June 27, 2013

Ms. Diane Smith
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202–2733

Comments by Bernalillo County Staff on the Proposed MRG MS4 Permit (NMR04A000)

re: **Official comments from Bernalillo County, State of New Mexico, on Proposed MRG MS4 Permit (NMR04A000)**

As directed in Federal Register /Vol. 78, No. 84 /Wednesday, May 1, 2013 /Notices 25435, Bernalillo County, State of New Mexico submits the following comments to the Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Municipal Separate Storm Sewer Systems in the Middle Rio Grande Watershed in New Mexico, proposed permit # NMR04A000, Environmental Protection Agency [FRL–9807–2].

Our comments include the following:

A. Comments with reference to permit section
B. Comments & Questions on Monitoring
C. Comments & Tabulation of SWMP elements for cooperation between parties

Respectfully,

Tom Zdunek,

cc: (e*mail) smith.diane@epa.gov*

Section A. General Comments on the Proposed MS4 MRG permit

PART I. B. 1. A. Designations 2

Comment 1: The Rulemaking Process is incomplete

The first and simplest concern of Bernalillo County with regard to the proposed MS4 permit targeting the Middle Rio Grande is that it precedes the action of rulemaking. Changes to stormwater regulations have been planned for years, but are still delayed; in fact none have been publicly proposed. The formal process of Federal rulemaking would involve a broader review by many more agencies and consultants with more resources and greater experience. This permit suggests a radical shift in approach to municipal stormwater regulation, and does not reflect the current distinctions of Phase I and Phase II regulations. Indeed, a wide range of villages, municipalities, flood control agencies and county governments are covered whole cloth by this permit with little or no recognition of population size, density or actual stormwater contribution to the Rio Grande River flow. This is a very small community, in a rather unique setting. It is difficult to assess the long term consequences of the permit in itself, and more troubling to consider that this permit may represent de-facto rulemaking outside the legal process. Simply renaming Phase I and Phase II as Classes A & B does not reflect the genuine differences inherent in the current legal designations.

While it may be useful to move beyond Phase I and II in that they reflect the starting stages of NPDES stormwater regulation, there should be some consideration of both population size and community resources in assigning mandatory, unfunded programs. This permit appears to apply Phase I implementation to all parties, no matter how small in population, and with no consideration of how little flow they may contribute. In fact, much of the permit is essentially the same as the permit issued in 2012 to the City of Albuquerque and its Phase I co-permittees. Many of the parties to this permit have discharges only exceptionally, ie during exceptional flood events. The smallest MS4's are in basins along the Rio Grande, fundamentally at or below water level.

We recommend that Phase I & Phase II designations be restored until stormwater rulemaking is complete, with concurrent staging or down-sizing of requirements for the Phase II permittees.

Part I B. Notice of Intent 1. Deadlines:

Comment 2: Deadlines & Implementation Dates

Throughout this section and others there is confusion as to what exactly is meant by several terