ☒ Yes ☐ No

I. If so, how frequently and/or under what circumstances?

County employees and contractors receive appropriate level of stormwater training for the job activities they perform. The training and frequency varies by position and department.

## 7. Long-term (Post-Construction) Stormwater Measures

A. Do you have an ordinance or other regulatory mechanism to require:

| | | |
|---|---|---|
| Site plan reviews for stormwater/water quality of all new and re-development projects? | ☒ Yes | ☐ No |
| Long-term operation and maintenance of stormwater management controls? | ☒ Yes | ☐ No |
| Retrofitting to incorporate long-term stormwater management controls? | ☐ Yes | ☒ No |

B. If you have retrofit requirements, what are the circumstances/criteria?

C What are your criteria for determining which new/re-development stormwater plans you will review (e.g., all projects, projects disturbing greater than one acre, etc.)?

All development and redevelopment projects with land disturbances >= 1 acre, including sites which disturb less than one acre but are part of a larger common plan of development, ...see annotations document for full response.

D. Do you require water quality or quantity design standards or performance standards, either directly or by reference to a state or other standard, be met for new development and re-development? ☒ Yes ☐ No

E. Do these performance or design standards require that pre-development hydrology be met for:

| | | |
|---|---|---|
| Flow volumes | ☒ Yes | ☐ No |
| Peak discharge rates | ☒ Yes | ☐ No |
| Discharge frequency | ☐ Yes | ☒ No |
| Flow duration | ☐ Yes | ☒ No |

F. Please provide the URL/reference where all post-construction stormwater management standards can be found.

http://www.bernco.gov/public-works/water-conservation-development-standards-guidelines.aspx

G. How many development and redevelopment project plans were reviewed during the reporting period to assess impacts to water quality and receiving stream protection? 743

H. How many of the plans identified in 7.G were approved? Of the 743

I. How many privately owned permanent stormwater management practices/facilities were inspected during the reporting period? 19

J. How many of the practices/facilities identified in I were found to have inadequate maintenance? None. Ins

K. How long do you give operators to remedy any operation and maintenance deficiencies identified during inspections? 30 days

L. Do you have authority to take enforcement action for failure to properly operate and maintain stormwater practices/facilities? ☒ Yes ☐ No

M. How many formal enforcement actions (i.e., more than a verbal or written warning) were taken for failure to adequately operate and/or maintain stormwater management practices? 1

N. Do you use an electronic tool (e.g., GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance? ☒ Yes ☐ No

O. Do all municipal departments and/or staff (as relevant) have access to this tracking system? ☒ Yes ☐ No

P. How often do municipal employees receive training on the post-construction program? Annually

## 8. Program Resources

A. What was the annual expenditure to implement MS4 permit requirements this reporting period? $1,573,000

B. What is next year's budget for implementing the requirements of your MS4 NPDES permit? $1,573,000

C. This year what is/are your source(s) of funding for the stormwater program, and annual revenue (amount or percentage) derived from each?

| Source: | Amount $ | OR % |
|---|---|---|
| 1/8th Environmental Gross Receipts Tax | 237,000 | |
| General Fund Revenues | 1,180,0 | |
| Open Space Mill Levy | 156,200 | |

D. How many FTEs does your municipality devote to the stormwater program (specifically for implementing the stormwater program; not municipal employees with other primary responsibilities)? 6

E. Do you share program implementation responsibilities with any other entities? ☒ Yes ☐ No

| Entity | Activity/Task/Responsibility | Your Oversight/Accountability Mechanism |
|---|---|---|
| | Please refer to the attached | |
| | Annotations document for | |
| | information. | |

## 9. Evaluating/Measuring Progress

A. What indicators do you use to evaluate the overall effectiveness of your stormwater management program, how long have you been tracking them, and at what frequency? These are not measurable goals for individual management practices or tasks, but large-scale or long-term metrics for the overall program, such as macroinvertebrate community indices, measures of effective impervious cover in the watershed, indicators of in-stream hydrologic stability, etc.

| Indicator | Began Tracking (year) | Frequency | Number of Locations |
|---|---|---|---|
| *Example:* E. coli | 2003 | Weekly April–September | 20 |
| Please refer to the attached Annotations | | | |
| document for information. | | | |
| | | | |
| | | | |
| | | | |

B. What environmental quality trends have you documented over the duration of your stormwater program? Reports or summaries can be attached electronically, or provide the URL to where they may be found on the Web.

Middle Rio Grande E. coli Analysis and Research report for AMAFCA (CDM Smith): http://www.amafca.org/documents/2015_Annual_Report/AMAFCA%202015%20(Jan%20to%20June)%20Annual%20Report%20II.A%

## 10. Additional Information

Please attach any additional information on the performance of your MS4 program, including information required in Parts I.C, I.D, and III.B. If providing clarification to any of the questions above, please provide the question number (e.g., 2C) in your response.

## Certification Statement and Signature

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

☐ Yes ☐ No

Federal regulations require this application to be signed as follows: **For a municipal, State, Federal, or other public facility**: by either a principal executive or ranking elected official.

Signature

Name of Certifying Official, Title

Date (mm/dd/yyyy)

# Annual Report Annotations

## 1. MS4 Information

**Page 1: What size does your MS4 serve?** Bernalillo County government provides a wide range of public services to residents who live in Albuquerque, Los Ranchos de Albuquerque, Tijeras, and the **111,000 residents** who live outside the village and city limits in the unincorporated areas of the County. This number includes residents who live both within and outside of the urbanized area.

## 2. Water Quality Priorities

**Page 1-2: Impaired waters.** Text box in the Environmental Protection Agency (EPA) Annual Report pdf form truncates text. For clarity during public review, impaired waters include:

| Impaired Water* | Impairment |
|---|---|
| Rio Grande NM-2105_50 (Isleta Pueblo bnd to Alameda Bridge) | E. coli |
| Rio Grande NM-2105_50 (Isleta Pueblo bnd to Alameda Bridge) | Dissolved Oxygen |
| Rio Grande NM-2105_50 (Isleta Pueblo bnd to Alameda Bridge) | PCBs in Fish Tissue |
| Rio Grande NM-2105_50 (Isleta Pueblo bnd to Alameda Bridge) | Temperature, water |
| Tijeras Arroyo NM-9000.A_001 (Four Hills Bridge to headwaters) | Nutrient/Eutrophication Biological Indicators |

*Impaired water designation from New Mexico Environment Department (NMED) Surface Water Quality Bureau 2014-2016 State of New Mexico CWA §303(d)/§305(b) Integrated List & Report.

## 3. Public Education and Public Participation

**Page 2: Item 3C. Note specific successful outcome(s) (e.g., quantified reduction in fertilizer use; NOT tasks, events, publications) fully or partially attributable to your public education program during this reporting period.** The table below summarizes the Bernalillo County Public Outreach program during this reporting period. Additional information on the outreach programs is available upon request.

Throughout the reporting period, July 1, 2015, through June 30, 2016, the Bernalillo County Public Outreach programs were able to connect and educate thousands of Bernalillo County Residents. Overall, the educational programs and outreach activities conducted by Bernalillo County during this reporting period connected an estimated 420,000 times with County residents through their outreach programs. The estimate outreach value is based on Bernalillo County website hits, monthly newsletter distribution, mailing insert distribution, and results from other various public events.

| Public Education Outreach & Participation | Date | Successful Outcome |
|---|---|---|
| Bernalillo County website pages related to MS4 program & stormwater | July 1, 2015 to June 30, 2016 | Analytics show webpages had 524 page views and 386 unique page views. |
| Bernalillo County Septic Systems Permits and "Unpermitted Campaign" Outreach Program | July 1, 2015 to June 30, 2016 | Bernalillo County had 280 wastewater permits, 38 Septic Tank abandonments, and sent 240 letters in October and November 2015, which resulted in 129 properties permitted. |
| Bernalillo County / COA Cooperative Household Hazardous Waste Collection | July 1, 2015 to June 30, 2016 | 1,596 County residents participated and 10,301 COA residents participated in cooperative Household Hazardous Waste collection. In addition, the County held six additional Household Hazardous Waste collections, and an additional 362 County residents participated. |
| BernCo at A Glance Monthly Newsletters | July 1, 2015 to June 30, 2016 | 500 hardcopies of each newsletter are printed and distributed via County offices and also provided at neighborhood association meetings by the neighborhood coordinator. The neighborhood Coordinator also sends the monthly electronic newsletter to all County and City neighborhood associations. It is estimated that these monthly newsletters reach 1,000 people per month, 12,000 people annually. |
| Bernalillo County Support of Valle de Oro and Earth Force – Keep it Clean – Neighborhood Environmental Trios | July 1, 2015 to June 30, 2016 | Keep It Clean reached 575 students and teachers. This program utilized pre- and post-program surveys to measure outreach results. In this reporting period, 58 of pre-and post-surveys were matched between four different schools within Bernalillo County. 35% of participants showed significant gains in watershed and environment related knowledge. 62% showed gains of knowledge of individuals who work on important issues in their community. |
| Bosque Environmental Monitoring Program (BEMP) Monitoring and Educational Outreach Programs | July 1, 2015 to June 30, 2016 | - 22 Bernalillo County classrooms participated in monthly monitoring programs and 7 classes participated in BEMP Study Trips.<br>- Monthly classroom visits for 475 3rd through 7th grade students.<br>- Annual BEMP Conferences for 430 |

| Public Education Outreach & Participation | Date | Successful Outcome |
|---|---|---|
| | | students (4th – 12th graders).<br>- Several outreach events including: Citizen Science Outreach Day (04/16/2016), Earth Day Events (04/22/2016), Mountain View Elementary School Field Day at Valle De Oro (05/06/16), Native Fish in the Classroom Release Event (05/13/2016), Simposio Virtual con Puerto Rico students (05/17/2016), and Horizons Summer Programs – started 06/06/2016 |
| Bernalillo County Education and Outreach to Landscaping Companies | July 1, 2015 to June 30, 2016 | Continual outreach program with three of the largest landscaping companies in the County related to incorporating GI/LID components into landscaping plans. |
| Bernalillo County Landscape for Life: Spring Series (GI/LID seminar for residents) | Feb. 13, March 12, April 12, April 16, and May 4, 2016 | Educated approximately 200 residents about GI/LID landscaping practices. |
| Bernalillo County Cesar Chavez Day of Service | March 24, 2016 | Reached approximately 400 people in the MS4 with stormwater educational information & provided valuable community cleanup, thereby reducing illegal dumping and potential floatables in the MS4. |
| Bernalillo County Water Fair | April 8-9, 2016 | Reached approximately 300 people in the MS4 with stormwater educational information. |
| 2016 Arid LID Land and Water Summit | February 25-26, 2016 | Approximately 200 people attended this event, including engineering professionals, developers, and landscapers. |
| Bernalillo County South Valley Celebration & Community Cleanup | May 15, 2016 | Reached approximately 2,500 people in the MS4 with stormwater educational information & provided valuable community cleanup, thereby reducing illegal dumping and potential floatables in the MS4. |
| ABCWUA mailing insert – Poop Fairy / Stormwater Pollution Prevention | April 2016 | ABCWUA mailing insert reached over 200,000 households. |
| ABCWUA mailing insert – Stormwater / Floodplain | June 2016 | ABCWUA mailing insert reached over 200,000 households. |

## 4. Construction

**Page 4: Item 4I. What are the 3 most common types of violations documented during this reporting period?** Text box in the EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

> There was only one violation during this reporting period. If inspectors find any issues/inconsistencies during an inspection, they will inform the site manager and are usually able to resolve the issue without needing enforcement. The three most common issues encountered during inspections include: Stormwater Pollution Prevention Plan (SWPPP) document not located on-site, Best Management Practice (BMP) maintenance issues, and lack of adequate final stabilization.

## 5. Illicit Discharge Elimination

**Page 4: Item 5L. How often do municipal employees receive training on the illicit discharge program?** Text box in the EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

> County employees receive stormwater quality training, which includes illicit detection and discharge elimination program training upon hire, and certain departments receive annual training specific to their department responsibilities.

## 6. Stormwater Management for Municipal Operations

**Page 4: Item 6A. Have stormwater pollution prevention plans (or an equivalent plan) been developed for?** “Other” text box in the EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

> Procedures are in place in the County's Pollution Prevention and Good Housekeeping Program document. The Stormwater Program Compliance Manager will continue to coordinate with specific departments to formalize and improve this program.

## 7. Long-term (Post-Construction) Stormwater Measures

**Page 4: Item 7C. What are your criteria for determining which new/re-development stormwater plans you will review (e.g., all projects, projects disturbing greater than one acre, etc.)?** Text box in the EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

> All development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, that discharge into the County's storm drainage system, within the urbanized area of the County, are required to have and are reviewed for post-construction water quality BMPs.

**Page 5: Item 7H. How many of the plans identified in 7.G were approved?** Text box in the EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

> Of the 743 plans reviewed, 78 required grading and drainage plans. Of those 78, 3 were voided, 23 are currently under review, and 52 were approved.

**Page 5: Item 7J. How many of the practices/facilities identified in 7I were found to have inadequate maintenance?** Text box in the EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

> None. Inspections of BMPs are conducted once at the end of the construction project.

## 8. Program Resources

**Page 6: Item 8E. Do you share program implementation responsibilities with any other entities?** Text box in the EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

| Entity | Activity/Task/Responsibility | Your Oversight/Accountability Mechanism |
|---|---|---|
| Bernalillo County<br>AMAFCA<br>City of Albuquerque<br>NMDOT-District 3<br>UNM<br>Sandoval County<br>Village of Corrales<br>City of Rio Rancho<br>Village of Los Ranchos<br>Kirtland Air Force Base<br>(KAFB)<br>Town of Bernalillo<br>EXPO NM<br>SSCAFCA<br>ESCAFCA<br>Sandia National Laboratory (DOE) | MS4 Technical Advisory Group (TAG) – various cooperative activities | Intergovernmental Agreement |
| Bernalillo County<br>AMAFCA<br>City of Albuquerque<br>NMDOT-District 3<br>UNM<br>Sandoval County<br>Village of Corrales | MS4 Compliance Monitoring Cooperative (CMC) – Wet Weather Monitoring | Intergovernmental Agreement |

| Entity | Activity/Task/Responsibility | Your Oversight/Accountability Mechanism |
|---|---|---|
| City of Rio Rancho<br>Los Ranchos de Albuquerque<br>Town of Bernalillo<br>SSCAFCA<br>ESCAFCA | | |
| Bernalillo County<br>Los Ranchos de Albuquerque<br>NMDOT | Development Review - Construction and Post-Construction Stormwater Management | Intergovernmental Agreement |
| Bernalillo County<br>ABCWUA<br>COA<br>AMAFCA | Capacity, Management, Operations and Maintenance (CMOM) Plan Spill Response, emphasis on Fats, Oils and Grease (FOG) | Intergovernmental Agreement |
| Bernalillo County<br>COA<br>AMAFCA<br>NMDOT | Investigation and resolution of IDDE | Shared without cost allocation |
| Bernalillo County<br>COA | Household Hazardous Waste Collection Program | Cost share for fixed collection facility. |

## 9. Evaluating/Measuring Progress

**Page 6: Item 9A. What indicators do you use to evaluate the overall effectiveness of your stormwater management program, how long have you been tracking them, and at what frequency? These are not measurable goals for individual management practices or tasks but large-scale or long-term metrics for the overall program, such as macroinvertebrate community indices, measures of effective impervious cover in the watershed, indicators of in-stream hydrologic stability, etc.** Text box in the EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

| Indicator | Began Tracking (year) | Frequency of Evaluation | Number of Locations or Indicator Tracked and FY 2016 Results |
|---|---|---|---|
| Public Education and Outreach, number of people reached. | 2014 | Variable; several times annually | No. of people reached:<br>FY 2016 = 8,000 people |
| Mailings with water bills, number of residences reached. | 2014 | Annually | No. of residences reached:<br>FY 2016 = two mailings, 200,000 residences each mailing |
| Septic system issues resolved. | 2014 | Annually | No. of septic issues resolved:<br>FY 2016 = 135 septic issues resolved |

| Indicator | Began Tracking (year) | Frequency of Evaluation | Number of Locations or Indicator Tracked and FY 2016 Results |
|---|---|---|---|
| Outreach to landscaping companies regarding use and incorporation of GI/LID techniques into landscaping plans | 2014 | Annually | No. of companies reached: FY 2016 = the three largest landscaping companies in area |
| Recycling Waste Diversion Program | 2013 | Annually | Tons of waste recycled: FY 2016 = 2,408 tons of aluminum, cardboard, paper, scrap metals and plastics recycled |
| Household Hazardous Waste Collection – Cooperative Program with COA | 2014 | Annually | No. of County participants: FY 2016 = 1,596 participants Program Cost for County: FY 2016 = $97,356 |
| Household Hazardous Waste Collection – County only Collection Events | 2014 | Annually | No. of County participants: FY 2016 = 350 participants No. of County events: FY 2016 = six events |

**Page 6: Item 9B. What environmental quality trends have you documented over the duration of your stormwater program? Reports of summaries can be attached electronically, or provide the URL to where they may be found on the web.** Text box in EPA Annual Report pdf form does not allow enough space to enter complete response. Complete response:

- AMAFCA, with environmental consultant CDM Smith, completed a *Middle Rio Grande E. coli Analysis and Research* project and report in April 2015. This report assembled data collected by the U.S. Geological Survey (USGS), NMED, and the Bosque Environmental Monitoring Program (BEMP) on E. coli in the Middle Rio Grande. Data was analyzed to develop a broader look at E. coli in the Rio Grande (Isleta Pueblo boundary to Alameda Street Bridge) segment. http://www.amafca.org/documents/2015_Annual_Report/AMAFCA%202015%20(Jan%20to%20June)%20Annual%20Report%20II.A%20-%20VI.pdf
- BEMP Invoice & Report (available upon request)
- Earth Force Reports (available upon request)
- Additional supporting data is available upon request.

**10. Additional Information**

**Page 6: Item 10. Additional Information. Please attach any additional information on the performance of your MS4 program, including information required in Parts I.C, I.D, and III.B.**

## 10.1 Compliance with Water Quality Standards – PCBs - Part I.C.1.e

There is no reporting requirement for the Bernalillo County PCB strategy with this first Annual Report. The MS4 Permit requires submittal of a proposed PCB strategy to EPA within two (2) years from effective date of permit (December 22, 2016) and submittal of progress reports with the third and subsequent Annual Reports.

Bernalillo County has begun planning a PCB strategy and will work with the USGS on development of this strategy. Once the PCB strategy has been submitted to the EPA, the County will begin implementation.

## 10.2 Discharges to Impaired Waters with Approved TMDLs - Part I.C.2.b.(i) and Table 1.a - TMDL Bacteria Program- Part I.C.2.b.(iii)

*FY 2016 – Annual Report Progress Report:*

The MS4 Permit requires an annual progress report on the targeted controls for Escherichia coli (E. coli) bacteria. The segment of the Rio Grande that flows through Albuquerque, designated as Rio Grande NM-2015_50 (Isleta Pueblo boundary to Alameda Street Bridge) or Rio Grande Basin 20.6.4.105 in the 2014-2016 State of New Mexico Clean Water Act (CWA) 303(d)/305(d) Integrated List and Report, is considered to be impaired because the quality of the water does not support the designated uses for that segment. The amount of E. coli bacteria in the water has been found to exceed the water quality standard, so a Total Maximum Daily Load (TMDL) has been adopted by the New Mexico Water Quality Commission (NMED, 2010). This Annual Report serves as a progress report for the Bernalillo County TMDL Bacteria Program for FY 2016.

*Sanitary Sewer Systems:* Sanitary sewer systems that run through the County MS4 are owned, operated, and maintained by the Albuquerque Bernalillo County Water Utility Authority (ABCWUA); the County works cooperatively with ABCWUA under their Capacity, Management, Operations, and Maintenance (CMOM) program to address any leaks and/or spills from the sanitary sewer system. Because the County does not own, operate, or maintain the sanitary sewer system, it does not have any specific MS4 Permit measurable goals related to this target area. In FY 2016, the County continued to work cooperatively with the ABCWUA under their CMOM program to address any leaks and/or spills from the sanitary sewer system. The CMOM Annual Report is available upon request.

*On-Site Sewage Facilities:* Related to targeted controls for on-site sewage facilities, the County administers the septic system permitting program in the unincorporated portions of Bernalillo County under the Bernalillo County Wastewater Ordinance, ensuring the proper disposal of septic waste and proper operation and maintenance of septic systems. The County used its existing Well and Wastewater permitting process to distribute information about proper septic system maintenance to 100 percent of new septic permit holders in FY 2016. Issuance of County septic permits included an

information packet with recommended pumping/maintenance schedules and "do's and don'ts" of septic system care. In addition, the County continued its campaign in FY 2016 with a goal of getting 100 percent of unpermitted septic systems permitted. This campaign met its measurable annual goal (contacting a minimum of 200 unpermitted system or aging system owners per year) by contacting 240 residences in FY 2016 with the intent of verifying status and education regarding proper operation of the systems. As a result of the FY 2016 campaign, 129 properties were resolved (applied for and received permits) and approximately 20 properties were determined to be vacant or were used as storage without any plumbing fixtures, so permit was not needed. Financial assistance was provided to low-income and disadvantaged residents through the Partners in Improving and Protecting the Environment (PIPE) program and in FY 2016, six septic systems were abandoned and six sanitary sewer connections were made. In addition, 38 septic systems were vacated in FY 2016. Bernalillo County septic outreach and educational materials are available on-line: http://www.bernco.gov/public-works/wastewater-septic-systems.aspx with additional links available on this webpage. Additional supporting documentation for these programs is available upon request.

*Illicit Discharges and Dumping:* To address targeted controls for Illicit Discharges and Dumping, Bernalillo County's Illicit Detection and Discharge Elimination (IDDE) program includes efforts that target sources of bacteria, trash and debris, as well as other pollutants. Refer to the SWMP - Table 6: Illicit Discharges and Improper Disposal and to Section 10.9 of this Annual Report for additional information. Bernalillo County has an illicit discharge webpage (http://www.bernco.gov/public-works/illicit-discharge-.aspx), illegal dumping ordinance, and illicit discharge reporting hotline (505-224-2100) and online reporting (http://www.bernco.gov/public-works/report-water-waste.aspx).

*Animal Sources:* Bernalillo County addresses targeted controls for reducing pet waste through its public outreach and educational programs and events. Bernalillo County Ordinance, Chapter 6, addresses animal waste disposal. Animal waste complaints are also addressed through zoning enforcement and special use permit review. Bernalillo County pet waste educational materials are available on-line on several web pages:

http://www.bernco.gov/public-works/stormwater-pet-waste.aspx
http://www.bernco.gov/uploads/FileLinks/1b856fddafa84b4fa9272b5bd6b5ab41/BC_pet_waste_fact_sheet_1.pdf
http://www.bernco.gov/uploads/FileLinks/1b856fddafa84b4fa9272b5bd6b5ab41/BC_pet_waste_fact_sheet_2.pdf
http://www.bernco.gov/uploads/FileLinks/1b856fddafa84b4fa9272b5bd6b5ab41/BC_pet_waste_fact_sheet_3.pdf

*Residential Education:* Related to resident education as a targeted control for this program, the County utilized a combination of existing and new educational materials (such as the "Project W.E.T. Kids in Discovery Series" and the Enviroscape watershed

model), County-created brochures, and educational materials and promotional items including pet-waste focused materials. Supporting documentation for these programs is available upon request.

The County also uses its website and/or social media as a venue for distributing materials and posts about water quality. The County had two mailings which were included with ABCWUA water bills to County residents in FY 2016 that addressed stormwater (April 2016 and June 2016). The program also utilized existing County processes to provide education on a neighborhood scale through on-going opportunities such as community and neighborhood association meetings and distribution of information through neighborhood newsletters. In FY 2016, monthly "BernCo at a Glance" newsletters were printed and also available electronically. At least three of the monthly newsletters contained information related to stormwater. Throughout the reporting period, July 1, 2015, through June 30, 2016, the Bernalillo County Public Outreach programs were able to connect with and educate hundreds of thousands of Bernalillo County Residents. Overall, these educational programs and outreach activities conducted by Bernalillo County during this reporting period connected an estimated 420,000 times with County residents through their outreach programs. The estimated outreach value is based on Bernalillo County website hits, monthly newsletter distribution, ABCWUA mailing insert distribution, and various public events results. Additional information is provided in Section 10.11 of this Annual Report and in the Annual Report Annotations, 3. Public Education and Public Participation section of this attachment.

*Available E. coli Monitoring Data:* AMAFCA, with environmental consultant CDM Smith, completed a *Middle Rio Grande E. coli Analysis and Research* project and report in April 2015. This report assembled data collected by the U.S. Geological Survey (USGS), NMED, and BEMP on E. coli in the Middle Rio Grande. The data was analyzed to develop a broader look at E. coli in the Rio Grande (Isleta Pueblo boundary to Alameda Street Bridge) segment. This report also compares the Rio Grande, in terms of E. coli, to other rivers. The report addresses the basis of the E. coli water quality standard, provides a summary of findings regarding how the federal objectives were derived, and discusses the applicability of the federally recommended bacteria objectives to waterbodies. Finally, the report describes the Best Management Practices (BMPs) that have been used to remove E. coli from stormwater. The use of warning-type BMPs is examined for possible use in the Albuquerque area.

*Stormwater Monitoring:* Finally, in this program to address targeted controls for E. coli, the County will conduct stormwater monitoring in accordance with Table 10, Wet Weather Monitoring Program, Part III.A.1. The goals and plan for this program are described in the Wet Weather Monitoring Program portion of the SWMP and in this Annual Report (Item 10.13). During this FY 2016 Annual Report time period, a cooperative monitoring program was established and a monitoring plan was approved by

EPA and NMED. Permittees submitted the approved monitoring plan to the EPA June 21, 2016. No E. coli samples were obtained during FY 2016 for this program.

### 10.3 Discharges to Impaired Waters without Approved TMDLs - Part I.C.2.b.(ii) and Table 1.b - TMDL Nutrient Program- Part I.C.2.b.(iii)

The 2014-2016 State of New Mexico CWA 303(d)/305(d) Integrated List and Report identifies the Tijeras Arroyo Assessment Unit – Four Hills Bridge to headwaters as impaired for nutrients. Bernalillo County staff completed the site assessments in FY 2016 via aerial photo reviews and site walks through the drainages from the Four Hills Bridge eastward to the Carnuel land grant property line and did not identify any significant sources for nutrients. Bernalillo County, in cooperation with COA and NMDOT, voluntarily began the Pre-TMDL Cooperative Nutrient Study for Tijeras Arroyo in 2015. The County, along with COA and NMDOT, will continue with the voluntary Tijeras Arroyo nutrient study and will report findings to NMED. The results of these studies will be used to guide the overall program plan and goals. Results from Year One of this study will be submitted to NMED.

In FY 2016, public education and outreach efforts targeting fertilizer (nutrient source) is included in several Bernalillo County brochures. Additional supporting documentation is available upon request.

### 10.4 Endangered Species Act (ESA) Requirements - Dissolved Oxygen (DO) Strategy in the Receiving Waters of the Rio Grande - Part I.C.3.a.

For this part of the MS4 Permit, Bernalillo County is providing in this section of the Annual Report a summary of findings and a summary of activities undertaken under Part I.C.3.a.(i) of the MS4 Permit for FY 2016. The SWMP, submitted with this first Annual Report, also includes descriptions of controls implemented (and/or proposed controls to be implemented) along with corresponding measureable goals.

In FY 2016, no specific structural elements, topographical and/or geographical formations, or County operations have been identified as contributing to reduced DO in the receiving waters of the Rio Grande within the jurisdictional area.

Structural elements within County facilities that address potential low DO include a duckbill check valve stormwater outlet for the Sanchez Farms outfall. This outfall releases stormwater into the Bosque prior to outfall into the Rio Grande. Where stormwater is released into the Bosque upstream of the Rio Grande (Paseo Del Norte Outfall, Sanchez Farms Outfall, and Black Mesa Lift Outfall), stormwater flows rarely make it to the river and instead spread, slow, and infiltrate in the Bosque.

The County also addressed pollutants that have the potential to affect stormwater quality (including pollutants that affect DO levels) in FY 2016 through public education and outreach, the sediment pollutant load reduction strategy, construction and post-

construction requirements, pollution prevention and good housekeeping program, and the wastewater permitting process to address and regulate septic systems. See the applicable sections of the SWMP and the Annual Report for additional information.

### 10.5 Endangered Species Act (ESA) Requirements - Sediment Pollutant Load Reduction Strategy - Part I.C.3.b

*FY 2016 – Annual Report Progress Report:*

This section of the Annual Report serves as Bernalillo County's annual assessment of the progress for this program. In FY 2016, the County tracked and estimated the volume of sediment removed from each stormwater facility.

Approximately 63 cubic yards (84.5 tons) of sediment, trash, and vegetation was removed from County catch basins, wet wells, and storm sewer lines.

Approximately 737 cubic yards of debris including sediment, vegetation, and trash were removed from County ponds, channels, and right-of-ways.

Approximately 3,852 cubic yards of material was dredged or used for retrofitting and erosion repair during earth moving activities.

### 10.6 Construction Site Stormwater Runoff Control - Part I.D.5.a

*FY 2016 – Annual Report Progress Report:*

This section of the Annual Report assesses and documents the success of this program and includes the MS4 Permit required reporting. The County's program was successful in that 100 percent of all construction projects cumulatively disturbing one (1) or more acres as required in Part I.D.a.(iii) were inspected in FY 2016.

*The frequency of site reviews* = On average, three site inspections are conducted for each project. A minimum of one inspection occurs with as many as five inspections, depending on the duration and complexity of the construction project.
*Number of site inspections* = 25 (100 percent of sites)
*Number of enforcement activities* = 1

Since this is the first Annual Report, the cumulative numbers are the same as the FY 2016 numbers.

In FY 2016, there were 139 opportunities to incorporate GI/LID/sustainable practices. These opportunities are based on commercial sites permitted (this includes renovation, tenant improvements, antennas for telecommunications, and units from strip mall areas). Thirty-seven projects incorporated these practices, primarily incorporating GI/LID landscaping practices, such as planting areas to provide for positive drainage, swales, rain gardens, and landscape basins. Through the Public Education and Outreach

Control Measure, Bernalillo County worked with three major landscaping companies in the area to encourage incorporating GI/LID landscaping practices into landscaping plans.

## 10.7 Post-Construction Stormwater Management in New Development and Redevelopment- Part I.D.5.b

The MS4 Permit for this section requires that the following information be included in each Annual Report:

*Include a summary and analysis of all maintenance, inspections and enforcement and the number and frequency of inspections performed annually*.

Section 7 of the EPA Annual Report Form includes this information for FY 2016.

*A cumulative listing of the annual modifications made to the Post-Construction Stormwater Management Program.*

In February 2016, Bernalillo County began requiring a Stormwater Post-Construction Evaluation form for all new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. This form requires the applicant to evaluate opportunities for the use of Green Infrastructure/Low Impact Development (GI/LID) techniques in the site design. This form is available on-line: http://www.bernco.gov/uploads/filelinks/590808d5c7dd4e0cbfaf3009cf1affb9/stormwater_post_construction_recommendations_site_evaluation_new_ms4.pdf.

No other modifications were made to the Post-Construction Stormwater Management Program in FY 2016.

*Report the number of MS4-owned properties and infrastructure that have been retrofitted with control measures designed to control the frequency, volume, and peak intensity of stormwater discharges.*

During this reporting period, the County has installed an inlet retrofit for the Adobe Acres stormwater facility to improve water quality. The County also included drainage improvements and retrofits with other construction work, such as road improvement projects. The Vista del Rio Road improvement project includes drainage improvements along the public right-of-way as well as a new detention pond to accommodate additional stormwater runoff volume. Other improvement projects (IP) that are in planning or construction phases and include drainage improvements are the Sunset Road IP, Second Street SW Corridor IP, Tower Road SW Roadway and Utility Improvement, Goff Boulevard Improvements, Sunset Gardens Road, Woodward Road IP, and the Alameda Drain Trail Project, among others.

In FY 2016, the County continued to meet with MS4s to discuss areas requiring drainage and water quality retrofits, project priorities, and multi-agency funding. The County's membership and involvement in the cooperative MS4 Technical Advisory Group (MS4 TAG) facilitates this cooperation and coordination with other MS4s in the Middle Rio Grande.

*As required in Part I.D.5.b.(vi), report the tabulated results for Impervious Area (IA) and Directly Connected Impervious Area (DCIA) and its estimation methodology*.

Bernalillo County is working cooperatively on this Permit activity. This component in the MS4 Permit is not required to be complete until June 2017 and will be reported on in the next Annual Report.

## 10.8 Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations - Part I.D.5.c

Bernalillo County continued to maintain BMPs in place for minimizing impacts to stormwater quality from the County equipment and vehicle maintenance yards, as well as BMPs that address other County facilities/activities, including maintenance and parks and recreation.

Bernalillo County continued to work cooperatively with the COA to maintain the Household Hazardous Waste Collection Center and continued to conduct public household hazardous waste collection events. Approximately 1,960 Bernalillo County residents participated in the Hazardous Waste Collection Programs. Bernalillo County also conducted collection events. Data from County-hosted events estimated that 19,560 pounds of hazardous waste and 3,500 pounds of non-regulated solid waste were collected during FY 2016.

Included in this FY 2016 Annual Report, as required by the MS4 permit, is a cumulative summary of retrofit evaluations conducted during the permit term on existing flood control devices, structures and drainage ways to benefit water quality. Bernalillo County continued to utilize a stormwater control ranking process to schedule and prioritize stormwater projects and continued to incorporate stormwater quality BMPs into all new flood control projects when feasible.

Other sections on this Annual Report discuss relevant elements of this Control Measure, including Illicit Discharge and Improper Disposal (Section 10.9), Control of Floatables (Section 10.10), and Public Education and Outreach (Section 10.11K).

## 10.9 Illicit Discharges and Improper Disposal - Part I.D.5.e

The County continued its education program to promote, publicize, and facilitate public reporting of illicit connections or discharges and distribution of outreach materials. Additional information is available in the Public Education and Outreach Section of this Annual Report. Bernalillo County has an illicit discharge webpage

(http://www.bernco.gov/public-works/illicit-discharge-.aspx), illegal dumping ordinance, and illicit discharge reporting via hotline (505-224-2100) and online reporting (http://www.bernco.gov/public-works/report-water-waste.aspx).

In FY 2016, the County completed screening of the IDDE reports and data collected. This evaluation determined that eight complaints indicated that the materials had potential to enter into the MS4 as an illicit discharge or illegal disposal. This information is available upon request. As a program enhancement, the County installed rainfall gauges to better understand runoff and evaluate monitoring locations and needs, in cooperation with AMAFCA, SSCAFCA, and COA. The County also worked cooperatively with AMAFCA, COA, NMDOT, and the ABCWUA (through CMOM) for notification of illicit discharges. The County began evaluating its Illicit Discharge Detection and Elimination (IDDE) program and is utilizing methodologies consistent with "Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments" as appropriate.

## 10.10 Control of Floatables Discharges - Part I.D.5.f

This section of the Annual Report serves as Bernalillo County's annual assessment of the progress for this program. In FY 2016, the County tracked and estimated the volume of floatables and trash removed from all control facilities and stormwater facilities.

Approximately 63 cubic yards (CY) of trash, debris, and vegetation was removed from County catch basins, wet wells, and storm sewer lines.

Approximately 737 CY of debris including sediment, vegetation, and trash were removed from County ponds, channels, and right-of-ways.

The composition of floatables and gross pollutants is considered consistent with the 2005 AMAFCA/City of Albuquerque Floatable and Gross Pollutant Study by ASCG because Bernalillo County is in this same urbanized area. Using the 2005 study's waste characterization percentages, qualities of floatables (includes plastic, cigarette butts, fabric and paper), large natural material, small natural material, lumber, metals and other waste were estimated. Using similar ratios to other area MS4s, all of the catch basins, wet wells, and storm sewer lines removal volume (63 CY) and forty-percent of the ponds, channels, and right-of-ways removal volume (295 CY) were assumed to be trash and debris for the waste characteristics calculation. The waste characterization determination is summarized in the table below:

| Trash & Debris Total Volume Removed | Floatables, 24 % | Large, Natural Material, 51% | Small, Natural Material, 17% | Lumber, 3.5% | Metals, 1.3% | Other, 3.2% |
|---|---|---|---|---|---|---|
| 358 CY | 86 CY | 182 CY | 61 CY | 13 CY | 5 CY | 11 CY |

## 10.11 Public Education and Outreach on Stormwater Impacts - Part I.D.5.g

FY 2016 Public Education and Outreach activities are listed in the table in Section 3 of this Annotation to Annual Report. To summarize, throughout the reporting period, July 1, 2015, through June 30, 2016, the Bernalillo County Public Outreach programs were able to connect with and educate thousands of Bernalillo County Residents. Overall, these educational programs and outreach activities conducted by Bernalillo County during this reporting period connected an estimated 420,000 times with County residents through their outreach programs. This outreach statistic is estimated from Bernalillo County website hits, monthly newsletters, mailing inserts, and various public events results.

The County continued to utilize a combination of existing and new educational materials (such as the “Project W.E.T. Kids in Discovery Series” and the Enviroscape watershed model), County-created brochures, and or other educational materials and promotional items. The County also uses its website and social media as a venue for distributing materials and posts about water quality. Additional documentation related to these materials is available upon request.

In FY 2016, the County met its measurable goal of generating a minimum of one mailing annually to residents of unincorporated Bernalillo County addressing one or more of the following topics on a rotating basis: illicit discharge reporting, proper disposal of household hazardous waste including lawn and garden chemicals and used motor oil, FOG, animal sources/pet wastes, litter control, and public participation in the MS4 process. In FY 2016, two (2) ABCWUA mailings occurred; one related to pet waste and one related to general stormwater/flood education. In addition to the ABCWUA mailings, the County provided monthly “BernCo at a Glance” newsletters to residents (mailed and electronic delivery) which also focused on pet waste and stormwater education. Additional documentation is available upon request.

The Valle de Oro National Wildlife Refuge represents a significant local riparian restoration area for the County for stormwater education and outreach. In FY 2016, the County continued to sponsor and support events to educate and involve members of the community about local riparian restoration and clean-up opportunities at the refuge each year of the permit term.

## 10.12 Public Involvement and Participation - Part I.D.5.h

The County continued to provide public accessibility of the SWMP and Annual Reports online via the Internet and during normal business hours at the Bernalillo County Public Works main office for public inspection and copying consistent with any applicable federal, state, tribal, or local open records requirements. Bernalillo County adhered to the MS4 Public Notice requirements in Part III.B and provided at least 45 days’ public notice for this draft Annual Report, allowing public input to be considered before submitting the final Annual Report.

Bernalillo County reviewed the program requirements listed in the Public Involvement and Participation Control Measure of the MS4 Permit for the program elements during the Annual Report process. In addition, as part of the Annual Report process, the Stormwater Program Manager reviewed the program requirements and determined that the overall existing program is effective. Some of the MS4 Permit requirements in this section overlap with the Public Education and Outreach Control Measure (refer to Section 10.11 in this report). For example, opportunities to utilize volunteers and assessment of public behavioral change following a public education event are part of the Public Education and Outreach program.

The Water Protection Advisory Board (WPAB) was established by joint ordinance of the County, ABCWUA, and COA. Its purpose is to advise these agencies on surface and groundwater protection concerns and to advocate for effective protection of surface and groundwater quality. The WPAB consists of nine citizen members, appointed by the Water Authority, the City, and the County. Members represent public interest and all meetings are open to the general public.

Bernalillo County continued to include in its public involvement and participation program: funding groups that include public participation, such as Valle de Oro National Wildlife Refuge (NWR), Bernalillo County Master Naturalist Program, youth corps programs, and the Bosque Ecosystem Monitoring Program (BEMP). The County also provides an IDDE hotline reporting phone number and website. In addition, the County is a member of the Water Protection Advisory Board (WPAB), allowing involvement with the ABCWUA, the COA, other Board participants, and the public.

### 10.13 Wet Weather Monitoring Program - Part III.A.1

During this FY 2016 Annual Report time period, a cooperative monitoring program was established and a monitoring scheme was approved by EPA and NMED. The cooperative monitoring plan was accepted by the EPA and permittees submitted the monitoring plan to the EPA June 21, 2016. No E. coli samples were obtained during FY 2016 for this program. Monitoring plan information is available upon request.

# Attachment 1

# Draft Stormwater Management Plan (SWMP)

# DRAFT

# Stormwater Management Program Plan

## in Compliance with
## Watershed Based Permit NMR04A000

***County of Bernalillo***

***State of New Mexico***

***Natural Resource Services***


December 2016

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## SWMP Revisions

| SWMP Plan Version and Date | Date Submitted to EPA | Reason for Revision (e.g., Modification, Annual Report Review and Update, etc.) | Notes |
|---|---|---|---|
| Revision 0<br>December 2016 | | N/A – Initial Version | Initial SWMP under Permit NMR04A000 |

# 1. Introduction

Stormwater discharges from Bernalillo County are regulated under the Clean Water Act. New Mexico is one of four states that does not have primacy under the Clean Water Act. This means that U.S. Environmental Protection Agency (EPA) issues permits directly to local governments and to New Mexico businesses and construction sites. The Watershed-Based Permit for the Middle Rio Grande requires that the permittee develop, implement, and enforce a Stormwater Management Program (SWMP), with the purpose to reduce the discharge of pollutants in stormwater.

## 1.1 Purpose of the Stormwater Management Program (SWMP)

The Stormwater Management Program (SWMP) Plan was developed in support of the requirements of the EPA) National Pollutant Discharge Elimination System (NPDES) Middle Rio Grande Watershed Based Municipal Separate Storm Sewer System (MS4) Permit NMR04A000 (MS4 Permit). The MS4 Permit was issued and became effective on December 22, 2014, and was subsequently modified by EPA on April 9, 2015. The SWMP, according to Part I.D.1 of the MS4 Permit, shall satisfy all requirements of this Permit, and be implemented in accordance with Section 402(p)(3)(B) of the Clean Water Act (CWA), and the Stormwater Regulations (40 CFR § 122.26 and § 122.34). The MS4 Permit is included as Appendix A of this SWMP Plan.

The SWMP that follows describes the actions that Bernalillo County (County) will take to protect water quality and satisfy applicable requirements of the MS4 Permit. According to Part I.D.1 of the MS4 Permit, the SWMP will be designed to reduce the discharge of pollutants from a MS4 to the maximum extent practicable, to protect water quality (including that of downstream state or tribal waters), and to satisfy applicable surface water quality standards.

The SWMP serves to document the County's proposed plans and goals, implementation schedules, and assessments associated with meeting the MS4 Permit requirements. The SWMP will be revised and modified as necessary over the course of the 5-year MS4 Permit term. The initial SWMP (Revision 0) summarizes the applicable MS4 Permit requirements and describes the County's plans and strategies to comply with the MS4 Permit requirements. The SWMP clearly defines, as applicable to the County and as required in Part I.D.4 of the MS4 Permit, the County's measurable goals and implementation schedule for each control measure.

## 1.2 Notice of Intent (NOI) to Obtain Permit Coverage

For coverage under the MS4 Permit, the County submitted a notice of intent (NOI) as required in Part I.A.6.a to EPA Region 6 on May 11, 2015. Bernalillo County is classified as a Class B Permittee, as defined in Table 1 (Part I.B.1.a) of the MS4 Permit. The NOI and related correspondence is provided as Appendix B of this SWMP.

## 1.3 Background

The Clean Water Act (CWA) was passed in 1972 and required factories to have National Pollutant Discharge Elimination System (NPDES) permits. In 1987 the CWA required municipal separate storm sewer systems (MS4s) to have NPDES permits. The first permit was issued in 1991 to the Phase 1 MS4s (populations over 100,000). In the Middle Rio Grande, the Phase I entities include the City of Albuquerque (COA), Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), the University of New Mexico (UNM), and the New Mexico Department of Transportation (NMDOT), District 3. The Phase II small MS4 NPDES permits were issued by the EPA in 1999 and included Bernalillo County. A renewal NPDES permit came into effect in March of 2012, MS4 NPDES General Permit NM000101. The Watershed-Based Permit for the Middle Rio Grande NMR04A000 became effective on December 22, 2014.

Stormwater discharges from Bernalillo County are regulated under the Clean Water Act. New Mexico is one of four states that does not have primacy under the Clean Water Act. This means that U.S. Environmental Protection Agency (EPA) issues permits directly to local governments and to New Mexico businesses and construction sites.

The purpose of the stormwater control system operated by the County is to prevent injury or loss of life and to eliminate or minimize property damage. AMAFCA operates the primary stormwater control system in the Albuquerque metropolitan area. The AMAFCA system is used by Bernalillo County, COA, UNM, NMDOT, and the Village of Los Ranchos as a final conveyance of stormwater collected by their respective systems to the Rio Grande. Bernalillo County also has 4 additional outfalls that discharge directly to the Rio Grande. A stormwater facilities map for Bernalillo County is presented in Appendix C.

This Permit was developed for MS4s within the Middle Rio Grande (MRG) Watershed that discharge stormwater to the Rio Grande. The MRG Watershed MS4 Permit provides coverage

to MS4 operators located fully or partially within the Albuquerque Urbanized Area (UA) (based on the 2000 and 2010 Decennial Census). The Permit encourages cooperation and partnerships between all permitted MS4s in the MRG Watershed by providing incentives for collaboration and legally-binding cooperation among the various MS4s.

### 1.3.1 Bernalillo County Stormwater Facilities

Bernalillo County maintains approximately 50 storm drainage ponds, 55 miles of storm sewer lines, 30 miles of culverts, and 9 miles of open channel. Maintenance activities for these facilities occurs on a routine basis and following rain events and includes sediment, floatables, trash, and debris removal, mowing and vegetation control (tree trimming, debris removal), fence and gate repair, and erosion repair. The County maintains and updates a list and maps of the County storm sewer systems and all stormwater quality facilities as needed.

### 1.3.4 Water Quality

Bernalillo County is also concerned with protecting water quality for Albuquerque and its surrounding areas. Bernalillo County has designed and installed structures that catch debris, sediment, and trash in order to improve stormwater quality. These structural Best Management Practices (BMPs) help to protect the Rio Grande from pollution.

## 1.4 Compliance with Other Laws and Regulatory Requirements

Part I.D.1 of the MS4 Permit states that if a Permittee is already in compliance with one or more requirements of the MS4 Permit – because it is already subject to and complying with a related local, state, or federal requirement that is at least as stringent as the MS4 Permit requirement – the Permittee may reference the relevant requirement as part of the SWMP and document why the MS4 Permit requirement has been satisfied.

The NM Office of the State Engineer (OSE) and Interstate Stream Commission (ISC) regulates the water delivery to the Rio Grande in order to meet water delivery requirements to Texas and downstream water rights; therefore, the County's objective is to design its facilities to drain within 96 hours per the OSE requirements.

## 1.5 Legal Authority

Bernalillo County has the legal authority to convey discharges entering its flood control system to the Rio Grande. The County flood control system collects stormwater generated by the other

permittees as well, including: the COA, UNM, NMDOT, AMAFCA and the Village of Los Ranchos. The County facilities protect area residents from flood flows. These flows are conveyed the receiving waters of the Rio Grande.

Bernalillo County has the legal authority to pass ordinances, require permits for specific activities (i.e. septic system ownership, development and construction activities, etc.) and can use contractual agreements with other entities for activities conducted within its jurisdiction as a means to provide legal authority related to MS4 Permit requirements.

## 2. SWMP General Components and Requirements

As described in Section 1.1, the County will develop, implement and enforce a SWMP that is designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy applicable surface water quality standards. The SWMP addresses the MS4 Permit Special Conditions (Part I.C), contains the eight Control Measures required in Part I.D.5 of the MS4 Permit, and addresses the applicable Monitoring and Assessment requirements in Part III of the MS4 Permit. The SWMP addresses each applicable MS4 Permit activity with a proposed plan to meet the required Permit activity, measurable goal(s) for the proposed plan, implementation schedule, and identification of responsible County personnel. Program development and full implementation of this SWMP is proposed over five years from the effective date of the MS4 Permit (December 22, 2014). The general SWMP components, organization, review process, and modification\ process are described in the sections below.

### 2.1 Special Conditions Requirements in the Permit

Part I.C of the MS4 Permit defines the Special Conditions requirements. These elements are outlined below, and program details are provided in the SWMP tables in Section 3.

- Compliance with Water Quality Standards (Part I.C.1) – This section of the Permit includes provisions to ensure that MS4 discharges do not cause or contribute to exceedances of applicable surface water quality standards. Under this section, there is a Dissolved Oxygen (DO) Program (Part I.C.1.d), a Polychlorinated biphenyl (PCBs) Program (Part I.C.1.e), and a Temperature Program (Part 1.C.1.f). The DO and Temperature Programs to not apply to Bernalillo County.
- Discharges to Impaired Waters With and Without Approved TMDLs – This section of the Permit (Part I.C.2.b.(i) and Tables 1.a - TMDL Bacteria Program and 1.b – TMDL Nutrient Program - Part I.C.2.b.(iii)) requires that the SWMP have controls that target the pollutants of concern identified for the impaired waters. There are specific Permit requirements if the impaired water body has a Total Maximum Daily Load (TMDL) approved by EPA and NMED.
    - For the Rio Grande, E.coli has been identified as an impairment and has an established TMDL. This TMDL applies to the MS4 area for the Rio Grande from

Alameda to US 550 (Waterbody ID NM-2105.1_00) and the Rio Grande from Isleta Pueblo boundary to Alameda (Waterbody ID NM-2105_50).

- The section of the Permit also has requirements for waters with impairments that do not yet have TMDLs. The Rio Grande has the following impairments in the MS4 area, without TMDLs:
  - Rio Grande (Isleta Pueblo to US 550 – waterbody IDs NM-2105.1_00 and NM-2105_50) - DO and PCBs in Fish Tissue;
  - Rio Grande (Alameda to US 550 – waterbody ID NM-2105.100) - PCBs in water column and Gross Alpha adjusted;
  - Rio Grande (Isleta Pueblo to Alameda – waterbody ID NM-2105_50) - water temperature.
- For the Rio Grande, there are currently no impairments for nutrients. The 2014-2016 State of New Mexico CWA 303(d)/305(d) Integrated List and Report identifies the Tijeras Arroyo Assessment Unit – Four Hills Bridge to headwaters as impaired for nutrients based on exceedance of Nutrient Level 2 assessment criteria. The permittees who discharge to this waterbody, including Bernalillo County, COA, and NMDOT, must address the activities and schedules related to Impairment for Nutrients in Table 1.b in Part I.C.2.b.(iii).
- Impairments were determined using the *2014-2016 State of New Mexico Clean Water Act 303(d)/305(b) Integrated Report, Appendix A – Final List of Assessed Surface Waters*, November 18, 2014, State of New Mexico Water Quality Control Commission (https://www.env.nm.gov/swqb/303d-305b/2014-2016/2014-2016NMList.pdf).

- Compliance with Endangered Species Act Requirements (Part I.C.3) – This section of the Permit includes provisions consistent with the USFWS Biological Opinion (BO) related to the MRG Watershed MS4 Permit dated August 21, 2014 - Cons. #22420-2011-F-0024-R001. This section has two requirements: Dissolved Oxygen Strategy and Sediment Pollutant Load Reduction Strategy.
  - The Dissolved Oxygen Strategy in this section is required for all permittees. A summary of findings must be submitted with each annual report and a description of controls implemented must be included in the SWMP submitted with the 1st and 4th annual reports, Part 1.C.3.(a).(i).

- For the Sediment Pollutant Load Reduction Strategy, County stormwater facilities function as regional flood control facilities as well as BMPs to remove sediment from stormwater before the stormwater reaches the Rio Grande. The County has several stormwater facilities, including about 50 ponds and other stormwater quality features that function as BMPs for sediment removal. The County's O&M activities also include sediment removal from ponds and other stormwater facilities.

## 2.2 Control Measures

Each applicable control measure program required in Part I.D.5 of the MS4 Permit is addressed in this SWMP. There are eight control measures which are described in general terms below and with program details in the SWMP tables in Section 3.

- Construction Site Runoff Control Program (Part I.D.5.a and Table 2) – This program has controls related to the discharge of stormwater and pollutants from construction activities that result in a land disturbance of greater than or equal to one acre, including sites which disturb less than one acre but are part of a larger common plan of development.
- Post-Construction Stormwater Management Program for New Development and Redevelopment (Part I.D.5.b and Table 3) – This program addresses stormwater runoff from new development and redevelopment projects after construction site stabilization has been achieved to minimize water quality impacts.
- Pollution Prevention / Good Housekeeping Program (Part I.D.5.c and Table 4) – The goal of this program is to prevent or reduce pollutant runoff from County operations through training, maintenance, and waste management.
- Industrial and High Risk Runoff (Part I.D.5.d and Table 5) – This is a program to minimize the contribution of pollutants to the MS4 associated with industrial activity in the MS4. This section is only applicable to Class A permittees; as a Class B permittee, this section is not applicable to Bernalillo County.
- Illicit Discharges and Improper Disposal (Part I.D.5.e and Table 6) – The goal of this program is to detect and eliminate illicit discharges. The program elements also prohibit illicit dumping or disposal of materials, other than stormwater, into the MS4. The program includes a notification process and hotline, incident investigation and reporting process, procedures for testing, if necessary, an educational component, and a County spill prevention and response plan.

- Control of Floatables Discharges Program (Part I.D.5.f and Table 7) – This program is intended to address and control floatables in discharges to the MS4 through implementation of source controls and structural controls (BMPs).
- Public Education and Outreach on Stormwater Impacts (Part I.D.5.g and Table 8) – The program provides education and outreach programs to the community related to the impact human activities have on the water quality of the Rio Grande. The County provides public education and outreach on stormwater impacts through different media and methods, reaching wide spread target audiences, and focusing on target pollutants including pet waste, illicit discharges, and trash/debris.
- Public Involvement and Participation (Part I.D.5.h and Table 9) –This control measure encourages public involvement and provides opportunities for participation in public outreach activities as well as in the review, modification and implementation of the SWMP.

## 2.3 Water Quality Monitoring

Part III.A of the MS4 Permit defines the monitoring and assessment program requirements and objectives. As applicable, three Permit elements are included in the SWMP: Wet Weather Monitoring (Part III.A.1 and Table 10), Dry Weather Discharge Screening (Part III.A.2), and Floatables Monitoring (Part II.A.3). Industrial and High Risk Runoff Monitoring (Part III.A.4) does not apply to the County.

## 2.4 SWMP Organization

The County's SWMP is organized in a tabular format in an Excel Database. The detailed SWMP tables are provided in Section 3. The SWMP tables are organized following the MS4 Permit organization. The SWMP includes:

- Permit Activity Description – This contains the Permit requirements, Permit language, and Permit references.
- Proposed Plan – This contains the County's strategy to comply with the required Permit activity. This section will identify if the County is involved in a cooperative program for this Permit element. Cooperative programs are encouraged with this MS4 Permit Part I.B.4). Section 3, Table A, provides a list of the current County cooperative programs.
- Measurable Goal – This contains specific actions that the County proposes to complete to meet its Proposed Plan.

- Permit Required Implementation Schedule – This contains the implementation schedules listed in the Permit for the specific Permit activity, as applicable. The Permit implementation schedules for Bernalillo County are either the Permittee Class B or the Cooperative, depending on the Permit activity and if the County has a cooperative program for that activity.

In addition, the County will add columns annually for Status of Implementation and Performance Assessment.

## 2.5 SWMP Review Process

According to the requirements in Part I.D.6.a, the SWMP will undergo an annual review in conjunction with preparation of the Annual Report (required in Part III.B). The review will include the following components:

- A discussion of progress made in SWMP implementation, including achievement of measureable goals and compliance with program elements and other MS4 Permit conditions.
- An evaluation of the effectiveness of the SWMP in complying with the MS4 Permit with respect to controlling pollutant discharges and complying with water quality standards and TMDLs. This evaluation will include identifying any necessary modifications needed for the SWMP, if applicable.
- The adequacy of staff (man hours needed and projected), funding levels, equipment, and support capabilities to fully implement the SWMP and comply with the MS4 Permit conditions.

As required in Part III.B, the first and fourth Annual Reports will include submittal of a complete SWMP revision.

## 2.6 SWMP Modification Process

The SWMP may be modified under the conditions described below.

### 2.6.1 Permittee-Initiated Modifications

The County may modify this SWMP with prior notification or request to the EPA and NMED in accordance with Part I.D.6.b of the MS4 Permit. Modification requests or notifications shall be made in writing and signed in accordance with Part IV.H of the Permit.

- Modifications adding, but not eliminating, replacing, or jeopardizing fulfillment of any component, control, or requirements of the SWMP can be made by the Permittee at any time upon written notification to the EPA.
- Modifications replacing or eliminating an ineffective or infeasible component, control, or requirement of the SWMP (including monitoring and analysis requirements) may be requested of EPA in writing at any time. When requesting a modification, the Permittee shall include the following information:
    - A description of why the SWMP component is ineffective, unfeasible (including cost prohibitions), or unnecessary to support compliance with the permit;
    - Expectations on the effectiveness of the proposed replacement component; and
    - An analysis of how the proposed replacement component is expected to achieve the goals of the component to be replaced.

### 2.6.2 EPA-Required Modifications

Modifications may be requested by EPA (Part I.D.6.c) to address impacts to receiving water quality, include requirements to comply with new or revised regulations, add measures needed to comply with the Clean Water Act, or add measures needed to comply with the MS4 Permit. If modifications are requested by EPA, the Permittee will be provided with an opportunity to propose alternative program modifications to meet the objective of the requested modification.

### 2.6.3 Due to Modification of the MS4 Permit

The MS4 Permit may be reopened and modified (Part V), in accordance with 40 CFR §122.62, §122.63, and §124.5. Only those portions of the SWMP specifically required as Permit conditions shall be subject to the modification requirements of 40 CFR §124.5.

## 3. SWMP Tables

Bernalillo County has several cooperative elements related to this permit. Table 1 summarizes the County's current cooperative programs which have joint agreements. Copies of the joint agreements are provided in Appendix D.

**TABLE 1: MS4 Permit-Based Joint Agreements**

| Cooperative Program Name | SWMP Element | Cooperative Partners | Joint Agreement |
|---|---|---|---|
| MS4 Technical Advisory Group (TAG) | Various | Bernalillo County<br>AMAFCA<br>City of Albuquerque<br>NMDOT-District 3<br>UNM<br>Sandoval County<br>Village of Corrales<br>City of Rio Rancho<br>Village of Los Ranchos<br>Kirtland Air Force Base<br>(KAFB)<br>Town of Bernalillo<br>EXPO NM<br>SSCAFCA<br>ESCAFCA<br>Sandia National Laboratory (DOE) | Intergovernmental Agreement |
| MS4 Compliance Monitoring Cooperative (CMC) | Wet Weather Monitoring | Bernalillo County<br>AMAFCA<br>City of Albuquerque<br>NMDOT-District 3<br>UNM<br>Sandoval County<br>Village of Corrales<br>City of Rio Rancho<br>Los Ranchos de Albuquerque<br>Town of Bernalillo<br>SSCAFCA<br>ESCAFCA | Intergovernmental Agreement |

| Cooperative Program Name | SWMP Element | Cooperative Partners | Joint Agreement |
|---|---|---|---|
| Development Review | Construction and Post-Construction Stormwater Management | Los Ranchos de Albuquerque<br>NMDOT<br>AMAFCA | Intergovernmental Agreement |
| Capacity, Management, Operations and Maintenance (CMOM) Plan | Spill Response, emphasis on Fats, Oils and Grease (FOG) | ABCWUA<br>COA<br>AMAFCA | Intergovernmental Agreement |
| Investigation and resolution of illicit discharges | IDDE | COA<br>AMAFCA<br>NMDOT | Shared without cost allocation |
| Household Hazardous Waste Collection Program | IDDE | COA | Cost share for fixed collection facility |

As described in Section 2.4 above, Bernalillo County's SWMP is organized in a tabular format in an Excel Database. The SWMP tables are provided in Table 2.

# Table 2

# Stormwater Management Program Plan

# Part I.C: Special Conditions
# Compliance with Water Quality Standards – PCBs - Part I.C.1.e

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Compliance with Water Quality Standards – PCBs - Part I.C.1.e* | | | |
| According to the requirements in Part I.C.1.e, the permittee shall address concerns regarding PCBs in channel drainage areas specified in Part I.C.1.e.(vi) by developing or continue updating/revising and implementing a strategy to identify and eliminate controllable sources of PCBs that cause or contribute to exceedances of applicable water quality standards in waters of the United States. Bernalillo County shall submit the proposed PCB strategy to EPA within two (2) years from the effective date of the permit and submit a progress report with the third and with subsequent Annual Reports. | Bernalillo County will submit a PCB strategy plan to the EPA. | Bernalillo County has begun planning a PCB strategy and will work with the USGS on development of this strategy. Once the PCB strategy has been submitted to and accepted by the EPA, the County will begin implementation. | Proposed PCB strategy within two (2) years from effective date of permit (December 22, 2016); progress reports submitted with the third and subsequent Annual Reports. |
| A cooperative strategy to address PCBs in the COA, AMAFCA and Bernalillo County's drainage areas may be developed between Bernalillo County, AMAFCA, and the COA. If a cooperative strategy is developed, the cooperative strategy shall be submitted to EPA within 3 years from the effective date of the permit and submit a progress report with the fourth and with subsequent Annual Reports. | A cooperative strategy will be discussed with COA, AMAFCA and Bernalillo County through the cooperative MS4 Technical Advisory Group (MS4 TAG). If a cooperative strategy is agreed to, work will begin to develop an agreement and develop a cooperative strategy to submit to EPA. | Bernalillo County will discuss the cooperative strategy option with COA and AMAFCA through the cooperative MS4 Technical Advisory Group (MS4 TAG). | A cooperative strategy within 3 years from effective date of permit (December 22, 2017); progress reports submitted with the fourth and subsequent Annual Reports. |

# Part I.C: Special Conditions Discharges to Impaired Waters With Approved TMDLs - Part I.C.2.b.(i) and TABLE 1.a - TMDL Bacteria Program- Part I.C.2.b.(iii)

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Discharges to Impaired Waters With Approved TMDLs - Part I.C.2.b.(i) and TABLE 1.a - TMDL Bacteria Program- Part I.C.2.b.(iii)* | | | |
| Per Part I.C.2.b.(i), if the permittee discharges to an impaired water body with an approved TMDL (see MS4 Permit, Appendix B), where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the pollutant(s) of concern along with any additional or modified controls required in the TMDL and this section.<br><br>A bacteria TMDL for the Middle Rio Grande was approved by the New Mexico Water Quality Control Commission on April 13,2010, and by EPA on June 30, 2010. The new TMDL modifies:<br>1) the indicator parameter for bacteria from fecal coliform to E. coli, and<br>2) the way the WLAs are assigned | See below | See below | See below |
| *Targeted Controls:* SWMP submitted with the first annual report must include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional BMPs that will be implemented to reduce the pollutant(s) of concern in the impaired waters. | | | |
| A. Sanitary Sewer Systems (improve sanitary sewers; fix lift stations; identify and implement O&M procedures; improve violation reporting; and prevent overflows) | Sanitary Sewer Systems - sanitary sewer systems that run through the County MS4 are owned, operated, and maintained by the Albuquerque Bernalillo County Water Utility Authority (ABCWUA); the County works cooperatively with ABCWUA under their CMOM program to address any leaks and/or spills from the sanitary sewer system. | The County will continue to cooperate with ABCWUA under their CMOM program to address any leaks and/or spills from the sanitary sewer system. | Address targeted controls in SWMP. Progress report submitted with each Annual Report (Due Dec. 1). |
| B. On-site Sewage Facilities (address failing systems and inadequate maintenance of On-Site Sewage Facilities) | The County administers the septic system permitting program in the unincorporated portions of Bernalillo County under the Bernalillo County Wastewater Ordinance, ensuring the proper disposal of septic waste and proper operation and maintenance of septic systems.<br><br>The County will use its existing Well and Wastewater permitting process to distribute information about proper septic system maintenance to 100% of new septic-permit holders. Issuance of county septic permits includes an information packet with recommended pumping/maintenance schedules and do's and don'ts of septic system care. The County will continue with its campaign to get 100% of unpermitted systems permitted. This includes the goal of contacting a minimum of 200 unpermitted system or aging system owners per year with the intent of verifying status and educating regarding proper operation of the systems. Financial assistance is provided to low-income and disadvantaged residents that require inspections, repairs, and/or replacement of septic systems. Abandonment of septic systems and connection to sanitary sewer systems will be made where available. | Bernalillo County has an established goal of contacting a minimum of 200 unpermitted system or aging system owners per year with the intent of verifying status and educating regarding proper operation of the systems.<br><br>The County will include a summary of low income septic system replacements/sewer connections and activities or planned activities for public outreach and education in each Annual Report. | Address targeted controls in SWMP. Progress report submitted with each Annual Report (Due Dec. 1). |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Discharges to Impaired Waters With Approved TMDLs - Part I.C.2.b.(i) and TABLE 1.a - TMDL Bacteria Program- Part I.C.2.b.(iii)* | | | |
| C. Illicit Discharges and Dumping (effort to reduce waste sources of bacteria; for ex., septic systems, grease traps, and grit traps) | The Bernalillo County IDDE program includes efforts that target sources of bacteria and other pollutants. Refer to the *SWMP - Table 6: Illicit Discharges and Improper Disposal* for additional information. | Bernalillo County will address the Illicit Discharge and Dumping through its IDDE Program, refer to the *SWMP - Table 6: Illicit Discharges and Improper Disposal* for additional information. | Address targeted controls in SWMP. Progress report submitted with each Annual Report (Due Dec. 1). |
| D. Animal Sources (management programs to identify and target sources such as zoos, pet waste, and horse stables) | Bernalillo County addresses reducing pet waste through its public outreach and educational program and events. Bernalillo County Ordinance Chapter 6 addresses animal waste disposal. Animal waste complaints are also addressed through zoning enforcement and special use permit review.<br><br>The Bernalillo County IDDE program includes efforts that target sources of bacteria and other pollutants. Refer to the SWMP - Table 6: Illicit Discharges and Improper Disposal for additional information. | Bernalillo County will include a summary of activities or planned activities for public outreach and education in each Annual Report. | Address targeted controls in SWMP. Progress report submitted with each Annual Report (Due Dec. 1). |
| E. Residential Education (bacteria from residential sites; fats, oils, and grease clogging sanitary sewer lines and resulting overflows; decorative ponds; and pet waste) | The County will utilize a combination of existing and new educational materials (such as the "Project W.E.T. Kids in Discovery Series" and the Enviroscape watershed model), County-created brochures, and or other educational materials and promotional items including pet-waste focused materials from the previous Public Education and Outreach efforts from the prior permit term. The County will also use its website and/or social media as a venue for distributing materials and posts about water quality.<br><br>The County will do at least one mailing annually addressing one or more of the following topics on a rotating basis: illicit discharge reporting, proper disposal of household hazardous waste, animal sources/pet wastes, or public participation in the MS4 process.<br><br>The program utilizes existing County processes to provide education on a neighborhood scale through on-going opportunities such as community and neighborhood association meetings and distribution of information through neighborhood newsletters. At least one educational or public participation announcement per year will be offered to the neighborhood associations for inclusion in neighborhood newsletters.<br><br>The ABCWUA addresses fats, oils, and grease (FOG) related to clogging of sanitary sewer lines through their Fats, Oil and Grease Policy: http://www.abcwua.org/uploads/files/20140521%20Fats,%20Oil%20and%20Grease%20Policy.pdf The ABCWUA also addresses FOG through their Capacity, Management, Operations and Maintenance (CMOM) program, to promote proper FOG disposal. Bernalillo County cooperates with ABCWUA under this program. | Bernalillo County will include a summary of activities or planned activities for public outreach and education in each Annual Report. | Address targeted controls in SWMP. Progress report submitted with each Annual Report (Due Dec. 1). |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Discharges to Impaired Waters With Approved TMDLs - Part I.C.2.b.(i) and TABLE 1.a - TMDL Bacteria Program- Part I.C.2.b.(iii)* | | | |
| (b) Measurable Goals: For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented during each year of the permit term. The value of the measurable goal must be based on one of the options presented in Part I.C.2.b.(i).(c) related to the WLA.<br><br>Where the impairment is for bacteria, the permittee must, at minimum comply with the activities and schedules described in Table 1.a of Part I.C.2.b.( iii). | Bernalillo County's measurable goals for targeted controls for bacteria include:<br>A. Sanitary Sewer Systems. Measurable goals: Not applicable for the County. Sanitary sewer systems are owned and operated by the ABCWUA. The County does work cooperatively with the ABCWUA in areas where sanitary sewer lines are located within the unincorporated Bernalillo County to address in sewer issues.<br>B. On-site Sewage Facilities. Measurable goals: Bernalillo County has an established goal of contacting a minimum of 200 unpermitted system or aging system owners per year with the intent of verifying status and educating regarding proper operation of the systems.<br>C. Illicit Discharges and Dumping. Measurable goals: Refer to the *SWMP - Table 6: Illicit Discharges and Improper Disposal* for measurable goals.<br>D. Animal Sources. Measurable goals: The County will continue to implement its public education and outreach program. Target pollutants addressed in this program include pet waste and trash/debris.<br>E. Residential Education. Measurable goal: The County will continue to use new and existing educational materials, brochures, and promotional items and well as using the County website and social media as a tool for public education and outreach. The County will continue to collaborate with the MS4 permittees to improve upon the existing public education and outreach program. Program target pollutants include pet waste and trash/debris. | The County will address the Illicit Discharge and Dumping through its IDDE Program, refer to the *SWMP - Table 6: Illicit Discharges and Improper Disposal* for additional information.<br><br>The County will continue to provide proper pet waste disposal outreach and education.<br><br>The County will continue to use new and existing educational materials, brochures, and promotional items and well as using the County website and social media as a tool for public education and outreach.<br><br>• The County will summarize education and outreach activities in each Annual Report which will include activities or planned activities related to targeting pet waste sources and residential education targeting bacteria sources. | Address measurable goals of targeted controls in SWMP. Progress report submitted with each Annual Report (Due Dec. 1). |
| According to the requirements in Part I.C.2.b.(i).(f), the permittee shall monitor or assess progress in achieving measurable goals and determining the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used. This program element may be coordinated with the monitoring required in Part III.A. The permittee may use the following methods either individually or in conjunction to evaluate progress towards the measurable goal and improvements in water quality as follows:<br>A. Evaluating Program Implementation Measures or<br>B. Assessing Improvements in Water Quality Progress towards achieving the measurable goal shall be reported in the annual report. Annual reports shall report the measurable goal and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities. | Bernalillo County will assess and evaluate the program and progress in achieving the measurable goals listed above by tracking the number of educational outreach opportunities conducted and tracking the number of people reached through the educational outreach program.<br>In addition, the County will conduct compliance monitoring to monitor and test for E. coli. This sampling will be done in accordance with Part III.A of the MS4 Permit and will help with a water quality assessment of the overall watershed related to E. coli. The proposed plan for this program is described in the Wet Weather Monitoring Program portion of this SWMP.<br><br>Check with COA/AMAFCA on TMDL exceedance for e. coli. | The County will include a summary of the of educational outreach opportunities conducted and list the number of people reached through the educational outreach program in the annual report.<br><br>The County will conduct stormwater monitoring in accordance with Table 10, Wet Weather Monitoring Program, Part III.A.1. The goals and plan for this program are described in the Wet Weather Monitoring Program portion of this SWMP. | Address monitoring and assessment of measurable goals of targeted controls in SWMP. Progress report submitted with each Annual Report (Due Dec. 1). |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Discharges to Impaired Waters With Approved TMDLs - Part I.C.2.b.(i) and TABLE 1.a - TMDL Bacteria Program- Part I.C.2.b.(iii)* | | | |
| If, by the end of the 3rd year from the effective date of the permit, the permittee observes no progress toward the measurable goal either from program implementation or water quality assessments, the permittee shall identify alternative focused BMPs that address new or increased efforts towards the measurable goal. As appropriate, the MS4 may develop a new approach to identify the most significant sources of the pollutant(s) of concern and shall develop alternative focused BMPs (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports. Where the permittee originally used a measurable goal based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same impaired stream segment to determine an alternative sub-measurable goal for the pollutant(s) of concern for their respective MS4s, as described in Part I.C.2.b.(i).(c).B above. Permittees must document the proposed schedule for the development and subsequent adoption of alternative measurable goals for the pollutant(s) of concern for their respective MS4s and associated assessment of progress in meeting those individual goals. | Bernalillo County will annually assess and evaluate the program and progress in achieving the measurable goals listed above. If, by the end of the 3rd year from the effective date of the MS4 Permit, the County observes no progress toward the measurable goals either from program implementation or water quality assessments, the County will reevaluate the program and identify alternative focused BMPs that address new or increased efforts towards the measurable goals. | If, by the end of the 3rd year from the effective date of the MS4 Permit, the County observes no progress toward the measurable goals, either from program implementation or water quality assessments, the County will reevaluate the program and identify alternative focused BMPs that address new or increased efforts towards the measurable goals. | If required, end of the third year from the effective date of the MS4 Permit.<br><br>Dec. 22, 2017 |
| Table 1.a: Identify potential significant sources of the pollutant of concern entering your MS4. | The Middle Rio Grande Microbial Source Tracking Assessment Report (Parson Water & Infrastructure Inc., October 2005) concluded that the primary fecal sources for coliform are avian (33.5%), canine (21.9%), human/sewage (15.9%), livestock (13.7%), and non-avian wildlife (12.8%, primarily rodent). Bernalillo County helped to fund this report.<br><br>Additionally, AMAFCA contracted with a consultant to restudy the bacteria within the Middle Rio Grande in 2014-2015, specifically to evaluate the bacteria data over the recent history to report the trend analysis and the impact to the Rio Grande. The report for this study is the *Middle Rio Grande Rio Grande E. coli Analysis and Research* (CDM Smith, April 2015). It is included in AMAFCA's 2015 Annual Report, Attachment II.A. | Several studies related to identifying potential significant sources of the pollutant of concern have been completed for the MRG Watershed MS4 area. The results of these studies will be used to guide the overall program plan and goals. | 10 months (if alone) or 16 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or April 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Discharges to Impaired Waters With Approved TMDLs - Part I.C.2.b.(i) and TABLE 1.a - TMDL Bacteria Program- Part I.C.2.b.(iii)* | | | |
| From Table 1.a, Develop and implement a public education program to reduce the discharge of bacteria in municipal stormwater contributed by (if applicable) by pets, recreational and exhibition livestock, and zoos. | The County will utilize a combination of existing and new educational materials (such as the "Project W.E.T. Kids in Discovery Series" and the Enviroscape watershed model), County-created brochures, and or other educational materials and promotional items including pet-waste focused materials from the previous Public Education and Outreach efforts from the prior permit term. The County will also use its website and/or social media as a venue for distributing materials.<br><br>The County will send at least one mailing annually addressing one or more of the following topics on a rotating basis: illicit discharge reporting, proper disposal of household hazardous waste, FOG, animal sources/pet wastes, or public participation in the MS4 process.<br><br>The program utilizes existing County processes to provide education on a neighborhood scale through on-going opportunities such as community and neighborhood association meetings and distribution of information through neighborhood newsletters. At least one educational or public participation announcement per year will be offered to the neighborhood associations for inclusion in neighborhood newsletters. | Bernalillo County will continue to with the Project W.E.T. Kids in Discovery Series and the Enviroscape watershed model presentation as well as continued distribution of pet-waste focused materials.<br><br>The County will send at least one mailing annually addressing various topics on a rotating basis.<br><br>The County will continue to provide education through community and neighborhood association meetings and neighborhood newsletters. | 12 months (if alone) or 16 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or April 22, 2016 |
| From Table 1.a, Develop and implement a program to reduce the discharge of bacteria in municipal stormwater contributed by areas within your MS4 served by on-site wastewater treatment systems. | The County administers the septic system permitting program in the unincorporated portions of Bernalillo County under the Bernalillo County Wastewater Ordinance, ensuring the proper disposal of septic waste and proper operation and maintenance of septic systems.<br><br>The County will use its existing Well and Wastewater permitting process to distribute information about proper septic system maintenance to 100% of new septic-permit holders. Issuance of county septic permits includes an information packet with recommended pumping/maintenance schedules and do's and don'ts of septic system care. The County will continue with its campaign to get 100% of unpermitted systems permitted. This includes the goal of contacting a minimum of 200 unpermitted system or aging system owners per year with the intent of verifying status and educating regarding proper operation of the systems. Financial assistance is provided to low-income and disadvantaged residents that require inspections, repairs, and/or replacement of septic systems. Abandonment of septic systems and connection to sanitary sewer systems will be made where available. | Bernalillo County will conduct educational and public outreach programs and continue to enforce the Bernalillo County Wastewater Ordinance. Bernalillo County has an established goal of contacting a minimum of 200 unpermitted system or aging system owners per year with the intent of verifying status and educating regarding proper operation of the systems.<br><br>The County will include a summary of low income septic system replacements/sewer connections and activities or planned activities for public outreach and education in each Annual Report. | 14 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Feb. 22, 2016 or June 22, 2016 |
| From Table 1.a, Review results to date from the Illicit Discharge Detection and Elimination program (see Part I.D.5.e) and modify as necessary to prioritize the detection and elimination of discharges contributing bacteria to the MS4. | Bernalillo County will incorporate this Permit requirement into the IDDE program, refer to the SWMP - Table 6: Illicit Discharges and Improper Disposal - for additional information. | This requirement will be addressed in conjunction with the County's IDDE Program. Refer to the *SWMP Table 6: Illicit Discharges and Improper Disposal* for additional information. | 14 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Feb. 22, 2016 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Discharges to Impaired Waters With Approved TMDLs - Part I.C.2.b.(i) and TABLE 1.a - TMDL Bacteria Program- Part I.C.2.b.(iii)* | | | |
| From Table 1.a, Develop and implement a program to reduce the discharge of bacteria in municipal stormwater contributed by other significant source identified in the Illicit Discharge Detection and Elimination program (see Part I.D.5.e). | This requirement will be addressed in conjunction with the County's IDDE Program. Refer to the *SWMP Table 6: Illicit Discharges and Improper Disposal* for additional information. The County will review its IDDE Program results annually and identify illicit discharges (specific as well as general types of discharges and/or locations of discharges) that contributed bacteria to the MS4. Strategies will be developed to address these specific or general IDDEs. Development and implementation of strategies will depend on the IDDE program results. | The County will review its IDDE Program results annually and identify illicit discharges that contributed bacteria to the MS4.<br><br>The County will develop strategies to address IDDEs found to contribute bacteria. The development and implementation of strategies will depend on the results. These strategies will be reported in subsequent Annual Reports. | 16 months (if alone) or 20 months (cooperative) from effective date of MS4 Permit.<br><br>April 22, 2016 or August 22, 2016 |
| Include in the Annual Reports progress on program implementation and reducing the bacteria and updates to their measurable goals as necessary.<br><br>As required in Part I.C.2.b.(i).(d), the annual report must include an analysis of how the selected BMPs have been effective in contributing to achieving the measurable goal. | The County will summarize education and outreach activities in each Annual Report and will include the number of educational outreach opportunities conducted and summarize activities or planned activities related to targeting pet waste sources as well as residential education targeting bacteria sources.<br><br>If strategies are developed to address IDDEs found to contribute bacteria to the MS4, these will be reported in subsequent Annual Reports.<br><br>The County will report annually on compliance monitoring including E. coli monitoring results. This reporting will be done in accordance with Part III.A (Wet Weather Monitoring Program) of the MS4 Permit. | The County will summarize education and outreach activities in each Annual Report.<br><br>Strategies developed to address IDDEs found to contribute bacteria to the MS4 will be reported in subsequent Annual Reports.<br><br>The County will report annually on compliance monitoring including E. coli monitoring results. | Annual Report (due Dec. 1) |

# Part I.C: Special Conditions Discharges to Impaired Waters Without Approved TMDLs - Part I.C.2.b.(ii) and TABLE 1.b - TMDL Nutrient Program- Part I.C.2.b.(iii)

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Discharges to Impaired Waters Without Approved TMDLs - Part I.C.2.b.(ii) and TABLE 1.b - TMDL Nutrient Program- Part I.C.2.b.(iii)* | | | |
| Table 1.b: Identify potential significant sources of the pollutant of concern entering your MS4. | The 2014-2016 State of New Mexico CWA 303(d)/305(d) Integrated List and Report identifies the Tijeras Arroyo Assessment Unit – Four Hills Bridge to headwaters as impaired for nutrients. Bernalillo County staff has completed the site assessments via aerial photo reviews and site walks through the drainages from the Four Hills Bridge eastward to the Carnuel land grant property line, and has not identified any significant sources for nutrients. Bernalillo County, in cooperation with COA and NMDOT, voluntarily began the Pre-TMDL Cooperative Nutrient Study for Tijeras Arroyo in 2015. | The County, along with COA and NMDOT, will continue with the voluntary Tijeras Arroyo nutrient study and will report findings in the Annual Report. The results of these studies will be used to guide the overall program plan and goals. | 10 months (if alone) or 16 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or April 22, 2016 |
| From Table 1.b, Develop and implement a public education program to reduce the discharge of pollutant of concern in municipal stormwater contributed by residential and commercial use of fertilizer | The County will utilize a combination of existing and new educational materials (such as the "Project W.E.T. Kids in Discovery Series" and the Enviroscape watershed model), County-created brochures, and other educational materials and promotional items. The County will also use its website and/or social media as a venue for distributing materials.<br><br>The program will utilize the Bernalillo County Parks and Recreation Department's free backyard farming series, the Master Naturalist education series, and other community events to promote proper use and disposal of garden and landscape chemicals and proper disposal of used motor oil and other household hazardous wastes.<br><br>The program utilizes existing County processes to provide education on a neighborhood scale through on-going opportunities such as community and neighborhood association meetings and distribution of information through neighborhood newsletters. At least one educational or public participation announcement per year will be offered to the neighborhood associations for inclusion in neighborhood newsletters. | Bernalillo County will continue to with the Project W.E.T. Kids in Discovery Series and the Enviroscape watershed model presentation as well as continued distribution of County-created materials.<br><br>The County will use community events to promote proper use and disposal of garden and landscape chemicals.<br><br>The County will continue to provide education through community and neighborhood association meetings and neighborhood newsletters. | 10 months (if alone) or 16 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or April 22, 2016 |
| From Table 1.b, Develop and implement a program to reduce the discharge of the pollutant of concern in municipal stormwater contributed by fertilizer use at municipal operations (e.g., parks, roadways, municipal facilities) | This requirement will be addressed in conjunction with the County's Pollution Prevention/Good Housekeeping Program. Refer to the *SWMP TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations* for additional information. | The County will summarize education and outreach activities in each Annual Report. | 12 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2016 |
| From Table 1.b, Develop and implement a program to reduce the discharge of the pollutant of concern in municipal stormwater contributed by municipal and private golf courses within your jurisdiction | There are no municipal or private golf courses within the unincorporated Bernalillo County urbanized area jurisdiction. Bernalillo County will address nutrients though public outreach and education programs. | The County will summarize education and outreach activities in each Annual Report. | 12 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Discharges to Impaired Waters Without Approved TMDLs - Part I.C.2.b.(ii) and TABLE 1.b - TMDL Nutrient Program- Part I.C.2.b.(iii)* | | | |
| From Table 1.b, Develop and implement a program to reduce the discharge of the pollutant of concern in municipal stormwater contributed by other significant source identified in the Illicit Discharge Detection and Elimination program (see Part I.D.5.e). | This requirement will be addressed in conjunction with the County's IDDE Program, refer to the *SWMP - Table 6: Illicit Discharges and Improper Disposal* for additional information. The County will review its IDDE Program results annually and identify illicit discharges (specific as well as general types of discharges and/or locations of discharges) that contributed nutrients to the MS4. Strategies will be developed to address these specific or general IDDEs. Development and implementation of strategies will depend on the IDDE program results. | The County will review its IDDE Program results annually and identify illicit discharges that contributed bacteria to the MS4.<br><br>The County will develop strategies to address IDDEs found to contribute to nutrients. The development and implementation of strategies will depend on the results. These strategies will be reported in subsequent Annual Reports. | 12 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2016 |
| Include in the Annual Reports progress on program implementation and reducing the pollutant of concern and updates their measurable goals as necessary.<br><br>As required in Part I.C.2.b.(i).(d), the annual report must include an analysis of how the selected BMPs have been effective in contributing to achieving the measurable goal. | The County will summarize education and outreach activities in each Annual Report and will include the number of educational outreach opportunities conducted and summarize activities or planned activities related to targeting residential education regarding nutrient sources. In addition, if strategies are developed to address IDDEs found to contribute nutrients to the MS4, these will be reported in subsequent Annual Reports.<br><br>The County will report annually on the nutrient study monitoring results. This reporting will be done in accordance with Part III.A (Wet Weather Monitoring Program) of the MS4 Permit. | The County will summarize education and outreach activities in each Annual Report.<br><br>Strategies developed to address IDDEs found to contribute nutrients to the MS4 will be reported in subsequent Annual Reports.<br><br>The County will report annually on compliance monitoring including nutrient monitoring results. | Annual Report (due Dec. 1) |

# Part I.C: Special Conditions
# Endangered Species Act (ESA) Requirements
# Dissolved Oxygen Strategy in the Receiving Waters of the Rio Grande - Part I.C.3.a

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Endangered Species Act (ESA) Requirements -Dissolved Oxygen Strategy in the Receiving Waters of the Rio Grande - Part I.C.3.a* | | | |
| Per Part I.C.3.a.(i), the permittees must identify structural controls, natural or man-made topographical and geographical formations, MS4 operations, or oxygen demanding pollutants contributing to reduced dissolved oxygen in the receiving water of the Rio Grande. The permittees shall implement controls, and update/revise as necessary, to eliminate discharge of pollutants at levels that cause or contribute to exceedances of applicable water quality standards for dissolved oxygen in waters of the Rio Grande. The permittees shall submit a summary of findings and a summary of activities undertaken under Part I.C.3.a.(i) with each Annual Report. The SWMP submitted with the first and fourth annual reports must include a detailed description of controls implemented (and/or proposed control to be implemented) along with corresponding measureable goals. | No specific structural elements, topographical and/or geographical formations, or County operations have been identified as contributing to reduced DO in the receiving waters of the Rio Grande within the jurisdictional area.<br><br>Structural elements that address DO include a duckbill check valve stormwater outlet for the Sanchez Farms outfall and release of stormwater into the bosque prior to outfall into the Rio Grande. Where stormwater is released into the bosque upstream of the Rio Grande, stormwater flows rarely make it to the river and instead spread, slow and infiltrate in the bosque.<br><br>Bernalillo County addresses County activities that have the potential to affect stormwater quality (including pollutants that affect DO levels) through pollution prevention and good housekeeping, see *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations* for more information.<br><br>The County also addresses pollutants that affect DO through public education and outreach, the sediment pollutant load reduction strategy, construction and post-construction requirements, and the Wastewater permitting process to address septic systems. See these sections of the SWMP for additional information. | Bernalillo County will continue to address the DO strategy through it's pollution prevention and good housekeeping program, structural BMPs, public education and outreach, the nutrient program, the sediment pollutant load reduction strategy, construction and post-construction requirements, and regulating septic systems. | Annual Report (due Dec. 1) |

# Part I.C: Special Conditions Endangered Species Act (ESA) Requirements - Sediment Pollutant Load Reduction Strategy - Part I.C.3.b

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Endangered Species Act (ESA) Requirements -Sediment Pollutant Load Reduction Strategy - Part I.C.3.b* | | | |
| Per Part I.C.3.b, the permittee must develop, implement, and evaluate a sediment pollutant load reduction strategy to assess and reduce pollutant loads associated with sediment (e.g., metals, etc. adsorbed to or traveling with sediment, as opposed to clean sediment) into the receiving waters of the Rio Grande. | See below | See below | See below |
| (i) Sediment Assessment: The permittee must identify and investigate areas within its jurisdiction that may be contributing excessive levels (e.g., levels that may contribute to exceedance of applicable Water Quality Standards) of pollutants in sediments to the receiving waters of the Rio Grande as a result of stormwater discharges. The permittee must identify structural elements, natural or man-made topo-graphical and geographical formations, MS4 operations activities, and areas indicated as potential sources of sediments and pollutants in the receiving waters of the Rio Grande. At the time of assessment, the permittee shall record any observed erosion of soil or sediment along ephemeral channels, arroyos, or stream banks, noting the scouring or sedimentation in streams. The assessment should be made using available data from federal, state, or local studies supplemented as necessary with collection of additional data. The permittee must describe, in the first annual report, all standard operating procedures, quality assurance plans to assure that accurate data are collected, summarized, evaluated and reported. | Bernalillo County maintains approximately 50 stormwater quality and drainage ponds, 55 miles of storm sewer lines, 30 miles of culverts, and 9 miles of open channel.<br><br>The ponds function as BMPs for sediment removal. The County regularly removes sediment and debris from the ponds as needed during O&M activities. O&M activities also include erosion repair as needed and vegetation control. The majority of these ponds eventually drain into AMAFCA facilities which provide additional sediment control.<br><br>The County has four primary outfalls to the Rio Grande:<br><br>The Alameda Road Detention Pond, located upstream of the stormwater pump station, captures most transported sediment prior to the outfall into the Rio Grande.<br><br>Sediment and debris from the Paseo del Norte outfall has a limited catchment area, is located along a primary roadway, and releases stormwater into the bosque upstream of the Rio Grande. Stormwater from this outfall rarely makes it the Rio Grande.<br><br>The Sanchez Farm storm drainage facility includes an established wetlands and bioswales to mitigate stormwater pollution. Stormwater entering this facility discharges to the wetland, where the majority of sediment is captured prior to the outfall.<br><br>The Adobe Acres Outfall was retrofitted with a new inlet structure. This structure captures sediment and floatables prior to discharge into the Atrisco Riverside Drain (MRGCD). Any remaining sediment generally drops out in this drain before it makes it to the Rio Grande near the Isleta Dam. | Bernalillo County has several stormwater facilities, including about 50 ponds and other stormwater quality features, that function as BMPs for sediment removal. The County's O&M activities, including sediment removal from ponds and other stormwater facilities, will be tracked and evaluated for the Sediment Assessment requirement for this Permit activity. | No Permit required schedule. Progress Report for the entire Sediment Pollutant Load Reductions Strategy to be submitted with the fifth Annual Report.<br><br>Dec. 1, 2019 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Endangered Species Act (ESA) Requirements -Sediment Pollutant Load Reduction Strategy - Part I.C.3.b* | | | |
| (ii) Estimate Baseline Loading: Based on the results of the sediment pollutants assessment required in Part I.C.3.b.(i) above, the permittee must provide estimates of baseline total sediment loading and relative potential for contamination of those sediments by urban activities for drainage areas, sub-watersheds, Impervious Areas (IAs), and/or Directly Connected Impervious Area (DCIAs) draining directly to a surface waterbody or other feature used to convey waters of the United States. Sediment loads may be provided for targeted areas in the entire Middle Rio Grande Watershed using an individual or cooperative approach. Any data available and/or preliminary numeric modeling results may be used in estimating loads. | The data collected in the Sediment Assessment will be used for estimating baseline sediment loading to its facilities. | The data collected in the Sediment Assessment will be used for estimating baseline sediment loading to its facilities. | No Permit required schedule. Progress Report for the entire Sediment Pollutant Load Reductions Strategy to be submitted with the fifth Annual Report.<br><br>Dec. 1, 2019 |
| (iii) Targeted Controls: Include a detailed description of all proposed targeted controls and BMPs that will be implemented to reduce sediment pollutant loads, calculated in Part I.C.3.b.(ii) above, during the next ten (10) years of permit issuance. For each targeted control, the permittee must include interim measurable goals (e.g., interim sediment pollutant load reductions) and an implementation and maintenance schedule, including interim milestones, for each control measure, and as appropriate, the months and years in which the MS4 will undertake the required actions. Any data available and/or preliminary numeric modeling results may be used in establishing the targeted controls, BMPs, and interim measurable goals. The permittee must prioritize pollutant load reduction efforts and target areas ( e. g. drainage areas, subwatersheds, IAs, DCIAs) that generate the highest annual average pollutant loads. | Bernalillo County has several stormwater facilities, including about 50 ponds and several stormwater quality features, that function as BMPs for sediment removal. The Counties O&M activities include sediment removal from ponds and other stormwater facilities. Analysis of the Sediment Assessment and Estimated Baseline Loading will be used by the County to improve this program to target and prioritize sediment removal throughout the watershed.<br><br>The Bernalillo County Drainage ordinance requires:<br><br>All construction projects, both public and private, unless specifically excluded, have an approved erosion control plan prior to the start of construction. The erosion control plan must address stormwater quality where the land disturbance is one acre or greater, or is part of a larger common plan of development.<br><br>All development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, that discharge into the county's storm drainage system, within the urbanized area of the county, to have post construction water quality BMPs. | Following review of the Sediment Assessment findings, Bernalillo County will make program and system improvements as necessary to meet this Permit requirement. | No Permit required schedule. Progress Report for the entire Sediment Pollutant Load Reductions Strategy to be submitted with the fifth Annual Report.<br><br>Dec. 1, 2019 |
| (iv) Monitoring and Interim Reporting: The permittee shall monitor or assess progress in achieving interim measurable goals and determining the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used. This program element may be coordinated with the monitoring required in Part III.A. | Bernalillo County will make an annual assessment of progress for this program. The County will track the volume of sediment removed from each stormwater facility and will summarize findings in the annual report. | Bernalillo County will include a progress update for this program in each Annual Report. | Update SWMP as necessary and include progress report in each Annual Report. |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.C: Special Conditions* | | | |
| *Endangered Species Act (ESA) Requirements -Sediment Pollutant Load Reduction Strategy - Part I.C.3.b* | | | |
| (v) Progress Evaluation and Reporting: The permittee must assess the overall success of the Sediment Pollutant Load Reduction Strategy and document both direct and indirect measurements of program effectiveness in a Progress Report to be submitted with the fifth Annual Report. Data must be analyzed, interpreted, and reported so that results can be applied to such purposes as documenting effectiveness of the BMPs and compliance with the ESA requirements specified in Part I.C.3.b. The Progress Report must include:<br>(a) A list of species likely to be within the action area;<br>(b) Type and number of structural BMPs installed;<br>(e) Evaluation of pollutant source reduction effects;<br>(d) Any recommendation based on program evaluation;<br>(e) Description of how the interim sediment load reduction goals established in Part I.C.3.b.(iii) were achieved; and<br>(f) Future planning activities needed to achieve increase of sediment load reduction required in Part I.C.3.d.(iii). | Bernalillo County has several stormwater facilities, including about 50 ponds and multiple stormwater quality features, that function as BMPs for sediment removal. The Progress Report will document the County's overall program effectiveness. | A Progress Report on the Sediment Pollutant Load Reduction Strategy will be included with the fifth Annual Report. | Progress Report to be submitted with the fifth Annual Report.<br><br>Dec. 1, 2019 |
| (vi) Critical Habitat: Verify that the installation of stormwater BMPs will not occur in or adversely affect currently listed endangered or threatened species critical habitat by reviewing the activities and locations of stormwater BMP installation within the location of critical habitat of currently listed endangered or threatened species at the FWS website http://criticalhabitat.fws.gov/crithab/. | Bernalillo County considers critical habitat for all of its projects, works with the USFWS and USACE, as required, and will continue this practice related to any BMPs installed for the purpose of sediment capture and removal. | Bernalillo County will continue working with USFWS and USACE, as required, related to any BMPs installed for the purpose of sediment capture and removal. | No Permit required schedule. Ongoing requirement of the MS4 Permit. |

# Part I.D.5 - SWMP Control Measures
# Table 2: Construction Site Stormwater Runoff Control - Part I.D.5.a

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 2: Construction Site Stormwater Runoff Control - Part I.D.5.a* | | | |
| 5.a.(i) The permittee shall develop, revise, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. | Chapter 38, Article III of the Bernalillo County Code of Ordinances requires all construction, development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, to have a SWPPP in accordance with EPA NPDES Phase II regulations for construction site stormwater runoff control. The SWPPP shall outline the BMPs to be undertaken by the operator/owner of the project to protect stormwater quality during construction and will be maintained by the owner of the property.<br><br>Small construction activity (1-5 acres) may qualify for a waiver in lieu of needing to obtain coverage under the CGP based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. The Pueblo of Sandia does not allow the rainfall erosivity waivers to be granted for any small construction activities. | The County requires construction projects to follow the Construction General Permit (CGP). Records of the inspections should be made available for the county engineer to review. As required by Part I.D.5.a.(iii) site inspections are carried out concurrently with building code inspections by the County. Several inspections are conducted over the construction project lifetime and include checking for compliance with the CGP, SWPPP review, and a final inspection of post-construction BMPs. | 10 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or June 22, 2016 |
| Development of an ordinance or other regulatory mechanism as required in Part I.D.5.a.(ii)(a), an ordinance or other regulatory mechanism to require erosion and sediment controls, as wells as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law. | Chapter 38, Article III of the Bernalillo County Code of Ordinances requires all construction, development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, to have a SWPPP in accordance with EPA NPDES Phase II regulations for construction site stormwater runoff control. The SWPPP shall outline the BMPs to be undertaken by the operator/owner of the project to protect stormwater quality during construction and will be maintained by the owner of the property.<br><br>The ordinance includes the following requirements (based on nature of the development or construction project):<br>-ponds shall provide for additional volume to accommodate sediment where undeveloped areas contribute flow or there is less than 40 percent of the total drainage area is impervious;<br>-a grading and drainage plan to include erosion control information sufficient in detail to determine project feasibility; and<br>-all construction projects, both public and private, unless specifically excluded, require an approved erosion control plan prior to the start of construction. The erosion control plan must address stormwater quality where the land disturbance is one acre or greater, or is part of a larger common plan of development.<br><br>Penalties for non-compliance with this ordinance include liens against the property for reasonable costs associated with a remedy(ies), revocation or refusal to renew or issue any permit until appropriate remedies are made, and punishable as provided in Chapter 1, section 1-6 of the Bernalillo County Code. | Bernalillo County will continue enforcement of the ordinance and will track the number of SWPPPs, including erosion control plans, reviewed annually. | 10 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 2: Construction Site Stormwater Runoff Control - Part I.D.5.a* | | | |
| Develop requirements and procedures as required in Part I.D.5.a(ii).(b) through Part I.D.5.a(ii).(h) | Chapter 38, Article III of the Bernalillo County Code of Ordinances (Drainage Ordinance) requires all construction, development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, to have a SWPPP in accordance with EPA NPDES Phase II regulations for construction site stormwater runoff control. The SWPPP shall outline the BMPs to be undertaken by the operator/owner of the project to protect stormwater quality during construction and will be maintained by the owner of the property. | Bernalillo County will continue enforcement of the ordinance and will track the number of SWPPPS, including erosion control plans, reviewed annually. | 13 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or June 22, 2016 |
| (b) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices (both structural and non-structural). | Per the County ordinance, all construction projects, both public and private, within the jurisdiction of this article, unless specifically excluded, require an approved erosion control plan prior to the start of construction. The erosion control plan must address stormwater quality where the land disturbance is one acre or greater, or is part of a larger common plan of development.<br><br>Per the County ordinance, a SWPPP is required in accordance with EPA NPDES Phase II regulations for construction site stormwater runoff control and the SWPPP shall outline the BMPs to be undertaken by the operator/owner of the project to protect stormwater quality during construction and will be maintained by the owner of the property.<br><br>Small construction activity (1-5 acres) may qualify for a waiver in lieu of needing to obtain coverage under the CGP based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. The Pueblo of Sandia does not allow the rainfall erosivity waivers to be granted for any small construction activities. | Bernalillo County will continue enforcement of the ordinance and will track the number of SWPPPS, including erosion control plans, reviewed annually. | 13 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or June 22, 2016 |
| (c) Requirements for construction site operators to control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. | Per the County ordinance, a SWPPP is required in accordance with EPA NPDES Phase II regulations for construction site stormwater runoff control and the SWPPP shall outline the BMPs to be undertaken by the operator/owner of the project to protect stormwater quality during construction and will be maintained by the owner of the property.<br><br>Small construction activity (1-5 acres) may qualify for a waiver in lieu of needing to obtain coverage under the CGP based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. The Pueblo of Sandia does not allow the rainfall erosivity waivers to be granted for any small construction activities. | Bernalillo County will continue enforcement of the ordinance and will track the number of SWPPPs, including erosion control plans, reviewed annually. | 13 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 2: Construction Site Stormwater Runoff Control - Part I.D.5.a* | | | |
| (d) Procedures for site plan review which incorporate consideration of potential water quality impacts. The site plan review must be conducted prior to commencement of construction activities, and include a review of the site design, the planned operations at the construction site, the planned control measures during the construction phase (including the technical criteria for selection of the control measures), and the planned controls to be used to manage runoff created after the development. | Bernalillo County meets this requirement through the Grading and Drainage plan review process. This oversight is completed through the review of permit application requests. These permits generally consist of building, zoning permits; zone changes; special use permits; and/or platting actions and are reviewed for compliance with guidance/regulatory documents such as the MS4 Permit, the drainage, flood plain, street standards, regional drainage master plans and excavation ordinances. This incorporates consideration of potential water quality impacts and ensures compliance with floodplain and stormwater issues. Construction permits require SWPPPs for sites that disturb greater than one acre. The County conducts on-site inspections to ensure drainage regulation compliance.<br><br>In a cooperative effort with the City of Albuquerque and AMAFCA, the Bernalillo County drainage engineer reviews development projects that have a direct connection to AMAFCA facilities for projects disturbing at least one acre. Review includes stormwater conveyance, water quality, and erosion control. | Bernalillo County will continue enforcement of the ordinance and will track the number of site plans, including grading and drainage plans and erosion control plans, reviewed annually. | 13 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or June 22, 2016 |
| (e) Procedures for receipt and consideration of information submitted by the public. | Development Review (DR) staff attend public meetings, public hearings and private meetings with public employees and private citizens to present appropriate information and answer questions. The DR group emphasizes coordination with all applicable government agencies to expedite these services.<br><br>The DR Section receives complaints and information from the public regarding stormwater quality issues as related to construction projects. When complaints are recieved, County inspectors will conduct a site visit to ensure that SWPPP documents and BMPs are in place and accurate. Complaints are managed and tracked through the County's permit tracking system. Inspections are recorded by the County and are also recorded in the on-site SWPPP. | The Development Review staff will continue to receive and address public comments. When complaints are recieved, County inspectors will conduct a site visit to ensure that SWPPP documents and BMPs are in place and accurate. Complaints are managed and tracked through the County's permit tracking system. Inspections are recorded by the County and are also recorded in the on-site SWPPP. | 13 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 2: Construction Site Stormwater Runoff Control - Part I.D.5.a* | | | |
| (f) Procedures for site inspection during construction, and enforcement of control measures including provisions to ensure proper construction, operation, maintenance, and repair. The procedures must clearly define who is responsible for site inspections; who has the authority to implement enforcement procedures; and the steps utilized to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and the quality of the receiving water. | The County drainage ordinance includes provisions for inspections (Section 38-174) by the County. The ordinance also requires weekly inspection of the BMPs by the owner, records of the inspections to be kept for the county engineer to review, and periodic inspection of BMPs by the County. Any issues noted by the County inspector are reported to the contractor.<br><br>Construction site inspections as required by this Permit are carried out concurrently with building code inspections by the County. Several inspections are conducted over the construction project lifetime and include checking for compliance with the Construction General Permit, SWPPP review, and a final inspection of post-construction BMPs. The County does not prioritize inspections because inspections are currently conducted on 100% of construction projects.<br><br>Penalties for non-compliance with this ordinance include liens against the property for reasonable costs associated with a remedy(ies), revocation or refusal to renew or issue any permit until appropriate remedies are made, and punishable as provided in Chapter 1, section 1-6 of the Bernalillo County Code. | The County will continue enforcement of this ordinance. The County will track the number of construction site inspections. | 13 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 2: Construction Site Stormwater Runoff Control - Part I.D.5.a* | | | |
| (g) Procedures to educate and train permittee personnel involved in the planning, review, permitting, and/or approval of construction site plans, inspections, and enforcement. Education and training shall also be provided for developers, construction site operators, contractors and supporting personnel, including requiring a stormwater pollution prevention plan for construction sites within the permittee's jurisdiction. | Currently at least 4 Bernalillo County staff, including two site inspectors, have received certified stormwater inspector training.<br><br>All commercial applicants must complete the Stormwater Post-Construction Evaluation form. This form provides information about the MS4 Permit and directs the applicant to the Bernalillo County LID webpage (http://www.bernco.gov/LID) for additional information as a means to provide education to applicants. Residential applicants are not required to complete the form as part of the initial application but may be required to during plan review.<br><br>Chapter 38, Article III of the Bernalillo County Code of Ordinances requires all construction, development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, to have a SWPPP in accordance with EPA NPDES Phase II regulations for construction site stormwater runoff control.<br><br>Construction site inspections as required by Part I.D.5.a.(iii) are carried out concurrently with building code inspections by the County. Several inspections are conducted over the construction project lifetime and include checking for compliance with the Construction General Permit, SWPPP review, and a final inspection of post-construction BMPs. | The County will continue to ensure that County staff receive training for planning review, permitting, and/or approval of site plans, inspection, and enforcement. Many trainings will be conducted internally.<br><br>The County will continue to require the Post-Construction Evaluation form for commercial and some residential projects. This form will be reviewed and updated as necessary. Additional education and outreach opportunities will be explored for developers, construction site operators, and contractor trainings.<br><br>Bernalillo County was a primary sponsor for the February 2016 Land & Water Summit which included sessions on stormwater management, stormwater solutions, and green infrastructure and low-impact design. The summit was designed for developers, engineers, landscape architects, associated general contractors and the general public . A field trip titled Stormwater Solutions in Dynamic Aridland Conditions was part of this conference and included tours of flood control projects and GI/LID projects for the County, COA, and SSCAFCA.<br><br>SWPPPs are required by Bernalillo County and the CGP for construction sites. | 13 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or June 22, 2016 |
| (h) Procedures for keeping records of and tracking all regulated construction activities within the MS4, i.e. site reviews, inspections, inspection reports, warning letters and other enforcement documents. A summary of the number and frequency of site reviews, inspections (including inspector's checklist for oversight of sediment and erosion controls and proper disposal of construction wastes) and enforcement activities that are conducted annually and cumulatively during the permit term shall be included in each annual report. | Regulated construction activities within the MS4 area are tracked through Bernalillo County's building permit review process. The County maintains a database software package that tracks all reviews, inspections and enforcement documents for construction projects. | Bernalillo County will track regulated construction activities including site plan reviews, inspections, and enforcement documents. A summary of activities and the number and frequency of site plan reviews, inspections, and enforcement activities will be conducted annually and included in each annual report. | 13 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 2: Construction Site Stormwater Runoff Control - Part I.D.5.a* | | | |
| Annually conduct site inspections of 100 percent of all construction projects cumulatively disturbing one (1) or more acres as required in Part I.D.5.a.(iii) | The County inspects 100 percent of all construction projects cumulatively disturbing one (1) or more acres as required in Part I.D.a.(iii).<br><br>The County requires construction projects to follow the Construction General Permit (CGP). Records of the inspections should be made available for the county engineer to review. Site inspections by the County are carried out concurrently with building code inspections. Several inspections are conducted over the construction project lifetime and include checking for compliance with the Construction General Permit, SWPPP review, and a final inspection of post-construction BMPs. Any issues noted by the County inspector are reported to the contractor. | Bernalillo County will track regulated construction activities including site plan reviews, inspections, and enforcement documents. A summary of activities and the number and frequency of site plan reviews, inspections, and enforcement activities will be conducted annually and included in each annual report. | 13 months (if alone) or 24 months (cooperative) from effective date of MS4 Permit.<br><br>Jan. 22, 2016 or December 22, 2016 |
| Coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area to ensure that the construction stormwater runoff controls eliminate erosion and maintain sediment on site. Planning documents include, but are not limited to: comprehensive or master plans, subdivision ordinances, general land use plan, zoning code, transportation master plan, specific area plans, such as sector plan, site area plans, corridor plans, or unified development ordinances. | Bernalillo County meets this requirement through the Grading and Drainage plan review process. This oversight is completed through the review of permit application requests. These permits generally consist of building, zoning permits; zone changes; special use permits; and/or platting actions and are reviewed for compliance with guidance/regulatory documents such as the MS4 Permit, the drainage, flood plain, street standards, regional drainage master plans and excavation ordinances. This incorporates consideration of potential water quality impacts and ensures compliance with floodplain and stormwater issues. Construction permits require SWPPPs for sites that disturb greater than one acre. The County conducts on-site inspections to ensure drainage regulation compliance.<br><br>The County Development Review Authority (CDRA) enforces the Bernalillo County Subdivision and Land Development Standards Ordinance and currently includes Bernalillo County Planning, Zoning, Public Works, Fire Marshal, Natural Resource Services, Parks & Open Space, the Albuquerque Bernalillo County Water Utility Authority, AMAFCA, and the Middle Rio Grande Conservancy District. | Bernalillo County already complies with this Permit requirement. Bernalillo County will continue to review planning documents for public and private construction projects and activities within the unincorporated areas of Bernalillo County, as required by the ordinance. | 10 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or Feb. 22, 2016 |
| Evaluation of GI/LID/Sustainable practices in site plan reviews as required in Part I.D.5.a.(v). The site plan review must include an evaluation of opportunities for use of GI/LID/ Sustainable practices and when the opportunity exists, encourage project proponents to incorporate such practices into the site design to mimic the pre-development hydrology of the previously undeveloped site. For purposes of this permit, pre-development hydrology shall be met according to Part I.D.5.b of this permit (consistent with any limitations on that capture). Include a reporting requirement of the number of plans that had opportunities to implement these practices and how many incorporated these practices. | As part of the development review process, construction project plans are reviewed and evaluated for opportunities to incorporate GI/LID/sustainable practices. Developers are encouraged to incorporate these practices where opportunities are available. As part of construction application requirements, all commercial applicants must complete the Stormwater Post-Construction Evaluation form as part of the permit application. Residential applicants are not required to complete the form as part of the initial application but may be required to during plan review to complete evaluation if the project falls under the stated disturbance definition (greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale) or if other stormwater or grading and drainage plans are required. | The County will continue to evaluate and ask the property owner/developer of construction projects to evaluate for opportunities to incorporate GI/LID/sustainable practices. The County will track the number of projects that have opportunities to implement these practices and how many of these practices are implemented. Tracking will be accomplished using the Stormwater Post-Construction Evaluation form. | 10 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or Feb. 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 2: Construction Site Stormwater Runoff Control - Part I.D.5.a* | | | |
| Update the SWMP document and annual report as required in Part I.D.5.a.(vi) and in Part I.D.5.a.(vii) | The County will update the SWMP to include a description of the mechanisms that will be used to comply with the construction site stormwater runoff control measures for each of the elements in Part I.D.5.a.(i) through Part I.D.5.a.(v) and corresponding measureable goal.<br><br>The County will assess and document the success of the program in the annual report including:<br>-a summary of the frequency of site reviews, inspections, and enforcement activities that are conducted annually and cumulatively during the permit term<br>-the number of plans that had an opportunity to incorporate GI/LID/sustainable practices and how many did incorporate these practices | The County will include in each annual report a summary of the frequency of site reviews, inspections, and enforcement activities that are conducted annually and cumulatively during the permit term. The annual report will also include a summary of the number of projects that have opportunities to implement GI/LID/sustainable practices and how many of these practices are implemented. | Update as necessary for SWMP and annually for Annual Report |
| Enhance the program to include the elements in Part I.D.5.a.(viii) through part I.D.5.a.(x). These include: (viii) Use of stormwater educational materials; (ix) Develop or update existing construction handbooks; and (x) construction inspections may be carried out in conjunction with other inspections and use a screening prioritization process. | The County will continue to use stormwater educational materials, either developed locally or provided by EPA, NMED environmental, public interest, trade organizations, and/or other MS4s.<br><br>In conjunction with COA, the County participates in updates and revisions for the Development Process Manual (DPM) as necessary. The DPM delineates the development process from initial land use proposals, through infrastructure construction, to completion of a proposed development. Bernalillo County also requires the use of the Comparison of Regional Regulations (CORR) document, a companion document to the DPM. CORR is a step-by-step through guide the Bernalillo County Public Works design path.<br><br>The 2012 Storm Water Management Guidelines for Construction & Industrial Activities is coauthored by Bernalillo County, AMAFCA, NMED, NMDOT, COA, UNM, City of Rio Rancho, and SSCAFCA.<br><br>Construction site inspections as required by Part I.D.5.a.(iii) are carried out concurrently with building code inspections by the County. The County does not prioritize inspections because inspections are conducted on 100% of construction projects. | The County will summarize education and outreach activities in each Annual Report.<br><br>The County will work with other MS4s to evaluate the need to update the 2012 Storm Water Management Guidelines for Construction & Industrial Activities.<br><br>The County will continue to conduct construction site inspections concurrently with building code inspections and inspection results will be summarized in each annual report per Part I.D.5.a.(iii). | Update as necessary for SWMP and annually for Annual Report |

# Part I.D.5 - SWMP Control Measures Table 3: Post-Construction Stormwater Management in New Development and Redevelopment- Part I.D.5.b

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 3: Post-Construction Stormwater Management in New Development and Redevelopment- Part I.D.5.b* | | | |
| Part I.D.5.b.(i) The permittee must develop, revise, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. Permittees previously covered under NMS000101 or NMR040000 must continue existing programs, updating as necessary, to comply with the requirements of this permit. | Per Chapter 38, Article III of the Bernalillo County Code of Ordinances, the drainage ordinance, Sec. 38-147. - Stormwater quality protection:<br>(b) *Post-construction stormwater quality protection* . For all development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, that discharge into the county's storm drainage system, within the urbanized area of the county, post construction water quality BMPs are required. This requirement is in addition to any other requirements that may apply. These BMPs shall be subject to the approval of the county engineer.<br><br>Maintenance responsibility of stormwater quality control facilities is the responsibility of the property owner up to the point where stormwater enters public facilities. (Ord. No. 04-4, 2-24-04) | The County will continue enforcement of this ordinance; the County is currently working on an update to this ordinance to include additional required elements from this permit. | See specific Permit activity schedules below. |
| Development of strategies as required in Part I.D.5.b.(ii).(a). Strategies which include a combination of structural and/or non-structural best management practices (BMPs) to control pollutants in stormwater runoff. | Per Chapter 38, Article III of the Bernalillo County Code of Ordinances, the drainage ordinance, Sec. 38-147. - Stormwater quality protection:<br>(b) *Post-construction stormwater quality protection* . For all development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, that discharge into the county's storm drainage system, within the urbanized area of the county, post construction water quality BMPs are required. This requirement is in addition to any other requirements that may apply. These BMPs shall be subject to the approval of the county engineer.<br><br>Prior to construction, a conceptual grading and drainage plan showing existing and proposed grading, drainage, control, flood control and erosion control information in sufficient detail to determine project feasibility is required. Grading and drainage plans are required by the County when a.) the area to be graded exceeds one acre, b.) the volume of dirt to be moved exceeds 500 cubic yards, c.) runoff from the proposed development exceeds the allowable runoff for the parcel; or d.) the drainage engineer determines that a grading and drainage plan is warranted.<br><br>All commercial applicants must complete the Stormwater Post-Construction Evaluation form. This form provides information about the MS4 Permit and directs the applicant to the Bernalillo County LID webpage (http://www.bernco.gov/LID) for additional information. Residential applicants are not required to complete the form as part of the initial application but may be required to during plan review.<br><br>Construction site inspections as required by Part I.D.5.a.(iii) are carried out by the County. Several inspections are conducted over the construction project lifetime and include checking for compliance with the CGP, MSGP, SWPPP review, and a final inspection of post-construction BMPs. | The County will continue enforcement of this ordinance and inspection of post-construction BMPs; the County is currently working on an update to this ordinance to include additional required elements from this permit. | 10 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or Feb. 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 3: Post-Construction Stormwater Management in New Development and Redevelopment- Part I.D.5.b* | | | |
| Development of an ordinance or other regulatory mechanism as required in Part I.D.5.b.(ii)(b), to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law. The ordinance or policy must incorporate a stormwater quality design standard that manages on-site the 90th percentile storm event discharge volume associated with new development sites and 80th percentile storm event discharge volume associated with redevelopment sites, through stormwater controls that infiltrate, evapotranspire the discharge volume, except in instances where full compliance cannot be achieved, as provided in Part I.D.5.b.(v). | The County has a drainage ordinance (Chapter 38, Article III of the Bernalillo County Code of Ordinances, Sec. 38-147. - Stormwater quality protection) addresses stormwater quality protection for development and redevelopment projects. The County is currently updating the ordinance to include requirements under this permit for management of 80th and 90th percentile storm event discharge for redevelopment and development sites, respectively. | The County will submit a draft ordinance revision to include requirements under this permit for management of 80th and 90th percentile storm event discharge for redevelopment and development sites, respectively, to the Bernalillo County Commission for approval. | 30 months (if alone) or 36 months (cooperative) from effective date of MS4 Permit.<br><br>June 22, 2017 or Dec. 22, 2017 |
| Implementation and enforcement, via the ordinance or other regulatory mechanism, of site design standards as required in Part I.D.5.b.(ii).(b), to incorporate a stormwater quality design standard that manages on-site the 90th percentile storm event discharge volume associated with new development sites and 80th percentile storm event discharge volume associated with redevelopment sites. | The County has a drainage ordinance (Chapter 38, Article III of the Bernalillo County Code of Ordinances, Sec. 38-147. - Stormwater quality protection) addresses stormwater quality protection for development and redevelopment projects. The County is currently updating the ordinance to include requirements under this permit for management of 80th and 90th percentile storm event discharge for redevelopment and development sites, respectively. | The County will submit a draft ordinance revision to include requirements under this permit for management of 80th and 90th percentile storm event discharge for redevelopment and development sites, respectively, to the Bernalillo County Commission for approval. | 42 months (if alone) or 48 months (cooperative) from effective date of MS4 Permit.<br><br>June 22, 2018 or Dec. 22, 2018 |
| Ensure appropriate implementation of post-construction structural controls as required in Part I.D.5.b.(ii).(c) and Part I.D.5.b.(ii).(d) including consideration of some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with preconstruction BMP design; failure to construct BMPs in accordance with the agreed upon pre-construction design; and ineffective post-construction operation and maintenance of BMPs.<br><br>The permittee must ensure that the post-construction program requirements are constantly reviewed and revised as appropriate to incorporate improvements in control techniques. | As part of the development review process, construction project plans are reviewed and evaluated for opportunities to incorporate GI/LID/sustainable practices. Developers are encouraged to incorporate these practices where opportunities are available. All commercial applicants must complete the Stormwater Post-Construction Evaluation form. This form provides information about the MS4 Permit and directs the applicant to the Bernalillo County LID webpage (http://www.bernco.gov/LID) for additional information. Residential applicants are not required to complete the form as part of the initial application but may be required to during plan review.<br><br>Construction site inspections as required by this Permit are carried out concurrently with building code inspections by the County. Several inspections are conducted over the construction project lifetime and include checking for compliance with the Construction General Permit, SWPPP review, and a final inspection of post-construction BMPs.<br><br>Maintenance responsibility of stormwater quality control facilities is the responsibility of the property owner up to the point where stormwater enters public facilities.<br><br>Penalties for non-compliance with this ordinance include liens against the property for reasonable costs associated with a remedy(ies), revocation or refusal to renew or issue any permit until appropriate remedies are made, and punishable as provided in Chapter 1, section 1-6 of the Bernalillo County Code.<br><br>The County reviews and updates the post-construction program as necessary. | The County will continue enforcement of this ordinance. The County will track the number of construction site inspections and will summarize inspections and inspection findings in the annual report.<br><br>The County will conduct a bi-annual review and update to the post-construction program requirements as appropriate. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 3: Post-Construction Stormwater Management in New Development and Redevelopment- Part I.D.5.b* | | | |
| Develop procedures as required in Part I.D.5.b.(ii).<br>(e) - for educational program for project developers;<br>(f) - for site inspections and enforcement for longterm operation, maintenance, and repair of BMPs;<br>(g) - for control of discharge related to pesticides, herbicides, and fertilizers;<br>(h) - for review and update of the post-construction program. | All commercial applicants must complete the Stormwater Post-Construction Evaluation form. This form provides information about the MS4 Permit and directs the applicant to the Bernalillo County LID webpage (http://www.bernco.gov/LID) for additional information. Residential applicants are not required to complete the form as part of the initial application but may be required to during plan review.<br><br>Bernalillo County uses checklists for building code and construction site inspections. The County has updated these checklists to address requirements from this permit. Per the County drainage ordinance for post-construction stormwater quality protection, all development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, require post construction water quality BMPs. Maintenance responsibility of stormwater quality control facilities is the responsibility of the property owner up to the point where stormwater enters public facilities. During inspections, the County will verify that all permits and certifications are in place. The County routinely reviews post-construction program procedures and updates as necessary.<br><br>Commercial application of pesticides is regulated by the New Mexico Department of Agriculture (NMDA). NMDA has authority over the distribution and use of all pesticides in the state. NMDA establishes certification requirements for pesticide applicators including a requirement for continuing education. Additionally, under the Clean Water Act, pesticide applications to, over, or near water generally require a NPDES permit issued by the EPA. | The County will continue to require the Post-Construction Evaluation form for commercial and some residential projects. This form will be reviewed and updated as necessary.<br><br>The County will continue to improve the education program for project developers by coordinating internally with the County Public Information Officer and coordinating with other MS4s. The County is currently working with Los Ranchos de Albuquerque on a cooperative element to address education for permittee personnel and for project developers.<br><br>The County will conduct reviews of post-construction program procedures annually and update as necessary. | 10 months (alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 3: Post-Construction Stormwater Management in New Development and Redevelopment- Part I.D.5.b* | | | |
| Coordinate internally with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.b.(iii) related to developed hydrology mimicking pre-development hydrology. | The Development Review (DR) section reviews permit applications and grading and drainage plans for construction projects. The permits generally consist of building, zoning permits; zone changes; special use permits; and/or platting actions and are reviewed for compliance with guidance/regulatory documents such as the MS4 Permit, the drainage, flood plain, street standards, regional drainage master plans and excavation ordinances. This incorporates consideration of potential water quality impacts and ensures compliance with floodplain and stormwater requirements. Standard comments to the application and plans provided by DR include the requirement to retain 80th and 90th percentile storm runoff. Construction permits require SWPPPs for sites that disturb greater than one acre. The County conducts on-site inspections to ensure drainage regulation compliance.<br><br>The County Planning Commission (CPC) and the County Development Review Authority (CDRA) enforce the Bernalillo County Subdivision and Land Development Standards Ordinance. Review for these boards includes staff from Bernalillo County Planning, Zoning, Public Works, Fire Marshal, Natural Resource Services, Parks & Open Space; the Albuquerque Bernalillo County Water Utility Authority; AMAFCA; COA; NMDOT; and the MRGCD.<br><br>In conjunction with COA, the County participates in updates and revisions for the Development Process Manual (DPM) as necessary. The DPM delineates the development process from initial land use proposals, through infrastructure construction, to completion of a proposed development. Bernalillo County also requires the use of the Comparison of Regional Regulations (CORR) document, a companion document to the DPM.<br><br>The NM OSE and ISC oversee interstate water compact delivery obligations for New Mexico including delivery of water in the Rio Grande to Texas. For all projects requiring a grading and drainage plan, the County requires stormwater facilities that manage the 80th and 90th percentile rain events to drain within 96 hours per the OSE requirements. | The County Development Review Section will continue to coordinate internally with all departments for review of public and private construction projects/activities within its jurisdiction and will continue to work the NM OSE to meet State water rights requirements.<br><br>The County will track site plan and grading and drainage plan reviews and include a summary in the annual report. | 10 months (if alone) or 12 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or Dec. 22, 2015 |
| As required in Part I.D.5.b.(iv), the permittee must assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of GI/LID/Sustainable practices. | The County is currently in the process of reviewing all existing codes, ordinances, planning documents and other regulations for impediments to the use of GI/LID/Sustainable practices. | The County is currently in the process of reviewing all existing codes, ordinances, planning documents and other regulations for impediments to the use of GI/LID/Sustainable practices. | 12 months (if alone) or 24 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or Dec. 22, 2016 |
| As required in Part I.D.5.b.(iv), develop and submit a report of the assessment findings on GI/LID/Sustainable practices. | The County is currently in the process of reviewing all existing codes, ordinances, planning documents and other regulations for impediments to the use of GI/LID/Sustainable practices. | The County will develop a report regarding the assessment of findings and will use this assessment to provide information to the County for the regulation changes necessary to remove impediments to these practices. | 18 months (if alone) or 27 months (cooperative) from effective date of MS4 Permit.<br><br>June 22, 2016 or Mar. 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 3: Post-Construction Stormwater Management in New Development and Redevelopment- Part I.D.5.b* | | | |
| Estimation of the number of acres of IA and DCIA as required in Part I.D.5.b.(vi). | The County is in the process of estimating the number of acres of IA and DCIA within unincorporated Bernalillo County. | The County is in the process of estimating the number of acres of IA and DCIA within unincorporated Bernalillo County. Bernalillo County will coordinate with other MS4s in the MRG to complete this assessment. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |
| Inventory and priority ranking as required in Part I.D.5.b.(vii) for MS4-owned property and infrastructure (including public right-of-way) that may have the potential to be retrofitted with control measures designed to control the frequency, volume, and peak intensity of stormwater discharges to and from its MS4. | The County will continue to keep an inventory and develop a priority ranking of County-owned properties and facilities that may have the potential for retrofitted control measures and stormwater quality facilities and BMPs. The County will continue to meet with area MS4s to discuss areas requiring drainage and water quality retrofits, project priorities, and multi-agency funding.<br><br>The County has installed an inlet retrofit for the Adobe Acres stormwater facility to improve water quality. The County includes drainage improvements and retrofits with other construction work, such as road improvement projects. The Vista del Rio road improvement project includes drainage improvements along the public right of way as well as a new detention pond to accommodate additional stormwater runoff volume. Other improvement projects (IP) that are in planning or construction phases and include drainage improvements are the Sunset Road IP, Second Street SW Corridor IP, Tower Road SW Roadway and Utility Improvement, Goff Boulevard Improvements, Sunset Gardens Road, Woodward Road IP, and the Alameda Drain Trail Project, among others. | The County will continue to meet with MS4s to discuss areas requiring drainage and water quality retrofits, project priorities, and multi-agency funding.<br><br>The County will summarize proposed and completed retrofit projects in the annual report.<br><br>The County will continue membership and involvement in the cooperative MS4 Technical Advisory Group (MS4 TAG) which will facilitate cooperation and coordination with other MS4s in the Middle Rio Grande. | 24 months (if alone) or 42 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2016 or June 22, 2018 |
| Incorporate watershed protection elements into regular planning or policy documents as required in Part I.D.5.b.(viii). As applicable to each permittee's MS4 jurisdiction, policy and/or planning documents must include the following: | See below. | See below. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |
| (a) A description of master planning and project planning procedures to control the discharge of pollutants to and from the MS4. | The County currently reviews master planning documents as they pertain to drainage and stormwater quality infrastructure. MS4 requirements are incorporated into the master plans during this review process. Master plans include the regional drainage master plan, subdivision master plans, and sector development plans, among others. | Bernalillo County will continue to review master planning documents as they pertain to drainage and stormwater quality infrastructure and incorporate MS4 requirements as needed. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| (b) Minimize the amount of impervious surfaces (roads, parking lots, roofs, etc.) within each watershed, by controlling the unnecessary creation, extension and widening of impervious parking lots, roads and associated development. | Bernalillo County incorporates GI/LID practices into new and retrofit projects, such as the Alameda Drain Trail Master Plan, the Bridge Blvd Corridor Redevelopment Plan, and the Pedestrian Bicyclist Safety Action Plan. These projects incorporate areas with pervious surfaces as part of GI/LID practices as well as incorporation of stormwater quality improvement features.<br><br>MRCOG's Long Range Transportation System guide calls for GI/LID to be incorporated into regional roadway projects. | Bernalillo County will continue to incorporate GI/LID practices that reduce the amount of impervious surface areas while also considering stormwater quality improvement features where applicable.<br><br>The County Natural Resource Services will work with the zoning department to adjust their policy and allow pervious parking lots to be installed. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |
| (c) Identify environmentally and ecologically sensitive areas that provide water quality benefits and serve critical watershed functions within the MS4 and ensure requirements to preserve, protect, create and/or restore these areas are developed and implemented during the plan and design phases of projects in these identified areas. | During planning of Bernalillo projects, environmentally and ecologically sensitive areas that provide water quality benefits are considered.<br><br>Valle de Oro National Wildlife Refuge (NWR) is an urban national wildlife refuge that also serves as a stormwater management facility. A storm drainage outfall through Valle de Oro NWR provides flood relief for the surrounding community and improves water quality prior to stormwater discharge to the Rio Grande. This project has been a cooperative effort with Bernalillo County, AMAFCA, U.S. Fish and Wildlife Service, Trust for Public Land, and the Bureau of Reclamation.<br><br>The Bernalillo County Sanchez Farm open space property is a 14-acre property located in the Albuquerque South Valley. The property was purchased by the County's Public Works division for a storm drainage facility and has been developed to provide important ecological functions with an established wetlands and bioswales to mitigate stormwater pollution. Additionally, the site is community farmed with extensive educational programming for all ages led by the La Plazita Institute (LPI). The goal is for Sanchez Farm is to serve as a safe community space for recreational, educational, wildlife habitat, and farming activities while not interfering with its primary function as a storm drainage facility. | Bernalillo County will continue to manage and/or participate in the management of the refuge and the open space facilities. The County will continue to be involved in these kinds of projects as opportunities become available. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| (d) Implement stormwater management practices that minimize water quality impacts to streams, including disconnecting direct discharges to surface waters from impervious surfaces such as parking lots. | The County requires post construction water quality BMPs for all development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, that discharge into the county's storm drainage system. These BMPs are subject to the approval of the county engineer. Maintenance responsibility of stormwater quality control facilities falls to the property owner up to the point where stormwater enters public facilities.<br><br>The County has developed water conservation standards and guidelines to provide direction to homeowners, builders, and developers and includes BMPs for grading and stormwater management and water-conserving landscape design. The water-conserving site design attempts to imitate pre-development hydrology, allowing rainwater to collect and infiltrate at or close to where it falls. It also encourages the retention of natural arroyos and drainage ways.<br><br>For large developments, the County requires that the master drainage plan meetings the MS4 Permit requirements. | Bernalillo County will use stormwater management practices that minimize water quality impacts to streams, including disconnecting direct discharges to surface waters from impervious surfaces if and as necessary. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |
| (e) Implement stormwater management practices that protect and enhance groundwater recharge as allowed under the applicable water rights laws. | The NM OSE and ISC oversees interstate water compact delivery obligations for New Mexico, including delivery of water in the Rio Grande to Texas. For all projects requiring a grading and drainage plan, the County requires onsite stormwater facilities that retain the 80th and 90th percentile rain events to drain within 96 hours per the OSE requirements. Bernalillo County also requires GI/LID evaluation for all sites disturbing greater than one acre.<br><br>The County has developed water conservation standards and guidelines to provide direction to homeowners, builders, and developers and includes BMPs for grading and stormwater management and water-conserving landscape design. The water-conserving site design attempts to imitate pre-development hydrology, allowing rainwater to collect and infiltrate at or close to where it falls. It also encourages the retention of natural arroyos and drainage ways.<br><br>Within Bernalillo County arroyos function as natural recharge zones. The County, in cooperation with AMAFCA, is encouraging the use of soft bottom structural controls (i.e. arroyos) to mimic pre-development hydrology to encourage naturally occurring recharge windows in dealing with realignments and drainage through major arroyos. | For all projects requiring a grading and drainage plan, the County will continue to require onsite stormwater facilities that retain the 80th and 90th percentile rain events to drain within 96 hours per the OSE requirements. Bernalillo County will continue to require GI/LID evaluation for all sites disturbing greater than 1 acre. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| (f) Seek to avoid or prevent hydromodification of streams and other water bodies caused by development, including roads, highways, and bridges. | Prior to construction, a conceptual grading and drainage plan showing existing and proposed grading, drainage, control, flood control and erosion control information in sufficient detail to determine project feasibility is required. Grading and drainage plans are required by the County when a.) the area to be graded exceeds one acre, b.) the volume of dirt to be moved exceeds 500 cubic yards, c.) runoff from the proposed development exceeds the allowable runoff for the parcel; or d.) the drainage engineer determines that a grading and drainage plan is warranted.<br><br>The Development Review Section of Bernalillo County reviews grading and drainage plans for construction projects and provides comments to those plans. Standard comments include the requirement to retain 80th and 90th percentile storm runoff.<br><br>Per the County drainage ordinance for post-construction stormwater quality protection, all development and redevelopment projects with land disturbances equal to or greater than one acre require post construction water quality BMPs.<br><br>The County has developed water conservation standards and guidelines to provide direction to homeowners, builders, and developers and includes BMPs for grading and stormwater management and water-conserving landscape design. The water-conserving site design attempts to imitate pre-development hydrology, allowing rainwater to collect and infiltrate at or close to where it falls. It also encourages the retention of natural arroyos and drainage ways.<br><br>Bernalillo County incorporates GI/LID practices into new and retrofit projects, including road and trail projects such as the Alameda Drain Trail Master Plan, the Bridge Blvd Corridor Redevelopment Plan, and the Pedestrian Bicyclist Safety Action Plan. These GI/LID practices help to mimic predevelopment hydrology by slowing the flow of water. Although straightening of waterways is allowed for flood control, it's designs are constrained by mimicking predevelopment hydrology. | Bernalillo County will continue to review master planning documents as they pertain to drainage and stormwater quality infrastructure and incorporate MS4 requirements as needed. The County will continue to evaluate opportunities to prevent hydromodification in its own projects, as well as during review of master planning documents. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |

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for NPDES Permit No. NMR04A000

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| (g) Develop and implement policies to protect native soils, prevent topsoil stripping, and prevent compaction of soils. | The Development Review Section of Bernalillo County reviews grading and drainage plans for construction projects and provides comments to those plans. Standard comments include the requirement to retain 80th and 90th percentile storm runoff.<br><br>Per the County drainage ordinance for post-construction stormwater quality protection, all development and redevelopment projects with land disturbances equal to or greater than one acre require post construction water quality BMPs.<br><br>The County requires terrain management plans for subdivision plat approval. The terrain management plan must include the subdivider's proposal for the control of floods, drainage and erosion, and measures required for adapting proposed development to existing soil characteristics and topography to include but not limited to a grading and drainage plan, a drainage report, a surface hydrology study, and a stormwater pollution prevention plan as required by the Bernalillo County Storm Drainage Ordinance.<br><br>The Vista del Rio Phase 4 project included the addition of a new stormwater management pond. The topsoil for the pond site was removed and stockpiled and then replaced on the bottom on the bottom of the pond for future use in farming and landscaping. | Bernalillo County will continue to review master planning documents as they pertain to drainage and stormwater quality infrastructure and incorporate MS4 requirements as needed. The County will continue to require terrain management plans for subdivision developments. The County will continue to evaluate opportunities to protect soils in its own projects, as well as during review of master planning documents. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |
| (h) The program must be specifically tailored to address local community needs (e.g. protection to drinking water sources, reduction of water quality impacts) and must be designed to attempt to maintain pre-development runoff conditions. | Valle de Oro National Wildlife Refuge (NWR) is an urban national wildlife refuge that also serves as a stormwater management facility. A storm drainage outfall through Valle de Oro NWR provides flood relief for the surrounding community and improves water quality prior to stormwater discharge to the Rio Grande. This project has been a cooperative effort with Bernalillo County, AMAFCA, U.S. Fish and Wildlife Service, Trust for Public Land, and the Bureau of Reclamation.<br><br>The Bernalillo County Sanchez Farm open space property is a 14-acre property located in the Albuquerque South Valley. The property was purchased by the County's Public Works division for a storm drainage facility and has been developed to provide important ecological functions with an established wetlands and bioswales to mitigate stormwater pollution. Additionally, the site is community farmed with extensive educational programming for all ages led by the La Plazita Institute (LPI). The goal is for Sanchez Farm is to serve as a safe community space for recreational, educational, wildlife habitat, and farming activities while not interfering with its primary function as a storm drainage facility. | Bernalillo County will continue to support projects like Valle de Oro NWR and Sanchez Farm open space where flood control, stormwater quality improvement, and local community needs are all addressed in ways that benefit the entire community. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| *TABLE 3: Post-Construction Stormwater Management in New Development and Redevelopment- Part I.D.5.b* | | | |
| Update the SWMP document and annual report as required in Part I.D.5.b.(ix) and Part I.D.5.b.(x). The following information must be included in each annual report:<br>(a) Include a summary and analysis of all maintenance, inspections and enforcement, and the number and frequency of inspections performed annually.<br>(b) A cumulative listing of the annual modifications made to the Post-Construction Stormwater Management Program, and<br>(c) According to the schedule presented in Table 3, the permittee must:<br>A. Report the number of MS4-owned properties and infrastructure that have been retrofitted with control measures designed to control the frequency, volume, and peak intensity of stormwater discharges.<br>B. As required in Part I.D.5.b.(vi), report the tabulated results for IA and DCIA and its estimation methodology. | The County will update the SWMP as necessary to include a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.b.(i) through I.D.5.b.(viii). | The County will update the SWMP as necessary to include a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.b.(i) through I.D.5.b.(viii). | Update as necessary for SWMP and annually for Annual Report |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| Enhance the program to include the elements in Part I.D.5.b.(xi) and Part I.D.5.a.(xii). These include: (xi) Use of stormwater educational materials; (xii) Develop or update existing construction handbooks; and (x) participate in watershed planning efforts to aid with BMP selection and planning. | The County will continue to use stormwater educational materials, either developed locally or provided by EPA, NMED environmental, public interest, trade organizations, and/or other MS4s.<br><br>In conjunction with COA, the County participates in updates and revisions for the Development Process Manual (DPM) as necessary. The DPM delineates the development process from initial land use proposals, through infrastructure construction, to completion of a proposed development. Bernalillo County also requires the use of the Comparison of Regional Regulations (CORR) document, a companion document to the DPM. CORR is a step-by-step through guide the Bernalillo County Public Works design path.<br><br>The County has developed water conservation standards and guidelines to provide direction to homeowners, builders, and developers and includes BMPs for grading and stormwater management and water-conserving landscape design. The water-conserving site design attempts to imitate pre-development hydrology, allowing rainwater to collect and infiltrate at or close to where it falls. It also encourages the retention of natural arroyos and drainage ways.<br><br>The 2012 Storm Water Management Guidelines for Construction & Industrial Activities is coauthored by Bernalillo County, AMAFCA, NMED, NMDOT, COA, UNM, City of Rio Rancho, and SSCAFCA. This manual is designed to provide guidance for the NPDES application and permitting process, assist regulated entities in understanding the importance of stormwater management, provide planning and design for stormwater management, and provides guidance for development of SWPPPs and BMPs.<br><br>The County will continue membership and involvement in the cooperative MS4 Technical Advisory Group (MS4 TAG) which will facilitate cooperation and coordination with other MS4s in the Middle Rio Grande. | The County will summarize education and outreach activities in each Annual Report.<br><br>The County will work with other MS4s to evaluate the need to update the 2012 Storm Water Management Guidelines for Construction & Industrial Activities.<br><br>The County will continue membership and involvement in the cooperative MS4 Technical Advisory Group (MS4 TAG) which will facilitate cooperation and coordination with other MS4s in the Middle Rio Grande. | Update as necessary for SWMP and annually for Annual Report |

# Part I.D.5 - SWMP Control Measures
# Table 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations - Part I.D.5.c

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations -* Part I.D.5.c | | | |
| Develop or update the Pollution Prevention/Good House Keeping program to include the elements in Part I.D.5.c.(i). | See Below | See Below | See Below |
| (a) Development and implementation of an employee training program for O&M activities including a tracking procedure. | Bernalillo County has a Pollution Prevention and Good Housekeeping Program Plan. The Plan includes employee training and BMPs for O&M activities. The training program addresses maintenance procedure implementation and inspection as well as pollution prevention and spill awareness. Training is completed on an annual basis and in conjunction with other regularly scheduled trainings provided by Bernalillo County Risk Services. Stormwater training is also incorporated into new employee training. | Bernalillo County will adhere to the Pollution Prevention and Good Housekeeping Program Plan which includes procedures, instructions, and record keeping requirements for Bernalillo County facilities and BMPs. | 12 months from effective date of MS4 Permit<br><br>Dec. 22, 2015 |
| (b) O&M activities, schedules, and long term inspections procedures for structural and nonstructural stormwater controls to reduce floatable, trash, and other pollutants discharged from the MS4 | Bernalillo County has a Pollution Prevention and Good Housekeeping Program Plan. The Plan includes employee training and BMPs for O&M activities. The training program addresses maintenance procedure implementation and inspection and pollution prevention and spill awareness.<br><br>Bernalillo County maintains approximately 50 storm drainage ponds, 55 miles of storm sewer lines, 30 miles of culverts, and 9 miles of open channel. Maintenance activities for these facilities occurs on a routine basis and following rain events and includes sediment, floatables, trash, and debris removal, mowing and vegetation control (tree trimming, debris removal), fence and gate repair, and erosion repair. | Bernalillo County will adhere to the Pollution Prevention and Good Housekeeping Program Plan which includes procedures, instructions, and record keeping requirements for Bernalillo County facilities and BMPs. | 12 months from effective date of MS4 Permit<br><br>Dec. 22, 2015 |
| (c) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops, outdoor storage areas, salt/sand storage locations, snow disposal areas, and waste transfer stations. | Bernalillo County has a Pollution Prevention and Good Housekeeping Program Plan. The Plan includes employee training and BMPs for O&M activities. The training program addresses maintenance procedure implementation and inspection as well as pollution prevention and spill awareness.<br><br>County parking lots and yards have been designed to contain the majority of stormwater runoff using stormwater channeling and detention ponds. Materials stored at maintenance and storage yards are kept indoors or under covered areas. In areas where some materials are not covered, BMPs such as berms are used to ensure that stormwater runoff that could come in contact with these materials does not leave the site.<br><br>Bernalillo County has no waste transfer stations within the unincorporated urbanized area. | Bernalillo County will adhere to the Pollution Prevention and Good Housekeeping Program Plan which includes procedures, instructions, and record keeping requirements for Bernalillo County facilities and BMPs. | 12 months from effective date of MS4 Permit<br><br>Dec. 22, 2015 |
| (d) Procedures for properly disposing of waste removed from storm sewers facilities (dredge spoil, sediment, floatables, and other debris). | Bernalillo County maintains approximately 50 storm drainage ponds, 55 miles of storm sewer lines, 30 miles of culverts, and 9 miles of open channel. Maintenance activities for these facilities occurs on a routine basis and following rain events and includes sediment, floatables, trash, and debris removal, mowing and vegetation control (tree trimming, debris removal), fence and gate repair, and erosion repair.<br><br>The County maintains one drying station- a location where floatable material, sediment, and debris removed from the storm sewer system is hauled, separated, and disposed of properly. These materials are typically taken to the landfill. | Bernalillo County will adhere to the Pollution Prevention and Good Housekeeping Program Plan which includes procedures, instructions, and record keeping requirements for Bernalillo County facilities and BMPs. | 12 months from effective date of MS4 Permit<br><br>Dec. 22, 2015 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations -* Part I.D.5.c | | | |
| (e) Procedures to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. | Flood control projects are planned and designed through Bernalillo County Public Works Technical Services Department and are reviewed through the Development Review process. Major flood control projects are coordinated through cooperative efforts with AMAFCA and other co-permittees as needed. These procedures have been updated to include the MS4 Permit requirements for stormwater management. | Bernalillo County will continue to review flood control projects through the County Grading and Drainage review process, which include MS4 Permit requirements. | 12 months from effective date of MS4 Permit<br><br>Dec. 22, 2015 |
| Enhance the program to include the elements in Part I.D.5.c.(ii). | See Below | See Below | See Below |
| (a) Develop or update the existing list of all stormwater quality facilities by drainage basin, including location and description. | Bernalillo County maintains approximately 50 storm drainage ponds, 55 miles of storm sewer lines, 30 miles of culverts, and 9 miles of open channel. The County maintains and updates a list and maps of all stormwater quality facilities as needed. | Bernalillo County will continue to maintain and update a list and maps of all stormwater quality facilities as needed. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |
| (b) Develop or modify existing operational manual for de-icing activities addressing alternate materials and methods to control impacts to stormwater quality. | Bernalillo County follows BMPs in its Pollution Prevention/Good Housekeeping program to help minimize impacts to stormwater quality from de-icing activities and storage of de-icing materials. The county will evaluate its winter maintenance program and will look at the feasibility of using alternative materials.<br><br>Bernalillo County has evaluated the use of alternate materials and methods for de-icing activities. Materials and methods currently available to the County are cost-prohibitive. | Bernalillo County will continue to follow BMPs in place for minimizing impacts to stormwater quality for de-icing activities and storage of de-icing materials. The county will evaluate its winter maintenance program and will look at the feasibility of using alternative materials where not cost-prohibitive. The County will assess and modify the current practices as necessary. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |
| (c) Develop or modify existing program to control pollution in stormwater runoff from County equipment and vehicle maintenance yard. | Bernalillo County follows BMPs to minimize impacts to stormwater quality from the County Public Works Yard. Fleet maintenance recycles or properly disposes of oils and other automotive and potentially hazardous fluids and uses good housekeeping practices for shop maintenance. Fluids such as oils, chemicals, and paints used by fleet maintenance, facilities management, parks and recreation, and other departments are stored in sealed containers and kept indoors or under covered areas.<br><br>The County Public Works yards have been designed to contain the majority of stormwater runoff using stormwater channeling and detention ponds. In areas where some materials are not covered, BMPs such as berms are used to ensure that stormwater runoff that could come in contact with these materials does not leave the site. Bernalillo County is currently constructing a new salt storage area to minimize and eliminate contact with stormwater. | Bernalillo County will continue to follow BMPs in place for minimizing impacts to stormwater quality from the County equipment and vehicle maintenance yard. The County will assess and modify the current practices as necessary. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations -* Part I.D.5.c | | | |
| (d) Develop or modify existing street sweeping program. Assess possible benefits from changing frequency or timing of sweeping activities or utilizing different equipment for sweeping activities. | Bernalillo County conducts street sweeping activities within its jurisdiction to minimize impacts to stormwater quality. The County operates a total of 3 street sweepers in the urbanized area. Targeted sweeping operations are based on citizen calls, routine supervisor visual inspections, following Clean Team activities, and on higher trafficed roads. Residential streets within the urbanized area of unincorporated Bernalillo County are swept on an as-needed basis. Streets that are more heavily used and acquire more trash and other debris or are affected by other environmental factors (undeveloped areas with unconsolidated sand and sparse vegetation) require more additional sweeping and are swept more frequently. Additionally, during the rainy season, sweeping activities increase to address the additional volume of materials such as litter, vegetation, and sediment. The County has an Objectives and Performance Measures goal of $10,000 for sweeping operations, which was met in FY15 and is a goal for FY16. This is for unincorporated Bernalillo County, inside and outside of the urbanized area. | Bernalillo County will continue to follow its BMPs for street sweeping to minimize impacts to stormwater quality within its jurisdiction. The County will assess and modify the current practices as necessary. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |
| (e) A description of procedures used by permittees to target roadway areas most likely to contribute pollutants to and from the MS4 (i.e., runoff discharges directly to sensitive receiving water, roadway receives majority of de-icing material, roadway receives excess litter, roadway receives greater loads of oil and grease). | The Bernalillo County Community Custody Program (CCP) operates on a daily basis and collects debris along roadsides, drainage areas, and some open space areas and is also utilized to control vegetation.<br><br>Bernalillo County Operations and Maintenance removes trash and debris and handles vegetation control (vegetation is mowed or cut, never graded) in public right of ways, drainage areas, and some open space areas. Heavily used roads are maintained on a more frequent basis.<br><br>Bernalillo County conducts street sweeping activities within its jurisdiction to minimize impacts to stormwater quality. The County operates a total of 3 street sweepers in the urbanized area. Targeted sweeping operations are based on citizen calls, routine supervisor visual inspections, following Clean Team activities, and on higher trafficed roads. Residential streets within the urbanized area of unincorporated Bernalillo County are swept on an as-needed basis. Streets that are more heavily used and acquire more trash and other debris or are affected by other environmental factors (undeveloped areas with unconsolidated sand and sparse vegetation) require more additional sweeping and are swept more frequently. Additionally, during the rainy season, sweeping activities increase to address the additional volume of materials such as litter, vegetation, and sediment. The County has an Objectives and Performance Measures goal of $10,000 for sweeping operations, which was met in FY15 and is a goal for FY16. This is for unincorporated Bernalillo County, inside and outside of the urbanized area. | Bernalillo County will continue its trash and debris removal, vegetation control, and street sweeping activities. The County will continue to prioritize these activities in heavily utilized areas. The County has an Objectives and Performance Measures goal of $10,000 for sweeping operations, which was met in FY15 and is a goal for FY16. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations -* Part I.D.5.c | | | |
| (f) Develop or revise existing standard operating procedures for collection of used motor vehicle fluids (at a minimum oil and antifreeze) and toxics (including paint, solvents, fertilizers, pesticides, herbicides...) used by the County. | Bernalillo County follows BMPs to minimize impacts to stormwater quality from the County Public Works Yard. Fleet maintenance recycles or properly disposes of oils and other automotive and potentially hazardous fluids and uses good housekeeping practices for shop maintenance. Fluids such as oils, chemicals, and paints used by fleet maintenance, facilities management, parks and recreation, and other departments are stored in sealed containers and generally kept indoors, under covered areas, or within a secondary containment structure.<br><br>Additionally, Bernalillo County and the COA cooperatively maintain a contract with the Household Hazardous Waste Collection Center, operated by Advanced Chemical Transport. The County also addresses household hazardous waste through education and outreach to the public at clean-up and waste collection events occurring throughout the year within the County's jurisdiction, both in- and outside of the Urbanized Area. Bernalillo County operations utilize this resource as well.<br><br>The New Mexico Department of Agriculture (NMDA) hosts free pesticide collection events annually to promote the proper and safe disposal. The event in Albuquerque was held August 13, 2015 at the Bernalillo County Extension Office. | Bernalillo County will continue to follow BMPs in place for minimizing impacts to stormwater quality from the County equipment and vehicle maintenance yard s well as BMPs that address other County facilities/activities, including maintenance and parks and recreation.<br><br>Bernalillo County will continue to work cooperatively with the COA to maintain the Household Hazardous Waste Collection Center and will continue to conduct public household hazardous waste collection events. The County will summarize annual waste collection activities in the Annual Report. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |
| (g) Standard operating procedure for disposal of accumulated sediments, floatables, and debris. | Bernalillo County maintains approximately 50 storm drainage ponds, 55 miles of storm sewer lines, 30 miles of culverts, and 9 miles of open channel. Maintenance activities for these facilities occurs on a routine basis and following rain events and includes sediment and debris removal, mowing and vegetation control (tree trimming, debris removal), fence and gate repair, and erosion repair.<br><br>The County maintains one drying station- a location where floatable material, sediment, and debris removed from the storm sewer system is hauled, separated, and disposed of properly. These materials are typically taken to the landfill. | Bernalillo County will continue to maintain its stormwater facilities on a routine basis and following rain events. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations -* Part I.D.5.c | | | |
| (h) litter source control program, include targeted public awareness campaign. | The County utilizes a combination of existing and new educational materials (such as the "Project W.E.T. Kids in Discovery Series" and the Enviroscape watershed model), County-created brochures, and or other educational materials and promotional items. The County will also use its website and/or social media as a venue for distributing materials and posts about water quality.<br><br>The County will generate a minimum of one mailing annually to residents of unincorporated Bernalillo County addressing one or more of the following topics on a rotating basis: illicit discharge reporting, proper disposal of household hazardous waste including lawn and garden chemicals and used motor oil, FOG, animal sources/pet wastes, litter control, and/or public participation in the MS4 process.<br><br>The Bernalillo County Community Custody Program (CCP) operates on a daily basis and collects debris along roadsides, drainage areas, and some open space areas and is also utilized to control vegetation.<br><br>Bernalillo County Operations and Maintenance removes trash and debris and handles vegetation control (vegetation is mowed or cut, never graded) in public right of ways, drainage areas, and some open space areas.<br><br>Bernalillo County conducts street sweeping activities within its jurisdiction to minimize impacts to stormwater quality. The County operates a total of 3 street sweepers in the urbanized area. Targeted sweeping operations are based on citizen calls, routine supervisor visual inspections, following Clean Team activities, and on higher trafficed roads. During the rainy season, sweeping activities increase to address the additional volume of materials such as litter, vegetation, and sediment. | The County will continue its public outreach and education efforts, including mailers. The County will summarize education and outreach activities in each Annual Report.<br><br>Bernalillo County will continue its trash and debris removal, vegetation control, and street sweeping activities. The County will continue to prioritize these activities in heavily utilized areas. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |
| (i) Develop or review and revise, as necessary, the criteria, procedures and schedule to evaluate existing flood control devices, structures and drainage ways to assess the potential of retrofitting to provide additional pollutant removal from stormwater. Implement routine review to ensure new and/or innovative practices are implemented where applicable. | Bernalillo County maintains approximately 50 storm drainage ponds, 55 miles of storm sewer lines, 30 miles of culverts, and 9 miles of open channel. Maintenance activities for these facilities occurs on a routine basis and following rain events and includes sediment and debris removal, mowing and vegetation control (tree trimming, debris removal), fence and gate repair, and erosion repair.<br><br>The County will continue to meet with area MS4s to discuss areas requiring drainage and water quality retrofits, project priorities, and multi-agency funding. Internally, water quality projects and water quality retrofit projects will be prioritized.<br><br>Operation and Maintenance procedures, inspections, repairs, and retrofits are evaluated through the cooperative Agency and Area Wide Agreement. | The County will continue to meet with agencies and private developers within its jurisdiction to discuss the areas requiring drainage and water quality retrofitting within the Middle Rio Grande Watershed, project priorities, and multi-agency funding contributions. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations -* Part I.D.5.c | | | |
| j) Enhance inspection and maintenance programs by coordinating with maintenance personnel to ensure that a target number of structures per basin are inspected and maintained per quarter. | The County has routine inspection and O&M program in place that includes both formal and informal inspections and maintenance schedules. This program will be enhanced to ensure a target number of structures per basin are inspected and maintained per quarter, as required by the MS4 Permit.<br><br>The County will enhance its inspection and maintenance programs, as required by the MS4 Permit, through improved coordination with the Stormwater Program Compliance Manager, Storm Drainage Maintenance Manager, and the Maintenance Crew as well as improved tracking of O&M activities. | The County will continue coordination between maintenance personnel and staff to ensure that a target number of structures per basin are inspected and maintained per quarter. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |
| (k) Enhance the existing program to control the discharge of floatables and trash from the MS4 by implementing source control of floatables in industrial and commercial areas. | Bernalillo County will continue to implement a program to address and control floatables in discharges into the MS4. The County will continue to install and maintain stormwater quality features to control floatables, such as ported risers, trash racks, automatic bar screens, screened inlets, and water quality manholes. The County will continue manual trash removal on a regular basis.<br><br>Bernalillo County will continue to implement its public education and outreach program. Target pollutants addressed in this program include pet waste and trash/debris. Currently, the County utilizes both existing and new educational materials, targeted stormwater education printed materials including brochures, public presentations/events, giveaways, signage at select locations, and a County-based stormwater education website and social media. | Bernalillo County will continue to implement a program to address and control floatables in discharges into the MS4. The County will continue to install and maintain stormwater quality features to control floatables.<br><br>Bernalillo County will continue to implement its public education and outreach program. The County will begin a targeted outreach and education campaign addressing industrial and commercial areas within unincorporated Bernalillo County. The existing program will be updated, as necessary, to comply with the requirements of this Permit. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |
| (l) Include in each annual report, a cumulative summary of retrofit evaluations conducted during the permit term on existing flood control devices, structures and drainage ways to benefit water quality. Update the SWMP to include a schedule (with priorities) for identified retrofit projects. | The County will keep an inventory of County-owned properties and facilities that may have the potential for retrofitted control measures and stormwater quality facilities and BMPs.<br><br>The County has installed an inlet retrofit for the Adobe Acres stormwater facility to improve water quality. The County includes drainage improvements and retrofits with other construction work, such as road improvement projects. The Vista del Rio road improvement project includes drainage improvements along the public right of way as well as a new detention pond to accommodate additional stormwater runoff volume. Other improvement projects (IP) that are in planning or construction phases and include drainage improvements are the Sunset Road IP, Second Street SW Corridor IP, Tower Road SW Roadway and Utility Improvement, Goff Boulevard Improvements, Sunset Gardens Road, Woodward Road IP, and the Alameda Drain Trail Project, as well as many others.<br><br>The County will continue to meet with area MS4s to discuss areas requiring drainage and water quality retrofits, project priorities, and multi-agency funding. Internally, water quality projects and water quality retrofit projects will be prioritized when possible. | A list of retrofit evaluations and any retrofitted facilities will be included in each annual report. The County will continue to evaluate projects for retrofitting and will implement retrofits as needed and as funding is available, on a priority basis. The County will update the SWMP as necessary to include a prioritized retrofit project schedule as this is developed. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations -* Part I.D.5.c | | | |
| (m) Flood management projects: review and revise, as necessary, technical criteria guidance documents and program for the assessment of water quality impacts and incorporation of water quality controls into future flood control projects. The criteria guidance document must include the following elements:<br>A. Describe how new flood control projects are assessed for water quality impacts.<br>B. Provide citations and descriptions of design standards that ensure water quality controls are incorporated in future flood control projects.<br>C. Include method for permittees to update standards with new and/or innovative practices.<br>D. Describe master planning and project planning procedures and design review procedures. | Flood control projects are reviewed through the County Grading and Drainage review procedures. These procedures have been updated to include the MS4 Permit requirements for stormwater management.<br><br>The County uses the City of Albuquerque Development Process Manual (DPM) and Bernalillo County Development Review G&D Checklist to ensure water quality controls are incorporated in flood control projects. also follow state regulations<br><br>All storm water control facilities must have water quality outlets designed to minimize the contribution of floatables and sediments to Waters of the US. Outlets must be designed to retain runoff form the 90th percentile rainfall event and treat the remaining stormwater discharge to the best extent practicable.<br><br>As part of the development review process, construction project plans are reviewed and evaluated for opportunities to incorporate GI/LID/sustainable practices. All commercial applicants must complete the Stormwater Post-Construction GI/LID Evaluation form.<br><br>Where new and/or innovative technologies become available, the County will incorporate these practices where applicable. Additionally, the County uses the City of Albuquerque DPM; as the DPM is updated with new/innovative practices, the County will also incorporate these into its projects as applicable. | The County will continue to incorporate stormwater quality BMPs into all new flood control projects when feasible. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |
| (n) Develop procedures to control the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittee's employees or contractors, to public right of-ways, parks, and other municipal property. The permittee must provide an updated description of the data monitoring system for all permittee departments utilizing pesticides, herbicides and fertilizers. | Commercial application of pesticides is regulated by the New Mexico Department of Agriculture (NMDA). NMDA has authority over the distribution and use of all pesticides in the state. NMDA establishes certification requirements for pesticide applicators including a requirement for continuing education. Additionally, under the Clean Water Act, pesticide applications to, over, or near water generally require a NPDES permit issued by the EPA. During inspections, the County will verify that all permits and certifications are in place.<br><br>Bernalillo County will only allow certified staff or professionally licensed contractors to apply herbicides within unincorporated Bernalillo County. The Parks and Recreation Department uses non-restricted pesticides and herbicides in limited quantities for pest and vegetation control. All Bernalillo County staff who apply herbicides are trained and liscensed by NMDA. NMDA conducts annual inspections of the Bernalillo County facilities to ensure that training is current and all chemical are stored properly. The County follows all label instructions for application and storage of herbicides and fertilizers. Pesticide application is provided by a contractor to the County. The contractor is required to have all appropriate trainings and linscenses for pesticide application. | Commercial application of pesticides is regulated by the NMDA. Bernalillo County will continue to ensure that all staff and contrators are trained and liscensed for the application of pesticides by NMDA.<br><br>The County will continue to use educational materials on the proper use and application of pesticides, herbicides, and fertilizers to educate the public. The County will also continue with the existing Household Hazardous Waste Collection Program, where used pesticides, herbicides, and fertilizers can be brought to be disposed of properly. | 12 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Dec. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 4: Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations -* Part I.D.5.c | | | |
| Develop or update a list and a map of industrial facilities owned or operated by the permittee as required in Part I.D.5.c.(iii). | Bernalillo County does not own any industrial facilities. The Bernalillo County Sherriff's Department operates its air unit from the Double Eagle II Airport, which is owned and managed by the City of Albuquerque. Operations at the facility are covered under the MSGP for Sector S Air Transportation. A SWPPP has been developed for the Double Eagle II Airport "...as a single comprehensive document for all Aviation operations (i.e. Airfield Maintenance, etc.) and all air transportation related operators including fixed-base operators, aircraft service providers, etc. All operators who fall under the MSGP must sign and certify this document" (http://www.abqsunport.com/wp-content/uploads/2015/08/Final-DEII-2015-SWPPP-Text-only.pdf). The 2015 MSGP NPDES Tracking Number for the Sherriff's Department Air Unit is NMR053253. Because these operations occur at a facility not owned by the County and all operations are covered under the SWPPP for the Double Eagle II Airport, Bernalillo County does not manage NPDES compliance for this activity. The 2015 MSGP NPDES Tracking Number for the Double Eagle II Airport is NMR053025. | NA | NA |
| Update the SWMP document and annual report as required in I.D.5.c.(iv) and Part I.D.5.c.(v). The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.c.(i) throughout Part I.D.5.c.(iii) and its corresponding measurable goal. The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report. | Bernalillo County does not own any industrial facilities. Bernalillo County will review the program requirements listed in Part I.D.5.c, for the above-mentioned SWMP elements, during the Annual Report process. A strategy to implement any new program requirements will be developed as needed. | As part of the Annual Report process, Bernalillo County will review the program requirements listed in Part I.D.5.c, for the above-mentioned SWMP elements, and develop a strategy to implement any new program requirements as needed. Currently there are no industrial facilities owned by the County. | Update as necessary for SWMP and annually for Annual Report |

# Part I.D.5 - SWMP Control Measures
# Table 6: Illicit Discharges and Improper Disposal - Part I.D.5.e

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 6: Illicit Discharges and Improper Disposal - Part I.D.5.e* | | | |
| As described in Part I.D.5.e.(i), the permittee shall develop, revise, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR 122.26(b)(2)) entering the MS4. Permittees previously covered under NMS000101 or NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit. The permittee must (see required items listed below): | The County has developed a program to detect and eliminate illicit discharges. The program elements, as they relate to the permit requirements, are described in detail below. | The County Stormwater Program Compliance Manager will continue to review, revise, and implement the Illicit Discharge Detection and Elimination Program requirements.<br><br>The County will update its current written procedure for this program element.<br><br>The County is pursuing developing cooperative program elements for this program. | See specific Permit activity schedules below. |
| Mapping as required in Part I.D.5.e.(i).(a). Develop, if not already completed, a storm sewer system map, showing the names and locations of all outfalls as well as the names and locations of all waters of the United States that receive discharge from those outfalls. Identify all discharges points into major drainage channels draining more than twenty (20) percent of the MS4 area; | The County has developed a storm sewer system map with names and locations of all outfalls and waters of the United States the receive discharge from the outfalls. This map is updated as needed. The County does not have any major drainage channels that drain more than 20% of the MS4 area. | The County will continue to keep this map updated as necessary, including County facilities as well as other MS4 permittee facilities in cooperation with other MS4s. | 10 months (alone) or 14 months (cooperative) from effective date of MS4 Permit<br><br>Oct. 22, 2015 or Feb. 22, 2016 |
| Ordinance (or other control method) as required in Part I.D.5 .e.(i)(b). | The County has a drainage ordinance (Chapter 38, Article III of the Bernalillo County Code of Ordinances, Sec. 38-147. - Stormwater quality protection) that addresses stormwater quality protection. The County is currently revising and updating the ordinance to include requirements under this permit to prohibit non-stormwater discharges and implement appropriate enforcement procedures.<br><br>The Bernalillo County Solid Waste Ordinance also addresses illegal dumping and disposal, including illicit discharges, and provides a current regulatory mechanism for addressing and enforcing IDDE requirements. | The County will submit a draft ordinance revision to include requirements under this permit for illicit discharge management to the Bernalillo County Commission for approval. | 10 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Oct. 22, 2015 or June 22, 2017 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 6: Illicit Discharges and Improper Disposal - Part I.D.5.e* | | | |
| Develop and implement an IDDE plan as required in Part I.D.5.e.(i).(c). The permittee must include the following elements in the plan:<br>A. Procedures for locating priority areas likely to have illicit discharges including field test for selected pollutant indicators (ammonia, boron, chlorine, color, conductivity, detergents, E. coli, enterococci, total coliform, fluoride, hardness, pH, potassium, conductivity, surfactants), and visually screening outfalls during dry weather;<br>B. Procedures for enforcement, including enforcement escalation procedures for recalcitrant or repeat offenders;<br>C. Procedures for removing the source of the discharge;<br>D. Procedures for program evaluation and assessment; and<br>E. Procedures for coordination with adjacent municipalities and/or state, tribal, or federal regulatory agencies to address situations where investigations indicate the illicit discharge originates outside the MS4 jurisdiction. | The County will continue to implement its IDDE program. The County will improve it's program to enhance or include procedures to locate priority areas (A), for enforcement (B), for removal of the source of the discharge (C), for program evaluation and assessment (D), and for coordination with adjacent municipalities/agencies (E).<br><br>The County cooperates with other MS4s by coordinating efforts to address illicit discharges where the discharges my cross jurisdictional boundaries. | The County will continue to implement the existing IDDE program. The County will continue membership and involvement in the cooperative MS4 Technical Advisory Group (MS4 TAG) which will facilitate cooperation and coordination with other MS4s in the Middle Rio Grande related to the IDDE program. The County will also continue to contact other MS4s directly to address illicit discharges that may involve their jurisdictional areas.<br><br>The County is in the process of developing a written procedure for this program. | 10 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>Oct. 22, 2015 or June 22, 2017 |
| Develop an education program as required in Part I.D.5.e.(i).(d). Develop an education program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials. The permittee shall inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste. | The County utilizes a combination of existing and new educational materials (such as the "Project W.E.T. Kids in Discovery Series" and the Enviroscape watershed model), County-created brochures, and or other educational materials and promotional items. The County will also use its website and/or social media as a venue for distributing materials and posts about water quality.<br><br>The County will generate a minimum of one mailing annually to residents of unincorporated Bernalillo County addressing one or more of the following topics on a rotating basis: illicit discharge reporting, proper disposal of household hazardous waste including lawn and garden chemicals and used motor oil, FOG, animal sources/pet wastes, litter control, and/or public participation in the MS4 process.<br><br>The Valle de Oro National Wildlife Refuge represents a significant opportunity for the County for stormwater education and outreach. The County will continue to sponsor and support at least one event to educate and involve members of the community about local riparian restoration and clean-up opportunities at the refuge each year of the permit term.<br><br>Bernalillo County has an illegal dumping website (http://www.bernco.gov/illegal-dumping), environmental complaint webiste (http://www.bernco.gov/public-works/report-water-waste.aspx), and a hotline (505-224-2100) that includes illicit discharge reporting. | The County will continue its education and outreach program and internal training program for inspection, field, and staff regarding illicit discharges and improper waste disposal.<br><br>The County will summarize education and outreach activities in each Annual Report. | 10 months (alone) or 18 months (cooperative) from effective date of MS4 Permit<br><br>Oct. 22, 2015 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 6: Illicit Discharges and Improper Disposal - Part I.D.5.e* | | | |
| Establish a hotline as required in Part I.D.5.e.(i).(e). | The Bernalillo County Solid Waste Department has an illegal dumping program and Solid Waste Ordinance. Bernalillo County has an illegal dumping website (http://www.bernco.gov/illegal-dumping), environmental complaint webiste (http://www.bernco.gov/public-works/report-water-waste.aspx), and a hotline (505-224-2100) that includes illicit discharge reporting.<br><br>The County works with other MS4s, including AMAFCA, the COA, NMDOT, and the Village of Los Ranchos on illicit discharge reporting. The County cooperates with other MS4s on IDDE by coordinating efforts to address illicit discharges where the discharges my cross jurisdictional boundaries. | Bernalillo County will continue to receive illicit discharge complaints and will continue to cooperate with other MS4s for this program element.<br><br>Bernalillo County will formalize its cooperative relationship with other MS4s. | 10 months (alone) or 18 months (cooperative) from effective date of MS4 Permit<br><br>Oct. 22, 2015 or June 22, 2016 |
| Investigate suspected significant/severe illicit discharges as required in Part I.D.5.e.(i).(f). Investigate suspected significant/severe illicit discharges within forty-eight (48) hours of detection and all other discharges as soon as practicable; elimination of such discharges as expeditiously as possible; and, requirement of immediate cessation of illicit discharges upon confirmation of responsible parties. | Bernalillo County will continue to investigate suspected significant/severe illicit discharges within forty-eight (48) hours of detection and all other discharges as soon as practicable. The County will continue its procedures for illicit discharge investigation and use of its IDDE database reporting procedure.<br><br>Bernalillo County uses the Emergency Support Function (ESF) 10 to provide a coordinated response to an actual or potential discharge and/or uncontrolled release of hazardous materials. If the actual or potential discharge occurs on private property, the County will contact the owner/operator to address the issue. If the owner/operator does not address the issue and there is an imminent threat, the County will take necessary actions to manage the situation.<br><br>Bernalillo County cooperates with COA, MRGCD, ABCWUA, and AMAFCA for spill response. | Bernalillo County will continue its policy of investigation of suspected significant/severe illicit discharges within forty-eight (48) hours of detection and all other discharges as soon as practicable.<br><br>Bernalillo County will continue investigation and documentation of illicit discharge complaints and follow-up actions taken by the County.<br><br>Bernalillo County will continue membership and involvement in the cooperative MS4 Technical Advisory Group (MS4 TAG) which will facilitate cooperation and coordination with other MS4s in the Middle Rio Grande related to investigation of illicit discharges. | 10 months (alone) or 18 months (cooperative) from effective date of MS4 Permit<br><br>Oct. 22, 2015 or June 22, 2016 |
| Review complaint records and develop a targeted source reduction program as required in Part I.D.5.e.(i).(g). Review complaint records for the last permit term and develop a targeted source reduction program for those illicit discharge /improper disposal incidents that have occurred more than twice in two (2) or more years from different locations. | Bernalillo County will continue to review complaint records. Complaint records that are determined to be illicit discharges will be added to the illicit discharge tracking database. The location, date, type of illicit discharge, and source (if known) will be documented. To meet the Permit requirements in Table 1.a (Part I.C.2), regarding discharges to impaired waters with a TMDL (E. coli), The County's review of complaint records will include a focus on illicit discharges contributing bacteria to the MS4. The County will develop a targeted source reduction program for those illicit discharge/improper disposal incidents that have occurred more than twice in 2 or more years from different locations. The County works cooperatively with AMAFCA, the COA and the ABCWUA (through CMOM) for notification of illicit discharges. | Bernalillo County will continue to review complaint records, including a focus on illicit discharges that contribute bacteria to the MS4. The County will reevaluate the targeted source reduction program annually. The County will continue to develop cooperative elements for this program. | 10 months (alone) or 12 months (cooperative) from effective date of MS4 Permit<br><br>Oct. 22, 2015 or Dec. 22, 2015 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 6: Illicit Discharges and Improper Disposal - Part I.D.5.e* | | | |
| As required in Part I.D.5.e.(ii), the permittee shall address the following categories of non-stormwater discharges or flows (e.g., illicit discharges) only if they are identified as significant contributors of pollutants to the MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(90)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.<br>(Note: Discharges or flows from fire fighting activities are excluded from the effective prohibitions against non-stormwater and need only be addressed where they are identified a significant sources of pollutants to water of the United States). | Any such discharge that is identified as a significant contributor of pollutants to the Bernalillo County MS4, or is causing or contributing to a water quality standards violation, will be addressed as an illicit discharge pursuant to Part I.D.5.e of the MS4 Permit. When applicable, the County will require the discharger to analyze the non-stormwater discharge for pollutants of concern. Pollutants of concern will be determined based on source of discharge, surrounding land use, and nearby utilities (i.e. sanitary sewer).<br><br>The Permit lists authorized non-stormwater discharges in Part I.D.5.e.(ii). Many of these authorized nonstormwater discharges are not applicable to the County and none of these discharges are expected to be significant contributors of pollutants to the MS4, particularly bacteria. | Bernalillo County will review this list of authorized non-stormwater discharges annually to assess whether any of these discharges have become a significant contributor of pollutants to the MS4. | No specific implementation schedule, Bernalillo County will review annually. |
| As required in Part I.D.5.e.(ii), the permittee must screen the entire jurisdiction at least once every five (5) years and high priority areas at least once every year. High priority areas include any area where there is ongoing evidence of illicit discharges or dumping, or where there are citizen complaints on more than five (5) separate events within twelve (12) months. The permittee must:<br>(a) Include in its SWMP document a description of the means, methods, quality assurance and controls protocols, and schedule for successfully implementing the required screening, field monitoring, laboratory analysis, investigations, and analysis evaluation of data collected.<br>(b) Comply with the dry weather screening program established in Table 6 and the monitoring requirements specified in Part III.A.2.<br>(c) If applicable, implement the priority ranking system developed in previous permit term. | Bernalillo County will continue with its IDDE program, working toward the permit deadlines described for this permit activity. Much of this effort may be in coordination with MS4 permittees COA, AMAFCA, and NMDOT, as well as other co-permittees.<br><br>Part I.D.5.e.(ii).(a) - IDDE screening methods, quality assurance and controls protocols, schedule for successfully implementing the required screening, field monitoring, laboratory analysis, investigations, and analysis evaluation of data collected will be developed in years 1-3 of the Permit. The County has a routine inspection and O&M program in place. These O&M inspections will be coordinated with the IDDE screening program.<br><br>Part I.D.5.e.(ii).(b) - There is a not a Table 6 in Part III.A.2 as referred to in the Permit text in this section. Development of the screening procedures and protocols will comply with the dry weather screening program monitoring requirements specified in Part III.A.2. | Bernalillo County will develop screening procedures, protocols and plan in years 1-3 for the Permit (Dec. 22, 2014 through Dec. 22, 2017). This may be done as a cooperative program.<br><br>Bernalillo County will implement the IDDE required screening activities for a minimum of 30% of the Bernalillo County MS4 by the end of year 4 for this Permit (Dec. 22, 2018).<br><br>Bernalillo County will complete the IDDE required screening activities for 70% the of the Bernalillo County MS4 system by the end of year 5 for this Permit (Dec. 22, 2019).<br><br>Bernalillo County will continue membership and involvement in the cooperative TAG which will facilitate cooperation and coordination with other MS4s in the Middle Rio Grande related to screening for illicit discharges.<br><br>Bernalillo County is pursuing developing a cooperative approach for this program element, including implementing the priority ranking system. | Cooperative program:<br><br>High Priority: screen 1x per year.<br><br>Years 1 -3: develop procedures as required in Part I.D.5.e.(i).(c).<br><br>Year 4: screen 30% of the MS4 area.<br><br>Year 5: screen 70% of the MS4 area. |

# Table 2. Stormwater Management Program Plan

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| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 6: Illicit Discharges and Improper Disposal - Part I.D.5.e* | | | |
| Develop, update, and implement a Waste Collection Program as required in Part I.D.5.e.(iv). | Bernalillo County and COA cooperatively maintain a Household Hazardous Waste Collection Center where residents can bring hazardous wastes at no charge. Additionally, the County conducts a minimum of 6 outreach and household hazardous waste collection events annually in unincorporated Bernalillo County, both in and out of the urbanized area. | Bernalillo County will continue to cooperatively maintain the Household Hazardous Waste Collection Center and continue to conduct a minimum of 6 outreach and household hazardous waste collection events annually in unincorporated Bernalillo County. | 18 months (alone) or 30 months (cooperative) from effective date of MS4 Permit<br><br>June 22, 2016 or June 22, 2017 |
| Develop, update and implement a Spill Prevention and Response program to prevent, contain, and respond to spills that may discharge into the MS4 as required in Part I.D.5.e.(v). The Spill Prevention and Response program shall include:<br>(a) Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or ensure the party responsible for the spill takes, all reasonable steps to control or prevent any adverse effects to human health or the environment; and<br>(b) The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction. | Bernalillo County uses the Emergency Support Function (ESF) 10 to provide a coordinated response to an actual or potential discharge and/or uncontrolled release of hazardous materials. If the actual or potential discharge occurs on private property, the County will contact the owner/operator to address the issue. If the owner/operator does not address the issue and there is an imminent threat, the County will take necessary actions to manage the situation.<br><br>The County works cooperatively with AMAFCA, the COA and the ABCWUA (through CMOM) for notification of illicit discharges. The County will continue to pursue developing similar agreements with other agencies. | Bernalillo County will continue to address spill response functions through ESF 10.<br><br>Bernalillo County will continue to develop a cooperative Spill Response Program with agency partners and will continue to cooperate with COA, MRGCD, ABCWUA, and AMAFCA for spill response.<br><br>Bernalillo County will continue membership and involvement in the cooperative MS4 TAG which will facilitate cooperation and coordination with other MS4s in the MRG related to spill prevention and response. | 10 months (alone) or 18 months (cooperative) from effective date of MS4 Permit<br><br>October 22, 2015 or June 22, 2016 |
| Update the SWMP document and annual report as required in Part I.D.5.e.(iii), Part I.D.5.e.(vi), and Part I.D.5.e.(vii). A description of the means, methods, quality assurance and controls protocols, and schedule for successfully implementing the required screening, field monitoring, laboratory analysis, investigations, and analysis evaluation of data collected. | Bernalillo County will review the program requirements listed in Part I.D.5.e for these program elements during the Annual Report process. A review of the screening completed and the data collected will be included in the Annual Report. A strategy to implement any new program requirements will be developed as needed. | Bernalillo County will review the program requirements listed in Part I.D.5.e for these program elements during the Annual Report process. A review of the screening completed and the data collected will be included in the Annual Report. A strategy to implement any new program requirements will be developed as needed.<br><br>The County will include a review of the screening completed as well as a summary of findings for any data collected in the Annual Report. | Update as necessary for SWMP and annually for Annual Report |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 6: Illicit Discharges and Improper Disposal - Part I.D.5.e* | | | |
| Enhance the program to include requirements in Part I.D.5.e.(ix). The permittee may: (a) Divide the jurisdiction into assessment areas where monitoring at fewer locations still provides sufficient information; (b) Downgrade high priority areas after the area has been screened at least once and there are citizen complaints on no more than 5 separate events within a 12 month period; (c) Rely on a cooperative program with other MS4s for detection and elimination of illicit discharges and illegal dumping; (d) If cooperative program, required detection program frequencies may be based on the combined jurisdictional area rather than individual jurisdictional areas to reduce total number of screening locations; (e) After screening a non-high priority area once, adopt an "in response to complaints only" IDDE for that area (no more than 2 separate events within a 12 month period); (f) Enhance the program to utilize methodologies consistent with those described in "Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments." | Part I.D.5.e.(ix).(a) - The County is installing rainfall gauges to better understand runoff and evaluate monitoring locations and needs, in cooperation with AMAFCA, SSCAFCA, and COA<br><br>Part I.D.5.e.(ix).(b) - This enhancement will be considered and included when writing the screening procedures, protocols and plan.<br><br>Part I.D.5.e.(ix).(c) - The County works cooperatively with AMAFCA, the COA, NMDOT, and the ABCWUA (through CMOM) for notification of illicit discharges. The County will continue to pursue developing similar agreements with other agencies.<br><br>Part I.D.5.e.(ix).(d) and (e) - This enhancement will be considered and included when writing the screening procedures, protocols and plan.<br><br>Part I.D.5.e.(ix).(f) - The County is evaluating it's IDDE program and will incorporate methodologies consistent with "Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments" as appropriate. | The County will document any program enhancements incorporated into the program annually. | Update as necessary for SWMP and annually for Annual Report |

# Part I.D.5 - SWMP Control Measures
# Table 7: Control of Floatables Discharges - Part I.D.5.f

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 7: Control of Floatables Discharges - Part I.D.5.f* | | | |
| As required in Part I.D.5.f.(i), the permittee must develop, update, and implement a program to address and control floatables in discharges into the MS4. The floatables control program shall include source controls and, where necessary, structural controls. Permittees previously covered under NMS000101 or NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit. The permittee shall develop or update a schedule to implement as required in Part I.D.5.f.(i).(a). Note: AMAFCA and the City of Albuquerque should update the schedule according to the findings of the 2005 AMAFCA/COA Floatable and Gross Pollutant Study and other studies. | Bernalillo County will continue to implement a program to address and control floatables in discharges into the MS4. The County will continue to install stormwater quality features to control floatables, such as ported risers, trash racks, automatic bar screens, screened inlets, and water quality manholes in both new construction and retrofits where appropriate. The County will continue manual trash removal on a regular basis. | The County will continue to review, revise, and implement a program to address and control floatables in discharges into the MS4. The County will develop a written procedure for this program element.<br><br>The County will continue membership and involvement in the cooperative MS4 Technical Advisory Group (MS4 TAG) which will facilitate cooperation and coordination with other MS4s in the Middle Rio Grande related control of floatables discharges. | 10 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or June 22, 2016 |
| Estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type as required in Part I.D.5.f.(i).(b). | Bernalillo County will estimate the volume of floatables and trash removed annually from floatable control facilities and characterize floatable type. | The County will include an estimate of the annual volume of floatables and trash removed from the control facilities and characterization of the floatable type in each annual report.<br><br>The County will continue to improve crew activity tracking to better determine the volume of floatables and sediment removed from each Bernalillo County facility. | 12 months (if alone) or 30 months (cooperative) from effective date of MS4 Permit.<br><br>Dec. 22, 2015 or June 22, 2017 |
| Update the SWMP document and annual report as required in Part I.D.5.f.(ii) and Part I.D.5.f.(iii). | The County will review the program requirements listed in Part I.D.5.f, for the above-mentioned program elements, during the Annual Report process. A strategy to implement any new program requirements or improve the compliance with program requirements will be developed as needed. | As part of the Annual Report process, the County will review the program requirements listed in Part I.D.5.f, for the above-mentioned SWMP elements, and assess and document the program effectiveness in the Annual Report. | Update as necessary for SWMP and annually for Annual Report |

# Part I.D.5 - SWMP Control Measures
# Table 8: Public Education and Outreach on Stormwater Impacts - Part I.D.5.g

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 8: Public Education and Outreach on Stormwater Impacts - Part I.D.5.g* | | | |
| Develop, revise, implement, and maintain an education and outreach program as required in Part I.D.5.g.(i) and Part I.D.5.g.(ii). This comprehensive stormwater program should educate the community, employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater. | Bernalillo County will continue to implement its public education and outreach program. Target pollutants addressed in this program include pet waste and trash/debris.<br><br>Currently, the County utilizes both existing and new educational materials ("Project W.E.T. Kids in Discovery Series" and the Enviroscape watershed model), targeted stormwater education printed materials including brochures, public presentations/events, giveaways, signage at select locations, and a County-based stormwater education website and social media. | Bernalillo County will continue to implement its public education and outreach program. The existing program will be updated, as necessary, to comply with the requirements of this Permit. | 11 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Sept. 22, 2015 or Feb. 22, 2016 |
| Part I.D.5.g.(ii)(a) Define goals and objectives of the program based on high priority community-wide issues. | High priority, community-wide issues include water conservation, increased urban waters interactions, permit-required evaluation and implementation of GI/LID practices, and improving water quality (i.e. elimination of illicit discharge/illegal disposal into the County's MS4).<br><br>The Water Protection Advisory Board (WPAB) was established by joint ordinance of the County, ABCWUA, and COA. It's purpose is to advise these agencies on surface and groundwater protection concerns and to advocate for effective protection of surface and groundwater quality. The WPAB consists of nine citizen members, appointed by the Water Authority, the City, and the County. Members represent public interest and all meetings are open to the general public. | Bernalillo County will continue to review and revise the goals and objectives of this program as additional data and information is collected as it pertains to this program. | 11 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Sept. 22, 2015 or Feb. 22, 2016 |
| Part I.D.5.g.(ii)(b) Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites. | The County utilizes a combination of existing and new educational materials (such as the "Project W.E.T. Kids in Discovery Series" and the Enviroscape watershed model), County-created brochures, or other educational materials and promotional items including pet-waste focused materials from the previous Public Education and Outreach efforts from the prior permit term. The County maintains a website and uses social media as a venue for distributing materials and posting about water quality. | The County will continue to use new and existing educational materials, brochures, and promotional items and well as using the County website and social media as a tool for public education and outreach.<br><br>The County will generate a minimum of one mailing annually to residents of unincorporated Bernalillo County which will address one or more of the following topics on a rotating basis: illicit discharge reporting, proper disposal of household hazardous waste including lawn and garden chemicals and used motor oil, FOG, animal sources/pet wastes, and/or public participation in the MS4 process.<br><br>Existing County processes will be used to provide education on a neighborhood scale through on-going opportunities such as community and neighborhood association meetings and distribution of information through neighborhood newsletters. At least one educational or public participation announcement per year will be offered to the neighborhood associations for inclusion in neighborhood newsletters. | 11 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Sept. 22, 2015 or Feb. 22, 2016 |

# Table 2. Stormwater Management Program Plan

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| *TABLE 8: Public Education and Outreach on Stormwater Impacts - Part I.D.5.g* | | | |
| Part I.D.5.g.(ii) (c) Inform individuals and households about ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes. | The County will use its existing Well and Wastewater permitting process to distribute information about proper septic system maintenance to 100% of new septic-permit holders. Issuance of county septic permits includes an information packet with recommended pumping/maintenance schedules and do's and don'ts of septic system care. The County will continue with its campaign to get 100% of unpermitted systems permitted. This includes the goal of contacting a minimum of 200 unpermitted system or aging system owners per year with the intent of verifying status and educating regarding proper operation of the systems. Financial assistance is provided to low-income and disadvantaged residents that require inspections, repairs, and/or replacement of septic systems. Abandonment of septic systems and connection to sanitary sewer systems will be made where available.<br><br>Bernalillo County and the COA cooperatively maintain a contract with the Household Hazardous Waste Collection Center, operated by Advanced Chemical Transport. The County also addresses household hazardous waste through education and outreach to the public at clean-up and waste collection events occurring throughout the year within the County's jurisdiction, both in- and outside of the Urbanized Area.<br><br>The New Mexico Department of Agriculture (NMDA) hosts free pesticide collection events annually to promote the proper and safe disposal. The event in Albuquerque was held August 13, 2015 at the Bernalillo County Extension Office. | Bernalillo County has an established goal of contacting a minimum of 200 unpermitted system or aging system owners per year with the intent of verifying status and educating regarding proper operation of the systems.<br><br>The County will include a summary of low income septic system replacements/sewer connections and activities or planned activities for public outreach and education in each Annual Report.<br><br>At least six household waste collection events will be conducted during each year of the permit term. The County will maintain its existing contracts for a Household Hazardous Waste Collection Center in cooperation with the COA. | 11 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Sept. 22, 2015 or Feb. 22, 2016 |
| Part I.D.5.g.(ii)(d) Inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups. | The County uses websites, social media, county-created brochures, and distribution of materials created by other affiliated groups to inform the public about how to become involved in local stream and bosque restoration activities. The County collaborates with other agencies and/or groups within the County to inform the public of activities coordinated by youth service and conservation corps.<br><br>Valle de Oro National Wildlife Refuge (NWR) is an urban wildlife refuge in an economically disadvantaged area of Albuquerque and Bernalillo County. There has been significant County and community involvement in its creation and it is a focal point for Urban Waters program activities. The refuge is a significant opportunity for the County for stormwater education and outreach. | The County will continue in its collaborative efforts with other agencies to inform the pubic about opportunities to participate in local steam and bosque restoration activities.<br><br>The County collaborates with Valle de Oro NWR and other supporting groups, such as the youth service and conservation corps, to educate and involve members of the community about local riparian restoration and clean-up opportunities for the Rio Grande bosque. The County will sponsor, co-sponsor, or otherwise support at least one such event each year of the permit term. | 11 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Sept. 22, 2015 or Feb. 22, 2016 |

# Table 2. Stormwater Management Program Plan

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| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 8: Public Education and Outreach on Stormwater Impacts - Part I.D.5.g* | | | |
| Part I.D.5.g.(ii)(e) Use tailored public education program, using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling, and watershed cleanups. | The County distributes stormwater-related materials during public outreach and education events held at Valle de Oro NWR. The targeted audience for these outreach activities include the culturally diverse and economically disadvantaged community surrounding the refuge, as well as the general population of Bernalillo County that visit the refuge. Residents who attend these kinds of events are generally community-minded and frequently participate in volunteer initiatives. Additionally, support of refuge activities by the youth corps and similar groups targets children and teens.<br><br>Bernalillo County Open Space conducts public outreach and education events which correspond well with the intent of public outreach and education for this Permit. These events include the free Backyard Farming series workshops, the Naturalist series, the Family Fun series, and the Master Naturalist Program. | The County will continue to distribute materials during public outreach and education events held at Valle de Oro NWR. The County will utilize GI/LID design elements on County projects leading to the refuge, and will support other stormwater-related outreach events and materials at the refuge. | 11 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Sept. 22, 2015 or Feb. 22, 2016 |
| Part I.D.5.g.(ii)(f) Use materials or outreach programs directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges. The permittee may tailor the outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children. The permittee must make information available for non-English speaking residents, where appropriate. | The County will work through its Well and Wastewater Program and Health Protection's restaurant inspection program to provide information on the effects of fats, oils and grease (FOG) disposal into sanitary sewer and septic systems.<br><br>The County distributes stormwater-related materials during public outreach and education events held at Valle de Oro NWR. The targeted audience for these outreach activities include the culturally diverse and economically disadvantaged community surrounding the refuge, as well as the general population of Bernalillo County that visit the refuge. Residents who attend these kinds of events are generally community-minded and frequently participate in volunteer initiatives. Additionally, support of refuge activities by the youth corps and similar groups targets children and teens. | The County will continue it's program to provide information on the effect of FOG disposal. An informational sheet about the effects of FOG disposal to septic systems will be developed and included in each septic tank permit issued by the county starting the second year of the permit term.<br><br>Through the Well and Wastewater Program, the County will work with local septic companies to promote proper disposal of septage waste at authorized wastewater facilities. The County will also work with the local sewer utility (ABCWUA), under their Capacity, Management, Operations and Maintenance (CMOM) program, to promote proper FOG disposal. The ABCWUA also addresses FOG related to clogging of sanitary sewer lines through their Fats, Oil and Grease Policy: http://www.abcwua.org/uploads/files/20140521%20Fats,%20Oil%20and%20Grease%20Policy.pdf. During the permit term, the County will identify other target sectors for educational opportunities based on the constituents and concentration of those constituents found in waters from impaired stream segments. Bilingual information and/or resources will be provided as appropriate and as needed. | 11 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Sept. 22, 2015 or Feb. 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 8: Public Education and Outreach on Stormwater Impacts - Part I.D.5.g* | | | |
| Update the SWMP document and annual report as required in Part I.D.5.g.(iii) and Part I.D.5.g.(iv). (iii) The permittee must include the following information in the SWMP document:<br>(a) A description of a program to promote, publicize, facilitate public reporting of the presence of illicit discharges or water quality associated with discharges from MS4s;<br>(b) A description of the education activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; &<br>(c) A description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.g.(i) and Part I.D.5.g.(ii) and its corresponding measurable goal.<br>(iv) The permittee must assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the Annual Report. | Bernalillo County will review the program requirements listed in Part I.D.5.g during the annual report process. I.D.5.g.(III)(a) is described in the IDDE section of the SWMP and annual report; (b) and © are described in the Public Outreach and Education section of the SWMP and annual report; (iv) is described in the annual report.<br><br>A strategy to implement any new program requirements or improve compliance with the program requirements will be developed as needed. | Bernalillo County will review the program requirements in Part I.D.5.g and assess the overall success of the program, including documentation of direct and indirect measurements of program effectiveness in the annual report. | Update as necessary for SWMP and annually for Annual Report |
| Enhance the program to include requirements in Part I.D.5.g.(v) through Part I.D.5.g.(viii).<br>(v) Where necessary to comply with the MS4 Permit, the permittee should develop a program or modify/revise an existing education and outreach program to:<br>(a) Promote, publicize, and facilitate the use of GI/LID/Sustainability practices; and<br>(b) Include an integrated public education program regarding litter reduction, reduction in pesticide/herbicide use, recycling, and disposal (including yard waste, hazardous waste materials, and used motor vehicle fluids), and GI/ LID/ Sustainable practices (as allowed by the NM OSE). (vi) The permittee may collaborate or partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach. (vii) The education and outreach program may use citizen hotlines as a low-cost strategy to engage the public in illicit discharge surveillance. (viii) The permittee may use stormwater educational materials provided by the State, Tribe, EPA, environmental, public interest or trade organizations, or other MS4s. The permittee may also integrate the education and outreach program with existing education and outreach programs in the MRG area. | Bernalillo County will continue to include in its public education and outreach program: GI/LID/sustainability, litter reduction, pesticide/herbicide proper use and reduction, recycling and proper disposal, public hotline for illicit discharge reporting, classroom education on stormwater, sponsorship of professional conferences, participation in regional events, and pet waste disposal education.<br><br>Bernalillo County was a primary sponsor for the February 2016 Land & Water Summit which included sessions on stormwater management, stormwater solutions, and green infrastructure and low-impact design. A field trip titled Stormwater Solutions in Dynamic Aridland Conditions was part of this conference, was designed for developers, engineers, landscape architects, associated general contractors and the general public and toured flood control projects and GI/LID projects for the County, COA, and SSCAFCA. | Any progress made with these program enhancement activities will be documented in the SWMP as necessary and annually in the annual report. | Update as necessary for SWMP and annually for Annual Report |

# Part I.D.5 - SWMP Control Measures
# Table 9: Public Involvement and Participation - Part I.D.5.h

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 9: Public Involvement and Participation - Part I.D.5.h* | | | |
| Develop (or update), implement, and maintain a public involvement and participation plan as required in Part I.D.5.h.(ii). This plan should provide opportunities for participation in the review, modification and implementation of the SWMP; develop and implement a process by which public comments to the plan are received and reviewed by the person(s) responsible for the SWMP; and make the SWMP available to the public and to the operator of any MS4 or Tribal authority receiving discharges from the MS4. | The County will continue its Public Involvement and Participation program to encourage public involvement in the review, modification and implementation of the Bernalillo County SWMP, as required in Part I.D.5.h.(ii). | Post the draft SWMP, any SWMP amendments or modifications, and draft Annual Reports to the Bernalillo County website with an explanation of the public comment period and instruction on how to submit comments. The posted documents will show redline and strikethrough of text additions and deletions and/or provide explanations for substantial changes.<br><br>A hard copy of the SWMP will be made available for the review, and provided to the MS4 operators. The Pueblo of Isleta will be notified in writing of the SWMP availability.<br><br>A 30-day comment period will be allotted for SWMP document public review.<br><br>A 45-day comment period will be allotted for Annual Report document public review as required in Part III.B of the MS4 Permit. | 10 months (alone) or 12 months (cooperative) from effective date of MS4 Permit<br><br>Oct. 22, 2015 or Dec. 22, 2015 |
| As required in Part I.D.5.h.(iii), the Public Involvement and Participation Plan shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination. The permittee must include the following elements in the plan:<br>(a) A detailed description of the general plan for informing the public of involvement and participation opportunities, including types of activities; target audiences; how interested parties may access the SWMP; and how the public was involved in development of the SWMP; (b) The development and implementation of at least one (1) assessment of public behavioral change following a public education and/or participation event; (c) A process to solicit involvement by environmental groups, environmental justice communities, civic organizations or other neighborhoods /organizations interested in water quality-related issues; and (d) An evaluation of opportunities to utilize volunteers for stormwater pollution prevention activities and awareness throughout the area. | The plan will include a comprehensive planning process as outlined below. Participation in the MS4 TAG and use of a common Development Process Manual will be continued to ensure intergovernmental coordination.<br><br>The County provides opportunity for public comment through postings on the website, in newspapers and availability of a hard copy of public documents at the Public Works office.<br><br>The County will continue to attend and provide stormwater education at community events and establish a web presence that includes a measurement tool to assess behavioral change in exchange for some small value incentive (i.e., county branded merchandise, etc.).<br><br>The Water Protection Advisory Board (WPAB) was established by joint ordinance of the County, ABCWUA, and COA. It's purpose is to advise these agencies on surface and groundwater protection concerns and to advocate for effective protection of surface and groundwater quality. The WPAB consists of nine citizen members, appointed by the Water Authority, the City, and the County. Members represent public interest and all meetings are open to the general public.<br><br>The County will provide written notification, including the mechanism for involvement, to the Watershed Protection Advisory Board, Pueblo of Isleta, registered neighborhood associations in the unincorporated urbanized area within the County's jurisdiction and the Stormwater Quality Team after development of annual reports and SWMP modification. | Bernalillo County will continue to implement it's Public Education and Outreach initiatives and solicit public comment, feedback, and participation. The County will continue to distribute stormwater quality-related materials.<br><br>The Bernalillo County Public Involvement and Participation Plan includes methods for informing the public of involvement and participation opportunities, measurements of program effectiveness, solicitation of involvement by interested groups/organizations, and evaluation of opportunities to utilize volunteers for stormwater quality related activities, as described in the Public Education and Outreach sections of the SWMP and annual report.<br><br>The County will utilize one or more of the following opportunities: Master Naturalist program through County Open Space, Volunteers to create and post signage relating to stormwater pollution prevention at county open spaces, sponsorship/participation of at least one river Clean-up Day per year, continued support of Urban Waters program, sponsorship/promotion of at least one annual watershed-related conference lead by community volunteers educating the public on stormwater issues. | 10 months (if alone) or 12 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or Dec. 22, 2015 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 9: Public Involvement and Participation - Part I.D.5.h* | | | |
| Comply with State, Tribal, and local notice requirements when implementing a Public Involvement and Participation Program as required in Part I.D.5.h.(iv). Reporting notification requirements also in Part III.D.4. | Bernalillo County will provide hard copies of all MS4 compliance reporting document to the NMED, Pueblos of Sandia and Isleta as required here and in Part III.D.4 of the MS4 Permit. | Bernalillo County will provide copies of all MS4 compliance reporting documents to the NMED, Pueblos of Sandia and Isleta as required here and in Part III.D.4 of the MS4 Permit. | 11 months (if alone) or 14 months (cooperative) from effective date of MS4 Permit.<br><br>Nov. 22, 2015 or Feb. 22, 2016 |
| Include elements as required in Part I.D.5.h.(v). The public participation process must reach out to all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local stormwater management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other preexisting programs, or participating in volunteer monitoring efforts. | The County will use the Watershed Protection Advisory Board and the County website as the primary mechanism to reach out to the community for volunteers and to solicit input through public meetings and discussions. Materials and solicitation for volunteers and/or participants will also be made available through neighborhood newsletters and postings at community centers in the unincorporated urbanized area areas of the county's jurisdiction and, as appropriate, in English and Spanish in order to reach all economic and ethnic groups.<br><br>Valle de Oro National Wildlife Refuge (NWR) is an urban wildlife refuge in an economically disadvantaged area of Albuquerque and Bernalillo County. There has been significant County and community involvement in its creation and it is a focal point for Urban Waters program activities. The refuge is a significant opportunity for the County for stormwater education and outreach.<br><br>The County distributes stormwater-related materials during public outreach and education events held at Valle de Oro NWR. The targeted audience for these outreach activities include the culturally diverse and economically disadvantaged community surrounding the refuge, as well as the general population of Bernalillo County that visit the refuge. Residents who attend these kinds of events are generally community-minded and frequently participate in volunteer initiatives. Additionally, support of refuge activities by the youth corps and similar groups targets children and teens.<br><br>The Water Protection Advisory Board (WPAB) was established by joint ordinance of the County, ABCWUA, and COA. It's purpose is to advise these agencies on surface and groundwater protection concerns and to advocate for effective protection of surface and groundwater quality. The WPAB consists of nine citizen members, appointed by the Water Authority, the City, and the County. Members represent public interest and all meetings are open to the general public. | The County will continue in its collaborative efforts with other agencies to inform the pubic about opportunities to participate in local steam and bosque restoration activities.<br><br>The County collaborates with Valle de Oro NWR and other supporting groups, such as the youth service and conservation corps, to educate and involve members of the community about local riparian restoration and clean-up opportunities for the Rio Grande bosque. The County will sponsor, co-sponsor, or otherwise support at least one such event each year of the permit term. | 11 months (if alone) or 18 months (cooperative) from effective date of MS4 Permit.<br><br>Nov. 22, 2015 or June 22, 2016 |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part I.D.5 - Stormwater Management Plan (SWMP) Control Measures* | | | |
| *TABLE 9: Public Involvement and Participation - Part I.D.5.h* | | | |
| Update the SWMP document and annual report as required in Part I.D.5.h.(vi), Part I.D.5.h.(vii), and Part I.D.5.h.(viii). The permittee must provide public accessibility of the SWMP and Annual Reports online via the Internet and during normal business hours at the MS4 operator's main office for public inspection and copying consistent with any applicable federal, state, tribal, or local open records requirements. Upon a showing of significant public interest, the MS4 operator is encouraged to hold a public meeting (or include in the agenda of in a regularly scheduled city council meeting, etc.) on the NOI, SWMP, and Annual Reports. | Bernalillo County will review the program requirements listed in Part I.D.5.h for the above-mentioned program elements during the annual report process. A strategy to implement any new program requirements or improve compliance with the program requirements will be developed as needed. | As part of the Annual Report process each year, the Stormwater Program Manager will review the program requirements listed in Part I.D.5.h, for the abovementioned SWMP elements, and assess the overall success of the program and document the program effectiveness in the Annual Report.<br>The County will provide public accessibility of the SWMP document and most recent Annual Report online via the Bernalillo County website and during normal business hours at the Bernalillo County Public Works Building located at 2400 Broadway Blvd SE, Albuquerque, NM 87102. | Update as necessary for SWMP and annually for Annual Report |
| Enhance the program to include requirements in Part I.D.5.h.(ix). | Bernalillo County will continue to include in its public involvement and participation program: funding groups that include public participation, such as Valle de Oro NWR, Bernalillo County Master Naturalist program, youth corps programs, and the Bosque Ecosystem Monitoring Program (BEMP). The County will also continue to provide an illegal dumping/IDDE hotline reporting phone number and website. | The County will continue to review, update, and enhance public involvement and participation programs. | Update as necessary for SWMP and annually for Annual Report |

# Part I.D.5 - SWMP Control Measures
# Table 10: Wet Weather Monitoring Program - Part III.A.1

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part III - Monitoring, Assessment and Reporting Requirements* | | | |
| *TABLE 10: Wet Weather Monitoring Program - Part III.A.1* | | | |
| According to the requirements in Part III.A.1., The permittee must develop, in consultation with NMED and EPA (and affected Tribes if monitoring locations would be located on Tribal lands), and implement a comprehensive monitoring and assessment program. The permittees shall conduct wet weather monitoring to gather information on the response of receiving waters to wet weather discharges from the MS4 during both wet season (July 1 through October 31) and dry Season (November 1 through June 30).<br><br>Wet Weather Monitoring shall be conducted at outfalls, internal sampling stations, and/or in-stream monitoring locations at each water of the US that runs in each entity or entities' jurisdiction(s). | In the MS4 Permit area, stormwater runoff discharges to the Rio Grande at outfall locations via major drainage channels, storm drains and pump stations. Details for this program are provided in the SWMP sections below. | The program details and measurable goals are described below. The final Sampling Plan for Compliance Monitoring was submitted to EPA May 5, 2016. The sampling plan was accepted by the EPA and NMED. | See specific Permit activity schedules below. |
| Part III.A.3.1.b. Option B: Cooperative Monitoring Program:<br>Develop a cooperative wet weather monitoring program with other permittees in the Middle Rio Grande Watershed. The program will monitor waters coming into the watershed (upstream) and leaving the watershed (downstream). The program must include sampling for TSS, TDS, COD, BOD5, DO, oil and grease, E. coli, pH, total kjeldahl nitrogen, nitrate plus nitrite, dissolved phosphorus, total ammonia plus organic nitrogen, total phosphorus, PCBs and Gross alpha. Monitoring of temperature shall be also conducted at outfalls and/or Rio Grande monitoring locations. Permittees must include additional parameters from monitoring conducted under permits NMS000101, NMR040000 or/and NMR040001 whose mean values are at or above a WQS. The monitoring program must sample the pollutants for a minimum of 7 storm events per location during the permit term with at least 3 events in the wet season and 2 events in the dry season. | The cooperative monitoring program will sample the pollutants for a minimum of 7 storm events per location during the permit term with at least 3 in the events wet season and 2 events in the dry season. The wet season is defined in the permit as July 1 through October 31 and the dry season as November 1 through June 30. | The monitoring program will follow the permit requirements for parameters tested (TSS, TDS, COD, BOD5, DO, oil and grease, E. coli, pH, total kjeldahl nitrogen, nitrate plus nitrite, dissolved phosphorus, total ammonia plus organic nitrogen, phosphorus, PCBs, gross alpha, tetrahydrofuran, benzo(a)pyrene, benzo(b)fluorathene, benzo(k)fluoranthene, chrysene, indeno(1,3,4-cd)pyrene, dieldrin, pentachlorophenol, benzidine, benzo(a)anthracene, dibenzofuran, dibenzo(a,h)anthracene, 3,4-benzofluoranthene, chromium IV, copper-dissolved, lead-dissolved, bis(2ethylhexyl)phthalate). In addition, dissolved oxygen, pH, conductivity, and temperature will be analyzed in the field within 15 minutes of sample collection.<br><br>The monitoring program will be conducted according to the approved Sampling Plan for Compliance Monitoring. | Monitoring program will sample the pollutants for a minimum of 7 storm events per location during the permit term with at least 3 events in the wet season and 2 events in the dry season. |
| As required in Part III.A.1. and Table 10, the permittees shall submit wet weather monitoring preference Option A or Option B to EPA (i.e., individual monitoring program vs. cooperative monitoring program) with NOI submittals. | Bernalillo County submitted its NOI in compliance with the permit requirements and schedule. Bernalillo County will participate in Option B - cooperative monitoring program. | N/A - this permit activity is complete. | N/A |

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part III - Monitoring, Assessment and Reporting Requirements* | | | |
| *TABLE 10: Wet Weather Monitoring Program - Part III.A.1* | | | |
| Submit a detailed description of the monitoring scheme to EPA and NMED for approval. The monitoring scheme should include: a list of pollutants; a description of monitoring sites with an explanation of why those sites were selected; and a detailed map of all proposed monitoring sites. In addition, as required in Part III.A.1.h, the monitoring program must include a contingency plan for collecting additional monitoring data within the MS4 or at additional appropriate instream locations should monitoring results indicate that MS4 discharges may be contributing to instream exceedances of WQS. The purpose of this additional monitoring effort would be to identify sources of elevated pollutant loadings so they could be addressed by the SWMP. | Bernalillo County has developed, with its cooperative partners, a Sampling Plan for Compliance Monitoring. The final sampling plan was submitted to the EPA May 5, 2016 and has been accepted by the EPA and NMED. Modifications to this sampling may be submitted to the EPA in future, as needed, for approval. | The monitoring program will be conducted according to the approved Sampling Plan for Compliance Monitoring. | 10 months (if alone) or 12 months (cooperative) from effective date of MS4 Permit.<br><br>Oct. 22, 2015 or Dec. 22, 2015 |
| Submit certification that all wet weather monitoring sites are operational and begin sampling. | Bernalillo County submitted its sampling certification to the EPA June 2016. | Bernalillo County, with its cooperative partners, has submitted certification to EPA that all wet weather compliance monitoring sites are operational and has begun sampling, according to the Permit requirements. | June 21, 2016 |
| As required in Part III.A.1.e, update SWMP document and submit annual reports. The results of the Wet Weather Monitoring must be provided in each annual report. | Bernalillo County will review the program requirements listed in Part II.A.1, for the above-mentioned program elements, during the Annual Report process. A strategy to implement any new program requirements or improve compliance with the program requirements will be developed as needed. The Wet Weather Monitoring results obtained from July 1st to June 30th will be submitted in each Annual Report on Discharge Monitoring Report (DMR) forms as required in Part III.D.1, or as otherwise approved by the EPA as part of the cooperative sampling program. | As part of the Annual Report process each year, Bernalillo County will review the program requirements listed in Part III.A.1, for the above-mentioned SWMP elements, and assess the overall success of the program and document the program effectiveness in the Annual Report.<br><br>The Wet Weather Monitoring results obtained from July 1st to June 30th will be submitted in each Annual Report on Discharge Monitoring Report (DMR) forms as required in Part III.D.1, or as otherwise approved by the EPA as part of the cooperative sampling program. | Update as necessary for SWMP and annually for Annual Report |

# Part I.D.5 - SWMP Control Measures
# Dry Weather Discharge Screening - Part III.A.2

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part III - Monitoring, Assessment and Reporting Requirements* | | | |
| *Dry Weather Discharge Screening - Part III.A.2* | | | |
| According to the requirements in Part III.A.2., Each permittee shall identify, investigate, and address areas within its jurisdiction that may be contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System as a result of dry weather discharges (i.e., discharges from separate storm sewers that occur without the direct influence of runoff from storm events, e.g. illicit discharges, allowable non-stormwater, groundwater infiltration, etc.). Due to the arid and semi-arid conditions of the area, the dry weather discharges screening program may be carried out during both wet season (July I through October 31) and dry season (November 1 through June 30). Results of the assessment shall be provided in each annual report. | The program details and measurable goals are described below and In Table 6 - Illicit Discharge and Improper Disposal. | The program details and measurable goals are described below and In Table 6 - Illicit Discharge and Improper Disposal. | See specific Permit activity schedules below. |
| This program may be coordinated with the illicit discharge detection and elimination program required in Part I.D.5.e. The dry weather screening program shall be described in the SWMP and comply with the schedules contained in Part I.D.5.e.(iii). The permittee shall:<br>a) Include sufficient screening points to adequately assess pollutant levels from all areas of the MS4.<br>b) Screen for, at a minimum, BOD5, sediment or a parameter addressing sediment (e.g., TSS or turbidity), E. coli, Oil and Grease, nutrients, any pollutant that has been identified as cause of impairment of a waterbody receiving discharges from that portion of the MS4, including temperature.<br>c) Specify the sampling and non-sampling techniques to be issued for initial screening and follow-up purposes.<br>d) Perform monitoring only when an antecedent dry period of at least 72 hours after a rain event greater than 0.1 inch in magnitude is satisfied. Monitoring methodology shall consist of collecting a minimum of 4 grab samples spaced at a minimum interval of 15 minutes each. | There are no perennial streams in the Albuquerque area that contribute to the Rio Grande. As such, the dry weather screening program serves a dual purpose as an illicit discharge screening analysis.<br><br>Bernalillo County is working cooperatively to develop an illicit discharge program and screening procedures, as required in I.D.5.e.(iii). The dry weather screening program will include screening locations within Bernalillo County's jurisdiction. The majority of Bernalillo County's storm sewer system either drains into another entity's system (AMAFCA, COA, MRGCD) or another entities storm sewer system (AMAFCA, COA, MRGCD) drains into Bernalillo County's system. The County will work cooperatively with these entities in developing and implementing this program.<br><br>Should any discharge be present in a quantity sufficient for analysis, it will be screened for appropriate analytes based on suspected source; if the source is not known, sample may be analyzed for BOD5, sediment (e.g., TSS or turbidity), E. coli, Oil and Grease, and nutrients. Any discharge collected will be a grab sample according to the Permit monitoring methodology. | Bernalillo County will work cooperatively with nearby entities in developing its dry weather screening program. Any screening results attained will be including the annual report.<br><br>The County will continue membership and involvement in the cooperative MS4 Technical Advisory Group (MS4 TAG) which will facilitate cooperation and coordination with other MS4s in the Middle Rio Grande related to screening for illicit discharges. | Cooperative Program -as required in part I.D.5.e.(iii)<br><br>Years 1 -3: develop procedures as required in Part I.D.5.e.(i).(c)<br><br>Year 4: screen 30% of the MS4 area<br><br>Year 5: screen 70% of the MS4 area |

# Part I.D.5 - SWMP Control Measures
# Floatables Monitoring - Part III.A.3

# Table 2. Stormwater Management Program Plan

for NPDES Permit No. NMR04A000

| Permit Activity Description | Proposed Plan | Measureable Goal | Permit Required Implementation Schedule |
|---|---|---|---|
| *Part III - Monitoring, Assessment and Reporting Requirements* | | | |
| *Floatables Monitoring - Part III.A.3* | | | |
| According to the requirements in Part III.A.3., The permittees shall establish locations for monitoring/assessing floatable material in discharges to and/or from their MS4. A cooperative monitoring program may be established in partnership with other MS4s to monitor and assess floatable material in discharges to and/or from a joint jurisdictional area or watershed basis.<br><br>Floatable material shall be monitored at least twice per year at priority locations and at minimum of two (2) stations. The amount of collected material shall be estimated in cubic yards. | Bernalillo County will continue to monitor floatable material and the amount collected in participation with the MS4 co-permittees. This will be done in conjunction with the requirements in TABLE 7: Control of Floatables Discharges - Part I.D.5.f. | Bernalillo County will continue to monitor floatable material and estimate the amount collected.<br><br>The County will maintain one drying station- a location where floatable material, sediment, and debris removed from the storm sewer system is hauled, separated, and properly disposed of. This station helps the County meet the requirements for this activity. | Update as necessary for SWMP and annually for Annual Report |

# Appendix A

# NPDES Middle Rio Grande Watershed Based MS4 Permit NMR04A000

**Region 6**
**1445 Ross Avenue**
**Dallas, Texas 75202-2733**

**NPDES General Permit No. NMR04A000**

# AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"), except as provided in Part I.A.5 of this permit, operators of municipal separate storm sewer systems located in the area specified in Part I.A.1 are authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements set forth herein.

Only operators of municipal separate storm sewer systems in the general permit area who submit a Notice of Intent and a storm water management program document in accordance with Part I.A.6 of this permit are authorized to discharge storm water under this general permit.

This is a renewal NPDES permit issued for these portions of the small municipal separate storm sewer systems covered under the NPDES permit No NMR040000 and NMR04000I and the large municipal separate storm sewer systems covered under the NPDES permit No NMS000101.

This permit is issued on and shall become effective on the date of publication in the Federal Register.

This permit and the authorization to discharge shall expire at, midnight, December 19, 2019.

Signed by

William K. Honker, P.E.
Director
Water Quality Protection Division

Prepared by

Nelly Smith
Environmental Engineer
NPDES Permits and TMDLs Branch

MIDDLE RIO GRANDE WATERSHED BASED MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT

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## PART I. INDIVIDUAL PERMIT CONDITIONS

### A. DISCHARGES AUTHORIZED UNDER THIS PERMIT

1. **Permit Area.** This permit is available for MS4 operators within the Middle Rio Grande Sub-Watersheds described in Appendix A. This permit may authorize stormwater discharges to waters of the United States from MS4s within the Middle Rio Grande Watershed provided the MS4:

   a. Is located fully or partially within the corporate boundary of the City of Albuquerque;

   b. Is located fully or partially within the Albuquerque urbanized area as determined by the 2000 and 2010 Decennial Census. Maps of Census 2010 urbanized areas are available at: http://water.epa.gov/polwaste/npdes/stormwater/Urbanized-Area-Maps-for-NPDES-MS4-Phase-II-Stormwater-Permits.cfm;

   c. Is designated as a regulated MS4 pursuant to 40 CFR 122.32; or

   d. This permit may also authorize an operator of a MS4 covered by this permit for discharges from areas of a regulated small MS4 located outside an Urbanized Areas or areas designated by the Director provided the permittee complies with all permit conditions in all areas covered under the permit.

2. **Potentially Eligible MS4s.** MS4s located within the following jurisdictions and other areas, including any designated by the Director, are potentially eligible for authorization under this permit:

   - City of Albuquerque
   - AMAFCA (Albuquerque Metropolitan Arroyo Flood Control Authority)
   - UNM (University of New Mexico)
   - NMDOT (New Mexico Department of Transportation District 3)
   - Bernalillo County
   - Sandoval County
   - Village of Corrales
   - City of Rio Rancho
   - Los Ranchos de Albuquerque
   - KAFB (Kirtland Air Force Base)
   - Town of Bernalillo
   - EXPO (State Fairgrounds/Expo NM)
   - SSCAFCA (Southern Sandoval County Arroyo Flood Control Authority)
   - ESCAFCA (Eastern Sandoval County Arroyo Flood Control Authority)
   - Sandia Laboratories, Department of Energy (DOE)
   - Pueblo of Sandia
   - Pueblo of Isleta
   -Pueblo of Santa Ana

3. **Eligibility**. To be eligible for this permit, the operator of the MS4 must provide:

   a. Public Participation: Prior submitting the Notice of Intent (NOI), the operator of the MS4 must follow the local notice and comment to procedures at Part I.D.5.h.(i).

   b. National Historic Preservation Act (NHPA) Eligibility Provisions

   In order to be eligible for coverage under this permit, the applicant must be in compliance with the National Historic Preservation Act. Discharges may be authorized under this permit only if:

(i) Criterion A: storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or

(ii) Criterion B: the applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) (or equivalent tribal authority) that outlines all measures the MS4 operator will undertake to mitigate or prevent adverse effect to the historic property.

Appendix C of this permit provides procedures and references to assist with determining permit eligibility concerning this provision. You must document and incorporate the results of your eligibility determination in your SWMP.

The permittee shall also comply with the requirements in Part IV.U.

4. **Authorized Non-Stormwater Discharges**. The following non-stormwater discharges need not be prohibited unless determined by the permittees, U.S. Environmental Protection Agency (EPA), or New Mexico Environment Department (NMED) to be significant contributors of pollutants to the municipal separate storm sewer system (MS4). Any such discharge that is identified as significant contributor pollutants to the MS4, or as causing or contributing to a water quality standards violation, must be addressed as an illicit discharge under the illicit discharge and improper disposal practices established pursuant to Part I.D.5.e of this permit. For all of the discharges listed below, not treated as illicit discharges, the permittee must document the reason these discharges are not expected to be significant contributors of pollutants to the MS4. This documentation may be based on either the nature of the discharge or any pollution prevention/treatment requirements placed on such discharges by the permittee.

- potable water sources, including routine water line flushing;
- lawn, landscape, and other irrigation waters provided all pesticides, herbicides and fertilizers have been applied in accordance with approved manufacturing labeling and any applicable permits for discharges associated with pesticide, herbicide and fertilizer application;
- diverted stream flows;
- rising ground waters;
- uncontaminated groundwater infiltration (as defined at 40 CFR §35.2005 (20));
- uncontaminated pumped groundwater;
- foundation and footing drains;
- air conditioning or compressor condensate;
- springs;
- water from crawl space pumps;
- individual residential car washing;
- flows from riparian habitats and wetlands;
- dechlorinated swimming pool discharges;
- street wash waters that do not contain detergents and where no un-remediated spills or leaks of toxic or hazardous materials have occurred;
- discharges or flows from fire fighting activities (does not include discharges from fire fighting training activities); and,
- other similar occasional incidental non-stormwater discharges (e.g. non-commercial or charity car washes, etc.)

5. **Limitations of Coverage**. This permit does not authorize:

a. Non-Storm Water*:* Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:

(i) In compliance with a separate NPDES permit; or

(ii) Exempt from permitting under the NPDES program; or

(iii) Determined not to be a substantial contributor of pollutants to waters of the United States. See Part I.A.4.

b. Industrial Storm Water*:* Storm water discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi).

c. Construction Storm Water*:* Storm water discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15).

d. Currently Permitted Discharges*:* Storm water discharges currently covered under another NPDES permit.

e. Discharges Compromising Water Quality*:* Discharges that EPA, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary in accordance with Part IV.M. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures in your SWMP designed to bring your discharge into compliance with water quality standards.

f. Discharges Inconsistent with a TMDL*:* You are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is an applicable total maximum daily load (TMDL) established or approved by EPA unless you incorporate into your SWMP measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, you must incorporate documentation into your SWMP supporting a determination of permit eligibility with regard to waters that have an EPA-established or approved TMDL. If a wasteload allocation has been established that would apply to your discharge, you must comply with the requirements established in Part I.C.2.b.(i). Where an EPA-approved or established TMDL has not specified a wasteload allocation applicable to municipal storm water discharges, but has not specifically excluded these discharges, adherence to a SWMP that meets the requirements in Part I.C.2.b.(ii) of this general permit will be presumed to be consistent with the requirements of the TMDL. If the EPA-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under this general permit.

6. **Authorization Under This General Permit**

a. Obtaining Permit Coverage.

(i) An MS4 operator seeking authorization to discharge under this general permit must submit electronically a complete notice of intent (NOI) to the e-mail address provided in Part I.B.3 (see suggested EPA R6 MS4 NOI format located in EPA website at http://epa.gov/region6/water/npdes/sw/ms4/index.htm), in accordance with the deadlines in Part I.B.1 of this permit. The NOI must include the information and attachments required by Parts I.B.2, Part I.A.3, Part I.D.5.h.(i), and I.A.5.f of this permit. By submitting a signed NOI, the applicant certifies that all eligibility criteria for permit coverage have been met. If EPA notifies a discharger (either directly, by public notice, or by making information available on the Internet) of other NOI options that become available at a later date, such as electronic submission of forms or information, the MS4 operator may take advantage of those options to satisfy the NOI submittal requirements.

(ii) If an operator changes or a new operator is added after an NOI has been submitted, the operator must submit a new or revised NOI to EPA.

(iii) An MS4 operator who submits a complete NOI and meets the eligibility requirements in Part I of this permit is authorized to discharge storm water from the MS4 under the terms and conditions of this general permit only upon written notification by the Director. After review of the NOI and any public comments on the NOI, EPA may condition permit coverage on correcting any deficiencies or on including a schedule to respond to any public comments. (See also Parts I.A.3 and Part I.D.5.h.(i).)

(iv) If EPA notifies the MS4 operator of deficiencies or inadequacies in any portion of the NOI (including the SWMP), the MS4 operator must correct the deficient or inadequate portions and submit a written statement to EPA certifying that appropriate changes have been made. The certification must be submitted within the time-frame specified by EPA and must specify how the NOI has been amended to address the identified concerns.

(v) The NOI must be signed and certified in accordance with Parts IV.H.1 and 4. Signature for the NOI, which effectively takes the place of an individual permit application, may not be delegated to a lower level under Part IV.H.2

b. Terminating Coverage.

(i) A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT). Authorization to discharge terminates at midnight on the day the NOT is post-marked for delivery to EPA.

(ii) A permittee must submit an NOT to EPA within 30 days after the permittee:

(a) Ceases discharging storm water from the MS4,

(b) Ceases operations at the MS4, or

(c) Transfers ownership of or responsibility for the facility to another operator.

(iii) The NOT will consist of a letter to EPA and must include the following information:

(a) Name, mailing address, and location of the MS4 for which the notification is submitted;

(b) The name, address and telephone number of the operator addressed by the NOT;

(c) The NPDES permit number for the MS4;

(d) An indication of whether another operator has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the storm water discharges have been eliminated; and

(e) The following certification:

*I certify under penalty of law that all storm water discharges from the identified MS4 that are authorized by an NPDES general permit have been eliminated, or that I am no longer the operator of the MS4, or that I have ceased operations at the MS4. I understand that by submitting this Notice of Termination I am no longer authorized to discharge storm water under this general permit, and that discharging pollutants in storm water to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submission of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.*

(f) NOTs, signed in accordance with Part IV.H.1 of this permit, must be sent to the e-mail address in Part I.B.3. Electronic submittal of the NOT required in the permit using a compatible Integrated Compliance Information System (ICIS) format would be allowed if available.

## B. NOTICE OF INTENT REQUIREMENTS

1. **Deadlines for Notification**.

a. Designations: Small MS4s automatically designated under 40 CFR 122.32(a)(1), large MS4s located within the corporate boundary of the COA including the COA and former co-permittees under the NPDES permit No

NMS000101, and MS4s designated under 40 CFR 122.26(a)(1)(v), 40 CFR 122.26(a)(9)(i)(C) or (D), or 40 CFR 122.32(a)(2) are required to submit individual NOIs by the dates listed in Table 1. Any MS4 designated as needing a permit after issuance of this permit will be given an individualized deadline for NOI submittal by the Director at the time of designation.

In lieu of creating duplicate program elements for each individual permittee, implementation of the SWMP, as required in Part I.D, may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part D. For these programs with cooperative elements, the permittee may submit individual NOIs as established in Table 1. See also "Permittees with Cooperative Elements in their SWMP " under Part.I.B.4 and "Shared Responsibilities and Cooperative Programs" under Part I.D.3.

Table 1 Deadlines to Submit NOI

| **Permittee Class Type** | **NOI Deadlines** |
|---|---|
| **Class A:** MS4s within the Cooperate Boundary of the COA including former co-permittees under the NPDES permit No NMS000101 | 90 days from effective date of the permit or 180 days from effective date of the permit if participating in cooperative programs for one or more program elements. |
| **Class B**: MS4s designated under 40 CFR 122.32(a)(1). Based on 2000 Decennial Census Map | 90 days from effective date of the permit or 180 days from effective date of the permit if participating in cooperative programs for one or more program elements. |
| **Class C**: MS4s designated under 40 CFR 122.26(a)(1)(v), 40 CFR 122.26(a)(9)(i)(C) or (D), or 40 CFR 122.32(a)(2) or MS4s newly designated under 122.32(a)(1) based on 2010 Decennial Census Map | 180 days from effective date of the permit or notice of designation, unless the notice of designation grants a later date or; 180 days from effective date of the permit if participating in cooperative programs for one or more program elements. |
| **Class D**: MS4s within Indian Country Lands designed under 40 CFR 122.26(a)(1)(v), 122.26(a)(9)(i)(C) or (D), 122.32(a)(1), or 122.32(a)(2) | 180 days from effective date of the permit or notice of designation, unless the notice of designation grants a later date or; 180 days from effective date of the permit if participating in cooperative programs for one or more program elements. |

See Appendix A for list of potential permittees in the Middle Rio Grande Watershed

b. New Operators. For new operators of all or a part of an already permitted MS4 (due to change on operator or expansion of the MS4) who will take over implementation of the existing SWMP covering those areas, the NOI must be submitted 30 days prior to taking over operational control of the MS4. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI, but must comply with Part I.D.6.d.

**c.** Submitting a Late NOI. MS4s not able to meet the NOI deadline in Table I and Part I.B.1.b due to delays in determining eligibility should notify EPA of the circumstance and progress to date at the address in Part I.B.3 and then proceed with a late NOI. MS4 operators are not prohibited from submitting an NOI after the dates provided in Table 1 and Part I.B.1.b. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is effective. The permitting authority reserves the right to take appropriate enforcement actions for any unpermitted discharges.

d. End of Administrative Continued Coverage under Previous Permit. Administrative continuance is triggered by a timely reapplication. Discharges submitting an NOI for coverage under this permit are considered to have met

the timely reapplication requirement if NOI is submitted by the deadlines included in Table 1 of Part I.B.1. For MS4s previously covered under either NMS000101 or NMR040000, continued coverage under those permits ends: a) the day after the applicable deadline for submittal of an NOI if a complete NOI has not been submitted or b) upon notice of authorization under this permit if a complete and timely NOI is submitted.

2. **Contents of Notice of Intent**. An MS4 operator eligible for coverage under this general permit must submit an NOI to discharge under this general permit. The NOI will consist of a letter to EPA containing the following information (see suggested EPA R6 MS4 NOI Format located in EPA website at http://www.epa.gov/region6/water/npdes/sw/ms4/index.htm) and must be signed in accordance with Part IV.H of this permit:

a. The legal name of the MS4 operator and the name of the urbanized area and core municipality (or Indian reservation/pueblo) in which the operator's MS4 is located;

b. The full facility mailing address and telephone number;

c. The name and phone number of the person or persons responsible for overall coordination of the SWMP;

d. An attached location map showing the boundaries of the MS4 under the applicant's jurisdiction. The map must include streets or other demarcations so that the exact boundaries can be located;

e. The area of land served by the applicant's MS4 (in square miles);

f. The latitude and longitude of the approximate center of the MS4;

g. The name(s) of the waters of the United States that receive discharges from the system.

h. If the applicant is participating in a cooperative program element or is relying on another entity to satisfy one or more permit obligations (see Part I.D.3), identify the entity(ies) and the element(s) the entity(ies) will be implementing;

i. Information on each of the storm water minimum control measures in Part I.D.5 of this permit and how the SWMP will reduce pollutants in discharges to the Maximum Extent Practicable. For each minimum control measure, include the following:

(i) Description of the best management practices (BMPs) that will be implemented;

(ii) Measurable goals for each BMP; and

(iii) Time frames (i.e., month and year) for implementing each BMP;

j. Based on the requirements of Part I.A.3.b describe how the eligibility criteria for historic properties have been met;

k. Indicate whether or not the MS4 discharges to a receiving water for which EPA has approved or developed a TMDL. If so, describe how the eligibility requirements of Part I.A.5.f and Part I.C.2 have been met.

Note: If an individual permittee or a group of permittees seeks an alternative sub-measureable goal for TMDL controls under Part I.C.2.b.(i).(c).B, the permittee or a group of permittees must submit a preliminary proposal with the NOI. This proposal shall include, but is not limited to, the elements included in Appendix B under Section B.2.

l. Signature and certification by an appropriate official (see Part IV.H). The NOI must include the certification statement from Part IV.H.4.

3. **Where to Submit.** The MS4 operator must submit the signed NOI to EPA via e-mail at R6_MS4Permits@epa.gov (note: there is an underscore between R6 and MS4) and NMED to the address provided in Part III.D.4. See also Part III.D.4 to determine if a copy must be **p**rovided to a Tribal agency.

   The following MS4 operators: AMAFCA, Sandoval County, Village of Corrales, City of Rio Rancho, Town of Bernalillo, SSCAFCA, and ESCAFCA must submit the signed NOI to the Pueblo of Sandia to the address provided in Part III.D.4.

   Note: See suggested EPA R6 MS4 NOI Format located in EPA website at http://www.epa.gov/region6/water/npdes/sw/ms4/index.htm. A complete copy of the signed NOI should be maintained on site. Electronic submittal of the documents required in the permit using a compatible Integrated Compliance Information System (ICIS) format would be allowed if available.

4. **Permittees with Cooperative Elements in their SWMP.** Any MS4 that meets the requirements of Part I.A of this general permit may choose to partner with one or more other regulated MS4 to develop and implement a SWMP or SWMP element. The partnering MS4s must submit separate NOIs and have their own SWMP, which may incorporate jointly developed program elements. If responsibilities are being shared as provided in Part I.D.3 of this permit, the SWMP must describe which permittees are responsible for implementing which aspects of each of the minimum measures. All MS4 permittees are subject to the provisions in Part I.D.6.

   Each individual MS4 in a joint agreement implementing a permit condition will be independently assessed for compliance with the terms of the joint agreement. Compliance with that individual MS4s obligations under the joint agreement will be deemed compliance with that permit condition. Should one or more individual MS4s fail to comply with the joint agreement, causing the joint agreement program to fail to meet the requirements of the permit, the obligation of all parties to the joint agreement is to develop within 30 days and implement within 90 days an alternative program to satisfy the terms of the permit.

## C. SPECIAL CONDITIONS

1. **Compliance with Water Quality Standards**. Pursuant to Clean Water Act §402(p)(3)(B)(iii) and 40 CFR §122.44(d)(1), this permit includes provisions to ensure that discharges from the permittee's MS4 do not cause or contribute to exceedances of applicable surface water quality standards, in addition to requirements to control discharges to the maximum extent practicable (MEP) set forth in Part I.D. Permittees shall address stormwater management through development of the SWMP that shall include the following elements and specific requirements included in Part VI.

   a. Permittee's discharges shall not cause or contribute to an exceedance of surface water quality standards (including numeric and narrative water quality criteria) applicable to the receiving waters. In determining whether the SWMP is effective in meeting this requirement or if enhancements to the plan are needed, the permittee shall consider available monitoring data, visual assessment, and site inspection reports.

   b. Applicable surface water quality standards for discharges from the permittees' MS4 are those that are approved by EPA and any other subsequent modifications approved by EPA upon the effective date of this permit found at New Mexico Administrative Code §20.6.4. Discharges from various portions of the MS4 also flow downstream into waters with Pueblo of Isleta and Pueblo of Sandia Water Quality Standards;

   c. The permittee shall notify EPA and the Pueblo of Isleta in writing as soon as practical but not later than thirty (30) calendar days following each Pueblo of Isleta water quality standard exceedance at an in-stream sampling location. In the event that EPA determines that a discharge from the MS4 causes or contributes to an exceedance of applicable surface water quality standards and notifies the permittee of such an exceedance, the permittee shall, within sixty (60) days of notification, submit to EPA, NMED, Pueblo of Isleta (upon request) and Pueblo of Sandia (upon request), a report that describes controls that are currently being implemented and additional controls that will be implemented to prevent pollutants sufficient to ensure that the discharge will no longer cause or contribute to an exceedance of applicable surface water quality standards. The permittee shall implement such additional controls upon notification by EPA and shall incorporate such measures into their SWMP as described in Part I.D of this permit. NMED or the affected Tribe may provide information

documenting exceedances of applicable water quality standards caused or contributed to by the discharges authorized by this permit to EPA Region 6 and request EPA take action under this paragraph.

d. Phase I Dissolved Oxygen Program (Applicable only to the COA and AMAFCA as a continuation of program in 2012 NMS000101 individual permit): Within one year from effective date of the permit , the permittees shall revise the May 1, 2012 Strategy to continue taking measures to address concerns regarding discharges to the Rio Grande by implementing controls to eliminate conditions that cause or contribute to exceedances of applicable dissolved oxygen water quality standards in waters of the United States. The permittees shall:

(i) Continue identifying structural elements, natural or man-made topographical and geographical formations, MS4 operations activities, or oxygen demanding pollutants contributing to reduced dissolved oxygen in the receiving waters of the Rio Grande. Both dry and wet weather discharges shall be addressed. Assessment may be made using available data or collecting additional data;

(ii) Continue implementing controls, and updating/revising as necessary, to eliminate structural elements or the discharge of pollutants at levels that cause or contribute to exceedances of applicable water quality standards for dissolved oxygen in waters of the United States;

(iii) To verify the remedial action in the North Diversion Channel Embayment, the COA and AMAFCA shall continue sampling for DO and temperature until the data indicate the discharge does not exceed applicable dissolved oxygen water quality standards in waters of the United States; and

(iv) Submit a revised strategy to FWS for consultation and EPA for approval from a year of effective date of the permit and progress reports with the subsequent Annual Reports. Progress reports to include:

(a) Summary of data.

(b) Activities undertaken to identify MS4 discharge contribution to exceedances of applicable dissolved oxygen water quality standards in waters of the United States. Including summary of findings of the assessment required in Part I.C.1.d.(i).

(c) Conclusions drawn, including support for any determinations.

(d) Activities undertaken to eliminate MS4 discharge contribution to exceedances of applicable dissolved oxygen water quality standards in waters of the United States.

(e) Account of stakeholder involvement.

e. PCBs (Applicable only to the COA and AMAFCA as a continuation of program in 2012 NMS000101 individual permit and Bernalillo County): The permittee shall address concerns regarding PCBs in channel drainage areas specified in Part I.C.1.e.(vi) by developing or continue updating/revising and implementing a strategy to identify and eliminate controllable sources of PCBs that cause or contribute to exceedances of applicable water quality standards in waters of the United States. Bernalillo County shall submit the proposed PCB strategy to EPA within two (2) years from the effective date of the permit and submit a progress report with the third and with subsequent Annual Reports. COA and AMAFCA shall submit a progress report with the first and with the subsequent Annual Reports. The progress reports shall include:

(i) Summary of data.

(ii) Findings regarding controllable sources of PCBs in the channel drainages area specified in Part I.C.1.e.(vi) that cause or contribute to exceedances of applicable water quality standards in waters of the United States via the discharge of municipal stormwater.

(iii) Conclusions drawn, including supporting information for any determinations.

(iv) Activities undertaken to eliminate controllable sources of PCBs in the drainage areas specified in Part I.C.1.e.(vi) that cause or contribute to exceedances of applicable water quality standards in waters of the United States via the discharge of municipal stormwater including proposed activities that extend beyond the five (5) year permit term.

(v) Account of stakeholder involvement in the process.

(vi) Channel Drainage Areas: The PCB strategy required in Part I.C.1.e is only applicable to:

<u>COA and AMAFCA Channel Drainage Areas</u>:
- San Jose Drain
- North Diversion Channel

<u>Bernalillo County Channel Drainage Areas:</u>
- Adobe Acres Drain
- Alameda Outfall Channel
- Paseo del Norte Outfall Channel
- Sanchez Farm Drainage Area

A cooperative strategy to address PCBs in the COA, AMAFCA and Bernalillo County's drainage areas may be developed between Bernalillo County, AMAFCA, and the COA. If a cooperative strategy is developed, the cooperative strategy shall be submitted to EPA within three (3) years from the effective date of the permit and submit a progress report with the fourth and with subsequent Annual Reports,

Note: COA and AMAFCA must continue implementing the existing PCB strategy until a new Cooperative PCB Strategy is submitted to EPA.

f. Temperature (Applicable only to the COA and AMAFCA as a continuation of program in 2012 NMS000101 individual permit): The permittees must continue assessing the potential effect of stormwater discharges in the Rio Grande by collecting and evaluating additional data. If the data indicates there is a potential of stormwater discharges contributing to exceedances of applicable temperature water quality standards in waters of the United States, within thirty (30) days such as findings, the permittees must develop and implement a strategy to eliminate conditions that cause or contribute to these exceedances. The strategy must include:

(i) Identify structural controls, post construction design standards, or pollutants contributing to raised temperatures in the receiving waters of the Rio Grande. Both dry and wet weather discharges shall be addressed. Assessment may be made using available data or collecting additional data;

(ii) Develop and implement controls to eliminate structural controls, post construction design standards, or the discharge of pollutants at levels that cause or contribute to exceedances of applicable water quality standards for temperature in waters of the United States; and

(iii) Provide a progress report with the first and with subsequent Annual Reports. The progress reports shall include:

(a) Summary of data.

(b) Activities undertaken to identify MS4 discharge contribution to exceedances of applicable temperature water quality standards in waters of the United States.

(c) Conclusions drawn, including supporting information for any determinations.

(d) Activities undertaken to reduce MS4 discharge contribution to exceedances of applicable temperature water quality standards in waters of the United States.

(e) Accounting of stakeholder involvement.

2. **Discharges to Impaired Waters with and without approved TMDLs**. Impaired waters are those that have been identified pursuant to Section 303(d) of the Clean Water Act as not meeting applicable surface water quality standards. This may include both waters with EPA-approved Total Maximum Daily Loads (TMDLs) and those for which a TMDL has not yet been approved. For the purposes of this permit, the conditions for discharges to impaired waters also extend to controlling pollutants in MS4 discharges to tributaries to the listed impaired waters in the Middle Rio Grande watershed boundary identified in Appendix A.

   a. Discharges of pollutant(s) of concern to impaired water bodies for which there is an EPA approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is considered impaired for the purposes of this permit if it has been identified, pursuant to the latest EPA approved CWA §303(d) list, as not meeting New Mexico Surface Water Quality Standards.

   b. The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs as provided in sections (i) and (ii) below, and shall assess the success in controlling those pollutants.

      (i) Discharges to Water Quality Impaired Water Bodies with an Approved TMDL
      If the permittee discharges to an impaired water body with an approved TMDL (see Appendix B), where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the pollutant(s) of concern along with any additional or modified controls required in the TMDL and this section. The SWMP and required annual reports must include information on implementing any focused controls required to reduce the pollutant(s) of concern as described below:

         (a) Targeted Controls: The SWMP submitted with the first annual report must include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional Best Management Practices (BMPs) that will be implemented to reduce the pollutant(s) of concern in the impaired waters.

         (b) Measurable Goals: For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented during each year of the permit term. Where the impairment is for bacteria, the permittee must, at minimum comply with the activites and schedules described in Table 1.a of Part I.C.2.(iii).

         (c) Identification of Measurable Goal: The SWMP must identify a measurable goal for the pollutant(s) of concern. The value of the measurable goal must be based on one of the following options:

            A. If the permittee is subject to a TMDL that identifies an aggregate Waste Load Allocation (WLA) for all or a class of permitted MS4 stormwater sources, then the SWMP may identify such WLA as the measurable goal. Where an aggregate WLA measurable goal is used, all affected MS4 operators are jointly responsible for progress in meeting the measurable goal and shall (jointly or individually) develop a monitoring/assessment plan. This program element may be coordinated with the monitoring required in Part III.A.

            B. Alternatively, if multiple permittees are discharging into the same impaired water body with an approved TMDL (which has an aggregate WLA for all permitted stormwater MS4s), the MS4s may combine or share efforts, in consultation with/and the approval of NMED, to determine an alternative sub-measurable goal derived from the WLA for the pollutant(s) of concern (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-measurable goals would cumulatively support the aggregate WLA. Where an aggregate WLA measurable goal has been broken into sub-measurable goals for individual MS4s, each permittee is only responsible for progress in meeting its WLA sub-measurable goal.

C. If the permittee is subject to an individual WLA specifically assigned to that permittee, the measurable goal must be the assigned WLA. Where WLAs have been individually assigned, or where the permittee is the only regulated MS4 within the urbanized area that is discharging into the impaired watershed with an approved TMDL, the permittee is only responsible for progress in meeting its WLA measurable goal.

(d) Annual Report: The annual report must include an analysis of how the selected BMPs have been effective in contributing to achieving the measurable goal and shallll include graphic representation of pollutant trends, along with computations of annual percent reductions achieved from the baseline loads and comparisons with the target loads.

(e) Impairment for Bacteria: If the pollutant of concern is bacteria, the permittee shall include focused BMPs addressing the five areas below, as applicable, in the SWMP and implement as appropriate. If a TMDL Implementation Plan (a plan created by the State or a Tribe) is available, the permittee may refer to the TMDL Implementation Plan for appropriate BMPs. The SWMP and annual report must include justification for not implementing a particular BMP included in the TMDL Implementation Plan. The permittee may not exclude BMPs associated with the minimum control measures required under 40 CFR §122.34 from their list of proposed BMPs. The BMPs shall, as appropriate, address the following:

A. Sanitary Sewer Systems
- Make improvements to sanitary sewers;
- Address lift station inadequacies;
- Identify and implement operation and maintenance procedures;
- Improve reporting of violations; and
- Strengthen controls designed to prevent over flows

B. On-site Sewage Facilities (for entities with appropriate jurisdiction)
- Identify and address failing systems; and
- Address inadequate maintenance of On-Site Sewage Facilities (OSSFs).

C. Illicit Discharges and Dumping
- Place additional effort to reduce waste sources of bacteria; for example, from septic systems, grease traps, and grit traps.

D. Animal Sources
- Expand existing management programs to identify and target animal sources such as zoos, pet waste, and horse stables.

E. Residential Education: Increase focus to educate residents on:
- Bacteria discharging from a residential site either during runoff events or directly;
- Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
- Decorative ponds; and
- Pet waste.

(f) Monitoring or Assessment of Progress: The permittee shall monitor or assess progress in achieving measurable goals and determining the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used. This program element may be coordinated with the monitoring required in Part III.A. The permittee may use the following methods either individually or in conjunction to evaluate progress towards the measurable goal and improvements in water quality as follows:

A. Evaluating Program Implementation Measures: The permittee may evaluate and report progress towards the measurable goal by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals. The permittee may assess progress by using program implementation indicators

such as: (1) number of sources identified or eliminated; (2) decrease in number of illegal dumping; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in SSOs; or, 6) increase in illegal discharge detection through dry screening, etc.; and

B. Assessing Improvements in Water Quality: The permittee may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from NMED, local river authorities, partnerships, and/or other local efforts as appropriate. Progress towards achieving the measurable goal shall be reported in the annual report. Annual reports shall report the measurable goal and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

(g) Observing no Progress towards the Measurable Goal: If, by the end of the third year from the effective date of the permit, the permittee observes no progress toward the measurable goal either from program implementation or water quality assessments, the permittee shall identify alternative focused BMPs that address new or increased efforts towards the measurable goal. As appropriate, the MS4 may develop a new approach to identify the most significant sources of the pollutant(s) of concern and shall develop alternative focused BMPs (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports.

Where the permittee originally used a measurable goal based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same impaired stream segment to determine an alternative sub-measurable goal for the pollutant(s) of concern for their respective MS4s, as described in Part I.C.2.b.(i).(c).B above. Permittees must document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption of alternative sub-measurable goals for the pollutant(s) of concern for their respective MS4s and associated assessment of progress in meeting those individual goals.

(ii) <u>Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL</u>:
The permittee shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by NMED and EPA. If the permittee discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities:

(a) Discharging a Pollutant of Concern: The permittee shall:

A. Determine whether the MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern. The evaluation of CWA §303(d) list parameters should be carried out based on an analysis of existing data (e.g., Illicit Discharge and Improper Disposal Program) conducted within the permittee's jurisdiction.

B. Ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body. (note: Only applicable if the permittee determines that the MS4 may discharge the pollutant(s) of concern to an impaired water body without a TMDL. The SWMP submitted with the first annual report must include a detailed description of proposed controls to be implemented along with corresponding measurable goals.

C. Amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

(b) Impairment for Bacteria: Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement targeted BMPs to control bacteria from those sources (see Part I.C.2.b.(i).(e).A through E.. The permittee must, at minimum comply with the activities and

schedules described in Table 1.a of Part I.C.2.(iii). The annual report must include information on compliance with this section, including results of any sampling conducted by the permittee.

Note: Probable pollutant sources identified by permittees should be submitted to NMED on the following form: ftp://ftp.nmenv.state.nm.us/www/swqb/Surveys/PublicProbableSourceIDSurvey.pdf

(c) Impairment for Nutrients: Where the impairment is for nutrients (e.g., nitrogen or phosphorus), the permittee shall identify potential significant sources and develop and implement targeted BMPs to control nutrients from potential sources. The permittee must, at minimum comply with the activities and schedules described in Table 1.b of Part I.C,2, (iii). The annual report must include information on compliance with this section, including results of any sampling conducted by the permittee.

(d) Impairment for Dissolved Oxygen: See Endangered Species Act (ESA) Requirements in Part I.C.3. These program elements may be coordinated with the monitoring required in Part III.A.

(iii) Program Development and Implementation Schedules: Where the impairment is for nutrient constituent (e.g., nitrogen or phosphorus) or bacteria, the permittee must at minimum comply with the activities and schedules in Table 1.a and Table 1.b.

Table 1.a. Pre-TMDL Bacteria Program Development and Implementation Schedules

| **Activity** | **Class Permittee** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census **)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| Identify potential significant sources of the pollutant of concern entering your MS4 | Six (6) months from effective date of permit | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Sixteen (16) months from effective date of permit |
| Develop (or modify an existing program ***) and implement a public education program to reduce the discharge of bacteria in municipal storm water contributed by (if applicable) by pets, recreational and exhibition livestock, and zoos. | Eight (8) months from effective date of permit | Eight (8) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Sixteen (16) months from effective date of permit |
| Develop (or modify an existing program ***) and implement a program to reduce the discharge of bacteria in municipal storm water contributed by areas within your MS4 served by on-site wastewater treatment systems. | One (1) year from effective date of permit | One (1) year from effective date of permit | Sixteen (16) months from effective date of permit | Sixteen (16) months from effective date of permit | Eighteen (18) months from effective date of permit |
| Review results to date from the Illicit Discharge Detection and Elimination program (see Part I.D.5.e) and modify as necessary to prioritize the detection and elimination of discharges contributing bacteria to the MS4 | One year (1) from effective date of permit | One year (1) from effective date of permit | Sixteen (16) months from effective date of permit | Sixteen (16) months from effective date of permit | Eighteen (18) months from effective date of permit |

| | | | | | |
|---|---|---|---|---|---|
| Develop (or modify an existing program ***) and implement a program to reduce the discharge of bacteria in municipal storm water contributed by other significant source identified in the Illicit Discharge Detection and Elimination program (see Part I.D.5.e) | Fourteen (14) month from effective date of permit | Fourteen (14) months from effective date of permit | Sixteen (16) months from effective date of permit | Sixteen (16) months from effective date of permit | Eighteen (18) months from effective date of permit |
| Include in the Annual Reports progress on program implementation and reducing the bacteria and updates their measurable goals as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs
(**) or MS4s designated by the Director
(***) Permittees previously covered under permit NMS000101 or NMR040000
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

Table 1.b. Pre-TMDL Nutrient Program Development and Implementation Schedules

| **Activity** | **Class Permittee** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census **)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| Identify potential significant sources of the pollutant of concern entering your MS4 | Six (6) months from effective date of permit | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Sixteen (16) months from effective date of permit |
| Develop (or modify an existing program ***) and implement a public education program to reduce the discharge of pollutant of concern in municipal storm water contributed by residential and commercial use of fertilizer | Six (6) months from effective date of permit | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Sixteen (16) months from effective date of permit |
| Develop (or modify an existing program ***) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by fertilizer use at municipal operations (e.g., parks, roadways, municipal facilities) | One (1) year from effective date of permit | One (1) year from effective date of permit | Sixteen (16) months from effective date of permit | Sixteen (16) months from effective date of permit | Eighteen (18) months from effective date of permit |

| | | | | | |
|---|---|---|---|---|---|
| Develop (or modify an existing program ***) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by municipal and private golf courses within your jurisdiction | One year (1) from effective date of permit | One year (1) from effective date of permit | Sixteen (16) months from effective date of permit | Sixteen (16) months from effective date of permit | Eighteen (18) months from effective date of permit |
| Develop (or modify an existing program ***) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by other significant source identified in the Illicit Discharge Detection and Elimination program (see Part I.D.5.e) | One year (1) from effective date of permit | One year (1) from effective date of permit | Sixteen (16) months from effective date of permit | Sixteen (16) months from effective date of permit | Eighteen (18) months from effective date of permit |
| Include in the Annual Reports progress on program implementation and reducing the nutrient pollutant of concern and updates their measurable goals | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs
(**) or MS4s designated by the Director
(***) Permittees previously covered under permit NMS000101 or NMR040000
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

These program elements may be coordinated with the monitoring required in Part III.A**.**

3. **Endangered Species Act (ESA) Requirements**. Consistent with U.S. FWS Biological Opinion dated August 21, 2014 to ensure actions required by this permit are not likely to jeopardize the continued existence of any currently listed as endangered or threatened species or adversely affect its critical habitat, permittees shall meet the following requirements and include them in the SWMP:

   a. Dissolved Oxygen Strategy in the Receiving Waters of the Rio Grande:

      (i) The permittees must identify (or continue identifying if previously covered under permit NMS000101) structural controls, natural or man-made topographical and geographical formations, MS4 operations, or oxygen demanding pollutants contributing to reduced dissolved oxygen in the receiving waters of the Rio Grande. The permittees shall implement controls, and update/revise as necessary, to eliminate discharge of pollutants at levels that cause or contribute to exceedances of applicable water quality standards for dissolved oxygen in waters of the Rio Grande. The permittees shall submit a summary of findings and a summary of activities undertaken under Part I.C.3.a.(i) with each Annual Report. The SWMP submitted with the first and fourth annual reports must include a detailed description of controls implemented (or/and proposed control to be implemented) along with corresponding measurable goals. (Applicable to all permittees).

      (ii) As required in Part I.C.1.d, the COA and AMAFCA shall revise the May 1, 2012 Strategy for dissolved oxygen to address dissolved oxygen at the North Diversion Channel Embayment and/or other MS4 locations. The permittees shall submit the revised strategy to FWS and EPA for approval within a year of permit issuance and progress reports with the subsequent Annual Reports (see also Part I.C.1.d.(iv)). The permittees shall **e**nsure that actions to reduce pollutants or remedial activities selected for the North Diversion Channel Embayment and its watershed are implemented such that there is a reduction in

frequency and magnitude of all low oxygen storm water discharge events that occur in the Embayment or downstream in the MRG as indicated in Table 1.c. Actions to meet the year 3 measurable goals must be taken within 2 years from the effective date of the permit. Actions to meet the year 5 measurable goals must be taken within 4 years from the effective date of the permit.

Table 1.c Measurable Goals of Anoxic and Hypoxia Levels Measured by Permit Year

| *Permit Year* | *Anoxic Events*, max* | *Hypoxic Events**, max* |
|---|---|---|
| *Year 1* | *18* | *36* |
| *Year 2* | *18* | *36* |
| *Year 3* | *9* | *18* |
| *Year 4* | *9* | *18* |
| *Year 5* | *4* | *9* |

Notes:

- * Anoxic Events: See Appendix G, for oxygen saturation and dissolved oxygen concentrations at various water temperatures and atmospheric pressures for the North Diversion Channel area that are considered anoxic and associated with the Rio Grande Silvery minnow lethality.
- ** Hypoxic Events: See Appendix for G, for oxygen saturation and dissolved oxygen concentrations at various water temperatures and atmospheric pressures for the North Diversion Channel area that are considered hypoxic and associated with the Rio Grande silvery minnow harassment.

(a) The revised strategy shall include:

A. A Monitoring Plan describing all procedures necessary to continue conducting continuous monitoring of dissolved oxygen (DO) and temperature in the North Diversion Channel Embayment and at one (1) location in the Rio Grande downstream of the mouth of the North Diversion Channel within the action area (e.g., Central Bridge). The monitoring plan to be developed will describe the methodology used to assure its quality, and will identify the means necessary to address any gaps that occur during monitoring, in a timely manner (that is, within 24 to 48 hours).

B. A Quality Assurance and Quality Control (QA/QC) Plan describing all standard operating procedures, quality assurance and quality control plans, maintenance, and implementation schedules that will assure timely and accurate collection and reporting of water temperature, dissolved oxygen, oxygen saturation, and flow. The QA/QC plan should include all procedures for estimating oxygen data when any oxygen monitoring equipment fail. Until a monitoring plan with quality assurance and quality control is submitted by EPA, any data, including any provisional or incomplete data from the most recent measurement period (e.g. if inoperative monitoring equipment for one day, use data from previous day) shall be used as substitutes for all values in the calculations for determinations of incidental takes. Given the nature of the data collected as surrogate for incidental take, all data, even provisional data (e.g., oxygen/water temperature data, associated metadata such as flows, date, times), shall be provided to the Service in a spreadsheet or database format within two weeks after formal request.

(b) Reporting: The COA and AMAFCA shall provide

A. An Annual Incidental Take Report to EPA and the Service that includes the following information: beginning and end date of any qualifying stormwater events, dissolved oxygen values and water temperature in the North Diversion Channel Embayment, dissolved oxygen values and water temperature at a downstream monitoring station in the MRG, flow rate in the North Diversion Channel, mean daily flow rate in the MRG, evaluation of oxygen and temperature data

as either anoxic or hypoxic using Table 2 of the BO, and estimate the number of silvery minnows taken based on Appendix A of the BO**.** Electronic copy of The Annual Incidental Take Report should be provided with the Annual Report required under Part III.B no later than December 1 for the proceeding calendar year.

B. A summary of data and findings with each Annual Report to EPA and the Service. All data collected (including provisional oxygen and water temperature data, and associated metadata), transferred, stored, summarized, and evaluated shall be included in the Annual Report. If additional data is requested by EPA or the Service, The COA and AMAFCA shall provide such as information within two weeks upon request,

The revised strategy required under Part I.C.3.a.(ii),the Annual Incidental Take Reports required under Part I.C.3.a.(ii).(b).A, and Annual Reports required under Part III.B can be submitted to FWS via e-mail nmesfo@fws.gov and joel_lusk@fws.gov, or by mail to the New Mexico Ecological Services field office, 2105 Osuna Road NE, Albuquerque, New Mexico 87113. (Only Applicable to the COA and AMAFCA

b. Sediment Pollutant Load Reduction Strategy (Applicable to all pemittees): The permittee must develop, implement, and evaluate a sediment pollutant load reduction strategy to assess and reduce pollutant loads associated with sediment (e.g., metals, etc. adsorbed to or traveling with sediment, as opposed to clean sediment) into the receiving waters of the Rio Grande. The strategy must include the following elements:

(i) Sediment Assessment: The permittee must identify and investigate areas within its jurisdiction that may be contributing excessive levels (e.g., levels that may contribute to exceedance of applicable Water Quality Standards) of pollutants in sediments to the receiving waters of the Rio Grande as a result of stormwater discharges. The permittee must identify structural elements, natural or man-made topographical and geographical formations, MS4 operations activities, and areas indicated as potential sources of sediments pollutants in the receiving waters of the Rio Grande. At the time of assessment, the permittee shall record any observed erosion of soil or sediment along ephemeral channels, arroyos, or stream banks, noting the scouring or sedimentation in streams. The assessment should be made using available data from federal, state, or local studies supplemented as necessary with collection of additional data. The permittee must describe, in the first annual report, all standard operating procedures, quality assurance plans to assure that accurate data are collected, summarized, evaluated and reported.

(ii) Estimate Baseline Loading: Based on the results of the sediment pollutants assessment required in Part I.C.3.b.(i) above the permittee must provide estimates of baseline total sediment loading and relative potential for contamination of those sediments by urban activities for drainage areas, sub-watersheds, Impervious Areas (IAs), and/or Directly Connected Impervious Area (DCIAs) draining directly to a surface waterbody or other feature used to convey waters of the United States. Sediment loads may be provided for targeted areas in the entire Middle Rio Grande Watershed (see Appendix A) using an individual or cooperative approach. Any data available and/or preliminary numeric modeling results may be used in estimating loads.

(iii) Targeted Controls: Include a detailed description of all proposed targeted controls and BMPs that will be implemented to reduce sediment pollutant loads calculated in PartI.C.3.b.(ii) above during the next ten (10) years of permit issuance. For each targeted control, the permittee must include interim measurable goals (e.g., interim sediment pollutant load reductions) and an implementation and maintenance schedule, including interim milestones, for each control measure, and as appropriate, the months and years in which the MS4 will undertake the required actions. Any data available and/or preliminary numeric modeling results may be used in establishing the targeted controls, BMPs, and interim measurable goals. The permittee must prioritize pollutant load reduction efforts and target areas (e..g. drainage areas, sub-watersheds, IAs, DCIAs) that generate the highest annual average pollutant loads.

(iv) Monitoring and Interim Reporting: The permittee shall monitor or assess progress in achieving interim measurable goals and determining the effectiveness of BMPs, and shall include documentation of this

monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used. This program element may be coordinated with the monitoring required in Part III.A.

(v) Progress Evaluation and Reporting: The permittee must assess the overall success of the Sediment Pollutant Load Reduction Strategy and document both direct and indirect measurements of program effectiveness in a Progress Report to be submitted with the fifth Annual Report. Data must be analyzed, interpreted, and reported so that results can be applied to such purposes as documenting effectiveness of the BMPs and compliance with the ESA requirements specified in Part I.C.3.b. The Progress Report must include:

(a) A list of species likely to be within the action area:

(b) Type and number of structural BMPs installed;

(c) Evaluation of pollutant source reduction efforts;

(d) Any recommendation based on program evaluation;

(e) Description of how the interim sediment load reduction goals established in Part I.C.3.b.(iii) were achieved; and

(f) Future planning activities needed to achieve increase of sediment load reduction required in Part I.C.3.d.(iii).

(vi) Critical Habitat (Applicable to all permittees): Verify that the installation of stormwater BMPs will not occur in or adversely affect currently listed endangered or threatened species critical habitat by reviewing the activities and locations of stormwater BMP installation within the location of critical habitat of currently listed endangered or threatened species at the U.S. Fish and Wildlife service website http://criticalhabitat.fws.gov/crithab/.

## D. STORMWATER MANAGEMENT PROGRAM (SWMP)

1. **General Requirements**. The permittee must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from a MS4 to the maximum extent practicable (MEP), to protect water quality (including that of downstream state or tribal waters), and to satisfy applicable surface water quality standards. The permittees shall continue implementation of existing SWMPs, and where necessary modify or revise existing elements and/or develop new elements to comply with all discharges from the MS4 authorized in Part I.A. The updated SWMP shall satisfy all requirements of this permit, and be implemented in accordance with Section 402(p)(3)(B) of the Clean Water Act (Act), and the Stormwater Regulations (40 CFR §122.26 and §122.34). This permit does not extend any compliance deadlines set forth in the previous permits (NMS000101 with effective date March 1, 2012 and permits No: NM NMR040000 and NMR04000I with effective date July 1, 2007).

   If a permittee is already in compliance with one or more requirements in this section because it is already subject to and complying with a related local, state, or federal requirement that is at least as stringent as this permit's requirement, the permittee may reference the relevant requirement as part of the SWMP and document why this permit's requirement has been satisfied. Where this permit has additional conditions that apply, above and beyond what is required by the related local, state, or federal requirement, the permittee is still responsible for complying with the~~se~~ additional conditions in this permit.

2. **Legal Authority**. Each permittee shall implement the legal authority granted by the State or Tribal Government to control discharges to and from those portions of the MS4 over which it has jurisdiction. The difference in each co-permittee's jurisdiction and legal authorities, especially with respect to third parties, may be taken into account in developing the scope of program elements and necessary agreements (i.e. Joint Powers Agreement, Memorandum of Agreement, Memorandum of Understanding, etc.). Permittees may use a combination of statute, ordinance, permit, contract, order, interagency or inter-jurisdictional agreement(s) with other permittees to:

a. Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity (applicable only to MS4s located within the corporate boundary of the COA);

b. Control the discharge of stormwater and pollutants associated with land disturbance and development activities, both during the construction phase and after site stabilization has been achieved (post-construction), consistent with Part I.D.5.a and Part I.D.5.b;

c. Prohibit illicit discharges and sanitary sewer overflows to the MS4 and require removal of such discharges consistent with Part I.D.5.e;

d. Control the discharge of spills and prohibit the dumping or disposal of materials other than stormwater (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;

e. Control, through interagency or inter-jurisdictional agreements among permittees, the contribution of pollutants from one (1) portion of the MS4 to another;

f. Require compliance with conditions in ordinances, permits, contracts and/or orders; and

g. Carry out all inspection, surveillance and monitoring procedures necessary to maintain compliance with permit conditions.

3. **Shared Responsibility and Cooperative Programs**.

a. The SWMP, in addition to any interagency or inter-jurisdictional agreement(s) among permittees, (e.g., the Joint Powers Agreement to be entered into by the permittees), shall clearly identify the roles and responsibilities of each permittee.

b. Implementation of the SWMP may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part I.D in lieu of creating duplicate program elements for each individual permittee.

(i) Implementation of one or more of the control measures may be shared with another entity, or the entity may fully take over the measure. A permittee may rely on another entity only if:

(a) the other entity, in fact, implements the control measure;

(b) the control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; or,

(c) the other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is expected. The permittee must maintain this obligation as part of the SWMP description. If the other entity agrees to report on the minimum measure, the permittee must supply the other entity with the reporting requirements in Part III.D of this permit. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure component.

c. Each permittee shall provide adequate finance, staff, equipment, and support capabilities to fully implement its SWMP and all requirements of this permit.

4. **Measurable Goals**. The permittees shall control the discharge of pollutants from its MS4. The permittee shall implement the provisions set forth in Part I.D.5 below, and shall at a minimum incorporate into the SWMP the control measures listed in Part I.D.5 below. The SWMP shall include measurable goals, including interim milestones, for each control measure, and as appropriate, the months and years in which the MS4 will undertake the required actions and the frequency of the action.

5. **Control Measures**.

a. Construction Site Stormwater Runoff Control.

(i) The permittee shall develop, revise, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. **Permittees previously covered under permit NMS000101 or NMR040000 must continue existing programs, updating as necessary, to comply with the requirements of this permit**. (Note: Highway Departments and Flood Control Authorities may only apply the construction site stormwater management program to the permittees's own construction projects)

(ii) The program must include the development, implementation, and enforcement of, at a minimum:

(a) 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;

(b) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices (both structural and non-structural);

(c) Requirements for construction site operators to control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality (see EPA guidance at http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=117);

(d) Procedures for site plan review which incorporate consideration of potential water quality impacts. The site plan review must be conducted prior to commencement of construction activities, and include a review of the site design, the planned operations at the construction site, the planned control measures during the construction phase (including the technical criteria for selection of the control measures), and the planned controls to be used to manage runoff created after the development;

(e) Procedures for receipt and consideration of information submitted by the public;

(f) Procedures for site inspection (during construction) and enforcement of control measures, including provisions to ensure proper construction, operation, maintenance, and repair. The procedures must clearly define who is responsible for site inspections; who has the authority to implement enforcement procedures; and the steps utilized to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and the quality of the receiving water. If a construction site operator fails to comply with procedures or policies established by the permittee, the permittee may request EPA enforcement assistance. The site inspection and enforcement procedures must describe sanctions and enforcement mechanism(s) for violations of permit requirements and penalties with detail regarding corrective action follow-up procedures, including enforcement escalation procedures for recalcitrant or repeat offenders. Possible sanctions include non-monetary penalties (such as stop work orders and/or permit denials for non-compliance), as well as monetary penalties such as fines and bonding requirements;

(g) Procedures to educate and train permittee personnel involved in the planning, review, permitting, and/or approval of construction site plans, inspections and enforcement. Education and training shall also be provided for developers, construction site operators, contractors and supporting personnel, including requiring a stormwater pollution prevention plan for construction sites within the permitee's jurisdiction;

(h) Procedures for keeping records of and tracking all regulated construction activities within the MS4, i.e. site reviews, inspections, inspection reports, warning letters and other enforcement documents. A

summary of the number and frequency of site reviews, inspections (including inspector's checklist for oversight of sediment and erosion controls and proper disposal of construction wastes) and enforcement activities that are conducted annually and cumulatively during the permit term shall be included in each annual report; and

(iii) Annually conduct site inspections of 100 percent of all construction projects cumulatively disturbing one (1) or more acres within the MS4 jurisdiction. Site inspections are to be followed by any necessary compliance or enforcement action. Follow-up inspections are to be conducted to ensure corrective maintenance has occurred; and, all projects must be inspected at completion for confirmation of final stabilization.

(iv) The permittee must coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area to ensure that the construction stormwater runoff controls eliminate erosion and maintain sediment on site. Planning documents include, but are not limited to: comprehensive or master plans, subdivision ordinances, general land use plan, zoning code, transportation master plan, specific area plans, such as sector plan, site area plans, corridor plans, or unified development ordinances.

(v) The site plan review required in Part I.D.5.a.(ii)(d) must include an evaluation of opportunities for use of GI/LID/Sustainable practices and when the opportunity exists, encourage project proponents to incorporate such practices into the site design to mimic the pre-development hydrology of the previously undeveloped site. For purposes of this permit, pre-development hydrology shall be met according to Part I.D.5.b of this permit. (consistent with any limitations on that capture). Include a reporting requirement of the number of plans that had opportunities to implement these practices and how many incorporated these practices.

(vi) The permittee must include in the SWMP a description of the mechanism(s) that will be utilized to comply with each of the elements required in Part I.D.5.a.(i) throughout Part I.D.5.a.(v), including description of each individual BMP (both structural or non-structural) or source control measures and its corresponding measurable goal.

(vii) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report. The permittee must include in each annual report:

(a) A summary of the frequency of site reviews, inspections and enforcement activities that are conducted annually and cumulatively during the permit term.

(b) The number of plans that had the opportunity to implement GI/LID/Sustainable practices and how many incorporated the practices.

*Program Flexibility Elements*

(viii) The permittee may use storm water educational materials locally developed or provided by the EPA (refer to http://water.epa.gov/polwaste/npdes/swbmp/index.cfm, http://www.epa.gov/smartgrowth/parking.htm, http://www.epa.gov/smartgrowth/stormwater.htm), the NMED, environmental, public interest or trade organizations, and/or other MS4s.

(ix) The permittee may develop or update existing construction handbooks (e.g., the COA NPDES Stormwater Management Guidelines for Construction and Industrial Activities Handbook) to be consistent with promulgated construction and development effluent limitation guidelines.

(x) The construction site inspections required in Part I.D.5.a.(iii) may be carried out in conjunction with the permittee's building code inspections using a screening prioritization process.

Table 2. Construction Site Stormwater Runoff Control - Program Development and Implementation Schedules

| **Activity** | **Permittee Class** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census **)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| Development of an ordinance or other regulatory mechanism as required in Part I.D.5.a.(ii)(a) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Eighteen (18) months from effective date of the permit |
| Develop requirements and procedures as required in Part I.D.5.a.(ii)(b) through in Part I.D.5.a.(ii)(h) | Six (6) months from effective date of permit | Nine (9) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Eighteen (18) months from effective date of permit |
| Annually conduct site inspections of 100 percent of all construction projects cumulatively disturbing one (1) or more acres as required in Part I.D.5.a.(iii) | Six (6) months from effective date of permit | Start nine (9) months from effective date of permit and annually thereafter | Start one (1) year from effective date of permit and annually thereafter | Start eighteen (18) months from effective date of permit and thereafter | Start two (2) years from effective date of permit and thereafter |
| Coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.a.(iv) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Nine (9) months from effective date of permit | Nine (9) months from effective date of permit | One (1) year from effective date of permit |
| Evaluation of GI/LID/Sustainable practices in site plan reviews as required in Part I.D.5.a.(v) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Nine (9) months from effective date of permit | Nine (9) months from effective date of permit | One (1) year from effective date of permit |
| Update the SWMP document and annual report as required in Part I.D.5.a.(vi) and in Part I.D.5.a.(vii) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |
| Enhance the program to include program elements in Part I.D.5.a.(viii) through Part I.D.5.a.(x) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs.
(**) or MS4s designated by the Director
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

b. Post-Construction Stormwater Management in New Development and Redevelopment

(i) The permittee must develop, revise, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. **Permittees previously covered under NMS000101 or NMR040000 must continue existing programs, updating as necessary, to comply with the requirements of this permit**. (Note: Highway Departments and Flood Control Authorities may only apply the post-construction stormwater management program to the permittee's own construction projects)

(ii) The program must include the development, implementation, and enforcement of, at a minimum:

(a) Strategies which include a combination of structural and/or non-structural best management practices (BMPs) to control pollutants in stormwater runoff.

(b) 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. The ordinance or policy must:

Incorporate a stormwater quality design standard that manages on-site the 90$^{th}$ percentile storm event discharge volume associated with new development sites and 80$^{th}$ percentile storm event discharge volume associated with redevelopment sites, through stormwater controls that infiltrate, evapotranspire the discharge volume, except in instances where full compliance cannot be achieved, as provided in Part I.D.5.b.(v). The stormwater from rooftop discharge may be harvested and used on-site for non-commercial use. Any controls utilizing impoundments that are also used for flood control that are located in areas where the New Mexico Office of the State Engineer requirements at NMAC 19.26.2.15 (see also Section 72-5-32 NMSA) apply must drain within 96 hours unless the state engineer has issued a waiver to the owner of the impoundment.

Options to implement the site design standard include, but not limited to: management of the discharge volume achieved by canopy interception, soil amendments, rainfall harvesting, rain tanks and cisterns, engineered infiltration, extended filtration, dry swales, bioretention, roof top disconnections, permeable pavement, porous concrete, permeable pavers, reforestation, grass channels, green roofs and other appropriate techniques, and any combination of these practices, including implementation of other stormwater controls used to reduce pollutants in stormwater (e.g., a water quality facility).

Estimation of the 90$^{th}$ or 80$^{th}$ percentile storm event discharge volume is included in EPA Technical Report entitled "*Estimating Predevelopment Hydrology in the Middle Rio Grande Watershed, New Mexico, EPA Publication Number 832-R-14-007*". Permittees can also estimate:

*Option A*: a site specific 90$^{th}$ or 80$^{th}$ percentile storm event discharge volume using methodology specified in the referenced EPA Technical Report.

*Option B*: a site specific pre-development hydrology and associated storm event discharge volume using methodology specified in the referenced EPA technical Report.

(c) The permittee must ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with preconstruction BMP design; failure to construct BMPs

in accordance with the agreed upon pre-construction design; and ineffective post-construction operation and maintenance of BMPs;

(d) The permittee must ensure that the post-construction program requirements are constantly reviewed and revised as appropriate to incorporate improvements in control techniques;

(e) Procedure to develop and implement an educational program for project developers regarding designs to control water quality effects from stormwater, and a training program for plan review staff regarding stormwater standards, site design techniques and controls, including training regarding GI/LID/Sustainability practices. Training may be developed independently or obtained from outside resources, i.e. federal, state, or local experts;

(f) Procedures for site inspection and enforcement to ensure proper long-term operation, maintenance, and repair of stormwater management practices that are put into place as part of construction projects/activities. Procedure(s) shall include the requirement that as-built plans be submitted within ninety (90) days of completion of construction projects/activities that include controls designed to manage the stormwater associated with the completed site (post-construction stormwater management). Procedure(s) may include the use of dedicated funds or escrow accounts for development projects or the adoption by the permittee of all privately owned control measures. This may also include the development of maintenance contracts between the owner of the control measure and the permittee. The maintenance contract shall include verification of maintenance practices by the owner, allows the MS4 owner/operator to inspect the maintenance practices, and perform maintenance if inspections indicate neglect by the owner;

(g) Procedures to control the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers where permittee(s) hold jurisdiction over lands not directly owned by that entity (e.g., incorporated city). The procedures must ensure that herbicides and pesticides applicators doing business within the permittee's jurisdiction have been properly trained and certified, are encouraged to use the least toxic products, and control use and application rates according to the applicable requirements; and

(h) Procedure or system to review and update, as necessary, the existing program to ensure that stormwater controls or management practices for new development and redevelopment projects/activities continue to meet the requirements and objectives of the permit.

(iii) The permittee must coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private new development and redevelopment projects/activities within the permit area to ensure the hydrology associated with new development and redevelopment sites mimic to the extent practicable the pre-development hydrology of the previously undeveloped site, except in instances where the pre-development hydrology requirement conflicts with applicable water rights appropriation requirements. For purposes of this permit, pre-development hydrology shall be met by capturing the $90^{th}$ percentile storm event runoff (consistent with any limitations on that capture) which under undeveloped natural conditions would be expected to infiltrate or evapotranspirate on-site and result in little, if any, off-site runoff. (Note: This permit does not prevent permittees from requiring additional controls for flood control purposes.) Planning documents include, but are not limited to: comprehensive or master plans, subdivision ordinances, general land use plan, zoning code, transportation master plan, specific area plans, such as sector plan, site area plans, corridor plans, or unified development ordinances.

(iv) The permittee must assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of GI/LID/Sustainable practices. The assessment shall include a list of the identified impediments, necessary regulation changes, and recommendations and proposed schedules to incorporate policies and standards to relevant documents and procedures to maximize infiltration, recharge, water harvesting, habitat improvement, and hydrological management of stormwater runoff as allowed under the applicable water rights appropriation requirements. The permittee must develop a report of the assessment findings, which is to be used to provide information to the permittee, of the regulation changes necessary to remove impediments and allow implementation of these practices.

(v) Alternative Compliance for Infeasibility due to Site Constrains:

(a) Infeasibility to manage the design standard volume specified in Part I(D)(5)(b)(ii)(b), or a portion of the design standard volume, onsite may result from site constraints including the following:

A. too small a lot outside of the building footprint to create the necessary infiltrative capacity even with amended soils;

B. soil instability as documented by a thorough geotechnical analysis;

C. a site use that is inconsistent with capture and reuse of storm water;

D. other physical conditions; or,

E. to comply with applicable requirements for on-site flood control structures leaves insufficient area to meet the standard.

(b) A determination that it is infeasible to manage the design standard volume specified in Part I.D.5.b.(ii)(b), or a portion of the design standard volume, on site may not be based solely on the difficulty or cost of implementing onsite control measures, but must include multiple criteria that rule out an adequate combination of the practices set forth in Part I.D,5.b.(v).

(c) This permit does not prevent imposition of more stringent requirements related to flood control. Where both the permittee's site design standard ordinance or policy and local flood control requirements on site cannot be met due to site conditions, the standard may be met through a combination of on-site and off-site controls.

(d) Where applicable New Mexico water law limits the ability to fully manage the design standard volume on site, measures to minimize increased discharge consistent with requirements under New Mexico water law must still be implemented.

(e) In instances where an alternative to compliance with the standard on site is chosen, technical justification as to the infeasibility of on-site management of the entire design standard volume, or a portion of the design standard volume, is required to be documented by submitting to the permittee a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect.

(f) When a Permittee determines a project applicant has demonstrated infeasibility due to site constraints specified in Part I.D.5.b.(v) to manage the design standard volume specified in Part I.D.5.b.(ii).(b) or a portion of the design standard volume on-site, the Permittee shall require one of the following mitigation options:

*A. Off-site mitigation.* The off-site mitigation option only applies to redevelopment sites and cannot be applied to new development. Management of the standard volume, or a portion of the volume, may be implemented at another location within the MS4 area, approved by the permittee. The permittee shall identify priority areas within the MS4 in which mitigation projects can be completed. The permittee shall determine who will be responsible for long-term maintenance on off-site mitigation projects.

*B. Ground Water Replenishment Project:* Implementation of a project that has been determined to provide an opportunity to replenish regional ground water supplies at an offsite location.

*C. Payment in lieu.* Payment in lieu may be made to the permittee, who will apply the funds to a public stormwater project. MS4s shall maintain a publicly accessible database of approved projects for which these payments may be used.

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*D.* *Other.* In a situation where alternative options A through C above are not feasible and the permittee wants to establish another alternative option for projects, the permitte may submit to the EPA for approval, the alternative option that meets the standard.

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(vi) The permittee must estimate the number of acres of impervious area (IA) and directly connected impervious area (DCIA). For the purpose of his part, IA includes conventional pavements, sidewalks, driveways, roadways, parking lots, and rooftops. DCIA is the portion of IA with a direct hydraulic connection to the permittee's MS4 or a waterbody via continuous paved surfaces, gutters, pipes, and other impervious features. DCIA typically does not include isolated impervious areas with an indirect hydraulic connection to the MS4 (e.g., swale or detention basin) or that otherwise drain to a pervious area.

(vii) The permittee must develop an inventory and priority ranking of MS4-owned property and infrastructure (including public right-of-way) that may have the potential to be retrofitted with control measures designed to control the frequency, volume, and peak intensity of stormwater discharges to and from its MS4. In determining the potential for retrofitting, the permittee shall consider factors such as the complexity and cost of implementation, public safety, access for maintenance purposes, subsurface geology, depth to water table, proximity to aquifers and subsurface infrastructure including sanitary sewers and septic systems, and opportunities for public use and education under the applicable water right requirements and restrictions. In determining its priority ranking, the permittee shall consider factors such as schedules for planned capital improvements to storm and sanitary sewer infrastructure and paving projects; current storm sewer level of service and control of discharges to impaired waters, streams, and critical receiving water (drinking water supply sources);

(viii) The permittee must incorporate watershed protection elements into relevant policy and/or planning documents as they come up for regular review. If a relevant planning document is not scheduled for review during the term of this permit, the permittee must identify the elements that cannot be implemented until that document is revised, and provide to EPA and NMED a schedule for incorporation and implementation not to exceed five years from the effective date of this permit. As applicable to each permittee's MS4 jurisdiction, policy and/or planning documents must include the following:

(a) A description of master planning and project planning procedures to control the discharge of pollutants to and from the MS4.

(b) Minimize the amount of impervious surfaces (roads, parking lots, roofs, etc.) within each watershed, by controlling the unnecessary creation, extension and widening of impervious parking lots, roads and associated development. The permittee may evaluate the need to add impervious surface on a case-by-case basis and seek to identify alternatives that will meet the need without creating the impervious surface.

(c) Identify environmentally and ecologically sensitive areas that provide water quality benefits and serve critical watershed functions within the MS4 and ensure requirements to preserve, protect, create and/or restore these areas are developed and implemented during the plan and design phases of projects in these identified areas. These areas may include, but are not limited to critical watersheds, floodplains, and areas with endangered species concerns and historic properties. Stakeholders shall be consulted as appropriate.

(d) Implement stormwater management practices that minimize water quality impacts to streams, including disconnecting direct discharges to surface waters from impervious surfaces such as parking lots.

(e) Implement stormwater management practices that protect and enhance groundwater recharge as allowed under the applicable water rights laws.

(f) Seek to avoid or prevent hydromodification of streams and other water bodies caused by development, including roads, highways, and bridges.

(g) Develop and implement policies to protect native soils, prevent topsoil stripping, and prevent compaction of soils.

(h) The program must be specifically tailored to address local community needs (e.g. protection to drinking water sources, reduction of water quality impacts) and must be designed to attempt to maintain pre-development runoff conditions.

(ix) The permittee must update the SWMP as necessary to include a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.b.(i) throughout Part I.D.5.b.(viii) as well as the citations and descriptions of design standards for structural and non-structural controls to control pollutants in stormwater runoff, including discussion of the methodology used during design for estimating impacts to water quality and selecting structural and non-structural controls. Description of measurable goals for each BMP (structural or non-structural) or each stormwater control must be included in the SWMP.

(x) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report. The following information must be included in each annual report:

(a) Include a summary and analysis of all maintenance, inspections and enforcement, and the number and frequency of inspections performed annually.

(b) A cumulative listing of the annual modifications made to the Post-Construction Stormwater Management Program during the permit term, and a cumulative listing of annual revisions to administrative procedures made or ordinances enacted during the permit term.

(c) According to the schedule presented in the Program Development and Implementation Schedule in Table 3, the permittee must

A. Report the number of MS4-owned properties and infrastructure that have been retrofitted with control measures designed to control the frequency, volume, and peak intensity of stormwater discharges. The permittee may also include in its annual report non-MS4 owned property that has been retrofitted with control measures designed to control the frequency, volume, and peak intensity of stormwater discharges.

B. As required in Part I.D.5.b.(vi), report the tabulated results for IA and DCIA and its estimation methodology. In each subsequent annual report, the permittee shall estimate the number of acres of IA and DCIA that have been added or removed during the prior year. The permittee shall include in its estimates the additions and reductions resulting from development, redevelopment, or retrofit projects undertaken directly by the permittee; or by private developers and other parties in a voluntary manner on in compliance with the permittee's regulations.

*Program Flexibility Elements:*

(xi) The permittee may use storm water educational materials locally developed or provided by EPA (refer to http://water.epa.gov/polwaste/npdes/swbmp/index.cfm, http://www.epa.gov/smartgrowth/parking.htm, and http://www.epa.gov/smartgrowth/stormwater.htm); the NMED; environmental, public interest or trade organizations; and/or other MS4s.

(xii) When choosing appropriate BMPs, the permittee may participate in locally-based watershed planning efforts, which attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, the permittee may adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures.

(xiii) The permittee may incorporate the following elements in the Post-Construction Stormwater Management in New Development and Redevelopment program required in Part I.D.5.b.(ii)(b):

(a) Provide requirements and standards to direct growth to identified areas to protect environmentally and ecologically sensitive areas such as floodplains and/or other areas with endangered species and historic properties concerns;

(b) Include requirements to maintain and/or increase open space/buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; and

(c) Encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure.

Table 3. Post-Construction Stormwater Management in New Development and Redevelopment - Program Development and Implementation Schedules

| **Activity** | **Permittee Class** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census **)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| Development of strategies as required in Part I.D.5.b.(ii).(a) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Nine (9) months from effective date of permit | Nine (9) months from effective date of permit | One (1) year from effective date of permit |
| Development of an ordinance or other regulatory mechanism as required in Part I.D.5.b.(ii).(b) | (24) months from effective date of permit | 30 months from effective date of permit | 36 months from effective date of permit | 36 months from effective date of permit | 36 months from effective date of permit |
| Implementation and enforcement, via the ordinance or other regulatory mechanism, of site design standards as required in Part I.D.5.b.(ii).(b) | Within 36 months from effective date of the permit | Within 42 months from the effective date of the permit | Within (48) months from effective date of the permit | Within (48) months from effective date of the permit | Within (48) months from effective date of the permit |
| Ensure appropriate implementation of structural controls as required in Part I.D.5.b.(ii).(c) and Part I.D.5.b.(ii).(d) | Six (6) months from effective date of permit | One (1) year from effective date of permit | Two (2) years from effective date of permit | Two (2) years from effective date of permit | Thirty (30) months from effective date of permit |
| Develop procedures as required in Part I.D.5.b.(ii).(e), Part I.D.5.b.(ii).(f), Part I.D.5.b.(ii).(g), and Part I.D.5.b.(ii).(h) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Eighteen (18) months from effective date of permit |

| | | | | | |
|---|---|---|---|---|---|
| Coordinate internally with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.b.(iii) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Nine (9) months from effective date of permit | Nine (9) months from effective date of permit | One (1) year from effective date of permit |
| As required in Part I.D.5.b.(iv), the permittee must assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of GI/LID/Sustainable practices | Six (6) months from effective date of permit | One (1) year from effective date of permit | Eighteen (18) months from effective date of permit | Eighteen (18) months from effective date of permit | Two (2) years from effective date of permit |
| As required in Part I.D.5.b.(iv), develop and submit a report of the assessment findings on GI/LID/Sustainable practices. | Nine (9) months from effective date of permit | Eighteen (18) months from effective date of permit | Two (2) years from effective date of permit | Two (2) years from effective date of permit | Twenty seven (27) months from effective date of permit |
| Estimation of the number of acres of IA and DCIA as required in Part I.D.5.b.(vi) | Six (6) months from effective date of permit | One (1) year from effective date of permit | Two (2) years from effective date of permit | Two (2) years from effective date of permit | Thirty (30) months from effective date of permit |
| Inventory and priority ranking as required in section in Part I.D.5.b.(vii) | Within fifteen (15) months from effective date of the permit | Within (24) months from effective date of the permit | Within (36) months from effective date of the permit | Within (36) months from effective date of the permit | Within (42) months from effective date of the permit |
| Incorporate watershed protection elements as required in Part I.D.5.b.(viii) | Six (6) months from effective date of permit | One (1) year from effective date of permit | Two (2) years from effective date of permit | Two (2) years from effective date of permit | Thirty (30) months from effective date of permit |
| Update the SWMP document and annual report as required in Part I.D.5.b.(ix) and Part I.D.5.b.(x). | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |
| Enhance the program to include program elements in Part I.D.5.b.(xi) and Part I.D.5.b.(xii) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs.
(**) or MS4s designated by the Director
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

c. Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations.

(i) The permittee must develop, revise and implement an operation and maintenance program that includes a training component and the ultimate goal of preventing or reducing pollutant runoff from municipal operations. **Permittees previously covered under NMS000101 or NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit**. The program must include:

(a) Development and implementation of an employee training program to incorporate pollution prevention and good housekeeping techniques into everyday operations and maintenance activities. The employee training program must be designed to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. The permittee must also develop a tracking procedure and ensure that employee turnover is considered when determining frequency of training;

(b) Maintenance activities, maintenance schedules, and long term inspections procedures for structural and non-structural storm water controls to reduce floatable, trash, and other pollutants discharged from the MS4.

(c) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, snow disposal areas operated by the permittee, and waste transfer stations;

(d) Procedures for properly disposing of waste removed from the separate storm sewers and areas listed in Part I.D.5.c.(i).(c) (such as dredge spoil, accumulated sediments, floatables, and other debris); and

(e) Procedures to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.

*Note*: The permittee may use training materials that are available from EPA, NMED, Tribe, or other organizations.

(ii) The Pollution Prevention/Good Housekeeping program must include the following elements:

(a) Develop or update the existing list of all stormwater quality facilities by drainage basin, including location and description;

(b) Develop or modify existing operational manual for de-icing activities addressing alternate materials and methods to control impacts to stormwater quality;

(c) Develop or modify existing program to control pollution in stormwater runoff from equipment and vehicle maintenance yards and maintenance center operations located within the MS4;

(d) Develop or modify existing street sweeping program. Assess possible benefits from changing frequency or timing of sweeping activities or utilizing different equipment for sweeping activities;

(e) A description of procedures used by permittees to target roadway areas most likely to contribute pollutants to and from the MS4 (i.e., runoff discharges directly to sensitive receiving water, roadway receives majority of de-icing material, roadway receives excess litter, roadway receives greater loads of oil and grease);

(f) Develop or revise existing standard operating procedures for collection of used motor vehicle fluids (at a minimum oil and antifreeze) and toxics (including paint, solvents, fertilizers, pesticides, herbicides,

and other hazardous materials) used in permittee operations or discarded in the MS4, for recycle, reuse, or proper disposal;

(g) Develop or revised existing standard operating procedures for the disposal of accumulated sediments, floatables, and other debris collected from the MS4 and during permittee operations to ensure proper disposal;

(h) Develop or revised existing litter source control programs to include public awareness campaigns targeting the permittee audience; and

(i) Develop or review and revise, as necessary, the criteria, procedures and schedule to evaluate existing flood control devices, structures and drainage ways to assess the potential of retrofitting to provide additional pollutant removal from stormwater. Implement routine review to ensure new and/or innovative practices are implemented where applicable.

(j) Enhance inspection and maintenance programs by coordinating with maintenance personnel to ensure that a target number of structures per basin are inspected and maintained per quarter;

(k) Enhance the existing program to control the discharge of floatables and trash from the MS4 by implementing source control of floatables in industrial and commercial areas;

(l) Include in each annual report, a cumulative summary of retrofit evaluations conducted during the permit term on existing flood control devices, structures and drainage ways to benefit water quality. Update the SWMP to include a schedule (with priorities) for identified retrofit projects;

(m) Flood management projects: review and revise, as necessary, technical criteria guidance documents and program for the assessment of water quality impacts and incorporation of water quality controls into future flood control projects. The criteria guidance document must include the following elements:

A. Describe how new flood control projects are assessed for water quality impacts.

B. Provide citations and descriptions of design standards that ensure water quality controls are incorporated in future flood control projects.

C. Include method for permittees to update standards with new and/or innovative practices.

D. Describe master planning and project planning procedures and design review procedures.

(n) Develop procedures to control the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittee's employees or contractors, to public right-of-ways, parks, and other municipal property. The permittee must provide an updated description of the data monitoring system for all permittee departments utilizing pesticides, herbicides and fertilizers.

(iii) Comply with the requirements included in the EPA Multi Sector General Permit (MSGP) to control runoff from industrial facilities (as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi)) owned or operated by the permittees and ultimately discharge to the MS4. The permittees must develop or update:

(a) A list of municipal/permittee operations impacted by this program,

(b) A map showing the industrial facilities owned and operated by the MS4,

(c) A list of the industrial facilities (other than large construction activities defined as industrial activity) that will be included in the industrial runoff control program by category and by basin. The list must include the permit authorization number or a MSGP NOI ID for each facility as applicable.

(iv) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.c.(i) throughout Part I.D.5.c.(iii) and its corresponding measurable goal.

(v) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report.

Table 4. Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations - Program Development and Implementation Schedules

| **Activity** | **Permittee Class** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census **)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| -Develop or update the Pollution Prevention/Good House Keeping program to include the elements in Part I.D.5.c.(i) | Six (6) months from effective date of the permit | Nine (9) months from effective date of the permit | One (1) year from effective date of the permit | One (1) year from effective date of the permit | Eighteen (18) months from effective date of the permit |
| -Enhance the program to include the elements in Part I.D.5.c.(ii) | Six (6) months from effective date of the permit | One (1) year from effective date of the permit | Two (2) years from effective date of the permit | Two (2) years from effective date of the permit | Thirty (30) months from effective date of the permit |
| -Develop or update a list and a map of industrial facilities owned or operated by the permittee as required in Part I.D.5.c.(iii) | Six (6) months from effective date of the permit | Nine (9) months from effective date of the permit | One (1) year from effective date of the permit | One (1) year from effective date of the permit | Eighteen (18) years from effective date of the permit |
| Update the SWMP document and annual report as required in Part I.D.5.c.(iv) and Part I.D.5.c.(v) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs (**) or MS4s designated by the Director
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

d. Industrial and High Risk Runoff (Applicable only to Class A permittees)

(i) The permittee must control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi). If no such industrial activities are in a permittees jurisdiction, that permittee may certify that this program element does not apply.

(ii) The permittee must continue implementation and enforcement of the Industrial and High Risk Runoff program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the annual report. The program shall include:

(a) A description of a program to identify, monitor, and control pollutants in stormwater discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the

MS4. (Note: If no such facilities are in a permittees jurisdiction, that permittee may certify that this program element does not apply.); and

(b) Priorities and procedures for inspections and establishing and implementing control measures for such discharges.

(iii) Permittees must comply with the monitoring requirements specified in Part III.A.4;

(iv) The permittee must modify the following as necessary:

(a) The list of the facilities included in the program, by category and basin;

(b) Schedules and frequency of inspection for listed facilities. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the municipality;

(c) The priorities for inspections and procedures used during inspections (e.g. inspection checklist, review for NPDES permit coverage; review of stormwater pollution prevention plan; etc.); and

(d) Monitoring frequency, parameters and entity performing monitoring and analyses (MS4 permittees or subject facility). The monitoring program may include a waiver of monitoring for parameters at individual facilities based on a "no-exposure" certification;

(v) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.d.(i) throughout Part I.D.5.d.(iv) and its corresponding measurable goal.

(vi) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report.

*Program Flexibility Elements:*

(vii) The permittee may:

(a) Use analytical monitoring data, on a parameter-by-parameter basis, that a facility has collected to comply with or apply for a State or NPDES discharge permit (other than this permit), so as to avoid unnecessary cost and duplication of effort;

(b) Allow the facility to test only one (1) outfall and to report that the quantitative data also apply to the substantially identical outfalls if:

A. A Type 1 or Type 2 industrial facility has two (2) or more outfalls with substantially identical effluents, and

B. Demonstration by the facility that the stormwater outfalls are substantially identical, using one (1) or all of the following methods for such demonstration. The NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001), available on EPA's website at provides detailed guidance on each of the three options: (1) submission of a narrative description and a site map; (2) submission of matrices; or (3) submission of model matrices.

(c) Accept a copy of a "no exposure" certification from a facility made to EPA under 40 CFR §122.26(g), in lieu of analytic monitoring.

Table 5: Industrial and High Risk Runoff - Program Development and Implementation Schedules:

| **Activity** | **Permittee Class** | |
|---|---|---|
| | **A**<br>**Phase I MS4s** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| Ordinance (or other control method) as required in Part I.D.5.d.(i) | Six (6) months from effective date of the permit | Nine (9) months from effective date of the permit |
| Continue implementation and enforcement of the Industrial and High Risk Runoff program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the annual report as required in Part I.D.5.d.(ii) | Six (6) months from effective date of the permit | Nine (9) months from effective date of the permit |
| Meet the monitoring requirements in Part I.D.5.d.(iii) | Six (6) months from effective date of the permit | Nine (9) months from effective date of the permit |
| Include requirements in Part I.D.5.d.(iv) | Six (6) months from permit effective date of the permit | Nine (9) months from effective date of the permit |
| Update the SWMP document and annual report as required in Part I.D.5.d.(v) and Part I.D.5.d.(vi) | Update as necessary | Update as necessary |
| Enhance the program to include requirements in Part I.D.5.d.(vii) | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs. Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

e. Illicit Discharges and Improper Disposal

(i) The permittee shall develop, revise, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR 122.26(b)(2)) entering the MS4. **Permittees previously covered under NMS000101 or NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit**. The permittee must:

(a) Develop, if not already completed, a storm sewer system map, showing the names and locations of all outfalls as well as the names and locations of all waters of the United States that receive discharges from those outfalls. Identify all discharges points into major drainage channels draining more than twenty (20) percent of the MS4 area;

(b) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the MS4, and implement appropriate enforcement procedures and actions;

(c) Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumpling, to the MS4. The permittee must include the following elements in the plan:

A. Procedures for locating priority areas likely to have illicit discharges including field test for selected pollutant indicators (ammonia, boron, chlorine, color, conductivity, detergents, *E. coli*, enterococci, total coliform, fluoride, hardness, pH, potassium, conductivity, surfactants), and visually screening outfalls during dry weather;

B. Procedures for enforcement, including enforcement escalation procedures for recalcitrant or repeat offenders;

C. Procedures for removing the source of the discharge;

D. Procedures for program evaluation and assessment; and

E. Procedures for coordination with adjacent municipalities and/or state, tribal, or federal regulatory agencies to address situations where investigations indicate the illicit discharge originates outside the MS4 jurisdiction.

(d) Develop an education program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials. The permittee shall inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste.

(e) Establish a hotline to address complaints from the public.

(f) Investigate suspected significant/severe illicit discharges within forty-eight (48) hours of detection and all other discharges as soon as practicable; elimination of such discharges as expeditiously as possible; and, requirement of immediate cessation of illicit discharges upon confirmation of responsible parties.

(g) Review complaint records for the last permit term and develop a targeted source reduction program for those illicit discharge/improper disposal incidents that have occurred more than twice in two (2) or more years from different locations. (Applicable only to class A and B permittees)

(h) If applicable, implement the program using the priority ranking develop during last permit term

(ii) The permittee shall address the following categories of non-stormwater discharges or flows (e.g., illicit discharges) only if they are identified as significant contributors of pollutants to the MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(90)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

*Note*: Discharges or flows from fire fighting activities are excluded from the effective prohibitions against non-stormwater and need only be addressed where they are identified a significant sources of pollutants to water of the United States).

(iii) The permittee must screen the entire jurisdiction at least once every five (5) years and high priority areas at least once every year. High priority areas include any area where there is ongoing evidence of illicit discharges or dumping, or where there are citizen complaints on more than five (5) separate events within twelve (12) months. The permittee must:

(a) Include in its SWMP document a description of the means, methods, quality assurance and controls protocols, and schedule for successfully implementing the required screening, field monitoring, laboratory analysis, investigations, and analysis evaluation of data collected.

(b) Comply with the dry weather screening program established in Table 6 and the monitoring requirements specified in Part III.A.2.

(c) If applicable, implement the priority ranking system develop in previous permit term.

(iv) Waste Collection Programs: The permittee must develop, update, and implement programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal, and to collect household hazardous waste materials (including paint, solvents, fertilizers, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Where available, collection programs operated by third parties may be a component of the programs. Permittees shall enhance these programs by establishing the following elements as a goal in the SWMP:

A. Increasing the frequency of the collection days hosted;

B. Expanding the program to include commercial fats, oils and greases; and

C. Coordinating program efforts between applicable permittee departments.

(v) Spill Prevention and Response. The permittee must develop, update and implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The permittees must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit. The Spill Prevention and Response program shall include:

(a) Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or insure the party responsible for the spill takes, all reasonable steps to control or prevent any adverse effects to human health or the environment: and

(b) The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction.

(vi) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.e.(i) throughout Part I.D.5.e.(v) and its corresponding measurable goal. A description of the means, methods, quality assurance and controls protocols, and schedule for successfully implementing the required screening, field monitoring, laboratory analysis, investigations, and analysis evaluation of data collected

(vii) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report.

(viii) The permittee must expeditiously revise as necessary, within nine (9) months from the effective date of the permit, the existing permitting/certification program to ensure that any entity applying for the use of Right of Way implements controls in their construction and maintenance procedures to control pollutants entering the MS4. (Only applicable to NMDOT)

*Program Flexibility Elements*

(ix) The permittee may:

(a) Divide the jurisdiction into assessment areas where monitoring at fewer locations would still provide sufficient information to determine the presence or absence of illicit discharges within the larger area;

(b) Downgrade high priority areas after the area has been screened at least once and there are citizen complaints on no more than five (5) separate events within a twelve (12) month period;

(c) Rely on a cooperative program with other MS4s for detection and elimination of illicit discharges and illegal dumping;

(d) If participating in a cooperative program with other MS4s, required detection program frequencies may be based on the combined jurisdictional area rather than individual jurisdictional areas and may use assessment areas crossing jurisdictional boundaries to reduce total number of screening locations (e.g., a shared single screening location that would provide information on more than one jurisdiction); and

(e) After screening a non-high priority area once, adopt an "in response to complaints only" IDDE for that area provided there are citizen complaints on no more than two (2) separate events within a twelve (12) month period.

(f) Enhance the program to utilize procedures and methodologies consistent with those described in "Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments."

Table 6. Illicit Discharges and Improper Disposal - Program Development and Implementation Schedules

| **Activity** | **Permittee Class** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census ***)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| Mapping as required in Part I.D.5.e.(i)(a) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Seven (7) months from effective date of permit | Seven (7) months from effective date of permit | One (1) year from effective date of permit |
| Ordinance (or other control method) as required in Part I.D.5.e.(i)(b) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Two (2) years from effective date of permit | Two (2) years from effective date of permit | Thirty (30) months from effective date of permit |
| Develop and implement a IDDE plan as required in Part I.D.5.e.(i)(c) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Two (2) years from effective date of permit | Two (2) years from effective date of permit | Thirty (30) months from effective date of permit |
| Develop an education program as required in Part I.D.5.e.(i)(d) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Eighteen (18) months from effective date of permit |
| Establish a hotline as required in Part I.D.5.e.(i)(e) | Update as necessary | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Eighteen (18) months from effective date of permit |
| Investigate suspected significant/severe illicit discharges as required in Part I.D.5.e.(i)(f) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Eighteen (18) months from effective date of permit |
| Review complaint records and develop a targeted source reduction program as required in Part I.D.5.e.(i)(g) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | N/A | N/A | One (1) year from effective date of permit |

| | | | | | |
|---|---|---|---|---|---|
| Screening of system as required in Part I.D.5.e.(iii) as follows:<br><br>a.) High priority areas** | 1 / year | 1 / year | 1 / year | 1 / year | 1 / year |
| b.) Whole system | -Screen 20% of the MS4 per year | - Screen 20% of the MS4 per year | -Years 1 – 2: develop procedures as required in Part I.D.5.e.(i)(c)<br><br>-Year 3: screen 30% of the MS4<br>-Year 4: screen 20% of the MS4<br>-Year 5: screen 50% of the MS4 | -Years 1 – 2: develop procedures as required Part I.D.5.e.(i)(c)<br><br>-Year 3: screen 30% of the MS4<br>-Year 4: screen 20% of the MS4<br>-Year 5: screen 50% of the MS4 | -Years 1 – 3: develop procedures as require in Part I.D.5.e.(i)(c)<br><br>-Year 4: screen 30% of the MS4<br>-Year 5: screen 70% of the MS4 |
| Develop, update, and implement a Waste Collection Program as required in Part I.D.5.e.(iv) | Nine (9) months from effective date of permit | Eighteen (18) months from effective date of permit | Two (2) years from effective date of permit | Two (2) years from effective date of permit | Thirty (30) months from effective date of permit |
| Develop, update and implement a Spill Prevention and Response program to prevent, contain, and respond to spills that may discharge into the MS4 as required in Part I.D.5.e.(v) | Six (6) months from effective date of permit | Six (6) months from effective date of permit | One (1) year from effective date of permit | One (1) year from effective date of permit | Eighteen (18) months from effective date of permit |
| Update the SWMP document and annual report as required in Part I.D.5.e.(iii), Part I.D.5.e.(vi), and Part I.D.5.e.(vii). | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |
| Enhance the program to include requirements in Part I.D.5.e.(ix) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs.
(**) High priority areas include any area where there is ongoing evidence of illicit discharges or dumpling, or where there are citizen complaints on more than five (5) separate events within twelve (12) months
(***) or MS4s designated by the Director
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

f. Control of Floatables Discharges

(i) The permittee must develop, update, and implement a program to address and control floatables in discharges into the MS4. The floatables control program shall include source controls and, where necessary, structural controls. **Permittees previously covered under NMS000101 or NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit.** The following elements must be included in the program:

(a) Develop a schedule for implementation of the program to control floatables in discharges into the MS4 (Note: AMAFCA and the City of Albuquerque should update the schedule according to the findings of the 2005 AMAFCA/COA Floatable and Gross Pollutant Study and other studies); and

(b) Estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type.

(ii) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.f.(i).

(iii) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report.

Table 7. Control of Floatables Discharges - Program Development and Implementation Schedules

| **Activity** | **Permittee Class** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census **)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| - Develop a schedule to implement the program as required in Part I.D.5.f.(i)(a) | Six (6) months from the effective date of the permit | Nine (9) months from the effective date of the permit | One (1) year from the effective date of the permit | One (1) year from the effective date of the permit | Eighteen (18) months from the effective date of the permit |
| -Estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type as required in Part I.D.5.f.(i)(b) | Six (6) months from the effective date of the permit | One (1) year from the effective date of the permit | Two (2) years from the effective date of the permit | Two (2) years from the effective dae of the permit | Thirty (30) months from the effective date of the permit |
| Update the SWMP document and annual report as required in Part I.D.5.f.(ii) and Part I.D.5.f.(iii). | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs.
(**) or MS4s designated by the Director
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

g. <u>Public Education and Outreach on Stormwater Impacts</u>

(i) The permittee shall, individually or cooperatively, develop, revise, implement, and maintain a comprehensive stormwater program to educate the community, employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater. **Permittees previously covered under NMS000101 and NMR040000 must continue existing programs while updating those programs, as necessary, to comply with the requirements of this permit**.

(ii) The permittee must implement a public education program to distribute educational knowledge to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff. The permittee must:

(a) Define the goals and objectives of the program based on high priority community-wide issues;

(b) Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;

(c) Inform individuals and households about ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes;

(d) Inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups;

(e) Use tailored public education program, using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling, and watershed cleanups; and

(f) Use materials or outreach programs directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges. The permittee may tailor the outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children. The permittee must make information available for non-English speaking residents, where appropriate.

(iii) The permittee must include the following information in the Stormwater Management Program (SWMP) document:

(a) A description of a program to promote, publicize, facilitate public reporting of the presence of illicit discharges or water quality associated with discharges from municipal separate storm sewers;

(b) A description of the education activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and

(c) A description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.g.(i) and Part I.D.5.g.(ii) and its corresponding measurable goal.

(iv) The permittee must assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the Annual Report.

*Program Flexibility Elements*

(v) Where necessary to comply with the Minimum Control Measures established in Part I.D.5.g.(i) and Part I.D.5.g.(ii), the permittee should develop a program or modify/revise an existing education and outreach program to:

(a) Promote, publicize, and facilitate the use of Green Infrastructure (GI)/Low Impact Development (LID)/Sustainability practices; and

(b) Include an integrated public education program (including all permittee departments and programs within the MS4) regarding litter reduction, reduction in pesticide/herbicide use, recycling and proper

disposal (including yard waste, hazardous waste materials, and used motor vehicle fluids), and GI/LID/Sustainable practices (including xeriscaping, reduced water consumption, water harvesting practices allowed by the New Mexico State Engineer Office).

(vi) The permittee may collaborate or partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(vii) The education and outreach program may use citizen hotlines as a low-cost strategy to engage the public in illicit discharge surveillance.

(viii) The permittee may use stormwater educational materials provided by the State, Tribe, EPA, environmental, public interest or trade organizations, or other MS4s. The permittee may also integrate the education and outreach program with existing education and outreach programs in the Middle Rio Grande area. Example of existing programs include:

(a) Classroom education on stormwater;

A. Develop watershed map to help students visualize area impacted.

B. Develop pet-specific education

(b) Establish a water committee/advisor group;

(c) Contribute and participate in Stormwater Quality Team;

(d) Education/outreach for commercial activities;

(e) Hold regular employee trainings with industry groups

(f) Education of lawn and garden activities;

(g) Education on sustainable practices;

(h) Education/outreach of pet waste management;

(i) Education on the proper disposal of household hazardous waste;

(j) Education/outreach programs aimed at minority and disadvantaged communities and children;

(k) Education/outreach of trash management;

(l) Education/outreach in public events;

A. Participate in local events—brochures, posters, etc.

B. Participate in regional events (i.e., State Fair, Balloon Fiesta).

(m) Education/outreach using the media (e.g. publish local newsletters);

(n) Education/outreach on water conservation practices designed to reduce pollutants in storm water for home residences.

Table 8. Public Education and Outreach on Stormwater Impacts - Program Development and Implementation Schedules

| Activity | Permittee Class | | | | |
|---|---|---|---|---|---|
| | **A** Phase I MS4s | **B** Phase II MS4s (2000 Census) | **C** New Phase II MS4s (2010 Census **) | **D** MS4s within Indian Lands | **Cooperative (*)** Any Permittee with cooperative programs |
| Develop, revise, implement, and maintain an education and outreach program as required in Part I.D.5.g.(i) and Part I.D.5.g.(ii) | Six (6) months from the effective date of the permit | Seven (7) months from the effective date of the permit | Nine (9) months from effective date of the permit | Nine (9) months from effective date of the permit | One (1) year from effective date of the permit |
| Update the SWMP document and annual report as required in Part I.D.5.g.(iii) and Part I.D.5.g.(iv) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |
| Enhance the program to include requirements in Part I.D.5.g.(v) through Part I.D.5.g.(viii) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs.
(**) or MS4s designated by the Director
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

h. Public Involvement and Participation

(i) The permittee must provide local public notice of and make available for public review a copy of the complete NOI and attachments (see Part I.B.2). Local public notice may be made by newspaper notice, notice at a council meeting, posting on the internet, or other method consistent with state/tribal/local public notice requirements.

The permittee must consider all public comments received during the public notice period and modify the NOI, or include a schedule to modify the SWMP, as necessary, or as required by the Director modify the NOI or/and SWMP in response to such comments. The Permittees must include in the NOI any unresolved public comments and the MS4's response to these comments. Responses provided by the MS4 will be considered as part of EPA's decision-making process. See also Appendix E Providing Comments or Requesting a Public Hearing on an Operator's NOI.

(ii) The permittee shall develop, revise, implement and maintain a plan to encourage public involvement and provide opportunities for participation in the review, modification and implementation of the SWMP; develop and implement a process by which public comments to the plan are received and reviewed by the person(s) responsible for the SWMP; and, make the SWMP available to the public and to the operator of any MS4 or Tribal authority receiving discharges from the MS4. **Permittee previously covered under NMS000101 or NMR040000 must continue existing public involvement and participation programs while updating those programs, as necessary, to comply with the requirements of this permit**.

(iii) The plan required in Part I.D.5.h.(ii) shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate. The permittee must include the following elements in the plan:

(a) A detailed description of the general plan for informing the public of involvement and participation opportunities, including types of activities; target audiences; how interested parties may access the SWMP; and how the public was involved in development of the SWMP;

(b) The development and implementation of at least one (1) assessment of public behavioral change following a public education and/or participation event;

(c) A process to solicit involvement by environmental groups, environmental justice communities, civic organizations or other neighborhoods/organizations interested in water quality-related issues, including but not limited to the Middle Rio Grande Water Quality Work Group, the Middle Rio Grande Bosque Initiative, the Middle Rio Grande Endangered Species Act Collaborative Program, the Middle Rio Grande-Albuquerque Reach Watershed Group, the Pueblos of Santa Ana, Sandia and Isleta, Albuquerque Bernalillo County Water Utility Authority, UNM Colleges and Schools, and Chartered Student Organizations; and

(d) An evaluation of opportunities to utilize volunteers for stormwater pollution prevention activities and awareness throughout the area.

(iv) The permittee shall comply with State, Tribal and local public notice requirements when implementing a public involvement/ participation program.

(v) The public participation process must reach out to all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local stormwater management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts.

(vi) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Parts I.D.5.h.(i) throughout Part I.D.5.h.(iv) and its corresponding measurable goal.

(vii) The permittee shall assess the overall success of the program, and document the program effectiveness in the annual report.

(viii) The permittee must provide public accessibility of the Storm Water Management Program (SWMP) document and Annual Reports online via the Internet and during normal business hours at the MS4 operator's main office, a local library, posting on the internet and/or other readily accessible location for public inspection and copying consistent with any applicable federal, state, tribal, or local open records requirements. Upon a showing of significant public interest, the MS4 operator is encouraged to hold a public meeting (or include in the agenda of in a regularly scheduled city council meeting, etc.) on the NOI, SWMP, and Annual Reports. (See Part III B)

*Program Flexibility Elements*

(ix) The permittee may integrate the public Involvement and participation program with existing education and outreach programs in the Middle Rio Grande area. Example of existing programs include: Adopt-A-Stream Programs; Attitude Surveys; Community Hotlines ( e.g. establishment of a "311"-type number and system established to handle storm-water-related concerns, setting up a public tracking/reporting

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|---|
| system, using phones and social media); Revegetation Programs; Storm Drain Stenciling Programs; Stream cleanup and Monitoring program/events. |

Table 9. Public Involvement and Participation - *Program Development and Implementation Schedules*

| **Activity** | **Permittee Class** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census **)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| Develop (or update), implement, and maintain a public involvement and participation plan as required in Part I.D.5.h.(ii) and Part I.D.5.h.(iii) | Six (6) months from effective date of the permit | Six (6) months from effective date of the permit | Nine (9) months from effective date of the permit | Nine (9) months from effective date of the permit | One (1) year from effective date of the permit |
| Comply with State, Tribal, and local notice requirements when implementing a Public Involvement and Participation Program as required in Part I.D.5.h.(iv) | Six (6) months from effective date of the permit | Seven (7) months from effective date of the permit | Nine (9) months from effective date of the permit | Nine (9) months from effective date of the permit | One (1) year from effective date of the permit |
| Include elements as required in Part I.D.5.h.(v) | Six (6) months from effective date of the permit | Nine (9) months from effective date of the permit | One (1) year from effective date of the permit | One (1) year from effective date of the permit | Eighteen (18) months from effective date of the permit |
| Update the SWMP document and annual report as required in Part I.D.5.h.(vi), Part I.D.5.h.(vii), and Part I.D.5.h.(viii) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |
| Enhance the program to include requirements in Part I.D.5.h.(ix) | Update as necessary | Update as necessary | Update as necessary | Update as necessary | Update as necessary |

**(*)** During development of cooperative programs, the permittee must continue to implement existing programs.
(**) or MS4s designated by the Director
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

6. **<u>Stormwater Management Program Review and Modification</u>**.

a. <u>Program Review</u>. Permittee shall participate in an annual review of its SWMP in conjunction with preparation of the annual report required in Part III.B. Results of the review shall be discussed in the annual report and shall include an assessment of:

(i) SWMP implementation, progress in achieving measurable goals, and compliance with program elements and other permit conditions;

(ii) the effectiveness of its SWMP, and any necessary modifications, in complying with the permit, including requirements to control the discharge of pollutants, and comply with water quality standards and any applicable approved TMDLs; and the adequacy of staff, funding levels, equipment, and support capabilities to fully implement the SWMP and comply with permit conditions.

(a) Project staffing requirements, in man hours, for the implementation of the MS4 program during the upcoming year.

(b) Staff man hours used during the previous year for implementing the MS4 program. Man hours may be estimated based on staff assigned, assuming a forty (40) hour work week.

b. Program Modification. The permittee(s) may modify its SWMP with prior notification or request to the EPA and NMED in accordance with this section.

(i) Modifications adding, but not eliminating, replacing, or jeopardizing fulfillment of any components, controls, or requirements of its SWMP may be made by the permittee(s) at any time upon written notification to the EPA.

(ii) Modifications replacing or eliminating an ineffective or unfeasible component, control or requirement of its SWMP, including monitoring and analysis requirements described in Parts III.A and V, may be requested in writing at any time. If request is denied, the EPA will send a written explanation of the decision. Modification requests shall include the following:

(a) a description of why the SWMP component is ineffective, unfeasible (including cost prohibitions), or unnecessary to support compliance with the permit;

(b) expectations on the effectiveness of the proposed replacement component; and

(c) an analysis of how the proposed replacement component is expected to achieve the goals of the component to be replaced.

(iii) Modifications resulting from schedules contained in Part VI may be requested following completion of an interim task or final deadline.

(iv) Modification requests or notifications shall be made in writing, signed in accordance with Part IV.H.

c. Program Modifications Required by EPA. Modifications requested by EPA shall be made in writing, set forth the time schedule for the permittee(s) to develop the modifications, and offer the permittee(s) the opportunity to propose alternative program modifications to meet the objective of the requested modification. The EPA may require changes to the SWMP as needed to:

(i) Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

(ii) Include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements;

(iii) Include such other conditions deemed necessary by the EPA to comply with the goals and requirements of the Clean Water Act; or

(iv) If, at any time, EPA determines that the SWMP does not meet permit requirements.

d. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation: The permittee(s) shall implement the SWMP:

(i) On all new areas added to their portion of the MS4 (or for which they become responsible for implementation of stormwater quality controls) as expeditiously as possible, but not later than one (1) year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately;

(ii) Within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee(s) shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation; and information on all new annexed areas and any resulting updates required to the SWMP shall be submitted in the annual report.

7. **Retention of Program Records**. The permittee shall retain SWMP records developed in accordance with Part I.D, Part IV.P, and Part VI for at least five (5) years after coverage under this permit terminates.

8. **Qualifying State, Tribal or Local Program**. The permittee may substitute the BMPs and measurable goals of an existing storm water pollution control program to qualify for compliance with one or more of the minimum control measures if the existing measure meets the requirements of the minimum control measure as established in Part I.D.5

## PART II. NUMERIC DISCHARGE LIMITATIONS

### A. DISCHARGE LIMITATIONS. Reserved

## PART III. MONITORING, ASSESSMENT, AND REPORTING REQUIREMENTS:

### A. MONITORING AND ASSESSMENT

The permittee must develop, in consultation with NMED and EPA (and affected Tribes if monitoring locations would be located on Tribal lands), and implement a comprehensive monitoring and assessment program designed to meet the following objectives:

- Assess compliance with this permit;
- Assess the effectiveness of the permittee's stormwater management program;
- Assess the impacts to receiving waters resulting from stormwater discharges;
- Characterize stormwater discharges;
- Identify sources of elevated pollutant loads and specific pollutants;
- Detect and eliminate illicit discharges and illegal connections to the MS4; and
- Assess the overall health and evaluate long-term trends in receiving water quality.

The permittee shall be select specific monitoring locations sufficient to assess effects of storm water discharges on receiving waters. The monitoring program may take advantage of monitoring stations/efforts utilized by the permittees or others in previous stormwater monitoring programs or other water quality monitoring efforts. Data collected by others at such stations may be used to satisfy part, or all, of the permit monitoring requirements provided the data collection by that party meets the requirements established in Part III.A.1 throughout Part III.A.5. The comprehensive monitoring and assessment program shall be described in the SWMP document and the results must be provided in each annual report.

Implementation of the comprehensive monitoring and assessment program may be achieved through participation with other permittees to satisfy the requirements of Part III.A.1 throughout Part III.A.5 below in lieu of creating duplicate program elements for each individual permittee.

1. **<u>Wet Weather Monitoring</u>**: The permittees shall conduct wet weather monitoring to gather information on the response of receiving waters to wet weather discharges from the MS4 during both wet season (July 1 through October 31) and dry Season (November 1 through June 30). Wet Weather Monitoring shall be conducted at outfalls, internal sampling stations, and/or in-stream monitoring locations at each water of the US that runs in each entity or entities' jurisdiction(s). Permittees may choose either Option A or Option B below:

   a. *Option A*: Individual monitoring

      (i) Class A: Perform wet weather monitoring at a location coming into the MS4 jurisdictional area (upstream) and leaving the MS4 jurisdictional area (downstream), see Appendix D. Monitor for TSS, TDS, COD, $BOD_5$, DO, oil and grease, *E.coli*, pH, total kjeldahl nitrogen, nitrate plus nitrite, dissolved phosphorus, total ammonia plus organic nitrogen, total phosphorus, PCBs and gross alpha. Monitoring of temperature shall be also conducted at outfalls and/or Rio Grande monitoring locations. Phase I permittees must include additional parameters from monitoring conducted under permit NMS000101 (from last 10 years) whose mean values are at or above a WQS. Permittee must sample these pollutants a minimum of 10 events during the permit term with at least 5 events in wet season and 4 events in dry season.

      (ii) Class B, C, and D: Perform wet weather monitoring at a location coming into the MS4 jurisdictional area (upstream) and leaving the MS4 jurisdictional area (downstream), see Appendix D. Monitor for TSS, TDS, COD, $BOD_5$, DO, oil and grease, *E.coli*, pH, total kjeldahl nitrogen, nitrate plus nitrite, dissolved phosphorus, total ammonia plus organic nitrogen, total phosphorus, PCBs and gross alpha. Monitoring of temperature shall be also

conducted at outfalls and/or Rio Grande monitoring locations. If applicable, include additional parameters from monitoring conducted under permits NMR040000 or/and NMR04000I whose mean values are at or above a WQS; sample these pollutants a minimum of 8 events per location during the permit term with at least 4 events in wet season and 2 events in dry season.

b. *Option B*: Cooperative Monitoring Program

Develop a cooperative wet weather monitoring program with other permittees in the Middle Rio Grande watershed (see map in Appendix A). The program will monitor waters coming into the watershed (upstream) and leaving the watershed (downstream), see suggested sampling locations in Appendix D. The program must include sampling for TSS, TDS, COD, BOD5, DO, oil and grease, *E.coli*, pH, total kjeldahl nitrogen, nitrate plus nitrite, dissolved phosphorus, total ammonia plus organic nitrogen, total phosphorus, PCBs and Gross alpha. Monitoring of temperature shall be also conducted at outfalls and/or Rio Grande monitoring locations. Permittees must include additional parameters from monitoring conducted under permits NMS000101, NMR040000 or/and NMR04000I whose mean values are at or above a WQS. The monitoring program must sample the pollutants for a minimum of 7 storm events per location during the permit term with at least 3 events wet season and 2 events in dry season.

Note: Seasonal monitoring periods are: Wet Season: July 1 through October 31; Dry Season: November 1 through June 30.

c. Wet weather monitoring shall be performed only when the predicted (or actual) rainfall magnitude of a storm event is greater than 0.25 inches and an antecedent dry period of at least forty-eight (48) hours after a rain event greater than 0.1 inch in magnitude is satisfied. Monitoring methodology will consist of collecting a minimum of four (4) grab samples spaced at a minimum interval of fifteen (15) minutes each (or a flow weighted automatic composite, see Part III.A.5.a.(i)). Individual grab samples shall be preserved and delivered to the laboratory where samples will be combined into a single composite sample from each monitoring location.

d. Monitoring methodology at each MS4 monitoring location shall be collected during any portion of the monitoring location's discharge hydrograph (i.e. first flush, rising limb, peak, and falling limb) after a discernible increase in flow at the tributary inlet.

e. The permittee must comply with the schedules contained in Table 10. The results of the Wet Weather Monitoring must be provided in each annual report.

f. DO, pH, conductivity, and temperature shall be analyzed in the field within fifteen (15) minutes of sample collection.

g. Alternate wet weather monitoring locations established in Part III.A.1.a or Part III.A.1.b may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the EPA and NMED in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the EPA, use of an alternate monitoring location (except for those with numeric effluent limitations) may commence thirty (30) days from the date of the request. For monitoring locations where numeric effluent limitations have been established, the permit must be modified prior to substitution of alternate monitoring locations. At least six (6) samples shall be collected during the first year of monitoring at substitute monitoring locations. If there are less than six sampleable events, this should be document for reporting purposes.

h. Response to monitoring results: The monitoring program must include a contingency plan for collecting additional monitoring data within the MS4 or at additional appropriate instream locations should monitoring results indicate that MS4 discharges may be contributing to instream exceedances of WQS. The purpose of this additional monitoring effort would be to identify sources of elevated pollutant loadings so they could be addressed by the SWMP.

Table 10. Wet Weather Monitoring Program Implementation Schedules:

| **Activity** | **Permittee Class** | | | | |
|---|---|---|---|---|---|
| | **A**<br>**Phase I MS4s** | **B**<br>**Phase II MS4s (2000 Census)** | **C**<br>**New Phase II MS4s (2010 Census **)** | **D**<br>**MS4s within Indian Lands** | **Cooperative (*)**<br>**Any Permittee with cooperative programs** |
| Submit wet weather monitoring preference to EPA (i.e., individual monitoring program vs. cooperative monitoring program) with NOI submittals | Three (3) months from effective date of permit | Three (3) months from effective date of permit | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Six (6) months from effective date of permit |
| Submit a detailed description of the monitoring scheme to EPA and NMED for approval. The monitoring scheme should include: a list of pollutants; a description of monitoring sites with an explanation of why those sites were selected; and a detailed map of all proposed monitoring sites | Six (6) months from effective date of permit | Six (6) months from effective date of permit | Nine (9) months from effective date of permit | Nine (9) months from effective date of permit | Nine (9) months from effective date of permit |
| Submit certification that all wet weather monitoring sites are operational and begin sampling | Seven (7) months from effective date of permit | Seven (7) months from effective date of permit | Ten (10) months from effective date of permit | Ten (10) months from effective date of permit | Ten (10) months from effective date of permit |
| Update SWMP document and submit annual reports | Annually | Annually | Annually | Annually | Annually |

**(**) or MS4s designated by the Director**

Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

2. **Dry Weather Discharge Screening of MS4**: Each permittee shall identify, investigate, and address areas within its jurisdiction that may be contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System as a result of dry weather discharges (i.e., discharges from separate storm sewers that occur without the direct influence of runoff from storm events, e.g. illicit discharges, allowable non-stormwater, groundwater infiltration, etc.). Due to the arid and semi-arid conditions of the area, the dry weather discharges screening program may be carried out during both wet season (July 1 through October 31) and dry Season (November 1 through June 30). Results of the assessment

shall be provided in each annual report. This program may be coordinated with the illicit discharge detection and elimination program required in Part I.D.5.e. The dry weather screening program shall be described in the SWMP and comply with the schedules contained in Part I.D.5.e.(iii). The permittee shall

a. Include sufficient screening points to adequately assess pollutant levels from all areas of the MS4.

b. Screen for, at a minimum, $BOD_5$, sediment or a parameter addressing sediment (e.g., TSS or turbidity), E. coli, Oil and Grease, nutrients, any pollutant that has been identified as cause of impairment of a waterbody receiving discharges from that portion of the MS4, including temperature.

c. Specify the sampling and non-sampling techniques to be issued for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136; and

d. Perform monitoring only when an antecedent dry period of at least seventy-two (72) hours after a rain event greater than 0.1 inch in magnitude is satisfied. Monitoring methodology shall consist of collecting a minimum of four (4) grab samples spaced at a minimum interval of fifteen (15) minutes each. Grab samples will be combined into a single composite sample from each station, preserved, and delivered to the laboratory for analysis. A flow weighted automatic composite sample may also be used.

**3.** **Floatable Monitoring:** The permittees shall establish locations for monitoring/assessing floatable material in discharges to and/or from their MS4. Floatable material shall be monitored at least twice per year at priority locations and at minimum of two (2) stations except as provided in Part III.A.3. below. The amount of collected material shall be estimated in cubic yards.

a. One (1) station should be located in the North Diversion (only applicable to the COA and AMAFCA).

b. Non-traditional MS4 as defined in Part VII shall sample/assess at one (1) station.

c. Phase II MS4s shall sample/assess at one (1) station within their jurisdiction or participate in a cooperative floatable monitoring plan addressing impacts on perennial waters of the US on a larger watershed basis.

A cooperative monitoring program may be established in partnership with other MS4s to monitor and assess floatable material in discharges to and/or from a joint jurisdictional area or watershed basis.

4. **Industrial and High Risk Runoff Monitoring** (Applicable only to Class A permittees): The permittees shall monitor stormwater discharges from Type 1 and 2 industrial facilities which discharge to the MS4 provided such facilities are located in their jurisdiction. (Note: if no such facilities are in the permittee's jurisdiction, the permittee must certify that this program element does not apply). The permittee shall:

a. Conduct analytical monitoring of Type 1 facilities that discharge to the MS4. Type 1 facilities are municipal landfills; hazardous waste treatment, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and industrial facilities the permittee(s) determines are contributing a substantial pollutant loading to the MS4.

(i) The following parameters shall be monitored:
- any pollutants limited in an existing NPDES permit to a subject facility;

- oil and grease;
- chemical oxygen demand (COD);
- pH;
- biochemical oxygen demand, five-day ($BOD_5$);
- total suspended solids (TSS);
- total phosphorous;
- total Kjeldahl nitrogen (TKN);
- nitrate plus nitrite nitrogen;
- any discharge information required under 40 CFR §122.21(g)(7)(iii) and (iv);
- total cadmium;
- total chromium;
- total copper;
- total lead;
- total nickel;
- total silver;
- total zinc; and,
- PCBs.

(ii) Frequency of monitoring shall be established by the permittee(s), but may not be less than once per year;

(iii) In lieu of the above parameter list, the permittee(s) may alter the monitoring requirement for any individual Type 1 facility:

(a) To coincide with the corresponding industrial sector-specific monitoring requirements of the 2008 Multi-Sector General Stormwater Permit or any applicable general permit issued after September 2008. This exception is not contingent on whether a particular facility is actually covered by the general permit; or

(b) To coincide with the monitoring requirements of any individual permit for the stormwater discharges from that facility, and

(c) Any optional monitoring list must be supplemented by pollutants of concern identified by the permittee(s) for that facility.

b. Conduct appropriate monitoring (e.g. analytic, visual), as determined by the permittee(s), at Type 2 facilities that discharge to the MS4. Type 2 facilities are other municipal waste treatment, storage, or disposal facilities (e.g. POTWs, transfer stations, incinerators) and industrial or commercial facilities the permittee(s) believed contributing pollutants to the MS4. The permittee shall include in each annual report, a list of parameters of concern and monitoring frequencies required for each type of facility.

c. May use analytical monitoring data, on a parameter-by-parameter basis, that a facility has collected to comply with or apply for a State or NPDES discharge permit (other than this permit), so as to avoid unnecessary cost and duplication of effort;

d. May allow the facility to test only one (1) outfall and to report that the quantitative data also apply to the substantially identical outfalls if:

(i) A Type 1 or Type 2 industrial facility has two (2) or more outfalls with substantially identical effluents, and

(ii) Demonstration by the facility that the stormwater outfalls are substantially identical, using one (1) or all of the following methods for such demonstration. The NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001), available on EPA's website at provides detailed guidance on each of the three options: (1) submission of a narrative description and a site map; (2) submission of matrices; or (3) submission of model matrices.

b. May accept a copy of a "no exposure" certification from a facility made to EPA under 40 CFR §122.26(g), in lieu of analytic monitoring.

5. **Additional Sample Type, Collection and Analysis**:

a. Wet Weather ( or Storm Event) Discharge Monitoring: If storm event discharges are collected to meet the objectives of the Comprehensive Monitoring and Assessment Program required in Part III.A (e.g., assess compliance with this permit; assess the effectiveness of the permittee's stormwater management program; assess the impacts to receiving waters resulting from stormwater discharges), the following requirements apply:

(i) Composite Samples: Flow-weighted composite samples shall be collected as follows:

(a) Composite Method – Flow-weighted composite samples may be collected manually or automatically. For both methods, equal volume aliquots may be collected at the time of sampling and then flow-proportioned and composited in the laboratory, or the aliquot volume may be collected based on the flow rate at the time of sample collection and composited in the field.

(b) Sampling Duration – Samples shall be collected for at least the first three (3) hours of discharge. Where the discharge lasts less than three (3) hours, the permittee should report the value. .

(c) Aliquot Collection – A minimum of three (3) aliquots per hour, separated by at least fifteen (15) minutes, shall be collected. Where more than three (3) aliquots per hour are collected, comparable intervals between aliquots shall be maintained (e.g. six aliquots per hour, at least seven (7) minute intervals).

(ii) Grab Samples: Grab samples shall be taken during the first two (2) hours of discharge.

b. Analytical Methods: Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR §136. Where an approved 40 CFR §136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit. The minimum quantification levels (MQLs) in Appendix F are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR 136, provided the manufacturers published detection ranges are adequate for the illicit discharge detection purposes.

EPA Method 1668 shall be utilized when PCB water column monitoring is conducted to determine compliance with permit requirements. For purposes of sediment sampling in dry weather as part of a screening program to identify area(s) where PCB control/clean-up efforts may need to be focused, either the Arochlor test (EPA Method 8082) or USGS test method (8093) may be utilized, but must use EPA Method 1668 (latest revision) for confirmation and determination of specific PCB levels at that location.

EPA Method 900.0 shall be utilized when gross alpha water column monitoring is conducted to determine compliance with permit requirements.

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**B. ANNUAL REPORT**

The permittees shall submit an annual report to be submitted by no later than **December 1st.** See suggested form at http://epa.gov/region6/water/npdes/sw/ms4/index.htm**.** The report shall cover the previous year from **July 1st to June 30rd** and include the below separate sections. Additionally, the year one (1) and year four (4) annual report shall include submittal of a complete SWMP revision.

At least forty five (45) days prior to submission of each Annual Report, the permittee must provide public notice of and make available for public review and comment a draft copy of the Annual Report. All public input must be considered in preparation of the final Annual Reports and any changes to the SWMP.

Note: A complete copy of the signed Annual Report should be maintained on site.

1. **SWMP(s) status of implementation**: shall include the status of compliance with all schedules established under this permit and the status of actions required in Parts I, III, and VI.

2. **SWMP revisions**: shall include revisions, if necessary, to the assessments of controls or BMPs reported in the permit application (or NOI for coverage under this permit) under 40 CFR §122.26(d)(2)(v) and §122.34(d)(1)(i) are to be included, as well as a cumulative list of all SWMP revisions during the permit term.

   Class A permittees shall include revisions, if necessary, to the fiscal analysis reported in the permit application (or NOI for coverage under this permit) under §122.26(d)(2)(vi).

3. **Performance assessment**: shall include:

   a. an assessment of performance in terms of measurable goals, including, but not limited to, a description of the number and nature of enforcement actions and inspections, public education and public involvement efforts;

   b. a summary of the data, including monitoring data, that is accumulated throughout the monitoring year (July 1 to June 30); actual values of representative monitoring results shall be included, if results are above minimum quantification level (MQL); and

   c. an identification of water quality improvements or degradation.

4. **Annual expenditures**: for the reporting period, with a breakdown for the major elements of the stormwater management program and the budget for the year following each annual report. (Applicable only to Class A permittees)

5. **Annual Report Responsibilities for Cooperative Programs:** preparation of a system-wide report with cooperative programs may be coordinated among cooperating MS4s and then used as part of individual Annual Reports. The report of a cooperative program element shall indicate which, if any, permittee(s) have failed to provide the required information on the portions of the MS4 for which they are responsible to the cooperation permittees.

   a. Joint responsibility for reports covering cooperative programs elements shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report.

b. Individual permittees shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report no later than July 31st of each year.

6. **Public Review and Comment**: a brief summary of any issues raised by the public on the draft Annual Report, along with permittee's responses to the public comments.

7. **Signature on Certification of Annual Reports**: The annual report shall be signed and certified, in accordance with Part IV.H and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been apprised of the content of the Annual Report. Annual report shall be due no later than December 1st of each year. A complete copy of the signed Annual Report should be maintained on site.

## C. CERTIFICATION AND SIGNATURE OF RECORDS.

All reports required by the permit and other information requested by the EPA shall be signed and certified in accordance with Part IV.H.

## D. REPORTING: WHERE AND WHEN TO SUBMIT

1. Monitoring results (Part III.A.1, Part III.A.3, Part III.A.5.a) obtained during the reporting period running from July 1st to June 30th shall be submitted on discharge monitoring report (DMR) forms along with the annual report required by Part III.B. A separate DMR form is required for each monitoring period (season) specified in Part III.A.1. If any individual analytical test result is less than the minimum quantification level (MQL) listed for that parameter, then a value of zero (0) may be used for that test result for the discharge monitoring report (DMR) calculations and reporting requirements. The annual report shall include the actual value obtained, if test result is less than the MQL (See Appendix F).

2. Signed copies of DMRs required under Part III, the Annual Report required by Part III.B, and all other reports required herein, shall be submitted in electronic form to R6_MS4Permits@epa.gov (note: there is an underscore between R6 and MS4).

   Copy of a suggested Annual Report Format is located in EPA R6 website: http://epa.gov/region6/water/npdes/sw/ms4/index.htm.

   Electronic submittal of the documents required in the permit using a compatible Integrated Compliance Information System (ICIS) format would be allowed if available.

3. Requests for SWMP updates, modifications in monitoring locations, or application for an individual permit shall, be submitted to,:

   U.S. EPA, Region 6
   Water Quality Protection Division
   Operations Support Office (6WQ-O)
   1445 Ross Avenue
   Dallas, Texas 75202-2733

4. Additional Notification. Permittee(s) shall also provide copies of NOIs, DMRs, annual reports, NOTs, requests for SWMP updates, items for compliance with permit requirements for Compliance with Water Quality Standards in Part I.C.1, TMDL's reports established in Part I.C.2, monitoring scheme, reports, and certifications required in Part III.A.1, programs or changes in monitoring locations, and all other reports required herein, to:

New Mexico Environment Department
Attn: Bruce Yurdin, Program Manager
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

Pueblo of Sandia Environment Department
Attn: Scott Bulgrin, Water Quality Manager
481 Sandia Loop
Bernalillo, NM 87004
(Note: Only those MS4s with discharges upstream of or to waters under the jurisdictional of the Pueblo of Sandia: AMAFCA, Sandoval County, Village of Corrales, City of Rio Rancho, Town of Bernalillo, SSCAFCA, and ESCAFCA)

Natural Resources Department Director
Pueblo of Isleta
P.O. Box 1270
Isleta, NM 87022
(Notes: Only the City of Albuquerque, Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), New Mexico Department of Transportation (NMDOT) District 3, KAFB (Kirtland Air Force Base), Sandia Labs (DOE), and Bernalillo County). All parties submitting an NOI or NOT shall notify the Pueblo of Isleta in writing that a NOI or NOT has been submitted to EPA

Water Resources Division Manager
Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, New Mexico 87004
(Note: Only those MS4s with discharges upstream of or to waters under the jurisdictional of the Pueblo of Santa Ana)

## PART IV. STANDARD PERMIT CONDITIONS

### A. DUTY TO COMPLY.

The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Clean Water Act (The Act) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

### B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.

The EPA will adjust the Civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register: Dec. 31, 1996, Volume 61, No. 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, No. 54, pages 13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

1. **Criminal Penalties**.
   a. Negligent Violations: The Act provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one (1) year, or both.

   b. Knowing Violations: The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three (3) years, or both.

   c. Knowing Endangerment: The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than fifteen (15) years, or both.

   d. False Statement: The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two (2) years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both. (See Section 309(c)(4) of the Act).

2. **Civil Penalties**. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $27,500 per day for each violation.

3. **Administrative Penalties**. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

   a. Class I penalty: Not to exceed $11,000 per violation nor shall the maximum amount exceed $27,500.

b. Class II penalty: Not to exceed $11,000 per day for each day during which the violation continues nor shall the maximum amount exceed $137,500.

**C. DUTY TO REAPPLY**. If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The EPA may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR §122.6 and any subsequent amendments.

**D. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**E. DUTY TO MITIGATE**. The permittee(s) shall take all reasonable steps to control or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**F. DUTY TO PROVIDE INFORMATION**. The permittee(s) shall furnish to the EPA, within a time specified by the EPA, any information which the EPA may request to determine compliance with this permit. The permittee(s) shall also furnish to the EPA upon request copies of records required to be kept by this permit.

**G. OTHER INFORMATION**. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the EPA, he or she shall promptly submit such facts or information.

**H. SIGNATORY REQUIREMENTS**. For a municipality, State, or other public agency, all DMRs, SWMPs, reports, certifications or information either submitted to the EPA or that this permit requires be maintained by the permittee(s), shall be signed by either a:

1. Principal executive officer or ranking elected official; or

2. Duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the EPA.

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

3. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written authorization satisfying the requirements of this paragraph must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification: Any person signing documents under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**I. PENALTIES FOR FALSIFICATION OF MONITORING SYSTEMS**. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the Act.

**J. OIL AND HAZARDOUS SUBSTANCE LIABILITY**. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act or section 106 of CERCLA.

**K. PROPERTY RIGHTS**. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

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

**M. REQUIRING A SEPARATE PERMIT**.

1. The EPA may require any permittee authorized by this permit to obtain a separate NPDES permit. Any interested person may petition the EPA to take action under this paragraph. The Director may require any permittee authorized to discharge under this permit to apply for a separate NPDES permit only if the permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the permittee to file the application, and a statement that on the effective date of the separate NPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shown in Part III.D. The EPA may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit, prior to the deadline of the time extension, a separate NPDES permit application as required by the EPA, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified for application submittal.

2. Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for a separate permit. The permittee shall submit a separate application as specified by 40 CFR §122.26(d) for Class A permittees and by 40 CFR §122.33(b)(2) for Class B, C, and D permittees, with reasons supporting the request to the Director. Separate permit applications shall be submitted to the address shown in Part III.D.3. The request may be granted by the issuance of a separate permit if the reasons cited by the permittee are adequate to support the request.

3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the permittee is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

**N. STATE / ENVIRONMENTAL LAWS**.

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

2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**O. PROPER OPERATION AND MAINTENANCE**. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of stormwater management programs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

**P. MONITORING AND RECORDS**.

1. The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the NOI for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.

2. The permittee must submit its records to the permitting authority only when specifically asked to do so. The permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. The permittee must make its records, including the NOI and the description of the SWMP, available to the public if requested to do so in writing.

3. Records of monitoring information shall include:
   a. The date, exact place, and time of sampling or measurements;
   b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed;
   d. The time(s) analyses were initiated;
   e. The initials or name(s) of the individual(s) who performed the analyses;
   f. References and written procedures, when available, for the analytical techniques or methods used; and
   g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4. The permittee must maintain, for the term of the permit, copies of all information and determinations used to document permit eligibility under Parts I.A.5.f and Part I.A.3.b.

**Q. MONITORING METHODS**. Monitoring must be conducted according to test procedures approved under 40 CFR §136, unless other test procedures have been specified in this permit. The minimum quantification levels (MQLs) in Appendix F are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

**R. INSPECTION AND ENTRY**. The permittee shall allow the EPA or an authorized representative of EPA, or the State, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

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

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance or parameters at any location.

**S. PERMIT ACTIONS**. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**T. ADDITIONAL MONITORING BY THE PERMITTEE(S)**. If the permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR §136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

**U. ARCHEOLOGICAL AND HISTORIC SITES** (Applicable to areas within the corporate boundary of the City of Albuquerque and Tribal lands). This permit does not authorize any stormwater discharges nor require any controls to control stormwater runoff which are not in compliance with any historic preservation laws.

1. In accordance with the Albuquerque Archaeological Ordinance (Section 2-12-2, 14-16-5, and 14-14-3-4), an applicant for either:

   a. A preliminary plan for any subdivision that is five acres or more in size; or

   b. A site development plan or master development plan for a project that is five acres or more in size on property that is zoned SU-1 Special Use, IP Industrial Park, an SU-2 zone that requires site plan review, PC Planned Community with a site, or meets the Zoning Code definition of a Shopping Center must first obtain either a Certificate of No Effect or a Certificate of Approval from the City Archaeologist. Details of the requirements for a Certificate of No Effect or a Certificate of Approval are described in the ordinance. Failure to obtain a certificate as required by ordinance shall subject the property owner to the penalties of §1-1-99 ROA 1994.

2. If municipal excavation and/or construction projects implementing requirements of this permit will result in the disturbance of previously undisturbed land, and the project is not required to have a separate NPDES permit (e.g. general permit for discharge of stormwater associated with construction activity), then the permittee may seek authorization for stormwater discharges from such sites of disturbance by:

   a. Submitting, thirty (30) days prior to commencing land disturbance, the following to the State Historic Preservation Officer (SHPO) and to appropriate Tribes and Tribal Historic Preservation Officers for evaluation of possible effects on properties listed or eligible for listing on the National Register of Historic Places:

      (i) A description of the construction or land disturbing activity and the potential impact that this activity may have upon the ground, and

      (ii) A copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.

      (iii) The addresses of the SHPO. Sandia Pueblo, and Isleta Pueblo are:

State Historic Preservation Officer
New Mexico Historic Preservation Division

Bataan Memorial Building
407 Galisteo Street, Ste. 236
Santa Fe, New Mexico 87501

Pueblo of Sandia Environment Department
*Attn:* Frank Chaves, Environment Director
481 Sandia Loop
Bernalillo, New Mexico 87004

Natural Resources Department Director
Pueblo of Isleta
P.O. Box 1270
Isleta Pueblo, New Mexico 87022

Water Resources Division Manager
Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, New Mexico 87004

3. If the permittee receives a request for an archeological survey or notice of adverse effects from the SHPO, the permittee shall delay such activity until:

   a. A cultural resource survey report has been submitted to the SHPO for a review and a determination of no effect or no adverse effect has been made, and

   b. If an adverse effect is anticipated, measures to minimize harm to historic properties have been agreed upon between the permittee and the SHPO.

4. If the permittee does not receive notification of adverse effects or a request for an archeological survey from the SHPO within thirty (30) days, the permittee may proceed with the activity.

5. Alternately, the permittee may obtain authorization for stormwater discharges from such sites of disturbance by applying for a modification of this permit. The permittee may apply for a permit modification by submitting the following information to the Permitting Authority 180 days prior to commencing such discharges:

   a. A letter requesting a permit modification to include discharges from activities subject to this provision, in accordance with the signatory requirements in Part IV.H.

   b. A description of the construction or land disturbing activity and the potential impact that this activity may have upon the ground; County in which the facility will be constructed; type of facility to be constructed; size area (in acres) that the facility will encompass; expected date of construction; and whether the facility is located on land owned or controlled by any political subdivision of New Mexico; and

   c. A copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.

V. **CONTINUATION OF THE EXPIRED GENERAL PERMIT**. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or

2. Issuance of an individual permit for your discharges; or

3. A formal permit decision by the permitting authority not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

W. **PERMIT TRANSFERS**: This permit is not transferable to any person except after notice to the permitting authority. The permitting authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

X. **ANTICIPATED NONCOMPLIANCE**. The permittee must give advance notice to the permitting authority of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit. (see

Y. **PROCEDURES FOR MODIFICATION OR REVOCATION**: Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

## PART V. PERMIT MODIFICATION

**A. MODIFICATION OF THE PERMIT**. The permit may be reopened and modified, in accordance with 40 CFR §122.62, §122.63, and §124.5, during the life of the permit to address:

1. Changes in the State's Water Quality Management Plan, including Water Quality Standards;

2. Changes in applicable water quality standards, statutes or regulations;

3. A new permittee who is the owner or operator of a portion of the MS4;

4. Changes in portions of the SWMP that are considered permit conditions;

5. Construction activities implementing requirements of this permit that will result in the disturbance of previously undisturbed land and not required to have a separate NPDES permit; or

6. Other modifications deemed necessary by the EPA to meet the requirements of the Act.

**B. MODIFICATION OF THE SWMP(s)**. Only those portions of the SWMPs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR §124.5. Addition of components, controls, or requirements by the permittee(s); replacement of an ineffective or infeasible control implementing a required component of the SWMP with an alternate control expected to achieve the goals of the original control; and changes required as a result of schedules contained in Part VI shall be considered minor changes to the SWMP and not modifications to the permit. (See also Part I.D.6)

**C. CHANGES IN REPRESENTATIVE MONITORING SITES**. Changes in monitoring sites, other than those with specific numeric effluent limitations (as described in Part III.A.1.g), shall be considered minor modifications to the permit and shall be made in accordance with the procedures at 40 CFR §122.63.

## PART VI. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE.

**A. IMPLEMENTATION AND AUGMENTATION OF THE SWMP(s).** The permittee(s) shall comply with all elements identified in Parts I and III for SWMP implementation and augmentation, and permit compliance. The EPA shall have sixty (60) days from receipt of a modification or augmentation made in compliance with Part VI to provide comments or request revisions. During the initial review period, EPA may extend the time period for review and comment. The permittee(s) shall have thirty (30) days from receipt of the EPA's comments or required revisions to submit a response. All changes to the SWMP or monitoring plans made to comply with schedules in Parts I and III must be approved by EPA prior to implementation.

**B. COMPLIANCE WITH EFFLUENT LIMITATIONS.** Reserved.

**C. REPORTING COMPLIANCE WITH SCHEDULES.** No later than fourteen (14) days following a date for a specific action (interim milestone or final deadline) identified in the Part VI schedule(s), the permittee(s) shall submit a written notice of compliance or noncompliance to the EPA in accordance with Part III.D.

**D. MODIFICATION OF THE SWMP(s).** The permittee(s) shall modify its SWMP, as appropriate, in response to modifications required in Part VI.A. Such modifications shall be made in accordance with Part V.B.

## PART VII. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

(1) **Baseline Load** means the load for the pollutant of concern which is present in the waterbody before BMPs or other water quality improvement efforts are implemented.

(2) **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(3) **Bioretention** means the water quality and water quantity stormwater management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from stormwater runoff.

(4) **Canopy Interception** means the interception of precipitation, by leaves and branches of trees and vegetation that does not reach the soil.

(5) **Contaminated Discharges:** The following discharges are considered contaminated:
- Has had a discharge resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or
- Has had a discharge resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of an applicable water quality standard**.**

(6) **Controls** or **Control Measures** or **Measures** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or control the pollution of waters of the United States. Controls also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(7) **Controllable Sources**: Sources, private or public, which fall under the jurisdiction of the MS4.

(8) **CWA** or **The Act** means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

(9) **Co-permittee** means a permittee to a NPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.

(10) **Composite Sample** means a sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(11) **Core Municipality** means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).

(12) **Direct Connected Impervious Area (DCIA)** means the portion of impervious area with a direct hydraulic connection to the permitee's municipal separate storm sewer system or a waterbody via continuous paved surfaces, gutters, pipes, and other impervious features. Direct connected impervious area typically does not include isolated impervious areas with an indirect hydraulic connection to the municipal separate storm sewer system (e.g., swale or detention basin) or that otherwise drain to a pervious area.

(13) **Director** means the Regional Administrator or an authorized representative.

(14) **Discharge** for the purpose of this permit, unless indicated otherwise, means discharges from the municipal separate storm sewer system.

(15) **Discharge-related activities"** include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges, including the sitting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

(16) **Engineered Infiltration** means an underground device or system designed to accept stormwater and slowly exfiltrates it into the underlying soil. This device or system is designed based on soil tests that define the exfiltration rate.

(17) **Evaporation** means rainfall that is changed or converted into a vapor.

(18) **Evapotranspiration** means the sum of evaporation and transpiration of water from the earth's surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration of plants.

(19) **Extended Filtration** means a structural stormwater practice which filters stormwater runoff through vegetation and engineered soil media. A portion of the stormwater runoff drains into an underdrain system which slowly releases it after the storm is over.

(20) **Facility** means any NPDES "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the NPDES program.
(21) **Flood Control Projects** mean major drainage projects developed to control water quantity rather than quality, including channelization and detention.
(22) **Flow-weighted composite sample** means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
(23) **Grab Sample** means a sample which is taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
(24) **Green Infrastructure** means an array of products, technologies, and practices that use natural systems – or engineered systems that mimic natural processes – to enhance overall environmental quality and provide utility services. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspirate, and/or recycle stormwater runoff. When used as components of a stormwater management system, Green Infrastructure practices such as green roofs, porous pavement, rain gardens, and vegetated swales can produce a variety of environmental benefits. In addition to effectively retaining and infiltrating rainfall, these technologies can simultaneously help filter air pollutants, reduce energy demands, mitigate urban heat islands, and sequester carbon while also providing communities with aesthetic and natural resource benefits.
(25) **Hydromodification** means the alteration of the natural flow of water through a landscape, and often takes the form of channel straightening, widening, deepening, or relocating existing, natural stream channels. It also can involve excavation of borrow pits or canals, building of levees, streambank erosion, or other conditions or practices that change the depth, width or location of waterways. Hydromodification usually results in water quality and habitat impacts.
(26) **Illicit connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
(27) **Illicit discharge** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
(28) **Impervious Area (IA)** means conventional pavements, sidewalks, driveways, roadways, parking lots, and rooftops.
(29) **Indian Country** means:
   a. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
   b. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
   c. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.
(30) **Individual Residence** means, for the purposes of this permit, single or multi-family residences. (e.g. single family homes and duplexes, town homes, apartments, etc.)
(31) **Infiltration** means the process by which stormwater penetrates the soil.
(32) **Land application unit** means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
(33) **Landfill** means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
(34) **Land Use** means the way in which land is used, especially in farming and municipal planning.
(35) **Large or medium municipal separate storm sewer system** means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendix F of 40 CFR §122); or (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers are located in the incorporated places, townships, or towns within such counties (these counties are listed in Appendices H and I of 40 CFR §122); or (iii) owned or operated by a municipality other than those described in Paragraph (i) or (ii) and that are designated by the Regional Administrator as part of the large or medium municipal separate storm sewer system.
(36) **MEP** means maximum extent practicable, the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges. A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34. CWA section 402(p)(3)(B)(iii) requires that a municipal permit “shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system design, and engineering methods, and other provisions such as the Administrator or the State determines appropriate for the control of such pollutants.
(37) **Measurable Goal** means a quantitative measure of progress in implementing a component of storm water management program.

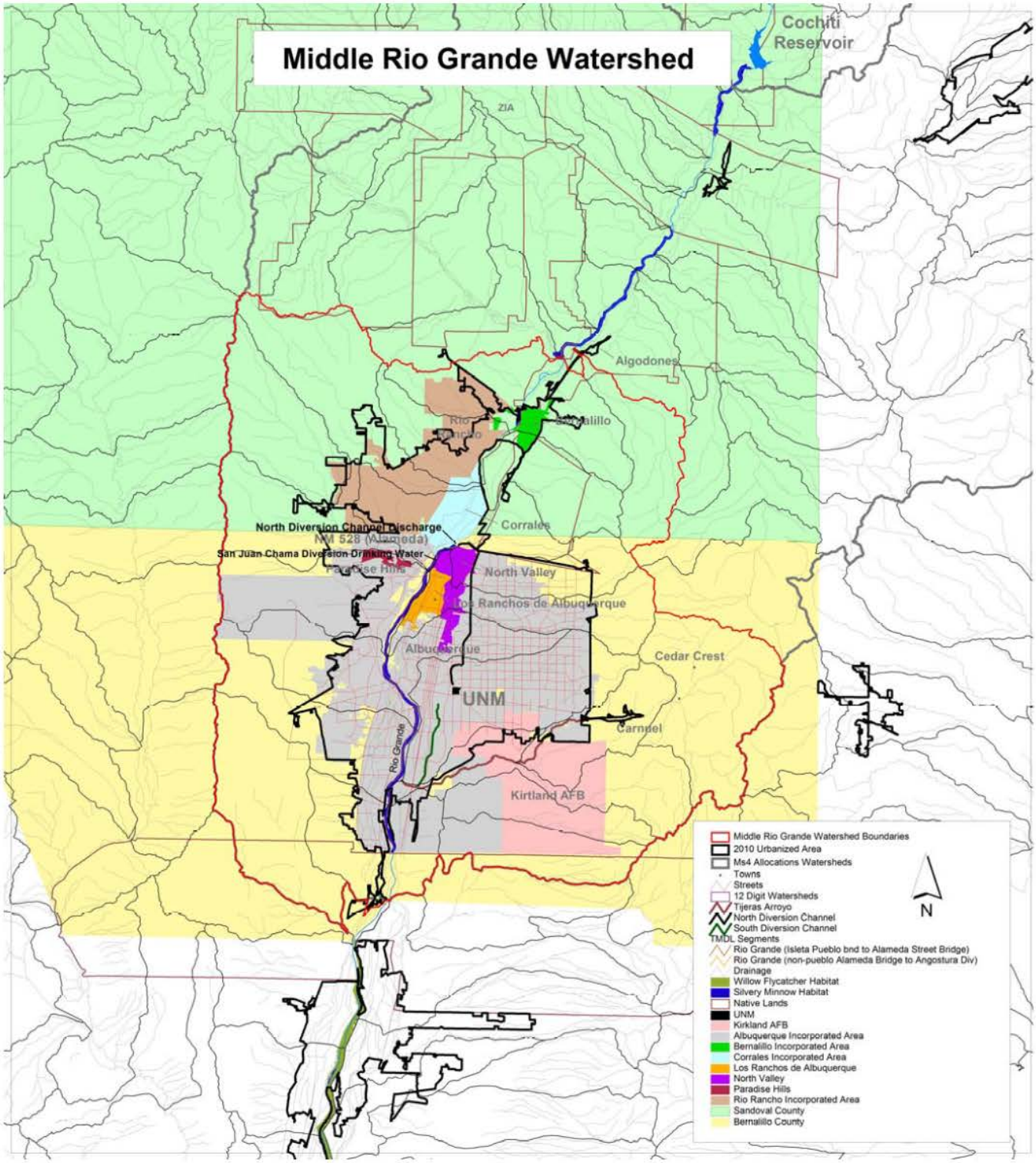
(38) **Municipal Separate Storm Sewer (MS4)** means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to paragraphs 40 CFR §122.26(b)(4), (b)(7), and (b)(16), or designated under paragraph 40 CFR §122.26(a)(1)(v).
(39) **Non-traditional MS4** means systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. 40 CFR 122.26(a)(16)(iii).
(40) **NOI** means Notice of Intent to be covered by this permit (see Part I.B of this permit)
(41) **NOT** means Notice of Termination.
(42) **Outfall** means a *point source* as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
(43) **Percent load reduction** means the difference between the baseline load and the target load divided by the baseline load.
(44) **Owner or operator** means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.
(45) **Permittee** refers to any person (defined below) authorized by this NPDES permit to discharge to Waters of the United States.
(46) **Permitting Authority** means EPA, Region 6.
(47) **Person** means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.
(48) **Point Source** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
(49) **Pollutant** is defined at 40 CFR 122.2. Pollutant means dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sewage sludge. Munitions, chemical waste, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), heat, wrecked or discarded equipment, rock sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
(50) **Pre-development Hydrology**, Predevelopment hydrology is generally the rain volume at which runoff would be produced when a site or an area is in its natural condition, prior to development disturbances. For the Middle Rio Grande area, EPA considers predevelopment conditions to be a mix of woods and desert shrub.
(51) **Rainfall and Rainwater Harvesting** means the collection, conveyance, and storage of rainwater. The scope, method, technologies, system complexity, purpose, and end uses vary from rain barrels for garden irrigation in urban areas, to large-scale collection of rainwater for all domestic uses.
(52) **Soil amendment** means adding components to in-situ or native soils to increase the spacing between soil particles so that the soil can absorb and hold more moisture. The amendment of soils changes various other physical, chemical and biological characteristics so that the soils become more effective in maintaining water quality.
(53) **Storm drainage projects** include stormwater inlets, culverts, minor conveyances and a host of other structures or devices.
(54) **Storm sewer**, unless otherwise indicated, means a municipal separate storm sewer.
(55) **Stormwater** means stormwater runoff, snow melt runoff, and surface runoff and drainage.
(56) **Stormwater Discharge Associated with Industrial Activity** means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant (See 40 CFR §122.26(b)(14) for specifics of this definition).
(57) **Target load** means the load for the pollutant of concern which is necessary to attain water quality goals (e.g. applicable water quality standards).
(58) **Stormwater Management Program (SWMP)** means a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the Stormwater Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
(59) **Targeted controls** means practices implemented to address particular pollutant of concern. For example litter program targets floatables.
(60) **Time-weighted composite** means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
(61) **Total Maximum Daily Load (TMDL)** means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards. A TMDL is the sum of individual wasteload allocations for point sources (WLA), load allocations for non-point sources and natural background (LA), and must consider seasonal variation and include a margin of safety. The TMDL comes in the form of a technical document or plan.

(62) **Toxicity** means an LC50 of <100% effluent.
(63) **Waste load allocation (WLA)** means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.
(64) **Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
(65) **Whole Effluent Toxicity (WET)** means the aggregate toxic effect of an effluent measured directly by a toxicity test.

# PART VIII PERMIT CONDITIONS APPLICABLE TO SPECIFIC AREAS OR INDIAN COUNTY LANDS

Reserved

## Appendix A - Middle Rio Grande Watershed Jurisdictions and Potential Permittees



**Middle Rio Grande Watershed Jurisdictions and Potential Permittees**

*Class A:*
City of Albuquerque
AMAFCA (Albuquerque Metropolitan Arroyo Flood Control Authority)
UNM (University of New Mexico)
NMDOT (New Mexico Department of Transportation District 3)

*Class B*:
Bernalillo County
Sandoval County
Village of Corrales
City of Rio Rancho
Los Ranchos de Albuquerque
KAFB (Kirtland Air Force Base)
Town of Bernalillo
EXPO (State Fairgrounds/Expo NM)
SSCAFCA (Southern Sandoval County Arroyo Flood Control Authority)
NMDOT (New Mexico Department of Transportation District 3)

*Class C*:
ESCAFCA (Eastern Sandoval County Arroyo Flood Control Authority)
Sandia Labs (DOE)

*Class D*:
Pueblo of Sandia
Pueblo of Isleta
Pueblo of Santa Ana

Note: There could be additional potential permittees.
NMDOT Dist. 3 falls into the Class A type permittee, if an individual program is developed or/and implemented. The timelines for cooperative programs should be used, if NMDOT Dist. 3 cooperates with other permittees.

# Appendix B - Total Maximum Daily Loads (TMDLs)

## B.1. Approved Total Maximum Daily Loads (TMDLs) Tables

A bacteria TMDL for the Middle Rio Grande was approved by the New Mexico Water Quality Control Commission on April 13, 2010, and by EPA on June 30, 2010. The new TMDL modifies: 1) the indicator parameter for bacteria from fecal coliform to *E. coli*, and 2) the way the WLAs are assigned

**Discharges to Impaired Waters – TMDL Waste Load Allocations (WLAs)[2] for *E. coli*: Rio Grande[1]**

| Stream Segment | Stream Name | Permittee Class | FLOW CONDITIONS & ASSOCIATED WLA (cfu/day)[3] | | | | |
|---|---|---|---|---|---|---|---|
| | | | High | Moist | Mid-Range | Dray | Low |
| 2105_50 | Isleta Pueblo boundary to Alameda Street Bridge (based on flow at USGS Station NM08330000) | Class A [4] | $3.36 \times 10^{10}$ | $8.41 \times 10^{10}$ | $5.66 \times 10^{10}$ | $2.09 \times 10^{10}$ | $4.67 \times 10^{9}$ |
| | | Class B[5] Class C[6] | $3.73 \times 10^{9}$ | $9.35 \times 10^{9}$ | $6.29 \times 10^{9}$ | $2.32 \times 10^{9}$ | $5.19 \times 10^{8}$ |
| 2105.1_00 | non-Pueblo Alameda Bridge to Angostura Diversion (based on flow at USGS Station NM08329928) | Class A | $5.25 \times 10^{10}$ | $1.52 \times 10^{10}$ | _ | $5.43 \times 10^{9}$ | $2.80 \times 10^{9}$ |
| | | Class B Class C | $2.62 \times 10^{11}$ | $7.59 \times 10^{10}$ | _ | $2.71 \times 10^{10}$ | $1.40 \times 10^{10}$ |

1 Total Maximum Daily Load for the Middle Rio Grande Watershed, NMED, 2010.
2 The WLAs for the stormwater MS4 permit was based on the percent jurisdiction area approach. Thus, the MS4 WLAs are a percentage of the available allocation for each hydrologic zone, where the available allocation = TMDL – WLA – MOS.
3 Flow conditions relate to percent of days the flow in the Rio Grande at a USGS Gauge exceeds a particular level: High 0-10%; Moist 10-40%; Mid-Range 40-60%; Dry 60-90%; and Low 90-100%. (Source: Figures 4.3 and 4.4 in 2010 Middle Rio Grande TMDL)
4 Phase I MS4s
5 Phase II MS4s (2000 Census)
6 New Phase II MS4s (2010 Census or MS4s designated by the Director)

<u>Estimating Target Loadings for Particular Monitoring Location:</u>

The Table in B.2 below provides a mechanism to calculate, based on acreage within a drainage area, a target loading value for a particular monitoring location.

## B.2. Calculating Alternative Sub-measurable Goals

Individual permittees or a group of permittees seeking alternative sub-measureable goals under C.2.b.(i).(c).B should consult NMED. Preliminary proposals should be submitted with the Notice of Intent (NOI) under Part I.B.2.k according to the due dates specified in Part I.B.1.a of the permit. This proposal shall include, but is not limited to, the following items

### B.2.1 **Determine base loading for subwatershed areas consistent with TMDL**

a. Using the table below, the permittee must develop a target load consistent with the TMDL for any sampling point in the watershed (even if it includes area outside the jurisdictional area of the permit).

*E. coli* loading on a per area basis (cfu/sq mi/day)

| | high | moist | mid | dry | low |
|---|---|---|---|---|---|
| Alameda to Isleta | 1.79E+09 | 4.48E+08 | 3.02E+08 | 1.11E+08 | 2.58E+07 |
| Angostura to Alameda | 3.25E+09 | 9.41E+08 | 5.19E+08 | 3.37E+08 | 1.74E+08 |

b. An estimation of the pertinent, subwatershed area that the permittee is responsible for and the basis for determining that area, including the means for excluding any tributary inholdings;

c. Using the total loading for the watershed (from part a) and the percentage of the watershed area that is part of the permitee(s) jurisdiction (part b) to calculate a base WLA for this subwatershed.

**B.2.2 Set Alternative subwatershed targets**

a. Permittee(s) may reallocate WLA within and between subwatershed based on factors including:

- Population density within the pertinent watershed area;
- Slope of the waterway;
- Percent impervious surface and how that value was determined;
- Stormwater treatment, installation of green infrastructure for the control or treatment of stormwater and stormwater pollution prevention and education programs within specific watersheds

b. A proposal for an alternative subwatershed target must include the rationale for the factor(s) used

**B.2.3 Ensure overall compliance with TMDL WLA allocation**

The permitee(s) will provide calculations demonstrating the total WLA under the alternative proposed in (Part II) is consistent with the baseline calculated in (Part I) based on their total jurisdictional area. Permittee(s) will not be allowed to allocate more area within the watershed than is accorded to them under their jurisdictional area. For permittees that work cooperatively, WLA calculations may be combined and used where needed within the sub-watershed amongst the cooperating parties.

WLA calculations must be sent as part of the Notice of Intent to EPA via e-mail at R6_MS4Permits@epa.gov. These calculations must also be sent to:

Sarah Holcomb
Industrial and Stormwater Team Leader
NMED Surface Water Quality Bureau
P.O. Box 5469,

## Appendix C - Historic Properties Eligibility Procedures

MS4 operators must determine whether their MS4's storm water discharges, allowable non-storm water discharges, or construction of best management practices (BMPs) to control such discharges, have potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for MS4s which are new storm water dischargers and for existing MS4s which are planning to construct BMPs for permit eligibility, MS4 operators should conduct further inquiry to determine whether historic properties may be affected by the storm water discharge or BMPs to control the discharge. In such instances, MS4 operators should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are “eligible for listing”).

Due to the large number of entities seeking coverage under this permit and the limited number of personnel available to State and Tribal Historic Preservation Officers nationwide to respond to inquiries concerning the location of historic properties, EPA suggests that MS4 operators first access the “National Register of Historic Places” information listed on the National Park Service's web page (www.nps.gov/nr/). Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers are listed in Parts II and III of this appendix, respectively. In instances where a Tribe does not have a Tribal Historic Preservation Officer, MS4 operators should contact the appropriate Tribal government office when responding to this permit eligibility condition. MS4 operators may also contact city, county or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register. Tribes that do not currently reside in an area may also have an interest in cultural properties in areas they formerly occupied. Tribal contact information is available at http://www.epa.gov/region06/6dra/oejta/tribalaffairs/index.html

The following three scenarios describe how MS4 operators can meet the permit eligibility criteria for protection of historic properties under this permit:

(1) If historic properties are not identified in the path of an MS4's storm water and allowable non-storm water discharges or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), then the MS4 operator has met the permit eligibility criteria under Part I.A.3.b.(i).

(2) If historic properties are identified but it is determined that they will not be affected by the discharges or construction of BMPs to control the discharge, the MS4 operator has met the permit eligibility criteria under Part.I.A.3.b.(ii).

(3) If historic properties are identified in the path of an MS4's storm water and allowable non-storm water discharges or where construction activities are planned to install BMPs to control such discharges, and it is determined that there is the potential to adversely affect the property, the MS4 operator can still meet the permit eligibility criteria under Part I.A.3.b.(ii) if he/she obtains and complies with a written agreement with the appropriate State or Tribal Historic Preservation Officer which outlines measures the MS4 operator will follow to mitigate or prevent those adverse effects. The operator should notify EPA before exercising this option.

The contents of such a written agreement must be included in the MS4's Storm Water Management Program.

In situations where an agreement cannot be reached between an MS4 operator and the State or Tribal Historic Preservation Officer, MS4 operators should contact EPA for assistance.

The term “adverse effects” includes but is not limited to damage, deterioration, alteration or destruction of the historic property or place. EPA encourages MS4 operators to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

MS4 operators are reminded that they must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places.

I. Internet Information on the National Register of Historic Places
An electronic listing of the ``National Register of Historic Places," as maintained by the National Park Service on its National Register Information System (NRIS), can be accessed on the Internet at www.nps.gov/nr/.

II. State Historic Preservation Officers (SHPO)
SHPO List for areas covered by the permit:

**NEW MEXICO**
Historic Preservation Div, Office of Cultural Affairs
Bataan Memorial Building, 407 Galisteo Street, Suite 236
Santa Fe, NM 87501
505-827-6320 FAX: 505-827-6338

III. Tribal Historic Preservation Officers
(THPO)
In instances where a Tribe does not have a Tribal Historic Preservation Officer, please contact the appropriate Tribal government office when responding to this permit eligibility condition.

Tribal Historic Preservation Officers:
Mescalero Apache Tribe
P.O. Box 227
Mescalero, New Mexico 88340

Pueblo of Sandia Environment Department
Attn: Frank Chaves, Environment Director
481 Sandia Loop
Bernalillo, New Mexico 87004

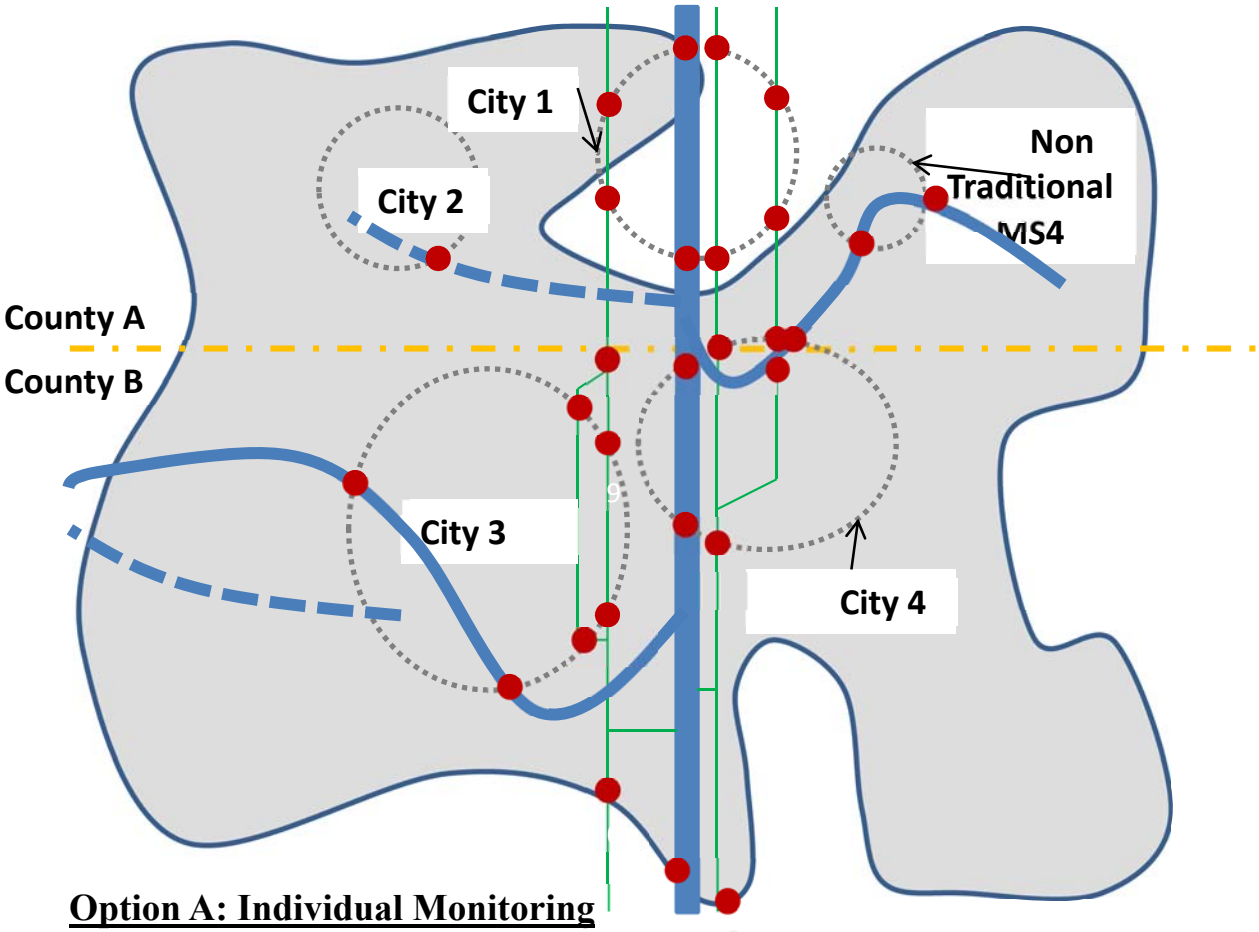
Natural Resources Department Director
Pueblo of Isleta
P.O. Box 1270
Isleta Pueblo, New Mexico 87022

Water Resources Division Manager
Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, New Mexico 87004

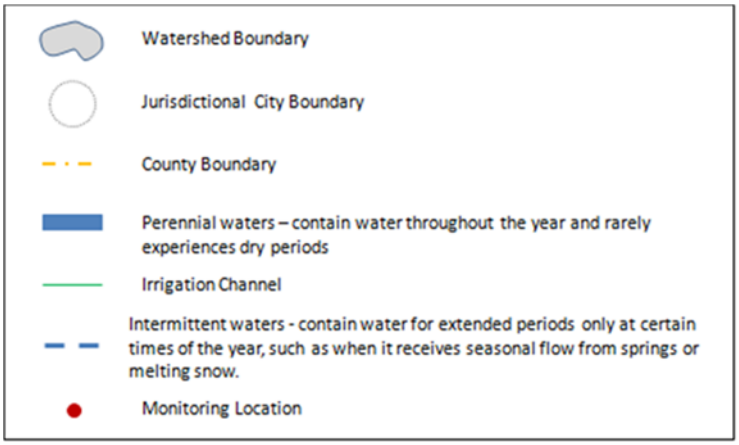
**For more information**:
National Association of Tribal Historic
Preservation Officers
P.O. Box 19189
Washington, DC 20036-9189
Phone: (202) 628-8476
Fax: (202) 628-2241

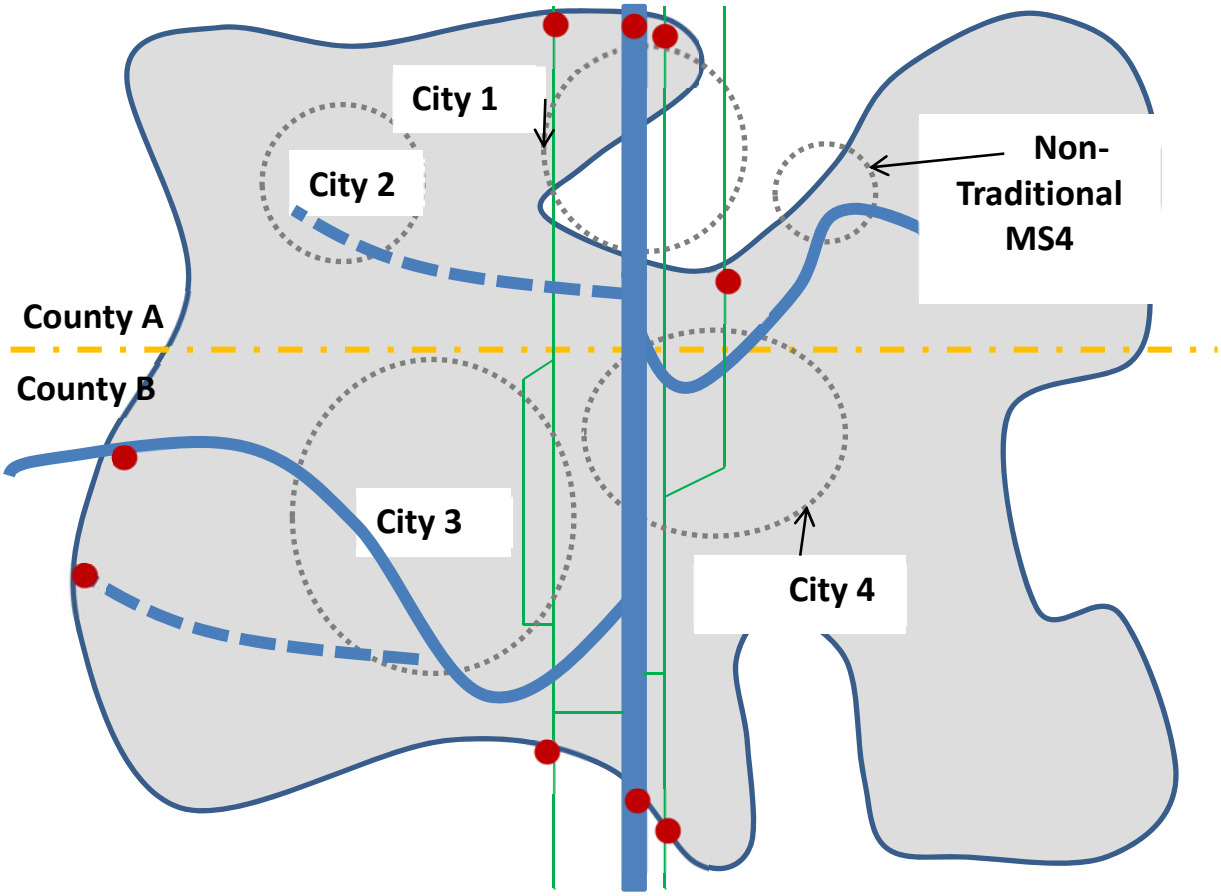
IV. Advisory Council on Historic Preservation
Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004 Telephone: (202) 606-8503, Fax: (202) 606-8647/8672, E-mail: achp@achp.gov

## Appendix D - Suggested Initial Phase Sampling Location Concepts – Wet Weather Monitoring

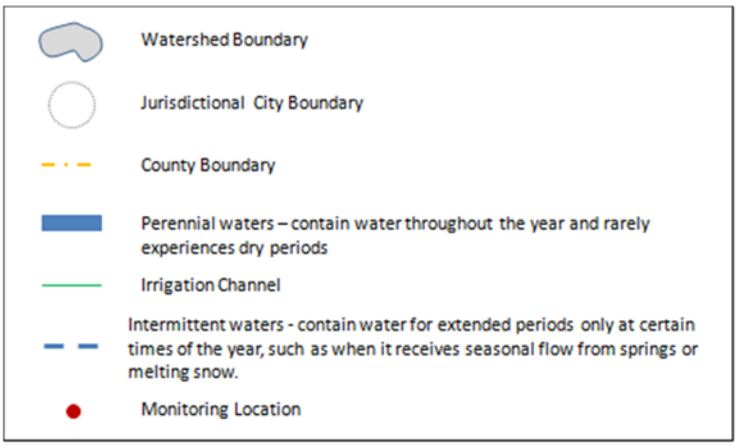



**Option A: Individual Monitoring**






**Option B: Cooperative Monitoring**



## Appendix E - Providing Comments or Requesting a Public Hearing on an MS4 Operator's NOI

NOTE: Appendix E is for public information only and does not impose conditions on the permittee.

Any interested person may provide comments or request a public hearing on a Notice of Intent (NOI) submitted under this general permit. The general permit itself is not reopened for comment during the period an NOI is available for review and comment.

**A. How Will I Know A MS4 is Filing an NOI and How Can I Get a Copy?**
The permittee is required to provide a local public notice that they are filing an NOI and make a copy of the draft NOI submittal available locally. EPA will put basic information from all NOIs received on the Internet at: **http://www.epa.gov/region6/6wq/npdes/sw/sms4/index.htm .** You may contact the listed MS4 representative for local access to the NOI. You may also request a copy from EPA by contacting Ms. Dorothy Brown at 214-665-8141 or **brown.dorothy@epa.gov** or via mail at the Address in Item D below, attention Dorothy Brown.

**B. When Can I File Comments or a Hearing Request?**
You can file comments and/or request a hearing as soon as a NOI is filed, but your request must be postmarked or physically received by EPA within thirty (30) calendar days of the date the NOI is posted on the web site in Section A.

**C. How Do I File Comments or Make My Hearing Request?**
Your comments and/or hearing request must be in writing and must state the nature of the issues proposed to be raised in the hearing. You should be as specific as possible and include suggested remedies where possible. You should include any data supporting your position(s). If you are submitting the request on behalf of a group or organization, you should describe the nature and membership of the group or organization. Electronic format comments in MS-WORD or PDF format are preferred.

**D. Where Do I Send Copies of My Comments or Hearing Request?**
Electronic Format: Submit one copy of your comments or hearing request via e-mail to Ms. Dorothy Brown at **brown.dorothy@epa.gov** and copy the Operator of the MS4 at the address on the NOI (send hard copy to MS4 Operator if no e-mail address provided). You may also submit via compact disk or diskette formatted for PCs to addresses for hard copy below. (Hard Copy: You must send an original and one copy of your comments or hearing request to EPA at the address below and a copy to the Operator of the MS4 at the address provided on the NOI)

U.S. EPA Region 6
Water Quality Protection Division (6WQ-NP)
Attn: Dorothy Brown
1445 Ross Ave., Suite 1200
Dallas, TX 75202

**E. How Will EPA Determine Whether or Not To Hold a Public Hearing?**
EPA will evaluate all hearing requests received on an NOI to determine if a significant degree of public interest exists and whether issues raised may warrant clarification of the MS4 Operator's NOI submittal. EPA will hold a public hearing if a significant amount of public interest is evident. EPA may also, at the Agency's discretion, hold either a public hearing or an informal public meeting to clarify issues related to the NOI submittal. EPA may hold a single public hearing or public meeting covering more than one MS4 (e.g., for all MS4s in an Urbanized Area, etc.).

**F. How Will EPA Announce a Pubic Hearing or Public Meeting?**
EPA will provide public notice of the time and place for any public hearing or public meeting in a major newspaper with local distribution and via the Internet at **http://www.epa.gov/region6/6wq/npdes/sw/sms4/index.htm**.

**G. What Will EPA Do With Comments on an NOI?**
EPA will take all comments made directly or in the course of a public hearing or public meeting into consideration in determining whether or not the MS4 that submitted the NOI is appropriately covered under the general permit. The MS4 operator will have the opportunity to provide input on issues raised. The Director may require the MS4 operator to supplement or amend the NOI submittal in order to be authorized under the general permit or may direct the MS4 Operator to submit an individual permit application. A summary of issues raised and EPA's responses will be made available online at **http://www.epa.gov/region6/6wq/npdes/sw/sms4/index.htm.** A hard copy may also be requested by contacting Ms. Dorothy Brown (see paragraph D)

## Appendix F - Minimum Quantification Levels (MQL's)

The following Minimum Quantification Levels (MQL's) are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

| POLLUTANTS | MQL µg/l | POLLUTANTS | MQL µg/l |
|---|---|---|---|
| **METALS, RADIOACTIVITY, CYANIDE and CHLORINE** | | | |
| Aluminum | 2.5 | Molybdenum | 10 |
| Antimony | 60 | Nickel | 0.5 |
| Arsenic | 0.5 | Selenium | 5 |
| Barium | 100 | Silver | 0.5 |
| Beryllium | 0.5 | Thalllium | 0.5 |
| Boron | 100 | Uranium | 0.1 |
| Cadmium | 1 | Vanadium | 50 |
| Chromium | 10 | Zinc | 20 |
| Cobalt | 50 | Cyanide | 10 |
| Copper | 0.5 | Cyanide, weak acid dissociable | 10 |
| Lead | 0.5 | Total Residual Chlorine | 33 |
| Mercury (*) | 0.0005 | | |
| | 0.005 | | |
| **DIOXIN** | | | |
| 2,3,7,8-TCDD | 0.00001 | | |
| **VOLATILE COMPOUNDS** | | | |
| Acrolein | 50 | 1,3-Dichloropropylene | 10 |
| Acrylonitrile | 20 | Ethylbenzene | 10 |
| Benzene | 10 | Methyl Bromide | 50 |
| Bromoform | 10 | Methylene Chloride | 20 |
| Carbon Tetrachloride | 2 | 1,1,2,2-Tetrachloroethane | 10 |
| Chlorobenzene | 10 | Tetrachloroethylene | 10 |
| Clorodibromomethane | 10 | Toluene | 10 |
| Chloroform | 50 | 1,2-trans-Dichloroethylene | 10 |
| Dichlorobromomethane | 10 | 1,1,2-Trichloroethane | 10 |
| 1,2-Dichloroethane | 10 | Trichloroethylene | 10 |
| 1,1-Dichloroethylene | 10 | Vinyl Chloride | 10 |
| 1,2-Dichloropropane | 10 | | |
| **ACID COMPOUNDS** | | | |
| 2-Chlorophenol | 10 | 2,4-Dinitrophenol | 50 |
| 2,4-Dichlorophenol | 10 | Pentachlorophenol | 5 |
| 2,4-Dimethylphenol | 10 | Phenol | 10 |
| 4,6-Dinitro-o-Cresol | 50 | 2,4,6-Trichlorophenol | 10 |

| POLLUTANTS | MQL µg/l | POLLUTANTS | MQL µg/l |
|---|---|---|---|
| | | **BASE/NEUTRAL** | |
| Acenaphthene | 10 | Dimethyl Phthalate | 10 |
| Anthracene | 10 | Di-n-Butyl Phthalate | 10 |
| Benzidine | 50 | 2,4-Dinitrotoluene | 10 |
| Benzo(a)anthracene | 5 | 1,2-Diphenylhydrazine | 20 |
| Benzo(a)pyrene | 5 | Fluoranthene | 10 |
| 3,4-Benzofluoranthene | 10 | Fluorene | 10 |
| Benzo(k)fluoranthene | 5 | Hexachlorobenzene | 5 |
| Bis(2-chloroethyl)Ether | 10 | Hexachlorobutadiene | 10 |
| Bis(2-chloroisopropyl)Ether | 10 | Hexachlorocyclopentadiene | 10 |
| Bis(2-ethylhexyl)Phthalate | 10 | Hexachloroethane | 20 |
| Butyl Benzyl Phthalate | 10 | Indeno(1,2,3-cd)Pyrene | 5 |
| 2-Chloronapthalene | 10 | Isophorone | 10 |
| Chrysene | 5 | Nitrobenzene | 10 |
| Dibenzo(a,h)anthracene | 5 | n-Nitrosodimethylamine | 50 |
| 1,2-Dichlorobenzene | 10 | n-Nitrosodi-n-Propylamine | 20 |
| 1,3-Dichlorobenzene | 10 | n-Nitrosodiphenylamine | 20 |
| 1,4-Dichlorobenzene | 10 | Pyrene | 10 |
| 3,3'-Dichlorobenzidine | 5 | 1,2,4-Trichlorobenzene | 10 |
| Diethyl Phthalate | 10 | | |
| | | **PESTICIDES AND PCBS** | |
| Aldrin | 0.01 | Beta-Endosulfan | 0.02 |
| Alpha-BHC | 0.05 | Endosulfan sulfate | 0.02 |
| Beta-BHC | 0.05 | Endrin | 0.02 |
| Gamma-BHC | 0.05 | Endrin Aldehyde | 0.1 |
| Chlordane | 0.2 | Heptachlor | 0.01 |
| 4,4'-DDT and derivatives | 0.02 | Heptachlor Epoxide | 0.01 |
| Dieldrin | 0.02 | PCBs ** | 0.2 |
| Alpha-Endosulfan | 0.01 | Toxaphene | 0.3 |

(MQL's Revised November 1, 2007)

(*) Default MQL for Mercury is 0.005 unless Part I of your permit requires the more sensitive Method 1631 (Oxidation / Purge and Trap / Cold vapor Atomic Fluorescence Spectrometry), then the MQL shall be 0.0005.

(**) EPA Method 1668 should be utilized when PCB water column monitoring is conducted to determine compliance with permit requirements. Either the Arochlor test (EPA Method 8082) or USGS test method (8093) may be utilized for purposes of sediment sampling as part of a screening program, but must use EPA Method 1668 (latest revision) for confirmation and determination of specific PCB levels at that location.

## Appendix G – Oxygen Saturation and Dissolved Oxygen Concentrations North Diversion Channel Area

Concentrations of dissolved oxygen in water at various atmospheric pressures and temperatures with 100 percent oxygen saturation, 54.3 percent oxygen saturation (associated with hypoxia and harassment of silvery minnows), and 8.7 percent oxygen saturation (associated with anoxia and lethality of silvery minnows) at the North Diversion Channel (NDC) (based on USGS DO website <http://water.usgs.gov/software/DOTABLES/> for pressures between 628 to 648 millimeters of mercury (Hg)). Source: Biological Consultation Cons. #22420-2011-F-0024-R001

| Water temp. | 100°/o Oxygen Saturation at NDC | | | 54.3% saturation = Harassmen | | | 8.7% saturation= 50%Lethality | | |
|---|---|---|---|---|---|---|---|---|---|
| ("C) | 628mmHg | 638mmHg | 648mmHg | 628mmHg | 638mmHg | 648mmHg | 628mmHg | 638mmHg | 64BmmHg |
| 0 | 12.1 | 12.3 | 12.5 | 66 | 6.7 | 6.8 | 1.1 | 1.1 | 1.1 |
| 1 | 11.7 | 11.9 | 12.1 | 64 | 6.5 | 6.6 | 1.0 | 1.0 | 11 |
| 2 | 11.4 | 11.6 | 11.8 | 6.2 | 6.3 | 8.4 | 1.0 | 1.0 | 1.0 |
| ▼ | 11.1 | 11.3 | 11.5 | 6.0 | 6.1 | 6.2 | 1.0 | 1.0 | 1.0 |
| 4 | 10.8 | 11 | 11.2 | 5.9 | 6.0 | 6.1 | 0.9 | 1.0 | 1.0 |
| 5 | 10.5 | 10.7 | 10.9 | 5.7 | 5.8 | 59 | 0.9 | 0.9 | 0.9 |
| 6 | 10.3 | 10.4 | 10.6 | 5.6 | 5.8 | 5.0 | 0.9 | 0.9 | 0.9 |
| 7 | 10 | 10.2 | 10.3 | 5.4 | 5.5 | 5.6 | 0.9 | 09 | 0.9 |
| 8 | 9.8 | 9.9 | 10.1 | 5.3 | 5.4 | 5.5 | 0.9 | 0.9 | 0.9 |
| 8 | 9.5 | 9.7 | 9.6 | 52 | 53 | 5.3 | 08 | 0.8 | 0.9 |
| ▼▼ | 93 | 9.5 | 96 | 50 | 5.2 | 5.2 | 0.0 | 0.8 | 0.8 |
| 11 | 9.1 | 9.2 | 9.4 | 4.9 | 5.0 | 5.1 | 0.8 | 0.8 | 08 |
| 12 | 8.9 | 9 | 9.2 | 4.8 | 4.9 | 5.0 | 0.8 | 0.8 | 08 |
| 13 | 8.7 | 8.8 | 9 | 4.7 | 4.8 | 4.9 | 0.8 | 0.8 | 0.8 |
| 14 | 8.5 | 8.6 | 8.8 | 4.8 | 4.7 | 4.8 | 0.7 | 0.7 | 0.0 |
| 15 | 8.3 | 8.4 | 8.8 | 4.5 | 4.6 | 4.7 | 0.7 | 0.7 | 0.7 |
| 16 | 0.1 | 83 | 0.4 | 4.4 | 4.5 | 4.6 | 07 | 0.7 | 0.7 |
| 17 | 8 | 8.1 | 8.2 | 4.3 | 4.4 | 4.5 | 0.7 | 0.7 | 0.7 |
| 16 | 7.8 | 7.9 | 8 | 4.2 | 43 | 43 | 07 | 0.7 | 0.7 |
| 19 | 76 | 7.8 | 7.9 | 4.1 | 4.2 | 4.3 | 0.7 | 07 | 0.7 |
| 20 | 7.5 | 76 | 7.7 | 4.1 | 4.1 | 42 | 07 | 07 | 0.7 |
| 21 | 7.3 | 7.4 | 7.6 | 4.0 | 4.0 | 4.1 | 0.6 | 0.6 | 0.7 |
| 22 | 7.2 | 7.3 | 7.4 | 3.9 | 4.0 | 4.0 | 0.6 | 0.6 | 0.6 |
| 23 | 7 | 72 | 7.3 | 3.8 | 3.9 | 4.0 | 0.6 | 0.6 | 0.6 |
| 24 | 6.9 | 7 | 7.1 | 3.7 | 3.8 | 3.9 | 0.6 | 0.6 | 0.6 |
| 25 | 6.8 | 69 | 7 | 3.7 | 3.7 | 3.6 | 0.6 | 0.6 | 0.6 |
| 26 | 6.7 | 68 | 6.9 | 3.6 | 3.7 | 3.7 | 0.6 | 0.6 | 06 |
| 27 | 6.5 | 8.6 | 8.8 | 3.5 | 3.6 | 3.7 | 06 | 0.6 | 0.8 |
| 26 | 6.4 | 8.5 | 8.6 | 3.5 | 3.5 | 3.6 | 0.6 | 0.8 | 08 |
| 29 | 6.3 | 8.4 | 6.5 | 3.4 | 3.5 | 3.5 | 0.5 | 06 | 0.8 |
| 20 | 82 | 8.3 | 6.4 | 3.4 | 3.4 | 3.5 | 0.5 | 0.5 | 0.8 |
| 31 | 6.1 | 6.2 | 6.3 | 3.3 | 3.4 | 3.4 | 0.5 | 0.5 | OS |
| 32 | 6 | 6.1 | 6.2 | 3.3 | 3.3 | 34 | 0.5 | 0.5 | 0.5 |
| 33 | 5.0 | 6 | 6.1 | 3.2 | 3.3 | 3.3 | 0.5 | 0.5 | 0.5 |
| 34 | 5.8 | 5.9 | 6 | 3.1 | 3.2 | 3.3 | 0.5 | 0.5 | 0.5 |
| | 5.7 | 5.6 | 5.9 | 31 | 3.1 | 3.2 | 0.5 | 0.5 | 0.5 |

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**Region 6**
**1445 Ross Avenue, Suite 1200**
**Dallas, Texas 75202 - 2733**

10 FEB 2016

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (See Attachment 1)

Addressees: Middle Rio Grande Watershed Municipal Separate Storm Sewer Systems Operators (See Attachment 1)

Re: NPDES Permit No. NMR04A000
Notice of Minor Permit Modification

Dear Permittees:

Following regulations listed at 40 CFR 122.63, the following minor permit modification is made to the NPDES Permit No. NMR04A000:

To allow more time to review and approve monitoring plans, the interim compliance dates to submit wet weather monitoring site certifications in the compliance schedules included in Activity Table 10 entitled "Wet Weather Monitoring Program Implementation Schedules " have been extended by 120 days as allowed by 40 CFR 122.63(c). The extension by 120 days required conversion of the deadlines to actual dates rather than months from effective date of the permit. The corrected Table 10 is enclosed in Attachment 2. The new compliance schedules dates are in bold and underlined text.

The version of the permit on the EPA R6 website is also being updated. See http://epa.gov/region6/water/npdes/sw/ms4/index.htm

If you have any questions on any aspect of these minor permit modifications, please feel free to contact the permit writer, Nelly Smith, by telephone at:214-665-7109 or via E-mail at Nelly.smith@epa.gov.

Sincerely yours,

Stacey B. Dwyer

Stacey B. Dwyer, P.E.
Associate Director
NPDES Permits & TMDLs Branch

Enclosures

cc w/Enclosure: New Mexico Environment Department

Attachment I

| MS4 | Address | City | State | Zip Code | Contact Name | Return Receipt Requested |
|---|---|---|---|---|---|---|
| City of Albuquerque | Dept. Municipal Development P.O. Box 1293 | Albuquerque | NM | 87103 | Kevin Daggett | 7004 1160 0003 0359 8030 |
| AMAFCA | 2600 Prospect Ave NE | Albuquerque | NM | 87107 | Jerry Lovato | 7010 2780 0002 4356 2593 |
| NMDOT District 3 | 7500 Pan American Blvd | Albuquerque | NM | 87199 | Timothy Trujillo | 7010 2780 0002 4356 2609 |
| University of New Mexico | 1801 Tucker St NE | Albuquerque | NM | 87131 | C. Shu-Nyamboli | 7014 0150 0000 2452 3840 |
| SSCAFCA | 1041 Commercial Dr SE | Rio Rancho | NM | 87124 | David Gatterman | 7014 0150 0000 2452 3857 |
| Town of Bernalillo | 829 Camino del Pueblo | Bernalillo | NM | 87004 | Maria Rinaldi | 7014 0150 0000 2452 3864 |
| Sandoval County | 2708 Iris NE | Rio Rancho | NM | 87144 | Fred Marquez | 7014 0150 0000 2452 3871 |
| Village of Corrales | 4324 Corrales Rd | Corrales | NM | 87048 | Cynthia Tidwell | 7014 0150 0000 2452 3888 |
| Village of Los Ranchos de Albuquerque | 6718 Rio Grande Blvd NW | Los Ranchos de Albuquerque | NM | 87107 | Tim McDonough | 7014 0150 0000 2452 3895 |
| City of Rio Rancho | 3200 Civic Center Circle NE Ste 200 | Rio Rancho | NM | 87144 | Xavier Pettes | 7014 0150 0000 2452 3901 |
| Bernalillo County | 2400 Broadway SE, Bldg N | Albuquerque | NM | 87102 | Daniel McGregor | 7014 0150 0000 2452 4090 |
| Kirtland AFB | 377 ABW/CC 200 Wyoming Blvd SE | Kirtland AFB | NM | 87117 | Andrea Cuevas | 7014 0150 0000 2452 4106 |
| EXPO | 300 San Pedro NE | Albuquerque | NM | 87108 | Kevin Fannin | 7014 0150 0000 2452 4113 |
| Sandia Laboratories, DOE | P.O. Box 5400, KAFB | Albuquerque | NM | 87185 | Karen Agogino | 7014 0150 0000 2452 4120 |
| Sandia Corporation | P.O. Box 5800 MS-0730 | Albuquerque | NM | 87185 | Kathie Deal | 7014 0150 0000 2452 4137 |
| ESCAFCA | 829 Camino del Pueblo, Bernalillo, NM | Bernalillo | NM | 87004 | Larry Blair | 7014 0150 0000 2452 4144 |
| Pueblo of Sandia | 481 Sandia Loop | Bernalillo | NM | 87004 | Scott Bulgrin | 7014 0150 0000 2452 4151 |
| Pueblo of Isleta | PO Box 1270 | Isleta | NM | 87022 | Ramona Montoya | 7014 0150 0000 2452 4168 |

Attachment II

Table 10. Wet Weather Monitoring Program Implementation Schedules:

| **Activity** | **Permittee Class** | | | | |
|---|---|---|---|---|---|
| | **A Phase I MS4s** | **B Phase II MS4s (2000 Census)** | **C New Phase II MS4s (2010 Census **)** | **D MS4s within Indian Lands** | **Cooperative (*) Any Permittee with cooperative programs** |
| Submit wet weather monitoring preference to EPA (i.e., individual monitoring program vs. cooperative monitoring program) with NOI submittals | NOI submittal Deadline (see Table 1) | NOI submittal Deadline (see Table 1) | NOI submittal Deadline (see Table 1) | NOI submittal Deadline (see Table 1) | NOI submittal Deadline (see Table 1) |
| Submit a detailed description of the monitoring scheme to EPA and NMED for approval. The monitoring scheme should include: a list of pollutants; a description of monitoring sites with an explanation of why those sites were selected; and a detailed map of all proposed monitoring sites | Ten (10) months from effective date of permit | Ten (10) months from effective date of permit | Eleven (11) months from effective date of permit | Eleven (11) months from effective date of permit | Twelve (12) months from effective date of permit |
| Submit certification that all wet weather monitoring sites are operational and begin sampling | **March 22, 2016** | **March 22, 2016** | **May 21, 2016** | **May 21, 2016** | **June 21, 2016** |
| Update SWMP document and submit annual reports | Annually | Annually | Annually | Annually | Annually |

# Appendix B

# Bernalillo County Notice of Intent (NOI)

# NOTICE OF INTENT

## National Pollutant Discharge Elimination System Stormwater Program
## MS4 Notice of Intent Format

Check box if you are submitting an individual NOI with one or more cooperative program elements. ☒

Check box if you are submitting an individual NOI with individual program elements only. ☐

Check box if your municipality or organization was previously covered under a MS4 permit. ☒

Please indicate the permittee class type: (Note: The definition of the permittee class type is located in Table 1 of Part I.B.1.)

☐ A (Phase I) ☒ B (Phase II) ☐ C (New Phase II) ☐ D (MS4s within Indian Lands)

## I. MS4(s) Information

### A. General Information

Bernalillo County (noted as BC throughout NOI)

Name of MS4

Anita | Steed | Water Resources

Name of Contact Person (First) (Last) (Title)

505-224-2122 | ASteed@BernCo.gov

Telephone (including area code) Email

2400 Broadway Blvd. SE, Building N

Mailing Address

Albuquerque | NM | 87102

City State ZIP code

What size population does your MS4(s) serve? 76,665 unincorporat

The operator is: ☐ Federal ☐ State ☐ Tribal ☒ other public (check one)

**B.** In what urbanized area (UA), the MS4 is located in:

Farmington UA ☐
Santa Fe UA ☐
Albuquerque UA ☒
Los Lunas UA ☐
Las Cruces UA ☐
El Paso UA ☐

**C.** If not located in an UA, the MS4 is located in:

Core Municipality
Indian Reservation/Pueblo
County(ies)
Cluster

**D.** Is this a Phase I MS4? ☐ Yes ☒ No

Is this a Non-traditional MS4? ☐ Yes ☒ No

If so, Check one: ☐ Dept. of Transportation ☐ Flood Control Authority ☐ University

Other - Specify

What is the Latitude and longitude of the approximate center of the MS4?

Latitude N 35° 5' 4.54" Longitude W -106° 38' 56.63"

## II. Eligibility Determination

### A. Receiving Water(s) Information

Does the MS4 discharge to any waters for which an TMDL applicable to discharges from the MS4 has been approved? (See Part I.A.5.f) ☒ Yes ☐ No ☐ NA

| The receiving water(s) are: | *State or Tribal Segment ID* | *Approved TMDL* | *TMDL assigns WLA to MS4* |
|---|---|---|---|
| Rio Grande River | 2105.50 | ☒ Yes ☐ No | ☒ Yes ☐ No |
| BC will coordinate with other agencies in | | ☐ Yes ☐ No | ☐ Yes ☐ No |
| meeting assigned WLA as specified in Part | | ☐ Yes ☐ No | ☐ Yes ☐ No |
| I.C.2.b.i.c.B. See Attachment 1. | | ☐ Yes ☐ No | ☐ Yes ☐ No |
| | | ☐ Yes ☐ No | ☐ Yes ☐ No |

Is the MS4 (or a group of MS4s) seeking an alternative sub-measureable goal for TMDL controls under Part I.C.2.b.(i).(c).B? ☒ Yes ☐ No ☐ NA

If so, the MS4 or a group of MS4s must submit a preliminary proposal with the NOI to EPA and NMED (see Part I.B.2.k, Section B.2 in Appendix B and Part III.D.4). This proposal should include, but is not limited to, the elements included in Appendix B under Section B.2 of the permit

If the MS4 discharges to a receiving water for which EPA has approved or developed a TMDL, describe how the eligibility requirements of Part I.A.5.f and Part I.C.2. have been met :

A bacterial TMDL for the MRG was approved by the NM Water Quality Control Commission on 4-13-10, and by EPA on 6-30-10. The new TMDL modifies: 1) the indicator parameter for bacteria from fecal coliform to E. coli, and 2) the way the WLA's are assigned.

BC SWMP will include focused BMPs, along with corresponding measurable goals, that the permittee will implement to reduce the discharge of pollutant(s) of concern that may contribute to the impairment of the water body.

**B.** Is the MS4 partially located on Indian Country lands? ☐ Yes ☒ No

If so, the Indian Country Lands include the following: (NOTE: MS4s straddling State and Indian Country land boundaries will be issued authorization under all applicable permits and may have additional State or Tribal-specific requirements applicable to different areas of the MS4 - see Part VIII and initial notification under Part III.D.4)

**C.** Is the permit in compliance with the National Historic Preservation Act (NHPA)? ☒ Yes ☐ No

In order to be eligible for coverage under this permit, the MS4 operator must meet one of the following criteria: (Please check which criterion the MS4 is eligible under)

Criterion A: storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior. ☒

Criterion B: the applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) (or equivalent tribal authority) that outlines all measures the MS4 operator will undertake to mitigate or prevent adverse effect to the historic property. ☐

Provide a brief summary of the basis for the criterion selected above:

Historic properties have not been identified in the path of BC's storm water and allowable non-storm water discharges.

## III. Preliminary Description of the Proposed Stormwater Program

As applicable, use Sections 1 through 8 below to describe the storm water management program (SWMP), including best management practices (BMPs) or storm water controls that will be implemented and the measurable goals for each of the storm water minimum control measures specified in Part I.D.5 of this permit, the month and year in which the MS4 operator will start and fully implement each of the minimum control measures or the frequency of the action, the name of the person(s) or position(s) responsible for implementing or coordinating the SWMP.

If the MS4 operator is participating in cooperative programs with other parties (or is relying on another governmental entity) to satisfy one or more permit obligations (see Part I.D.3), use the space provided under ***Cooperative Elements*** to identify the partners and briefly describe roles and responsibilities.

*NOTE:*

*The space provided in the fields below (255 characters) should be used to briefly describe proposed BMPs and corresponding measurable goals. Individual boxes should be used to describe individual target activities. If additional space is required to describe target activities, the MS4(s) should attach such as information with the NOI using the format provided.*

### Section 1. Construction Site Stormwater Runoff Control – Proposed BMPS, Stormwater Controls, and Measurable Goals

**1.1.** Development of an ordinance or other regulatory mechanism as required in Part I.D.5.a.(ii)(a)

BC will update existing ordinances and/ or sanctions regarding construction erosion and sediment controls, as necessary to ensure compliance with new construction measures as described in Part I.D.5.a.(ii)(a), to the extent allowable under law.

***For all sections 1-8 below: Bernalillo County (BC) intends to develop measurable goals and to meet all deadlines as detailed in the Permit and the modification issued April 09, 2015 as well as any subsequent deadline modifications issued by USEPA.

***For all sections 1-8 below: Bernalillo County (BC) Natural Resource Services will be the compliance coordinator for all Permit Elements. Point of contact will be the Water Resources Planner for Stormwater.

*** For all sections 1-8 below regarding any and all Measures referencing use of GI/LID/Sustainable practices, Bernalillo County (BC) specifies reference to and use of -Arid- GI/LID/Sustainable practices.

Cooperative Elements

Through existing and expanding partnership with the Village of Los Ranchos (VLR), BC and VLR will provide education to staff and local contractors on erosion/sediment controls, on-site pollution prevention, and understanding of stormwater quality.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the reduction of Construction Site Stormwater Runoff.

**1.2.** Develop requirements and procedures as required in Part I.D.5.a.(ii)(b) through in Part I.D.5.a.(ii)(h)

BC will continue to use existing procedures for the implementation of measures described in Part I.D.5.a.(ii)(b) through in Part I.D.5.a.(ii)(h) and to update or revise these procedures as necessary to improve the reduction of Construction Site Runoff.

** For any and all Construction Measures referencing use of GI/LID/Sustainable practices, BC specifies reference to and use of -Arid- GI/LID/Sustainable practices.

Cooperative Elements

Through existing and expanding partnership with the Village of Los Ranchos (VLR), BC and VLR will provide education to staff and local contractors on erosion/sediment controls, on-site pollution prevention, and understanding of stormwater quality.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the reduction of Construction Site Stormwater Runoff.

**1.3**. Annually conduct site inspections of 100 percent of all construction projects cumulatively disturbing one (1) or more acres as required in Part I.D.5.a.(iii)

BC will continue to conduct site inspections of 100% of all construction projects disturbing 1 or more acres within the MS4 jurisdiction. as required in Part I.D.5.a.(iii), including initial, follow-ups, progress and final stabilization inspections.

Follow-up inspections will be conducted and tracked to ensure corrective maintenance has occurred; and, all projects will be inspected at completion for confirmation of final stabilization.

Site inspections will be followed by any necessary compliance or enforcement actions. All inspections and actions will be tracked internally via existing data programs.

Cooperative Elements

Through existing and expanding partnership with VLR, BC will provide joint training with staff to perform inspections, ensuring consistency between VLR and BC relations with contractors.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the reduction of Construction Site Stormwater Runoff.

**1.4.** Coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.a.(iv)

BC will continue to coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area to ensure compliance with PartI.D.5.a.(iv).

BC Natural Resource Services will continue to work with BC programs: Development Review, Technical Services, Planning and Development, Operations and Maintenance, Parks and Recreation, and Fleet and Facilities Management to coordinate such activities.

Cooperative Elements

Through existing and expanding partnership with VLR, BC will continue to share information on planning, review, permitting, or approval.

BC will continue to collaborate with Class A permittees, City of Albuquerque (CoA) and NM Department of Transportation (NMDOT) on the Development Process Manual and the NPDES Manual, and to update these guidance documents as appropriate and necessary.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the reduction of Construction Site Stormwater Runoff.

**1.5.** Evaluation of GI/LID/Sustainable practices in site plan reviews as required in Part I.D.5.a.(v)

BC construction site plan review of all construction projects 1 acre or larger will include an evaluation of opportunities for use of Arid GI/LID/Sustainable practices.

When opportunity exists for use of Arid GI/LID/Sustainable practices, in compliance with other requirements such as FEMA Flood Control and NM Office of the State Engineer, BC will encourage project proponents to incorporate these into the site design.

BC will continue to track construction site plan review of all construction projects 1 acre or larger, and will include tracking of these evaluations for use of Arid GI/LID/Sustainable practices.

** For any and all Construction Measures referencing use of GI/LID/Sustainable practices, BC specifies reference to and use of -Arid- GI/LID/Sustainable practices.

Cooperative Elements

BC will continue to sponsor the annual Xeriscape - Arid GI/LID conference (or other comparable events), and when possible, to present additional workshops targeting specific practices for development and use of these practices.

Through existing and expanding partnership with VLR, BC will continue to share information on Arid GI/LID/ Sustainable practices as part of our shared review and inspection practices.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information on Arid GI/LID/Sustainable practices

**1.6.** Enhance the program to include program elements in Part I.D.5.a.(viii) through Part I.D.5.a.(x)

BC will regularly evaluate educational (or technical) materials developed by EPA or others for use in local climate-restricted (Arid) construction and program elements per Program Flexibility Element, Part I.D.5.a.(viii).

BC will continue to collaborate with CoA and NMDOT on the Development Process Manual and the NPDES Manual, and to update these guidance documents as appropriate and necessary, per Program Flexibility Element, Part I.D.5.a.(ix).

BC inspections for drainage and SWPPP compliance as required in Part I.D.5.a.(iii) are currently conducted simultaneously by Development Review per existing US Federal Emergency Management Agency (FEMA) Flood Control requirements.

BC trade inspections will continue to be conducted independently of SWPPP and drainage inspection; therefore, BC will not include Flexibility Element Part I.D.5.a.(x).

Cooperative Elements

Through existing and expanding partnership with VLR, BC will review and/or develop locally appropriate technical information, mechanisms and procedures to explore the possibilities of use or modification of the Program Flexibility Elements.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop locally appropriate technical information, mechanisms and procedures to explore the possibilities of use or modification of the Program Flexibility Elements.

**1.7.** Describe other proposed activities to address the Construction Site Stormwater Runoff Control Measure:

BC will explore local practices and local hydrologic data for methods to reduce erosion and reduce or improve the quality of Construction Site Runoff.

BC will continue to use existing procedures for the implementation of measures described in Part I.D.5.a.(ii)(b) through in Part I.D.5.a.(ii)(h) and to update or revise these procedures as necessary or appropriate.

## Section 2. Post-Construction Stormwater Management in New Development and Redevelopment – Proposed BMPs, Stormwater Controls, and Measurable Goals

**2.1.** Development of strategies as required in Part I.D.5.b.(ii).(a)

BC will develop or revise strategies which may include a combination of post-construction structural and/or non-structural best management practices (BMPs) to control pollutants in storm-water runoff as required in Part I.D.5.b.(ii).(a).

** For any and all Post-Construction Measures referencing use of GI/LID/Sustainable practices, BC specifies reference to and use of -Arid- GI/LID/Sustainable practices.

Cooperative Elements

Through existing and expanding partnership with VLR, BC will share training and inspection requirements necessary to implement post-construction structural and/or non-structural (BMPs) as required in Part I.D.5.b.(ii).(a).

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop locally appropriate technical information, mechanisms and procedures to implement post-construction structural and/or non-structural (BMPs) as required.

**2.2.** Development of an ordinance or other regulatory mechanism as required in Part I.D.5.b.(ii).(b)

BC will revise its ordinances and/or practices to incorporate a stormwater quality design standard for on-site retention of a 90th or 80th percentile storm event discharge volume as appropriate for compliance with all State and Federal standards.

BC will revise its ordinances and/or practices to incorporate a stormwater quality design standard for on-site retention of a 90th or 80th percentile storm event discharge volume as consistent with the Development Process Manual.

Cooperative Elements

Through existing and expanding partnership with VLR, BC will share training and inspection requirements necessary to implement post-construction structural and/or non-structural (BMPs) as required in Part I.D.5.b.(ii).(b).

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop locally appropriate technical information, mechanisms and procedures to implement post-construction structural and/or non-structural (BMPs) as required.

BC will continue to collaborate with Class A permittees, City of Albuquerque (CoA) and NM Department of Transportation (NMDOT) on the Development Process Manual and the NPDES Manual, and to update these guidance documents as appropriate and necessary.

**2.3.** Implementation and enforcement, via the ordinance or other regulatory mechanism, of site design standards as required in Part I.D.5.b.(ii).(b).

BC will revise its ordinances and/or practices to incorporate a stormwater quality design standard for on-site retention of a 90th or 80th percentile storm event discharge volume as appropriate for compliance with all State and Federal standards.

Cooperative Elements

Through existing and expanding partnership with VLR, BC will share training and inspection requirements necessary to implement post-construction structural and/or non-structural (BMPs) as required in Part I.D.5.b.(ii).(b).

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop locally appropriate technical information, mechanisms and procedures to implement post-construction structural and/or non-structural (BMPs) as required.

BC will continue to collaborate with Class A permittees, City of Albuquerque (CoA) and NM Department of Transportation (NMDOT) on the Development Process Manual and the NPDES Manual, and to update these guidance documents as appropriate and necessary.

**2.4.** Ensure appropriate implementation of structural controls as required in Part I.D.5.b.(ii).(c) and Part I.D.5.b.(ii).(d)

BC will review and update ordinances and/or practices for appropriate implementation of post-construction BMPs from design review, inspections, etc., through post-construction operation and maintenance of said BMPs (continued below)

(continued from above) as consistent with the Development Process Manual.

Cooperative Elements

Through existing and expanding partnership with VLR, BC will share training on inspection requirements necessary for appropriate implementation of post-construction BMPs from design review, inspections, through post-construction operation and maintenance.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop locally appropriate technical information, mechanisms and procedures to implement post-construction structural and/or non-structural (BMPs) as required.

BC will continue to collaborate with Class A permittees, City of Albuquerque (CoA) and NM Department of Transportation (NMDOT) on the Development Process Manual and the NPDES Manual, and to update these guidance documents as appropriate and necessary.

**2.5.** Develop procedures as required in Part I.D.5.b.(ii).(e), Part I.D.5.b.(ii).(f), Part I.D.5.b.(ii).(g), and Part I.D.5.b.(ii).(h)

BC will update or revise procedures for training and inspection as required in Part I.D.5.b.(ii).(e) through Part I.D.5.b.(ii).(h) for implementation of Arid GI/LID/Sustainable practices.

BC will continue to sponsor the annual Xeriscape - Arid GI/LID conference (or other comparable events), and when possible, to present additional workshops targeting specific practices for development and use of these practices.

Cooperative Elements

Through existing and expanding partnership with VLR, BC will share training on inspection requirements necessary for appropriate implementation of post-construction BMPs from design review, inspections, through post-construction operation and maintenance.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop locally appropriate technical information, mechanisms and procedures to implement post-construction structural and/or non-structural (BMPs) as required.

**2.6.** Coordinate internally with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.5.b.(iii)

BC will continue to coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area to ensure compliance with PartI.D.5.b.(iii).

BC Natural Resource Services will continue to work with BC programs: Development Review, Technical Services, Planning and Development, Operations and Maintenance, Parks and Recreation, and Fleet and Facilities Management to coordinate such activities.

Cooperative Elements

This element specifies internal coordination, therefore is not applicable re cooperative elements.

**2.7.** As required in Part I.D.5.b.(iv), the permittee must assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of GI/LID/Sustainable practices

BC will assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of Arid GI/LID/Sustainable practices.

BC Natural Resource Services will continue to work with BC programs: Development Review, Technical Services, Planning and Development, Operations and Maintenance, Parks and Recreation, and Fleet and Facilities Management to coordinate this assessment.

Cooperative Elements

This element specifies internal assessment, therefore is not applicable re direct cooperative efforts. As always BC will continue to share information with all other MS4s, both formally and informally.

**2.8.** As required in Part I.D.5.b.(iv), describe the plan to report the assessment findings on GI/LID/ Sustainable practices

Following assessment of all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of Arid GI/LID/Sustainable practices, BC will report these findings for inclusion in the subsequent Annual Report.

Cooperative Elements

This element specifies internal assessment, therefore is not applicable re direct cooperative efforts. As always BC will continue to share information with all other MS4s, both formally and informally.

**2.9.** Estimation of the number of acres of IA and DCIA as required in Part I.D.5.b.(vi)

BC will estimate the number of acres of impervious area (IA) including conventional pavements, sidewalks, driveways, roadways, parking lots, and rooftops.

BC will estimate the number of acres of directly connected impervious area (DCIA), the portion of IA with a direct hydraulic connection to the permittee's MS4 or a waterbody via continuous paved surfaces*, (non-edifice/roof) gutters, [continued next]

[continued from above] pipes, and other impervious features.
* continuous paved surfaces shall not included crowned or uncurbed roadways--those draining into adjacent properties--or roadways crossing over levees or other such elevated structures.

Cooperative Elements

BC GIS and orthography data will be shared with any and all other MS4s.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to assist in developing locally appropriate standards for estimation of IA and DCIA.

**2.10.** Inventory and priority ranking as required in section in Part I.D.5.b.(vii)

BC will continue the process of evaluating and retrofitting County owned properties with control measures as required in section in Part I.D.5.b.(vii)
(Many County facilities have already been retrofitted with xeric landscaping and other measures.)

Cooperative Elements

BC will work with other local MS4s (particularly CoA, AMAFCA, NMDOT, and VLR) to examine potential ROW control measures.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to evaluate retrofits of existing facilities.

**2.11.** Incorporate watershed protection elements as required in Part I.D.5.b.(viii)

BC will incorporate watershed protection elements into relevant policy and/or planning documents as they come up for regular review, as required in Part I.D.5.b.(viii).

BC will continue to work in partnership with other local MS4s (particularly ABCWUA, CoA, AMAFCA, NMDOT, and VLR) to examine sensitive watershed areas, and implement stormwater management practices that protect or enhance these areas.

Cooperative Elements

BC will continue to work in partnership with other local MS4s (particularly ABCWUA, CoA, AMAFCA, NMDOT, and VLR) to examine sensitive watershed areas, and implement stormwater management practices that protect or enhance these areas.

BC will continue to work in partnership with state or federal agencies such as the Rio Grande Water Trust and the Urban Partnership to examine sensitive watershed areas, and implement stormwater management practices that protect or enhance these areas.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures for the protection of sensitive watershed areas.

**2.12.** Enhance the program to include program elements in Part I.D.5.b.(xi) and Part I.D.5.b.(xii)

BC will regularly evaluate educational (or technical) materials developed by EPA or others for use in local climate-restricted (Arid) post-construction and program elements per Program Flexibility Element, Part I.D.5.b.(xi).

BC will continue to collaborate with agencies such as CoA, AMAFCA and NMDOT on watershed planning and will continue to hold public meetings for new projects as is current practice, per Program Flexibility Element, Part I.D.5.b.(xii).

Cooperative Elements

BC will continue to collaborate with agencies such as CoA, AMAFCA and NMDOT on watershed planning, flood control and stormwater quality.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures for the protection of sensitive watershed areas.

**2.13.** Describe other proposed activities to address the Post-Construction Stormwater Management in New Development and Redevelopment Measure:

During planning for development or redevelopment BC will encourage infill development in per Part I.D.5.b.(xii) (c).

Note: Parts I.D.5.b.(xii) (a) and (b) refer primarily to Bosque (riverside) areas under City or State control, and therefore will not often be a part of BC Development considerations.

**Section 3. Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations – Proposed BMPs, Stormwater Controls, and Measurable Goals**

**3.1.** Develop or update the Pollution Prevention/Good House Keeping program to include the elements in Part I.D.5.c.(i)

BC will update the Pollution Prevention/Good House Keeping program to comply with the elements listed in Part I.D.5.c.(i)

BC will include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.5.c.(i) throughout Part I.D.5.c.(iii).

Cooperative Elements

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, literature and procedures for compliance with Pollution Prevention/Good Housekeeping requirements.

BC Natural Resource Services will work with BC Risk Management to develop a joint program for the enhanced maintenance of County Facilities, and the mutual protection of employees and environment from polluting or hazardous materials and chemicals.

BC will open special (non-Risk Management) training events to all other MS4s as resources allow.

**3.2.** Enhance the program to include the elements in Part I.D.5.c.(ii)

BC will enhance the Pollution Prevention/Good House Keeping program to comply with the elements listed in Part I.D.5.c.(ii)

Cooperative Elements

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, literature and procedures for compliance with Pollution Prevention/Good Housekeeping requirements.

BC Natural Resource Services will work with BC Risk Management to develop a joint program for the enhanced maintenance of County Facilities, and the mutual protection of employees and environment from polluting or hazardous materials and chemicals.

**3.3.** Develop or update a list and a map of industrial facilities owned or operated by the permittee as required in Part I.D.5.c.(iii)

BC does not own or operate any industrial facilities as listed in 40 CFR 122.26(b)(14)(i)-(ix) and (xi) within the County permit area, i.e. the 2010 US Census designated Urbanized Area.

Cooperative Elements

N/A, see above.

**3.4.** Describe other proposed activities to address the Pollution Prevention/Good Housekeeping for Municipal/permittee Operations Measure:

BC will continue to review and incorporate appropriate practices as necessary to accommodate new facilities and/or new operations.

BC Natural Resource Services will work with BC Risk Management to develop a joint program for the enhanced maintenance of County Facilities, and the mutual protection of employees and environment from polluting or hazardous materials and chemicals.

## Section 4: Industrial and High Risk Runoff – Proposed BMPs, Stormwater Controls, and Measurable Goals (APPLICABLE ONLY TO CLASS A PERMITTTEES)

**4.1.** Ordinance (or other control method) as required in Part I.D.5.d.(i)

N/A - BC (Bernalillo County) is a Class B Permittee.

Cooperative Elements

N/A - BC (Bernalillo County) is a Class B Permittee.

**4.2.** Continue implementation and enforcement of the Industrial and High Risk Runoff program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the annual report as required in Part I.D.5.d.(ii)

N/A - BC (Bernalillo County) is a Class B Permittee.

Cooperative Elements

N/A - BC (Bernalillo County) is a Class B Permittee.

**4.3.** Meet the monitoring requirements in Part I.D.5.d.(iii)

N/A - BC (Bernalillo County) is a Class B Permittee.

Cooperative Elements

N/A - BC (Bernalillo County) is a Class B Permittee.

**4.4.** Include requirements in Part I.D.5.d.(iv)

N/A - BC (Bernalillo County) is a Class B Permittee.

Cooperative Elements

N/A - BC (Bernalillo County) is a Class B Permittee.

**4.5.** Enhance the program to include requirements in Part I.D.5.d.(vii)

N/A - BC (Bernalillo County) is a Class B Permittee.

Cooperative Elements

N/A - BC (Bernalillo County) is a Class B Permittee.

**4.6.** Describe other proposed activities to address the Industrial and High Risk Runoff Measure:

N/A - BC (Bernalillo County) is a Class B Permittee.

## Section 5. Illicit Discharges and Improper Disposal – Proposed BMPs, Stormwater Controls, and Measurable Goals

**5.1.** Mapping as required in Part I.D.5.e.(i)(a)

BC has already completed and submitted in 2004, updated in 2007, a storm sewer system map, showing the names and locations of all outfalls as required in Part I.D.5.e.(i)(a). Any modifications will be submitted as needed.

BC does not maintain or operate any facilities draining more than twenty (20) percent of the unincorporated County permit area, i.e. the 2010 US Census designated Urbanized Area.

Cooperative Elements

BC will continue to respond to reports of illicit discharge in cooperation with CoA, AMAFCA, NMDOT and VLR, and will continue to work such complaints to resolution or referral to appropriate state agency such as NMED.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to reduce illicit discharges and dumping.

**5.2.** Ordinance (or other control method) as required in Part I.D.5.e.(i)(b)

BC prohibits dumping and illicit discharges and takes enforcement action via existing waste ordinance. BC responds to dumping and illicit discharge, and pursues such incidents to resolution or referral to appropriate state agency such as NMED.

Cooperative Elements

BC will continue to respond to reports of illicit discharge in cooperation with CoA, AMAFCA, NMDOT and VLR, and will continue to work such complaints to resolution or referral to appropriate state agency such as NMED.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to reduce illicit discharges and dumping.

**5.3.** Develop and implement a IDDE plan as required in Part I.D.5.e.(i)(c)

BC will revise if necessary and formalize existing procedures to detect and address non-stormwater discharges, including illegal dumpling, to the MS4, which will include elements as specified in Part I.D.5.e.(i)(c) A. - E.

Cooperative Elements

BC will continue to work closely with other County-area agencies, CoA, AMAFCA, and VLR, to enhance and formalize existing unofficial agreements to create incident tracking for all agencies.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the detection of Illicit or non-stormwater discharges.

**5.4.** Develop an education program as required in Part I.D.5.e.(i)(d)

BC shall develop an education program to encourage public understanding and reporting of illicit discharges and dumping, as required in Part I.D.5.e.(i)(d)

Cooperative Elements

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the understanding and reporting of illicit discharges and dumping.

Through long-standing partnerships with City and County Open Space programs, BC will continue to emphasize the environmental problems associated with illegal dumping and discharges, as well as to participate in local clean-up events.

**5.5.** Establish a hotline as required in Part I.D.5.e.(i)(e)

BC will incorporate and publicize Illicit Discharge reporting via existing, well-utilized complaint lines and web-based complaint reporting, rather than creating a speciality line which would not be easily recalled by the public.

Cooperative Elements

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the understanding and reporting of illicit discharges and dumping.

Through long-standing partnerships with City and County Open Space programs, BC will continue to emphasize the environmental problems associated with illegal dumping and discharges, as well as to participate in local clean-up events.

**5.6.** Investigate suspected significant/severe illicit discharges as required in Part I.D.5.e.(i)(f)

BC will continue to investigate to resolution all reports of illegal dumping and illicit discharges, and to work such complaints to resolution or referral to appropriate local or state agency.

Cooperative Elements

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the understanding and reporting of illicit discharges and dumping.

BC will continue to respond to reports of illicit discharge in cooperation with CoA, AMAFCA, NMDOT and VLR, and will continue to work such complaints to resolution or referral to appropriate state agency such as NMED.

**5.7.** Review complaint records and develop a targeted source reduction program as required in Part I.D.5.e.(i)(g)

BC will review all complaint records of illegal dumping and discharges, and as needed, develop a targeted source reduction program for patterns or regions of of illegal dumping and discharges.

Cooperative Elements

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information to develop a targeted source reduction program as needed.

BC will share local information and records of illegal dumping and illicit discharges with CoA, AMAFCA, NMDOT and VLR to determine patterns or regions of abuse.

**5.8.** Screening of system as required in Part I.D.5.e.(iii) as follows:

BC will screen the County-operated/maintained Urban Area MS4 at least once every five (5) years and high priority areas at least once every year.

BC will continue to operate in-line flow-actuated automatic monitoring to detect any dry weather discharges.

Cooperative Elements

BC will continue to respond to reports of illegal dumping and illicit discharge in cooperation with CoA, AMAFCA, NMDOT and VLR, and will share data on any events or patterns discovered during screening.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information on the best mechanisms and procedures for system screening.

**5.9.** Develop, update, and implement a Waste Collection Program as required in Part I.D.5.e.(iv)

Since 2010 BC has operated a permanent Household Hazardous Waste Collection site via partnership with CoA, and will continue. It is at full implementation, currently open 4 days per week including Saturdays. Schedule may change to meet use patterns.

BC also operates neighborhood collection events annually. Schedules and locations vary according to demand.

BC will continue to respond to illegally disposed wastes in County right of ways and properties.

Cooperative Elements

Since 2010 BC has operated a permanent Household Hazardous Waste Collection site via partnership with CoA, and will continue. It is at full implementation, currently open 4 days per week including Saturdays. Schedule may change to meet use patterns.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information on waste collection.

**5.10.** Develop, update and implement a Spill Prevention and Response program to prevent, contain, and respond to spills that may discharge into the MS4 as required in Part I.D.5.e.(v)

BC will continue to work closely with other County-area agencies, CoA, AMAFCA, and VLR, to enhance and formalize existing Spill Prevention and Response procedures.

Cooperative Elements

BC will continue to work closely with other County-area agencies, CoA, AMAFCA, and VLR, to enhance and formalize existing Spill Prevention and Response procedures.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to enhance and formalize existing Spill Prevention and Response procedures.

**5.11.** Enhance the program to include requirements in Part I.D.5.e.(ix)

BC will continue to work closely with other County-area agencies, CoA, AMAFCA, and VLR, for detection and elimination of illegal dumping and illicit discharges per Part I.D.5.e.(ix)(c).

Cooperative Elements

BC will continue to work closely with other County-area agencies, CoA, AMAFCA, and VLR, for detection and elimination of illegal dumping and illicit discharges per Part I.D.5.e.(ix)(c).

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures for detection and elimination of illegal dumping and illicit discharges.

**5.12.** Describe other proposed activities to address the Illicit Discharges and Improper Disposal Measure:

## Section 6. Control of Floatables Discharges – Proposed BMPs, Stormwater Controls, and Measurable Goals

**6.1.** Develop a schedule to implement the program as required in Part I.D.5.f.(i)(a)

BC will develop a schedule to implement the program as required in Part I.D.5.f.(i)(a), specifically targeting floatable elements of trash and litter.

BC will continue to implement source control reduction of floatables via anti-litter messages, and response to illegal dumping complaints.

BC will continue to implement reduction of floatables through existing structural BMPs at discharge channels and upstream in conveyances.

Cooperative Elements

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to reduce floatables (litter) discharge.

**6.2.** Describe the plan to estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type as required in Part I.D.5.f.(i)(b)

BC develop a plan to estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type as required in Part I.D.5.f.(i)(b).

BC will sample, characterize and estimate annual volumes of floatable debris from structural controls at each discharge facility (pump station).

Cooperative Elements

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to estimate and characterize the annual of floatables and trash.

**6.3.** Describe other proposed activities to address the Control of Floatables Discharges Measure:

BC conducts many activities targeting litter and trash reduction, including, but not necessarily limited to Floatables.

## Section 7. Public Education and Outreach on Stormwater Impacts – proposed BMPs, Stormwater Controls, and Measurable Goals

**7.1.** Develop, revise, implement, and maintain an education and outreach program as required in Part I.D.5.g.(i) and Part I.D.5.g.(ii)

BC will continue to conduct public education, in particular regarding of hazards associated with the illegal discharges and improper disposal of waste and about the impact of stormwater discharges on the Middle Rio Grande.

Through long-standing partnerships with City and County Open Space programs, BC will continue to emphasize the impact of stormwater discharges, as well as to participate in local clean-up events.

Cooperative Elements

Through long-standing partnerships with City and County Open Space programs, BC will continue to emphasize the impact of stormwater discharges, as well as to participate in local clean-up events.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the reduction of Construction Site Stormwater Runoff.

**7.2.** Enhance the program to include requirements in Part I.D.5.g.(v) through Part I.D.5.g.(viii)

BC will continue to support classroom and adult education, including participation in local and regional events.

BC will continue to sponsor and promote the household hazardous waste collection site and will continue to operate neighborhood waste collection events.

Cooperative Elements

BC has supported and sponsored the annual Xeriscape Conference since its inception, and will continue to sponsor and promote such events for water conservation and stormwater quality.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the reduction of Construction Site Stormwater Runoff.

**7.3.** Describe other proposed activities to address the Public Education and Outreach on Stormwater Impacts Measure:

Since 2004 BC has conducted or sponsored specific events, and will continue to support those partnerships, and to participate as opportunities arise.

## Section 8. Public Involvement and Participation – Proposed BMPs, Stormwater Controls, and Measurable Goals

**8.1.** Develop (or update), implement, and maintain a public involvement and participation plan as required in Part I.D.5.h.(ii) and Part I.D.5.h.(iii)

BC actively engages in a comprehensive planning process that promotes public involvement and participation at all levels of County government, from Commission meetings, zoning and planning meetings or presentations.

Currently, and for the next several years, BC is actively improving infrastructure and infill opportunities particularly in the South Valley. Public meetings are promoted and well-attended.

Public meetings (above) will be considered for opportunities to assess public attitudinal and behavioral change following the meetings

BC will continue to engage in the Water Protection Advisory Board and Urban Waters Program to encourage public involvement in water quality-related issues, activities, and awareness.

Cooperative Elements

BC will continue to work with CoA and AMAFCA in the promotion and planning of public meetings for new infrastructure and infill development.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to keep local public participation at a high level.

BC will continue to engage in the Water Protection Advisory Board and Urban Waters Program to encourage public involvement in water quality-related issues, activities, and awareness.

**8.2.** Describe the plan to comply with State, Tribal, and local notice requirements when implementing a Public Involvement and Participation Program as required in Part I.D.5.h.(iv)

BC will continue to promote public participation by County news release, Facebook promotion, direct mailing and legal notice as appropriate for individual events.

Cooperative Elements

BC will continue to work with CoA and AMAFCA in the promotion and planning of public meetings for new infrastructure and infill development.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the promotion of public participation.

**8.3.** Describe a plan to include elements as required in Part I.D.5.h.(v)

BC actively promotes public involvement and participation at all levels of County government, from Commission meetings, zoning and planning meetings or presentations.

Particularly for long-term planning, meetings are regional/neighborhood-oriented, and as such involve the entire community regardless of economic or ethnic status.

BC actively supports neighborhood-based planning organizations and participates in local events such as fairs or design charettes

Cooperative Elements

BC will continue to work with CoA, VLR and AMAFCA in the promotion and planning of public meetings for stormwater and development planning.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve the promotion of public participation.

BC will continue to support the activities of the citizen-volunteer Water Protection Advisory Board along with AMAFCA and the CoA.

BC will remain engaged with the Urban Waters Partnership.

**8.4.** As required in Part I.D.5.h.(viii) provide the internet site (or website) where the SWMP document, Annual Reports, and other documents will be available to the public.

https://www.bernco.gov/EPA/

**8.5.** Enhance the program to include requirements in Part I.D.5.h.(ix)

BC will continue to encourage public involvement as described above. BC will continue to monitor and assess public understanding and attitude via surveys at all appropriate venues.

Cooperative Elements

BC will continue to work with CoA, VLR and AMAFCA in the promotion and planning of public meetings for stormwater and development planning.

Through membership in the Technical Advisory Group (TAG), BC will work with other MS4s to develop and share locally appropriate technical information, mechanisms and procedures to improve public participation.

**8.6.** Describe other proposed activities to address the Public Involvement and Participation Measure:

Existing public involvement and participation is currently fully implemented.

## IV. Proposed Monitoring Program

Indicate wet weather monitoring program preference:

Individual Monitoring Program ☐

Cooperative Monitoring Program ☒

Provide a general description of the propose monitoring program.

BC intends to participate in a Bernalillo County-area Cooperative Monitoring Program as currently under design by AMAFCA and CoA.

Until such time as a Bernalillo County-area Cooperative Monitoring Program is approved by NMED and USEPA BC will continue to monitor as per existing general permit requirements as required by Part I.B.1.d.

## V. Public Participation

Include a Summary of issues raised in any local public comments received by the MS4 Operator on the draft NOI/SWMP and MS4 operator's responses.

ONE Comment received from The Business Water Task Force (BWTF), 5-27-15,
Brian Burnett, Chair, Business Water Task Force, stated intention "to evaluate any proposed new or revised ordinances that may affect development of new properties or --cont'd next-- +

redevelopment of existing sites within your permit jurisdiction. We request that you include us in any Notices of Public Meetings or Requests for Comments as you engage in the process of promulgating any ordinances or development of a --cont'd next-- +

Storm Water Management Plan in response to the MS4 permit."
Response: that they would be included in a list of interested parties for later contact, as appropriate.
ALSO,BWTF representative attended planning meeting June 9, 2015 +

Complete email, letter and response follow as Attachment 2

## VI. Attachments

Attach a location map showing the boundaries of the MS4 under the applicant's jurisdiction. The map must include streets or other demarcations so that the exact boundaries can be located.

Are other attachments included with the NOI? If so, indicate the title of the document(s).

Attachment 1 Waste Load Allocations.pdf

Attachment 2 Comment and Response BWTF Interest in BC NOI 5-27-15.pdf

Location Map: EPA NOI Urban Area Map FINAL.pdf

## VII. Certification

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Signature:

Printed Name: Tom Zdunek

Date: 6/15/15

## ATTACHMENT 1: WASTE LOAD ALLOCATION CALCULATIONS

For Stream Segment, 2105_50, Isleta Pueblo boundary to Alameda Street Bridge, Bernalillo County seeks a WLA based on watershed jurisdictional area.

BC watershed area* 393.8 sq mi

| Stream Segment | Stream Name non-Pueblo | Permittee Class | Flow Conditions & Associated WLA/Area (sq mi) | | | | |
|---|---|---|---|---|---|---|---|
| | | | High | Moist | Mid-Range | Dry | Low |
| 2105_00 | Alameda Br to Isleta Pueblo | Class B/C | 3.73E+09 | 9.35E+09 | 6.29E+09 | 2.32E+09 | 5.19E+07 |
| | | TOTAL | 1.47E+12 | 3.68E+12 | 2.48E+12 | 9.14E+11 | 2.04E+10 |

*BC jurisdictional watershed area:

| | |
|---|---|
| 585.9 | Total HUC/watershed within BC |
| 187.7 | City of Albuquerque |
| 4.4 | Village of Los Ranchos |
| 393.8 | BC jurisdictional watershed area: |

BC will coordinate with other watershed permittees in meeting the assigned WLA for listed stream segments. As specified in Part I.C.2.b.i.c.B, BC may share efforts and request an aggregate WLA to be specified in the SWMP.

## ATTACHMENT 2
## COMMENT AND RESPONSE: BWTF INTEREST IN BC NOI 5-27-15

included as attachment in response to question, pg. 38,
**V. Public Participation**

5-27-15 Comment received from The Business Water Task Force (BWTF)
Brian Burnett, Chair, Business Water Task Force, stated intention "to evaluate any proposed new or revised ordinances that may affect development of new properties or redevelopment of existing sites within your permit jurisdiction. We request that you include us in any Notices of Public Meetings or Requests for Comments as you engage in the process of promulgating any ordinances or development of a Storm Water Management Plan in response to the MS4 permit.

Response: that they would be included in a list of interested parties for later contact, as appropriate.

Complete email, letter and response follow:
*Comment and Response BWTF Interest in BC NOI 5-27-15.pdf*

Note: Map showing Bernalillo County MS4 Permit Area was revised slightly after public notice to correct typos in the legend, and to improve contrast/legibility of roadways. There were no changes in boundaries or areas.
**There were no comments received on the map itself.**

## Anita Steed

**From:** Brian Burnett <Bburnett@bhinc.com>
**Sent:** Wednesday, May 27, 2015 8:31 AM
**To:** Anita Steed
**Cc:** dsumshler@att.net
**Subject:** BWTF Interest in Bernalillo County Notice of Intent
**Attachments:** 20150526Bern County NOI letterREV.pdf

Hi Anita, Attached is a letter from the Business Water Task Force expressing our interest in your Notice of Intent to obtain a National Pollutant Discharge Elimination System Stormwater Permit under the new Regional MS4 permit. The letter also contains some information about our group. Please contact me, or Sue Umshler (dsumshler@att.net), if you have any questions. Thank you very much. Brian

May 27, 2015

Bernalillo County
Attn: Anita Steed, Water Resources
2400 Broadway Blvd. SE, Building N
Albuquerque, NM 87102

Dear Ms. Steed,

The Business Water Task Force (BWTF) appreciates the opportunity to provide comments on your Notice of Intent to obtain a National Pollutant Discharge Elimination System Stormwater Permit under the new Regional MS4 permit No. NMR04A000 from the U.S. Environmental Protection Agency. The BWTF is a group of business organizations that focuses on developing sound water planning, policies, and regulations for this region (see Attachment).

The BWTF intends to evaluate any proposed new or revised ordinances that may affect development of new properties or redevelopment of existing sites within your permit jurisdiction. We request that you include us in any Notices of Public Meetings or Requests for Comments as you engage in the process of promulgating any ordinances or development of a Storm Water Management Plan in response to the MS4 permit.

Thank you for your time and consideration of out comments. Please do not hesitate to call our consultant, Sue E. Umshler, (505-344-7204, P.O. Box 6760, Albuquerque, NM 87197) if you have any questions or require any additional information.

Sincerely,

Brian Burnett, Chair
Business Water Task Force

Attachment

# Business Water Task Force

The Business Water Task Force (BWTF) is a coalition of business associations and water professionals who are committed to scientific-based water policy that also addresses cost benefits for the citizens and businesses of New Mexico. Our focus, however, is mostly on the Middle Rio Grande region.

The BWTF has been in existence for over 20 years, and has been involved in major water issues including the San Juan Chama Drinking Water Project, the development of regional water plans under the guidance of the Interstate Stream Commission and the State Engineer, and EPA initiatives such as rule-making for the Waters of the US, and MS4 Permits. We also monitor current water issues involving the major water entities such as ABCWUA, AMAFCA, MRGCD, and other governmental & environmental bodies.

Our governing structure includes a Board of Directors and a professional consultant who researches existing and proposed water legislation and policy. Our current consultant is **Sue E. Umshler,** a professional engineer and water attorney.

Our current Board of Directors are:

**Brian Burnett**, Chair (Bohannan Huston)
**Lynne Andersen**, Vice Chair (NAIOP, the Commercial Real Estate Development Association)

Directors:

**Kelle Senye**, Apartment Association of New Mexico
**Jason Espinoza**, Association of Commerce & Industry
**Roxanne Rivera-Wiest**, Association of Builders & Contractors
**David Hill**, Commercial Association of REALTORS New Mexico
**Janice McCrary**, Greater Albuquerque Board of REALTORS
**John Garcia**, Home Builders of Central New Mexico
**Martin Haynes**, Irrigator & Owner of SCM Partners
**Michelle Henrie**, Water Attorney & General Counsel for CYRQ Energy

## Anita Steed

**From:** Anita Steed
**Sent:** Wednesday, May 27, 2015 9:46 AM
**To:** 'Brian Burnett'
**Cc:** dsumshler@att.net
**Subject:** RE: BWTF Interest in Bernalillo County Notice of Intent

Thanks very much for your comment and interest.

We are still many months away from ordinance revision, and trying to evaluate the best course to meet the Federally required modifications and deadlines. We will also now be evaluating the impact of the new Clean Water Rule which should be in effect in a few months.

I will keep your email addresses, and add them to my list of contacts re any actions related to the MS4 permit. In the past 2 years I have appreciated NAIOP's interest and willingness to participate in discussion—especially via 2014's Bernalillo County sponsored Xeriscape Roundtable Discussion on the new permit. I'm glad to expand this to a larger group of interested professionals.

I look forward to our continued dialogue as we come to grips with our new permit and new requirements.

Anita Steed

Anita Steed, Water Resources Planner
Bernalillo County Public Works
2400 Broadway SE, Building N
Albuquerque, NM 87102
Phone: 505-224-2122, Fax: 505-848-1510

---

**From:** Brian Burnett [mailto:Bburnett@bhinc.com]
**Sent:** Wednesday, May 27, 2015 8:31 AM
**To:** Anita Steed
**Cc:** dsumshler@att.net
**Subject:** BWTF Interest in Bernalillo County Notice of Intent

Hi Anita, Attached is a letter from the Business Water Task Force expressing our interest in your Notice of Intent to obtain a National Pollutant Discharge Elimination System Stormwater Permit under the new Regional MS4 permit. The letter also contains some information about our group. Please contact me, or Sue Umshler (dsumshler@att.net), if you have any questions. Thank you very much. Brian

## Anita Steed

**From:** Brian Burnett <Bburnett@bhinc.com>
**Sent:** Wednesday, May 27, 2015 10:02 AM
**To:** Anita Steed
**Cc:** dsumshler@att.net
**Subject:** RE: BWTF Interest in Bernalillo County Notice of Intent

Anita, Thank you very much. We look forward to future dialogue. Have a good day. Brian

---

**From:** Anita Steed [mailto:asteed@bernco.gov]
**Sent:** Wednesday, May 27, 2015 9:47 AM
**To:** Brian Burnett
**Cc:** dsumshler@att.net
**Subject:** RE: BWTF Interest in Bernalillo County Notice of Intent

Thanks very much for your comment and interest.

We are still many months away from ordinance revision, and trying to evaluate the best course to meet the Federally required modifications and deadlines. We will also now be evaluating the impact of the new Clean Water Rule which should be in effect in a few months.

I will keep your email addresses, and add them to my list of contacts re any actions related to the MS4 permit. In the past 2 years I have appreciated NAIOP's interest and willingness to participate in discussion—especially via 2014's Bernalillo County sponsored Xeriscape Roundtable Discussion on the new permit. I'm glad to expand this to a larger group of interested professionals.

I look forward to our continued dialogue as we come to grips with our new permit and new requirements.

Anita Steed

Anita Steed, Water Resources Planner
Bernalillo County Public Works
2400 Broadway SE, Building N
Albuquerque, NM 87102
Phone: 505-224-2122, Fax: 505-848-1510

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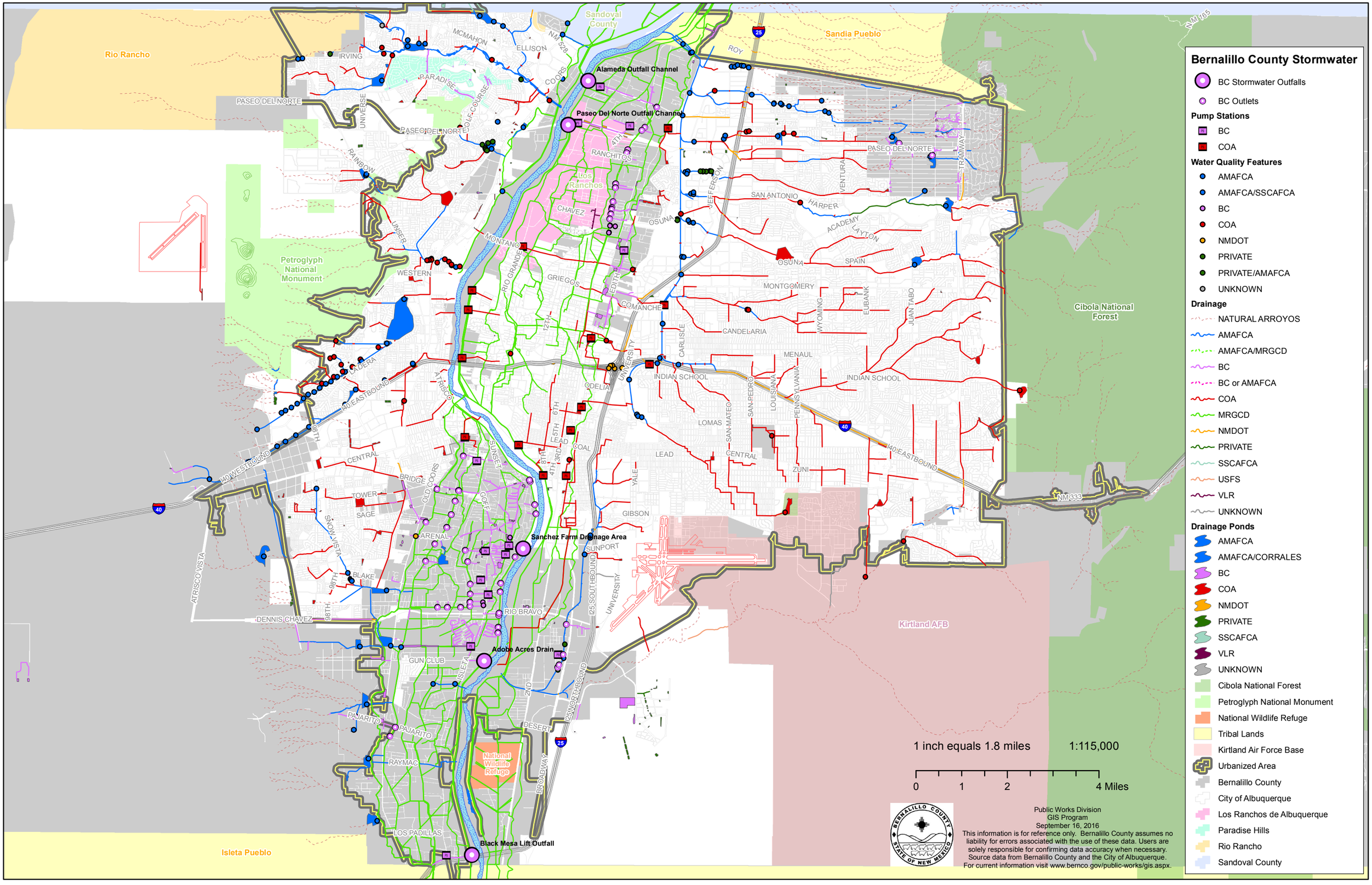
**From:** Brian Burnett [mailto:Bburnett@bhinc.com]
**Sent:** Wednesday, May 27, 2015 8:31 AM
**To:** Anita Steed
**Cc:** dsumshler@att.net
**Subject:** BWTF Interest in Bernalillo County Notice of Intent

Hi Anita,  Attached is a letter from the Business Water Task Force expressing our interest in your Notice of Intent to obtain a National Pollutant Discharge Elimination System Stormwater Permit under the new Regional MS4 permit.  The letter also contains some information about our group.  Please contact me, or Sue Umshler (dsumshler@att.net), if you have any questions.  Thank you very much.  Brian

# Appendix C

# Bernalillo County Stormwater Facilities Map


Bernalillo County Stormwater
BC Stormwater Outfalls
BC Outlets
Pump Stations
BC
COA
Water Quality Features
AMAFCA
AMAFCA/SSCAFCA
BC
COA
NMDOT
PRIVATE
PRIVATE/AMAFCA
UNKNOWN
Drainage
NATURAL ARROYOS
AMAFCA
AMAFCA/MRGCD
BC
BC or AMAFCA
COA
MRGCD
NMDOT
PRIVATE
SSCAFCA
USFS
VLR
UNKNOWN
Drainage Ponds
AMAFCA
AMAFCA/CORRALES
BC
COA
NMDOT
PRIVATE
SSCAFCA
VLR
UNKNOWN
Cibola National Forest
Petroglyph National Monument
National Wildlife Refuge
Tribal Lands
Kirtland Air Force Base
Urbanized Area
Bernalillo County
City of Albuquerque
Los Ranchos de Albuquerque
Paradise Hills
Rio Rancho
Sandoval County
Alameda Outfall Channel
Paseo Del Norte Outfall Channel
Sanchez Farm Drainage Area
Adobe Acres Drain
Black Mesa Lift Outfall
Rio Rancho
Sandoval County
Sandia Pueblo
Isleta Pueblo
Los Ranchos
Petroglyph National Monument
Cibola National Forest
Kirtland AFB
National Wildlife Refuge
1 inch equals 1.8 miles
1:115,000
0
1
2
4 Miles
Public Works Division
GIS Program
September 16, 2016
This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary.
Source data from Bernalillo County and the City of Albuquerque.
For current information visit www.bernco.gov/public-works/gis.aspx.

# Appendix D

# Joint Agreements

# Middle Rio Grande Stormwater MS4 Technical Advisory Group

## MEMORANDUM OF AGREEMENT

**A COOPERATIVE AGREEMENT, CREATING THE MIDDLE RIO GRANDE MS4 TECHNICAL ADVISORY GROUP, IN SUPPORT OF COMPLIANCE EFFORTS FOR A STORMWATER DISCHARGE PERMITTING SYSTEM FOR THE MIDDLE RIO GRANDE VALLEY IN ACCORDANCE WITH THE FEDERAL CLEAN WATER ACT.**

**WHEREAS**, the United States Environmental Protection Agency (EPA), Region 6 regulates the discharge of stormwater from municipal separate storm sewer systems (MS4s) in New Mexico through the issuance of an MS4 permit for the Middle Rio Grande valley urbanized area under the authority of the National Pollutant Discharge Elimination System (NPDES) regulations (40CFR122); and

**WHEREAS,** the Middle Rio Grande area is comprised of many diverse local, state, federal and tribal entities, each with separate and distinct authority and responsibilities; and

**WHEREAS**, the Middle Rio Grande area entities potentially eligible for authorization under the proposed NPDES General Permit No. NMR04A000 (hereinafter "MS4 Permit"), and therefore are eligible to enter into this Memorandum of Agreement (hereinafter "Agreement") in furtherance of the requirements of the MS4 Permit, are the City of Albuquerque, Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), University of New Mexico, New Mexico Department of Transportation District 3, Bernalillo County, Sandoval County, Village of Corrales, City of Rio Rancho, Los Ranchos de Albuquerque, Kirtland Air Force Base, Town of Bernalillo, State Fairgrounds/Expo New Mexico, the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA), the Eastern Sandoval County Arroyo Flood Control Authority (ESCAFCA), Sandia National Laboratories/Department of Energy, Pueblo of Sandia, Pueblo of Isleta, and Pueblo of Santa Ana (collectively "Stormwater Management Entities"); and

**WHEREAS**, the proposed MS4 Permit encourages cooperative efforts among separate local, state, federal and Tribal governments to reduce the amount of pollutants discharged with stormwater from the Middle Rio Grande urbanized area MS4s; and

**WHEREAS**, continued cooperation among the Stormwater Management Entities in the MS4 Permit offers an enhanced opportunity for each entity to remain aware of the requirements in the MS4 Permit and facilitate compliance with conditions of the permit;

**NOW, THEREFORE, BE IT AGREED THAT**:

1. The signatories to this Agreement (hereinafter collectively referred to as "Parties" and individually referred to as "Party") support and encourage a cooperative commitment to assist one another with technical issues regarding compliance with the MS4 Permit and agree to form the Middle Rio Grande MS4 Technical Advisory Group (MS4TAG).

2. The purpose of the MS4TAG will be to exchange technical information regarding compliance with the MS4 Permit, exchange ideas among Parties regarding compliance efforts, and exchange information regarding illicit discharges detected within each Party's jurisdiction. The MS4TAG shall have no binding financial authority and shall be strictly advisory in nature.

3. Nothing in this Agreement shall be construed as obligating a Party to this agreement to expend funds for any purpose, and no Party shall be required to contribute any funds in order to participate in this Agreement. In the event the Parties determine that any joint expenditure of funds among multiple Parties becomes necessary in order to comply with the requirements of the MS4 Permit, a separate agreement shall be entered into between the affected Parties regarding any and all such expenditures at that time.

4. The term of this Agreement shall run from the date the MS4 Permit is issued by the EPA until the date the MS4 Permit is terminated or expires, whichever occurs first. This Agreement may be terminated in its entirety at any time upon the mutual agreement of all of the then-existing Parties to this Agreement. In the event any Party wishes to withdraw from this Agreement without terminating the other Parties' interests in this Agreement, withdrawal shall become effective upon ninety (90) days prior written notice to the other Parties. Withdrawal shall fully and completely terminate that Party's interest in and obligations under this Agreement. Following any Party's withdrawal, this Agreement shall continue in full force and effect as to all remaining Parties to the extent possible.

5. This Agreement does not address the "Public Education and Outreach" or "Cooperative Sampling" sections of the MS4 Permit. Any MS4TAG efforts regarding either of these sections of the MS4 Permit under this Agreement shall be strictly in furtherance of the spirit of cooperation intended among the Parties. Each Party acknowledges its obligations under the "Public Education and Outreach" and "Cooperative Sampling" sections of the MS4 Permit are separate and apart from its activities under this Agreement, and a separate agreement will be required for any collaboration among the Parties with respect to those permit requirements.

6. The Parties will appoint two (2) Co-Coordinators from among the Parties, one of which must be from a Party located within the Bernalillo County geographical area and one of which must be from a Party located within the Sandoval County geographical area. Appointment of a Co-Coordinator shall be by majority vote of the voting Parties, with only those Parties located in the county of Bernalillo voting on the Co-Coordinator from that area, and only those Parties located in the county of Sandoval voting on the Co-Coordinator from that area. Co-Coordinators must be appointed annually in each subsequent permit year, or earlier if the position becomes vacant for any reason. For the New Mexico Department of Transportation District 3, which operates stormwater management facilities in both counties, for the purposes of this section, they shall select one county affiliation in year one of the agreement and alternate affiliations is subsequent years of this Agreement. The Co-Coordinators will be expected to coordinate the Parties' efforts under this Agreement, including facilitating meetings of the MS4TAG at least monthly for the first year of the MS4 Permit. In years two through five of the permit, the frequency of meetings may be reduced to quarterly with additional meetings called as necessary to discuss issues regarding MS4 Permit compliance.

7. Each Party shall be entitled to one (1) vote on any action items.

8. This Agreement creates no obligations on behalf of any Party to any other Party to this Agreement, including for any requirements imposed or determinations made by EPA. The Parties acknowledge and agree that each shall at all times remain individually liable for full compliance with the requirements of the MS4 Permit, including EPA's determination regarding the implementation schedule.

9. This Agreement may be modified in writing at any time upon the mutual agreement of the Parties.

10. Parties can be added at any time during the life of this Agreement. A potential future Party's submittal of a signature page to the Co-Coordinators and approval by the Co-Coordinators shall add the Party to the Agreement.

Approved as to Form:

Bernard P. Metzgar
SSCAFCA Attorney

Date: 10/04/13

Southern Sandoval County Arroyo
Flood Control Authority

Date: 10/18/13

Donald Rudy, Chairman

**City of Rio Rancho**

Approved as to Form:

City Attorney

Date: 10/4/13

Recommended By:

Dolores Wood, Director

Date: 11.4.13

Approved By:

Keith Riesberg, City Manager

Date: 11/1/13

Approved as to Form:

George Perez
Town of Bernalillo Attorney

Date: 10/15/2013

Mayor Jack Torres, Town of Bernalillo

Date: 10/14/13

Attest: Date: 10/14/13
Ida Fierro, Town Clerk

**VILLAGE OF CORRALES**

By: _____ 10·08·13
Philip Gasteyer, Mayor Date

Attest:

_____ 10-08-2013
Juan Reyes, Village Clerk Date

***IN WITNESS WHEREOF***, the undersigned have caused this Agreement to be executed.

**Albuquerque Metropolitan Arroyo Flood Control Authority**

Date: 10/24/2013

Tim Eichenberg
Chair of the Board of Directors

Attest:

Bruce Thomson
Secretary/Treasurer

Date: 10/24/13

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE

Date: November 14, 2013

LARRY P. ABRAHAM
MAYOR

(SEAL)

STEHANIE DOMINGUEZ
VILLAGE CLERK

Accepted on behalf of:

U.S. DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION
SANDIA FIELD OFFICE

By: _____ 14 NOV 2013
Geoffrey L. Beausoleil Date
Manager

MIDDLE RIO GRANDE STORMWATER
MS4 TECHNICAL ADVISORY GROUP
FINAL

Approved as to Form:

Bernard P. Metzgar
ESCAFCA Attorney

Date: 11/14/13

Eastern Sandoval County Arroyo Flood Control Authority

Date: NOV. 19, 2013

Salvador Reyes, Chairman

UNIVERSITY OF NEW MEXICO

Approved by:

Date: 12/12/13

David Harris, Executive Vice President

Recommended by:

Carla P. Domenici Date: 12-10-13

Carla P. Domenici, Director
Safety and Risk Services Department

**New Mexico Department of Transportation**

Approved By:

Tim Parker

Date: 12/22/13

Timothy L. Parker, M.S., P.E.
NMDOT District Three Engineer

Approved As To Form Only:

Date: 12/18/2013

Ken Swain, Assistant General Counsel
Office of the General Counsel

BC CCN 2014-0069

**BERNALILLO COUNTY**

Motion to: Approve a Memorandum of Agreement (MOA) joining the County with other local entities participating in the Middle Rio Grande MS4 Technical Advisory Group (MS4TAG).

**Approved this 28th day of January, 2014**

**BOARD OF COUNTY COMMISSIONERS**

Debbie O'Malley, Chair

Art De La Cruz, Vice Chair

Maggie Hart Stebbins, Member

Lonnie C. Talbert, Member

Wayne A. Johnson, Member

APPROVED AS TO FORM:

County Attorney

Date: 1/28/14

ATTEST:

Maggie Toulouse Oliver, County Clerk

Date: 1/28/14

BERNALILLO COUNTY COUNTY CLERK SEAL STATE OF NEW MEXICO

Approved as to Form:

Patrick F.Trujillo
Sandoval County Attorney

Date: 1/27/2014

Sandoval County

Date: 2/6/2014

Phillip Rios, County Manager

MIDDLE RIO GRANDE STORMWATER
MS4 TECHNICAL ADVISORY GROUP
FINAL

10-07-13

Approved as to Form:

David Tourek
City Attorney

Date: 2/24/14

Recommended By:

Michael J. Riordan, P.E.
Director, Department of Municipal Development

Date: 2/26/14

Approved By:

Robert J. Perry
Chief Administrative Officer

Date: 3/4/14

MIDDLE RIO GRANDE STORMWATER
MS4 TECHNICAL ADVISORY GROUP
FINAL

Memorandum of Agreement accepted on behalf of:

UNITED STATES AIR FORCE
KIRTLAND AIR FORCE BASE

By _____ Date 28 Dec 15
ERIC H. FROEHLICH, COLONEL,
USAF INSTALLATION COMMANDER

**Middle Rio Grande Stormwater MS4 Compliance Monitoring Cooperative**

**INTERGOVERNMENTAL AGREEMENT**

**AN INTERGOVERNMENTAL AGREEMENT, CREATING THE MIDDLE RIO GRANDE MS4 COMPLIANCE MONITORING COOPERATIVE, IN SUPPORT OF COMPLIANCE EFFORTS FOR A STORMWATER DISCHARGE PERMITTING SYSTEM FOR THE MIDDLE RIO GRANDE VALLEY IN ACCORDANCE WITH THE FEDERAL CLEAN WATER ACT.**

**RECITALS**

**WHEREAS**, the United States Environmental Protection Agency (EPA), Region 6 regulates the discharge of stormwater from municipal separate storm sewer systems (MS4s) in central New Mexico through the issuance of an MS4 permit for the Middle Rio Grande valley urbanized area, under the authority of the National Pollutant Discharge Elimination System (NPDES) regulations (40CFR122); and

**WHEREAS,** the Middle Rio Grande valley urbanized area is comprised of many diverse local, state, federal and tribal entities, each with separate and distinct authority and responsibilities; and

**WHEREAS**, the Middle Rio Grande valley urbanized area entities that are eligible for authorization under NPDES General Permit No. NMR04A000 (hereinafter "MS4 Permit"), and therefore eligible to enter into this Intergovernmental Agreement (hereinafter "Agreement") in furtherance of the requirements of the MS4 Permit, are the City of Albuquerque, Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), University of New Mexico, New Mexico Department of Transportation District 3, Bernalillo County, Sandoval County, Village of Corrales, City of Rio Rancho, Village of Los Ranchos de Albuquerque, Kirtland Air Force Base, Town of Bernalillo, State Fairgrounds/Expo New Mexico, Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA), Eastern Sandoval County Arroyo Flood Control Authority (ESCAFCA), Sandia National Laboratories/Department of Energy, Pueblo of Sandia, Pueblo of Isleta, and Pueblo of Santa Ana (collectively "Co-permittees"); and

**WHEREAS**, the proposed MS4 Permit requires each Co-permittee to obtain and report stormwater compliance monitoring results in their MS4 Annual Report; and

**WHEREAS**, the proposed MS4 Permit encourages cooperative efforts among the Co-permittees, including compliance monitoring activities, to reduce the amount of pollutants discharged with stormwater into the Rio Grande; and

**WHEREAS**, cooperation among the Co-permittees in the MS4 Permit through the Middle Rio Grande Compliance Monitoring Cooperative ("CMC"), with regard to monitoring requirements, offers the opportunity to reduce each individual Co-permittee's monitoring costs by cooperatively developing, funding, and executing a common monitoring plan without reducing the effectiveness of the monitoring plan.

a Members cash contribution, provided however, that participation in the CMC shall not be considered in-kind contributions. The value of in-kind contributions will be determined by the membership of the CMC by equating the value of the service to the cost that would be paid by the membership of the CMC to have the in-kind service performed by a third party (non-CMC member) contractor. The Contribution Schedule is located in Attachment 1 to this Agreement. This Contribution Schedule may be modified by the CMC annually without requiring modification to this agreement, provided however, that it shall be adopted by unanimous vote of the Members. Any funds remaining at the end of the Agreement Year will be carried into the next Calendar Year of this agreement. In such event, the CMC may either elect to retain the excess funds from the prior Calendar Year as a contingency fund, or may lower the annual contribution schedules for that year for all Members in equal proportion, based on the total amount carried forward. In the event a Member does not have the resources to provide full payment for any funds required by the Contribution Schedule, the remaining Members may agree, by unanimous vote, amend the Contribution Schedule if it is in the best interest of the CMC. Each Member's obligations under this Agreement are contingent upon sufficient appropriations being made therefor by such Member's governing body sufficient to fulfill such Member's said obligations. If such appropriations are insufficient to such Member's obligations hereunder, such Member's shall promptly notify the other Members, and this Agreement shall terminate forthwith with respect to such Member.

7. **FISCAL AGENT**. The Members shall select one (1) Co-permittee to act as Fiscal Agent for the CMC for the purposes of this Agreement. The Fiscal Agent shall act as the custodian of the CMC's funds, securities, and property. All funds will be held in a separate bank account for the purposes of this Agreement. All CMC funds shall be deposited promptly by the Fiscal Agent to the credit of the CMC. The CMC shall adhere to the Fiscal Agent's accounting and procurement procedures, provided such procedures comply with law. The Fiscal Agent shall make available to any interested Member, all records, receipts, and other documentation with respect to all matters concerning this agreement and shall have this account included in its annual audit. The Fiscal Agent shall maintain funds in accordance with all applicable state and Federal statutes. The Fiscal Agent shall be authorized on the CMC's behalf to sign checks, drafts, or other instruments for payment of money, acceptances, notes, or other evidences of indebtedness, to enter into contracts, or to execute and deliver other documents and instruments. This authority to enter into any contract or negotiated agreement shall be subject to approval by the CMC and subject to any limitations as set forth in this Agreement. Subject to the provisions of this Agreement, no loans shall be contracted on behalf of the CMC and no evidence of indebtedness shall be issued in its name unless authorized by a unanimous vote of the CMC Members. In consideration of the in-kind contributions anticipated from the Fiscal Agent, the total financial contribution requirements of the Fiscal Agent's Member agency, under any applicable agreement, shall be credited by the sum of one thousand dollars ($1,000.00) for the term of the permit in which that Member serves as the Fiscal Agent.

8. **PAYMENTS.** The Fiscal Agent will invoice each Member for their respective participation, minus the values of any CMC approved in-kind contributions at the start of each member entity's Fiscal Year. Each Member will pay such invoices to the Fiscal Agent within

standing of the CMC, contracts may be used, with concurrence from all Members of the CMC, that have been issued by Members to perform elements of the monitoring program. If a contractor is used that has been procured by a Member in good standing of the CMC instead of the Fiscal Agent, then, with concurrence of the other Members of the CMC, an entity that is not the Fiscal Agent for the CMC may contract to have the services performed and upon successful completion of the services, submit an invoice, with no mark-up, to the Fiscal Agent for reimbursement. Reimbursement shall only be authorized for reasonable and necessary costs. All contractor's utilized for the purposes identified in this Agreement shall be procured in accordance with the State Procurement Code. Contractors will be agents of the Member issuing the contract. Other Members of the CMC shall not be bound by the terms of the contract.

13. **EVALUATION.** The Members agree that the Stormwater Monitoring contract is an ongoing program. The effectiveness of the Stormwater Monitoring contract, with regard to permit compliance, will be evaluated by the CMC prior to annual renewal(s) or request for proposals.

14. **LIMITATION ON SAMPLING ACTIVITIES.** The contractor's scope of services will be limited to the CMC-developed and EPA approved sampling plan and associated reporting. If, in the event of an exceedence during routine monitoring events, additional investigation is required by the EPA to identify the source of a potential contaminant, the CMC may expand monitoring activities to the degree necessary to locate the likely entry point of the potential contaminants. Once the likely entry point is identified, further investigation into the source of the potential contaminant will become the responsibility of the specific Co-permittee(s) having jurisdiction at the location where the likely entry occurred. The CMC shall have no responsibility, fiscal or otherwise, to investigate potential sources of contamination outside of the river or its affiliated Middle Rio Grande Conservancy District-owned water conveyances.

15. **PARTICIPATION AFFECTED.** If any situation arises which adversely affects any Member's participation in this Agreement, said Member will immediately, and in writing, notify the other Members. Any circumstance that materially affects this Agreement will be promptly and equitably resolved by all Members and if necessary, an amendment to this Agreement shall be executed.

16. **COMPLIANCE WITH GOVERNING LAWS.** The obligations of each Member under this Agreement shall be performed in compliance with all applicable laws, statues, and ordinances. Nothing herein is intended to constitute any agreement for the Members to perform any activity in violation of the Constitution or Laws of the State of New Mexico or the Ordinances of any Co-permittee that is a Member of this Agreement.

17. **SEVERABILITY.** If any clause or provision of this Agreement is illegal, invalid or unenforceable, under present or future laws effective during the term of this Agreement, then and in that event, it is the intention of the Members hereto that the remainder of this Agreement shall not be affected thereby.

EACH ENTITY WILL EXECUTE AGREEMENT INDIVIDUALLY. SIGNATURE PAGES WILL BE CONSOLIDATED INTO SINGLE DOCUMENT

**Albuquerque Metropolitan Arroyo Flood Control Authority**

Bruce M Thomson

Bruce M. Thomson, Chair
Board of Directors

6/23/2016
Date

Attest:

Ronald D. Brown, Secretary-Treasurer
Board of Directors

Approved as to Form:

Randy Autio
AMAFCA Attorney

Date: 6/23/16

**City of Rio Rancho**

Keith Riesberg
City Manager

5/27/16
Date

Approved as to Form:

Jennifer Vega-Brown
City Attorney

Date: 5/26/16

Date for of beginning of Fiscal Year: July 1

EACH ENTITY WILL EXECUTE AGREEMENT INDIVIDUALLY. SIGNATURE PAGES WILL BE CONSOLIDATED INTO SINGLE DOCUMENT

**City of Albuquerque**

Approved as to Form

Jessica M. Hernandez
City Attorney

6/15/16
Date

Purchasing Approval
:

Ramona Martinez
Chief Procurement Officer

6/16/16
Date

Recommended By:

Melissa Lozoya
Director, Department of Municipal Development

6/16/16
Date

Approved By

Robert J. Perry
Chief Administrative Officer

6/17/16
Date

Date for of beginning of Fiscal Year: July 1

ATTACHMENT 1

CONTRIBUTION SCHEDULE

CCN 2016-0407

**County of Bernalillo:**

APPROVED BY:

6-28-16

Julie M. Baca — Date
Bernalillo County Manager

RECOMMENDED BY:

6/27/16

Roger A. Paul, P.E. — Date
Deputy County Manager for Public Works

APPROVED AS TO FORM ONLY:

6-24-2016

for Deputy County Attorney — Date

EACH ENTITY WILL EXECUTE AGREEMENT INDIVIDUALLY. SIGNATURE PAGES WILL BE CONSOLIDATED INTO SINGLE DOCUMENT

**Village of Los Ranchos de Albuquerque**

Kelly S. Ward 6/21/16

Kelly Ward Date
Administrator

**Village of Corrales**

Scott A. Kominiak, Mayor

Date 5/26/16

Attest:

Jennifer A. Rise, Village Clerk

Approved as to Form:

John L. Appel
Coppler Law Firm P.C.
Village of Corrales Attorney

Date 5/26/16

Date for beginning of Fiscal Year: July 1

EACH ENTITY WILL EXECUTE AGREEMENT INDIVIDUALLY. SIGNATURE PAGES WILL BE CONSOLIDATED INTO SINGLE DOCUMENT

**Town of Bernalillo**

Jack Torres, Mayor
Board of Directors

5/23/2016
Date

Attest:

Ida Fierro, Town Clerk

Date for of beginning of Fiscal Year: July 1

EACH ENTITY WILL EXECUTE AGREEMENT INDIVIDUALLY. SIGNATURE PAGES WILL BE CONSOLIDATED INTO SINGLE DOCUMENT

**Southern Sandoval County Arroyo Flood Control Authority**

James Fahey, M.D., Chair
Board of Directors

5/20/16
Date

Approved as to Form:

Bernard Metzgar
SSCAFCA Attorney

Date: 5/20/16

Date for of beginning of Fiscal Year: July 1

EACH ENTITY WILL EXECUTE AGREEMENT INDIVIDUALLY. SIGNATURE PAGES WILL BE CONSOLIDATED INTO SINGLE DOCUMENT

**Sandoval County, New Mexico**
**Flood Control Authority**

Phillip Rios
Phillip Rios
County Manager

5/16/2016
Date

Approved as to Form:

Patrick Trujillo
Sandoval County Attorney

Date: 5/16/2016

Date for of beginning of Fiscal Year: July 1

EACH ENTITY WILL EXECUTE AGREEMENT INDIVIDUALLY. SIGNATURE PAGES WILL BE CONSOLIDATED INTO SINGLE DOCUMENT

**New Mexico Department of Transportation - District 3**

Approved as to Form:

Elizabeth J. Jarvis
Office of the General Counsel

6·29·2016
Date

Approved By:

Kenneth Murphy
Kenneth Murphy, NMDOT District Three Engineer

7/7/16
Date

Date for of beginning of Fiscal Year: July 1

EACH ENTITY WILL EXECUTE AGREEMENT INDIVIDUALLY. SIGNATURE PAGES WILL BE CONSOLIDATED INTO SINGLE DOCUMENT

**Eastern Sandoval County Arroyo Flood Control Authority**

_____ Date May 25 2016
Sal Reyes, Chair
Board of Directors

Attest:

_____
Ida Fierro, Secretary
Board of Directors

Approved as to Form:

_____
Bernie Metzgar
ESCAFCA Attorney

Date: _____

# ATTACHMENT 1

## Sampling Cooperative Cost Allocation Determination (CAD) Tool

28-Apr-16

| Number | Participant | | | $ 132,000.00 | ENTITY PAYMENT | FISCAL AGENT CREDIT ($1k) |
|---|---|---|---|---|---|---|
| 1 | City of Albuquerque | | 1.38 | $ 45,574.50 | $45,600.00 | |
| 2 | AMAFCA | | 0.43 | $ 14,319.39 | $14,400.00 | $ (1,000.00) |
| 3 | UNM | | 0.41 | $ 13,553.53 | $13,600.00 | |
| 4 | NMDOT | | 0.12 | $ 3,865.56 | $3,900.00 | |
| 5 | Bernalillo County | | 0.59 | $ 19,549.95 | $19,600.00 | |
| 6 | Sandoval County | | 0.46 | $ 15,094.20 | $15,100.00 | |
| 7 | Village of Corrales | | 0.04 | $ 1,393.20 | $1,400.00 | |
| 8 | City of Rio Rancho | | 0.42 | $ 13,997.46 | $14,000.00 | |
| 9 | Los Ranchos de Albuquerque | | 0.02 | $ 705.79 | $1,000.00 | |
| 10 | Town of Bernalillo | | 0.03 | $ 903.81 | $1,000.00 | |
| 11 | ESCAFCA | | 0.01 | $ 338.88 | $500.00 | |
| 12 | SSCAFCA | | 0.08 | $ 2,703.72 | $2,900.00 | |
| | Ratio Check (Sum = Weighting Factor) | | 4.00 | | $132,000.00 | |

BC CNN 2016-0154
CCN# 201600624

# INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into this 29th day of April, 2016, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City"), and the County of Bernalillo, a political subdivision of the State of New Mexico, One Civic Plaza NW, Albuquerque, New Mexico 87102 ("County").

RECITALS

WHEREAS, the City through its Solid Waste Management Department manages a Household Hazardous Waste Collection Center ("HHWCC"); and

WHEREAS, the County wishes to contribute to the HHWCC and expand the scope of the operation to allow County residents to use the HHWCC.

NOW THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

1. **Scope of Services**. The City and the County shall perform the following services in a satisfactory and proper manner, as determined by the City:

A. The City Shall:

1. Coordinate and conduct all administrative and operational activities associated with the HHWCC.

2. Include, in all advertisements of the HHWCC, acknowledgement of the County as a joint sponsor of the HHWCC.

3. Encourage and allow participation by County residents in the HHWCC up to an expense amount equal to the level of County Funding detailed below in Section 3.

B. The County shall provide financial assistance for the HHWCC as described below.

2. **Time of Performance**. This Agreement shall commence on May 1, 2016, and all of the Services required hereunder shall be completed by April 30, 2017.

3. **Financial Assistance and Method of Payment**.

A. **Financial Assistance**. The County agrees to provide the City financial assistance for the HHWCC up to the amount of One Hundred Eight Thousand and No/100 Dollars ($108,000.00).

B. **Method of Payment**. Such amount shall be payable to the City quarterly at the rate of Twenty-seven Thousand and No/100 Dollars ($27,000.00) upon receipt by the County of properly documented requisitions for payment.

C. **Appropriations**. Notwithstanding any other provisions in this Agreement, the terms of this Agreement are contingent upon the City Council of the City of Albuquerque making the appropriations necessary for the performance of this Agreement. If sufficient appropriations and authorizations are not made by the City Council, this Agreement may be terminated at the end of the City's then current fiscal year upon written notice given by the City to the County. Such event shall not constitute an event of default. The City's decision as to whether sufficient appropriations are available shall be accepted by the County and shall be final.

4. **Independent Contractor**. Neither the County nor its employees are considered to be employees of the City of Albuquerque for any purpose whatsoever. The County is considered as an independent contractor at all times during the term of this Agreement. The County further agrees that neither it nor its employees are entitled to any benefits from the City under the provisions of the Workers' Compensation Act of the State of New Mexico, or to any of the benefits granted to employees of the City under the provisions of the Merit System Ordinance as now enacted or hereafter amended.

5. **Liability**. Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1 et seq., NMSA 1978, as amended.

6. **Discrimination Prohibited**. Neither party shall discriminate against any person on the basis of race, color, religion, gender, sexual preference, sexual orientation, national origin or ancestry, age, physical handicap, or disability as defined in the Americans with Disabilities Act of 1990, as now enacted or hereafter amended.

7. **ADA Compliance**. Both parties agree to meet all the requirements of the Americans with Disabilities Act of 1990, and all applicable rules and regulations, which are imposed directly on the parties or which would be imposed on either party as a public entity.

8. **Reports and Information**. At such times and in such forms as the City may require, there shall be furnished to the City such statements, records, reports, data and information, as the City may request pertaining to matters covered by this Agreement.

9. **Establishment and Maintenance of Records**. Records shall be maintained by the County in accordance with applicable law and requirements prescribed

by the City with respect to all matters covered by this Agreement. Except as otherwise authorized by the City, such records shall be maintained for a period of three (3) years after the City's receipt of final payment under this Agreement.

10. **Audits and Inspections**. At any time during normal business hours and as often as the City may deem necessary, there shall be made available to the City for examination all of the County's records with respect to all matters covered by this Agreement. The County shall permit the City to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement. The County understands and will comply with the City's Accountability in County Ordinance, §2-10-1 et seq. and Inspector General Ordinance, §2-17-1 et seq. R.O.A. 1994, and also agrees to provide requested information and records and appear as a witness in hearings for the City's Board of Ethics and Campaign Practices pursuant to Article XII, Section 8 of the Albuquerque City Charter.

11. **Publication, Reproduction and Use of Material**. No material produced in whole or in part under this Agreement shall be subject to copyright in the United States or in any other country. The City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

12. **Compliance With Laws**. Both parties shall comply with all applicable laws, ordinances, and codes of the Federal, State and local governments.

13. **Changes**. Either party may request changes to this Agreement; provided that such changes are mutually agreed upon by and between the City and the County, and incorporated in written amendments to this Agreement.

14. **Assignability**. The County shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement (whether by assignment or novation), without the prior written consent of the City thereto.

15. **Termination for Convenience**. Either the City or the County may terminate this Agreement at any time by giving at least thirty (30) days notice in writing to the other party.

16. **Construction and Severability**. If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

17. **Entire Agreement**. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

18. **Applicable Law**. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of New Mexico, and the laws, rules and regulations of the City of Albuquerque.

19. **Approval Required**. This Agreement shall not become binding upon the City until approved by the highest approval authority of the City required under this Agreement.

**IN WITNESS WHEREOF**, the City and the County have executed this Agreement as of the date first above written.

BC CCN 2016-0154

**CITY OF ALBUQUERQUE**

Approved By:

Robert J. Perry
Chief Administrative Officer

Date: 5/2/16

John W. Soladay, Director
Solid Waste Management Department

Date: 4-18-16

Ramona C. Martinez
Chief Procurement Officer

Date: 4/26/16

**County of Bernalillo, a political subdivision of the State of New Mexico**

Approved By:

Julie M. Baca
County Manager

Date: 4-7-16

Kenneth Martinez, County Attorney
Bernalillo County Legal Department

Date:

**County of Bernalillo:**

RECOMMENDED BY:

4/6/16

Roger A. Paul, P.E. Date
Deputy County Manager for Public Works

# County of Bernalillo
## State of New Mexico

**Technical Services Department**
2400 Broadway SE, Building N
Albuquerque, New Mexico 87102
Office: (505) 848-1500 Fax: (505) 848-1510
www.bernco.gov/technical-services/



**COMMISSIONERS**

**Maggie Hart Stebbins, Chair**
District 3

**Art De La Cruz, Vice Chair**
District 2

**Debbie O'Malley, Member**
District 1

**Lonnie C. Talbert, Member**
District 4

**Wayne A. Johnson, Member**
District 5

**COUNTY MANAGER**

**Tom Zdunek**

**ELECTED OFFICIALS**

**Tanya R. Giddings**
Assessor

**Maggie Toulouse Oliver**
Clerk

**Willow Misty Parks**
Probate Judge

**Manuel Gonzales III**
Sheriff

**Manny Ortiz**
Treasurer


December 14, 2015

Mr. Tim Trujillo P.E.
Drainage Development Engineer
NMDOT
7500 Pan American Freeway NE
Albuquerque, NM 87109

Mr. Trujillo
As part of Bernalillo County's MS4 permitting requirements we would like to document that Bernalillo County and the New Mexico Department of Transportation currently, and will continue to, coordinate and cooperate on development reviews of projects with overlapping jurisdictions as they pertain to storm water runoff.

As part of this cooperative arraignment, review costs will continue to be absorbed by the respective agency.

Please sign and return this letter indicating your concurrence that NMDOT will continue to coordinate and cooperate with Bernalillo County throughout the duration of the current permit which was authorized by EPA dated November 16th 2015.

This letter will become a part of Bernalillo County's Storm Water Management Plan.

I would suggest that you retain a copy for your records also.

Sincerely,

Don Briggs

Don Briggs, PE, CFM
Grading & Drainage Engineer
Floodplain Administrator
Bernalillo County Public Works Division
2400 Broadway SE, Albuquerque, NM 87102
Ph: (505) 848-1511; Fax: (505) 848-1510

NMDOT Concurrence by:

Tim Trujillo Date 12/16/15

Title D3 Drainage

# County of Bernalillo
## State of New Mexico

**Technical Services Department**
2400 Broadway SE, Building N
Albuquerque, New Mexico 87102
Office: (505) 848-1500 Fax: (505) 848-1510
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District 5

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**Tom Zdunek**

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Assessor

**Maggie Toulouse Oliver**
Clerk

**Willow Misty Parks**
Probate Judge

**Manuel Gonzales III**
Sheriff

**Manny Ortiz**
Treasurer


December 14, 2015

Mr. Tim McDonough
Planning & Zoning Director
Village of Los Ranchos de Albuquerque
6718 Rio Grande Blvd. NW
Los Ranchos, NM 87107

Mr. McDonough,
As part of Bernalillo County's MS4 permitting requirements we would like to document that Bernalillo County and the Village of Los Ranchos currently, and will continue to, coordinate and cooperate on development reviews of projects with overlapping jurisdictions as they pertain to storm water runoff.

As part of this cooperative arraignment, review costs will continue to be absorbed by the respective agency.

Please sign and return this letter indicating your concurrence that the Village of Los Ranchos will continue to coordinate and cooperate with Bernalillo County throughout the duration of the current permit which was authorized by EPA dated November 16th 2015.

This letter will become a part of Bernalillo County's Storm Water Management Plan.

I would suggest that you retain a copy for your records also.

Sincerely,

Don Briggs

Don Briggs, PE, CFM
Grading & Drainage Engineer
Floodplain Administrator
Bernalillo County Public Works Division
2400 Broadway SE, Albuquerque, NM 87102
Ph: (505) 848-1511; Fax: (505) 848-1510

Village of Los Ranchos Concurrence by:

Tim McDonough

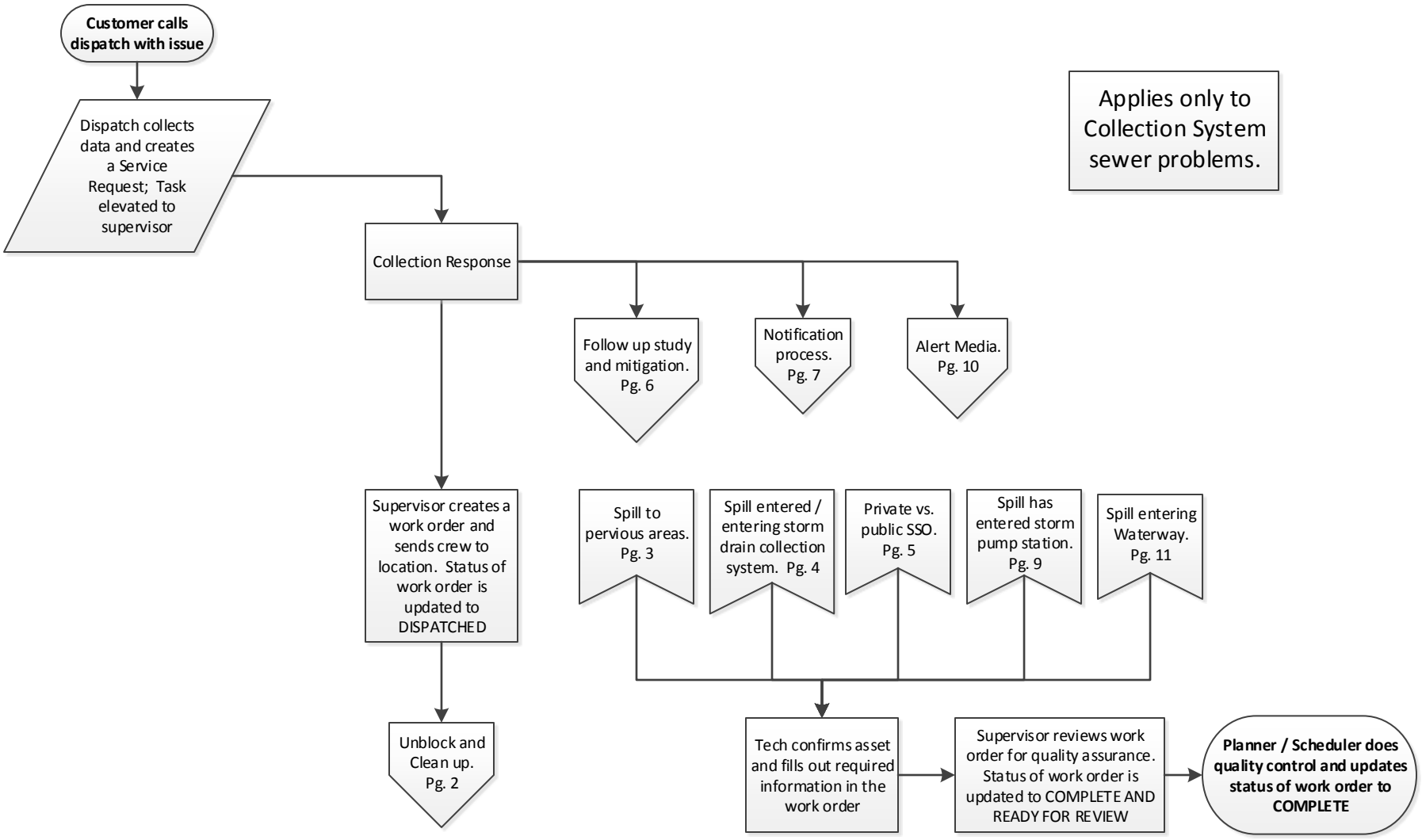
Date 12/16/15

Title Director, Planning + Zoning Department

# Overflow Emergency Response Plan

05-03-2016

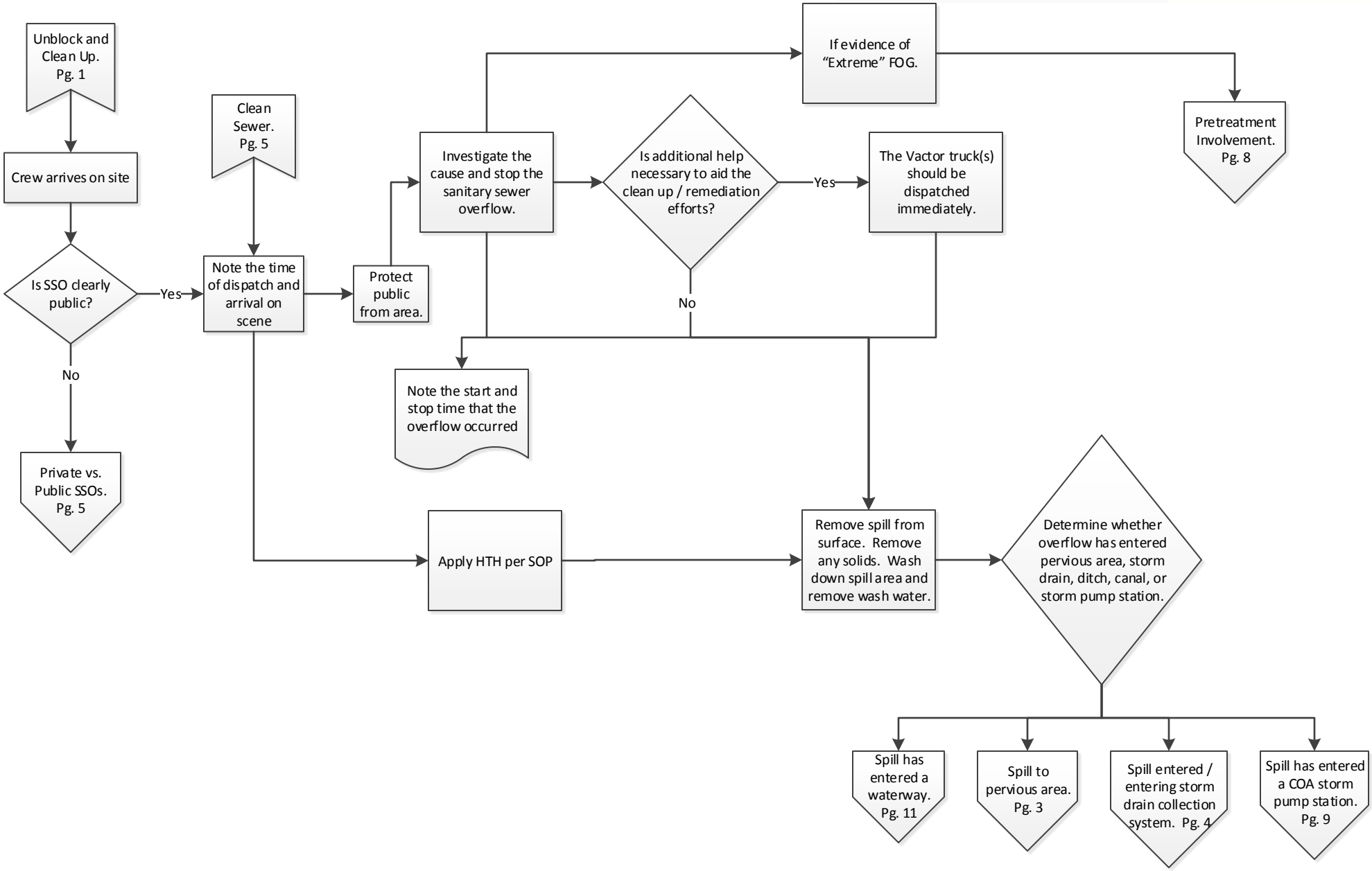
Albuquerque Bernalillo County Water Utility Authority

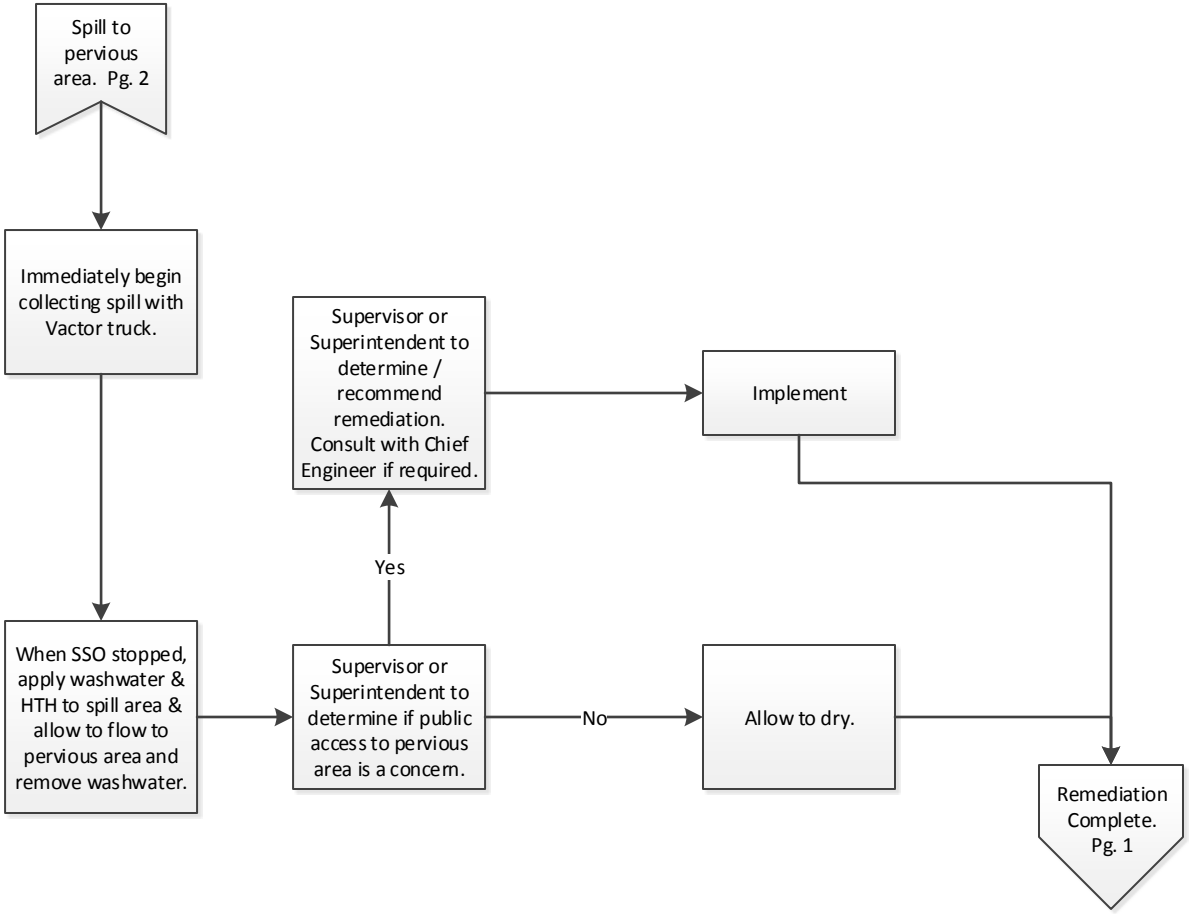


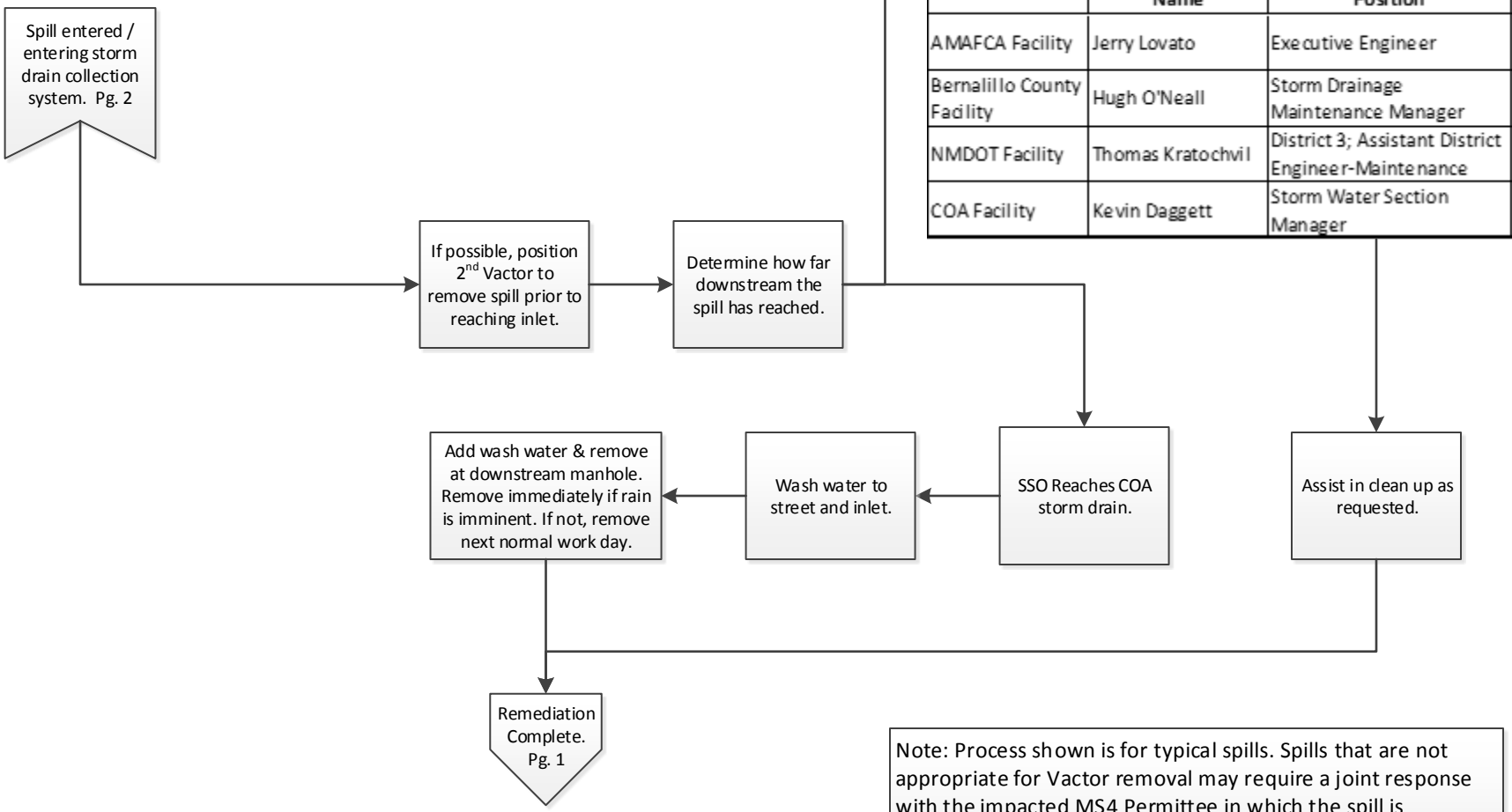
# Overflow Emergency Response Plan

05-03-2016

Albuquerque Bernalillo County Water Utility Authority

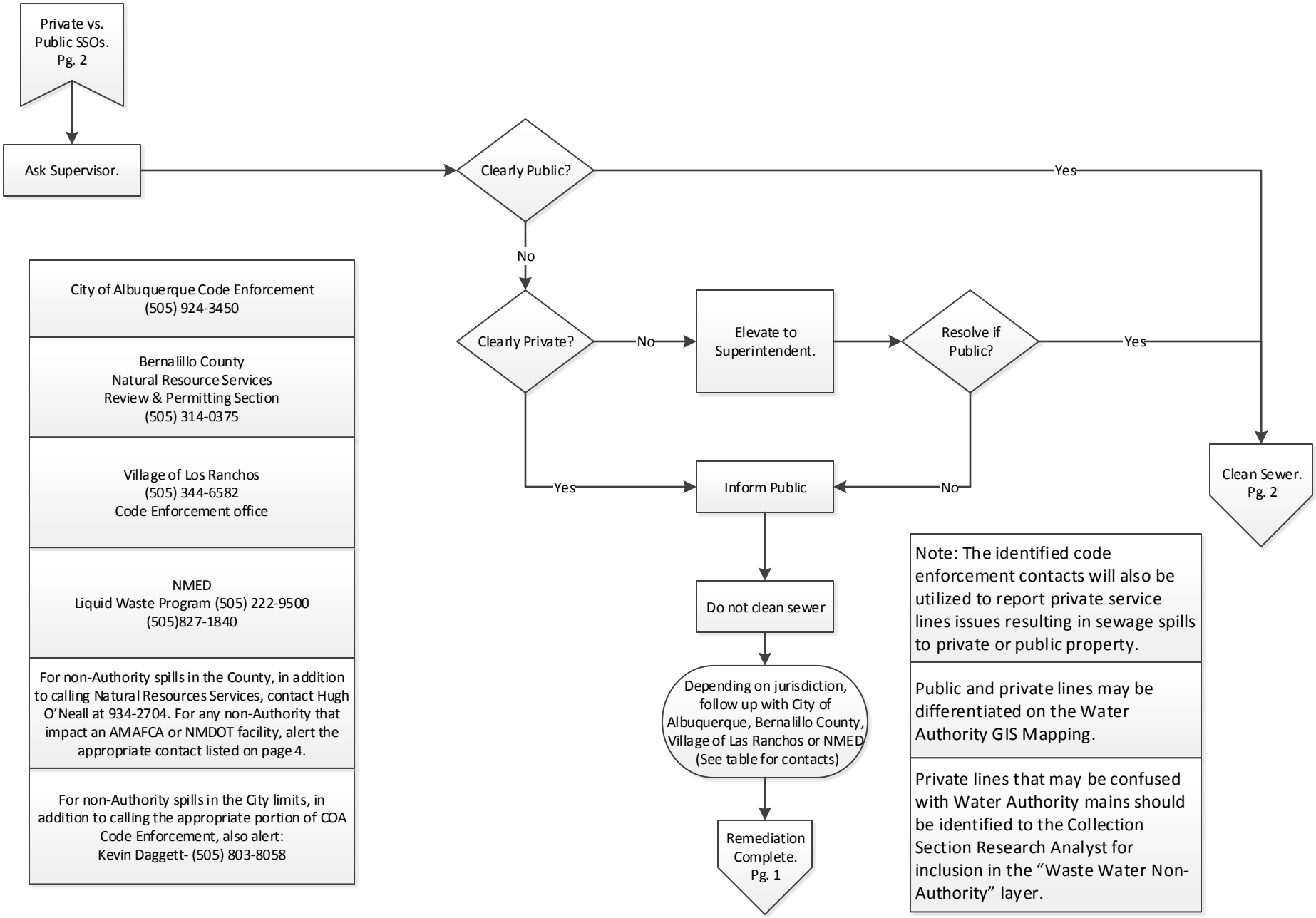



Spill to pervious area. Pg. 2
Immediately begin collecting spill with Vactor truck.
When SSO stopped, apply washwater & HTH to spill area & allow to flow to pervious area and remove washwater.
Supervisor or Superintendent to determine if public access to pervious area is a concern.
Yes
Supervisor or Superintendent to determine / recommend remediation. Consult with Chief Engineer if required.
Implement
No
Allow to dry.
Remediation Complete. Pg. 1



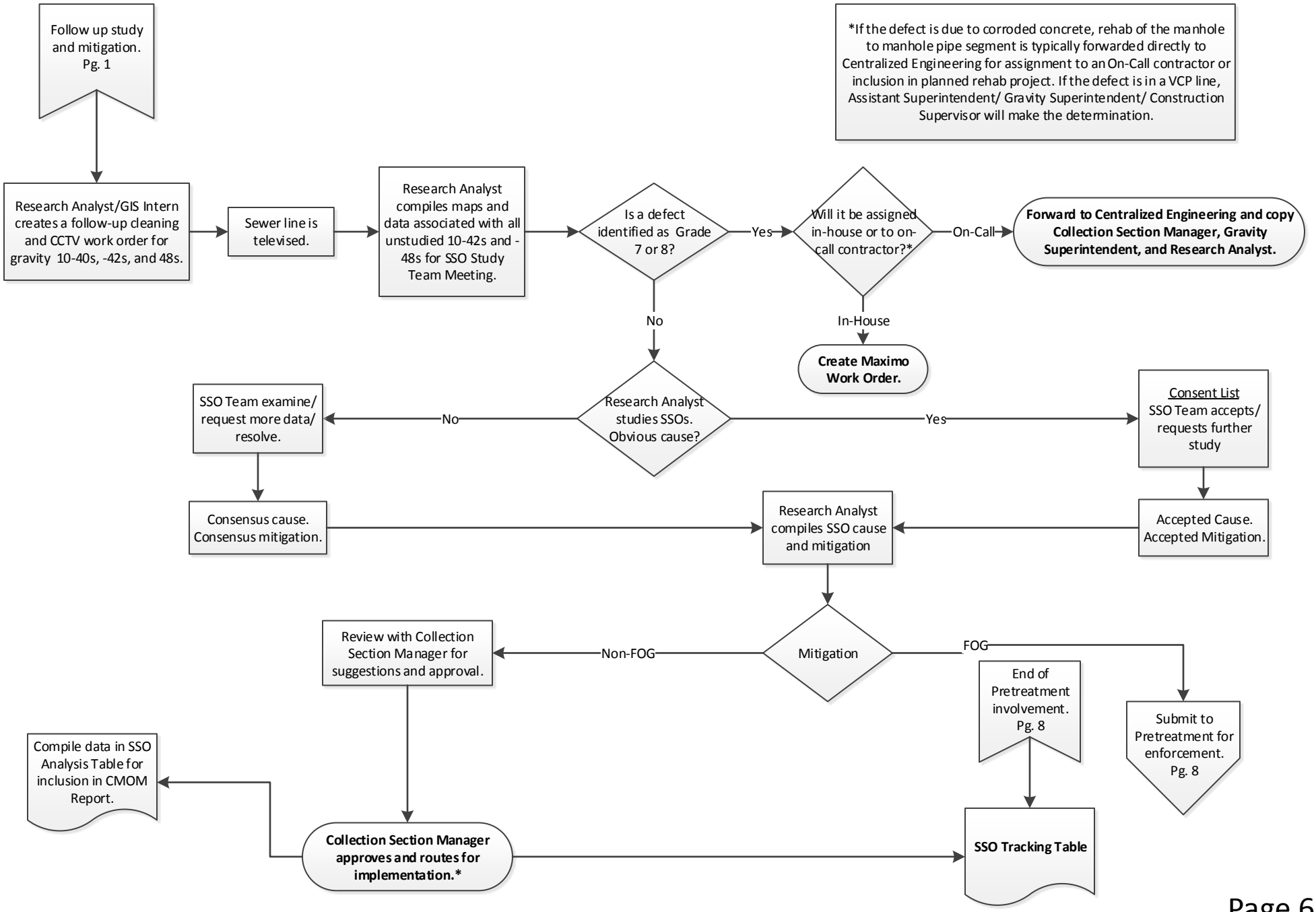

| SSO Reaches | Contact | | | |
|---|---|---|---|---|
| | Name | Position | Office | Cell |
| AMAFCA Facility | Jerry Lovato | Executive Engineer | 884-2215 | 362-0020 |
| Bernalillo County Facility | Hugh O'Neall | Storm Drainage Maintenance Manager | 848-1505 | 934-2704 |
| NMDOT Facility | Thomas Kratochvil | District 3; Assistant District Engineer-Maintenance | 798-6637 | 228-8169 |
| COA Facility | Kevin Daggett | Storm Water Section Manager | 768-2778 | 803-8058 |

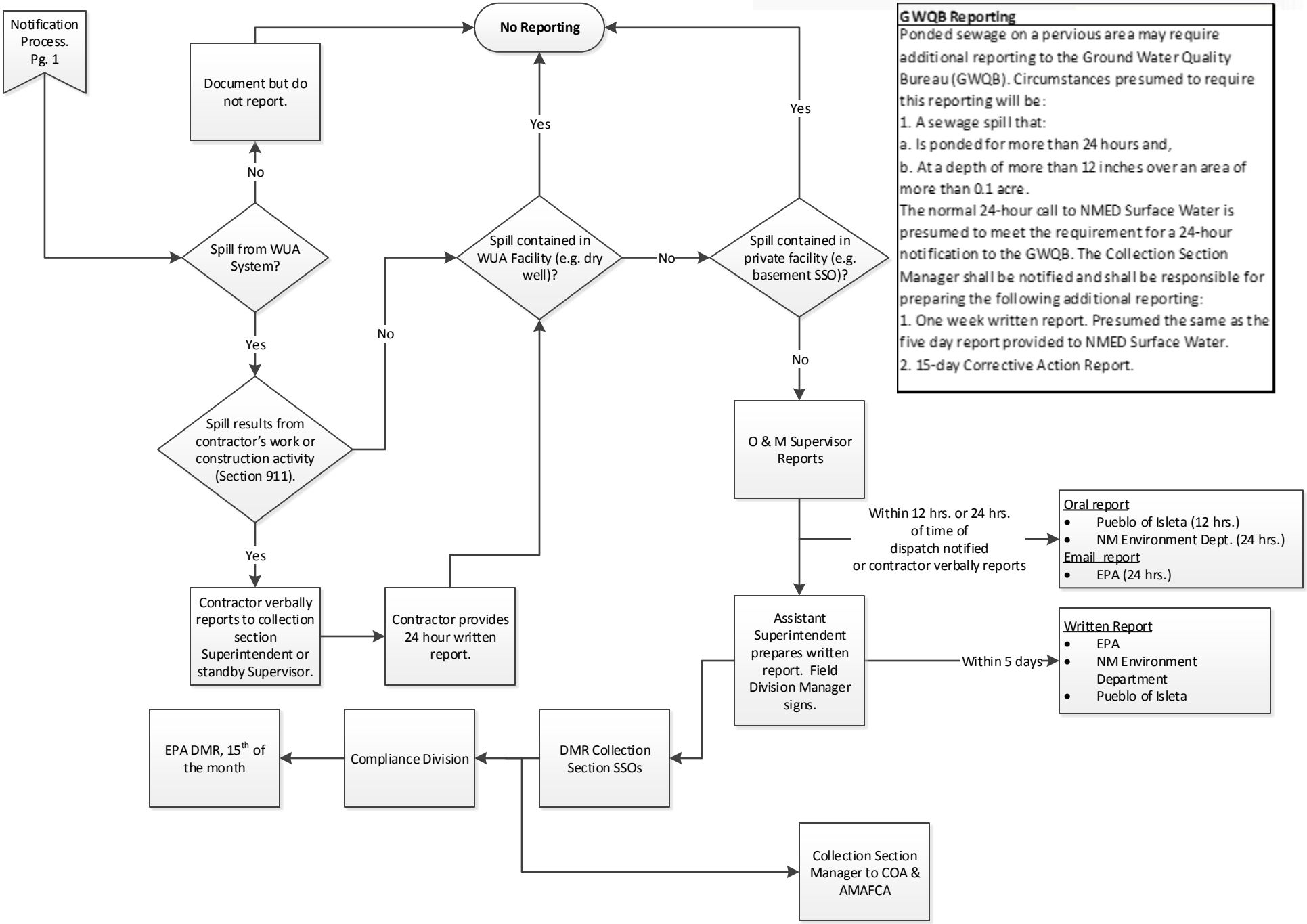
Note: Process shown is for typical spills. Spills that are not appropriate for Vactor removal may require a joint response with the impacted MS4 Permittee in which the spill is captured, treated, and determined appropriate for release.




| |
|---|
| City of Albuquerque Code Enforcement<br>(505) 924-3450 |
| Bernalillo County<br>Natural Resource Services<br>Review & Permitting Section<br>(505) 314-0375 |
| Village of Los Ranchos<br>(505) 344-6582<br>Code Enforcement office |
| NMED<br>Liquid Waste Program (505) 222-9500<br>(505)827-1840 |
| For non-Authority spills in the County, in addition to calling Natural Resources Services, contact Hugh O'Neall at 934-2704. For any non-Authority that impact an AMAFCA or NMDOT facility, alert the appropriate contact listed on page 4. |
| For non-Authority spills in the City limits, in addition to calling the appropriate portion of COA Code Enforcement, also alert:<br>Kevin Daggett- (505) 803-8058 |

| |
|---|
| Note: The identified code enforcement contacts will also be utilized to report private service lines issues resulting in sewage spills to private or public property. |
| Public and private lines may be differentiated on the Water Authority GIS Mapping. |
| Private lines that may be confused with Water Authority mains should be identified to the Collection Section Research Analyst for inclusion in the "Waste Water Non-Authority" layer. |


Follow up study and mitigation. Pg. 1
*If the defect is due to corroded concrete, rehab of the manhole to manhole pipe segment is typically forwarded directly to Centralized Engineering for assignment to an On-Call contractor or inclusion in planned rehab project. If the defect is in a VCP line, Assistant Superintendent/ Gravity Superintendent/ Construction Supervisor will make the determination.
Research Analyst/GIS Intern creates a follow-up cleaning and CCTV work order for gravity 10-40s, -42s, and 48s.
Sewer line is televised.
Research Analyst compiles maps and data associated with all unstudied 10-42s and -48s for SSO Study Team Meeting.
Is a defect identified as Grade 7 or 8?
Yes
Will it be assigned in-house or to on-call contractor?*
On-Call
Forward to Centralized Engineering and copy Collection Section Manager, Gravity Superintendent, and Research Analyst.
In-House
Create Maximo Work Order.
No
Research Analyst studies SSOs. Obvious cause?
No
SSO Team examine/ request more data/ resolve.
Yes
Consent List
SSO Team accepts/ requests further study
Consensus cause. Consensus mitigation.
Research Analyst compiles SSO cause and mitigation
Accepted Cause. Accepted Mitigation.
Mitigation
Non-FOG
Review with Collection Section Manager for suggestions and approval.
FOG
End of Pretreatment involvement. Pg. 8
Submit to Pretreatment for enforcement. Pg. 8
Compile data in SSO Analysis Table for inclusion in CMOM Report.
Collection Section Manager approves and routes for implementation.*
SSO Tracking Table



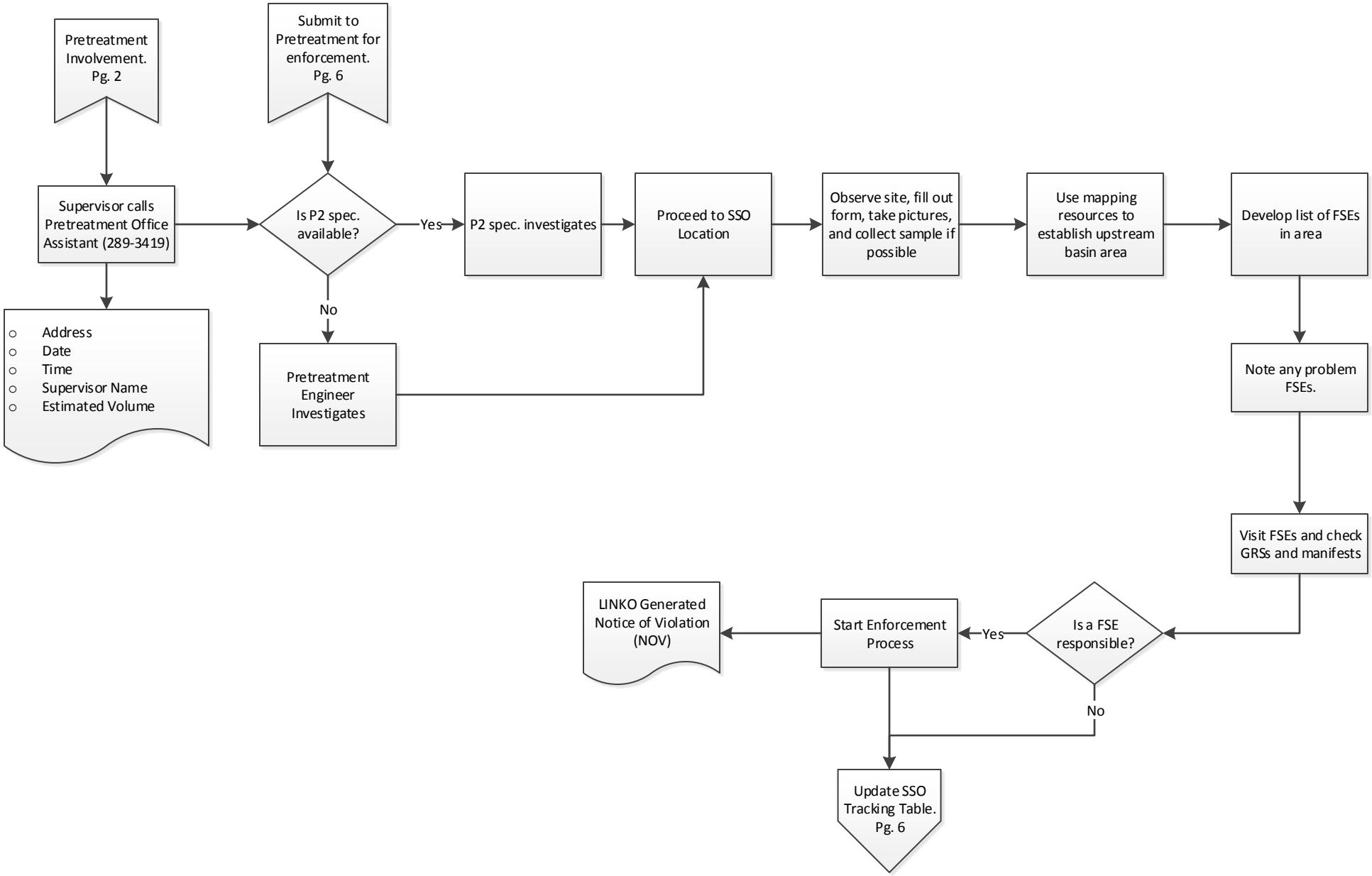

**GWQB Reporting**

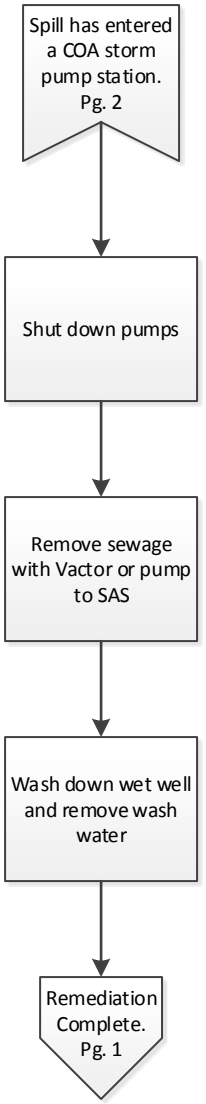
Ponded sewage on a pervious area may require additional reporting to the Ground Water Quality Bureau (GWQB). Circumstances presumed to require this reporting will be:

1. A sewage spill that:
a. Is ponded for more than 24 hours and,
b. At a depth of more than 12 inches over an area of more than 0.1 acre.

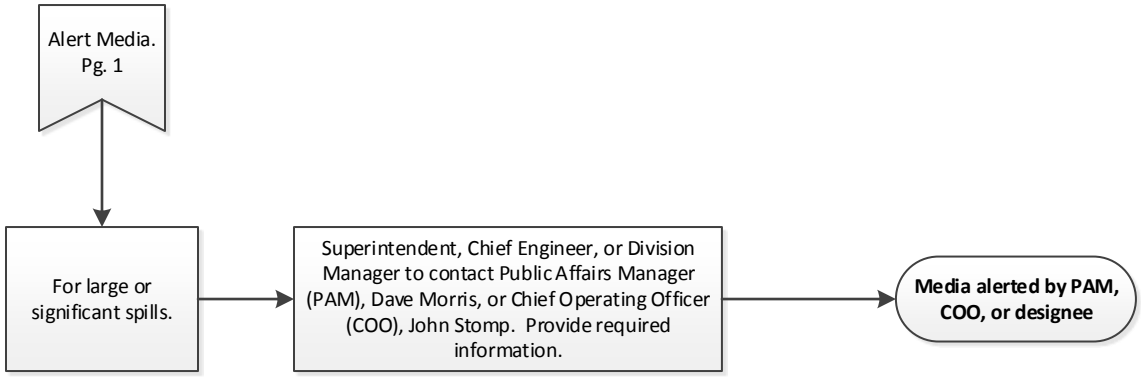
The normal 24-hour call to NMED Surface Water is presumed to meet the requirement for a 24-hour notification to the GWQB. The Collection Section Manager shall be notified and shall be responsible for preparing the following additional reporting:

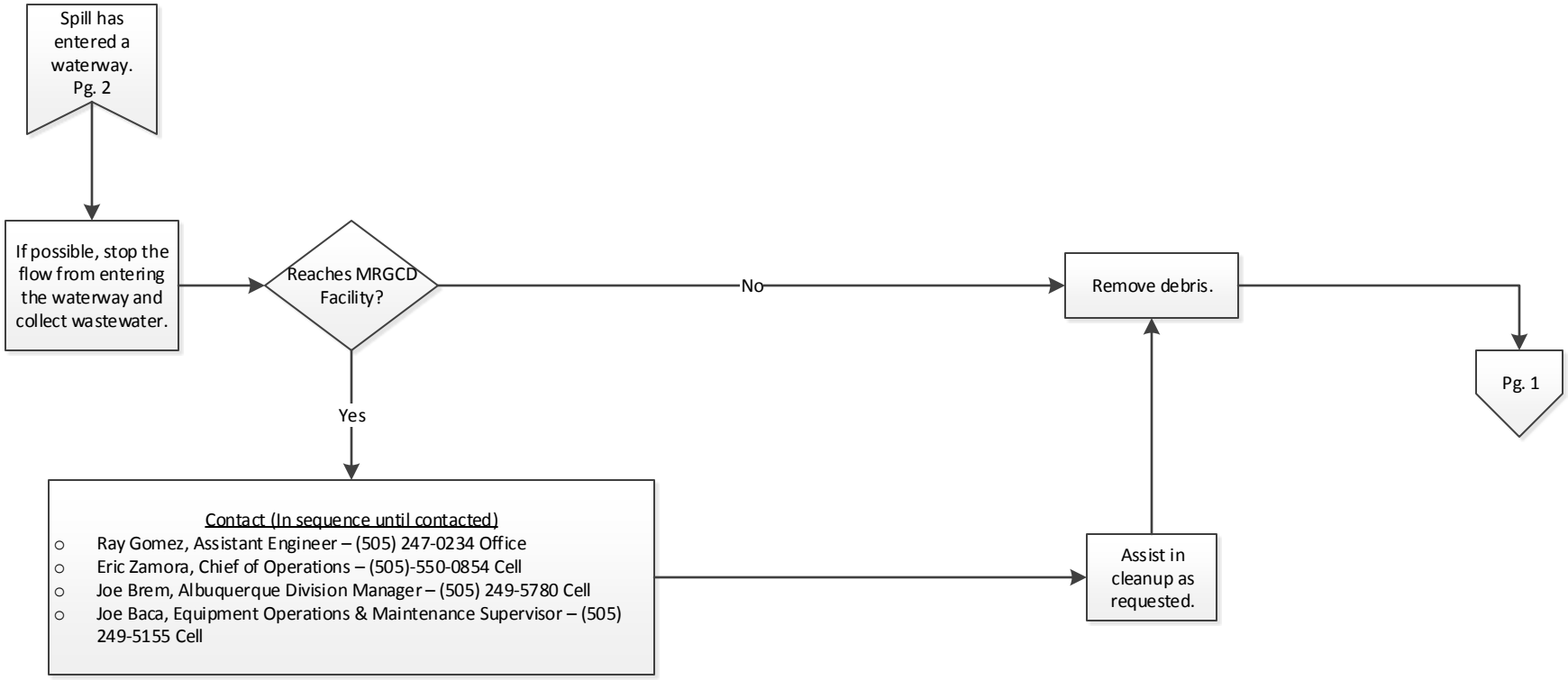
1. One week written report. Presumed the same as the five day report provided to NMED Surface Water.
2. 15-day Corrective Action Report.


Pretreatment Involvement. Pg. 2
Submit to Pretreatment for enforcement. Pg. 6
Supervisor calls Pretreatment Office Assistant (289-3419)
Is P2 spec. available?
Yes
No
P2 spec. investigates
Proceed to SSO Location
Observe site, fill out form, take pictures, and collect sample if possible
Use mapping resources to establish upstream basin area
Develop list of FSEs in area
Address
Date
Time
Supervisor Name
Estimated Volume
Pretreatment Engineer Investigates
Note any problem FSEs.
Visit FSEs and check GRSs and manifests
LINKO Generated Notice of Violation (NOV)
Start Enforcement Process
Yes
Is a FSE responsible?
No
Update SSO Tracking Table. Pg. 6




Note: Process shown is for typical spills. Some spills may require a joint response with the City of Albuquerque in which the spill is captured, treated, and determined appropriate for release.


Alert Media.
Pg. 1
For large or significant spills.
Superintendent, Chief Engineer, or Division Manager to contact Public Affairs Manager (PAM), Dave Morris, or Chief Operating Officer (COO), John Stomp. Provide required information.
Media alerted by PAM, COO, or designee


Spill has entered a waterway. Pg. 2
If possible, stop the flow from entering the waterway and collect wastewater.
Reaches MRGCD Facility?
No
Remove debris.
Pg. 1
Yes
Contact (In sequence until contacted)
Ray Gomez, Assistant Engineer – (505) 247-0234 Office
Eric Zamora, Chief of Operations – (505)-550-0854 Cell
Joe Brem, Albuquerque Division Manager – (505) 249-5780 Cell
Joe Baca, Equipment Operations & Maintenance Supervisor – (505) 249-5155 Cell
Assist in cleanup as requested.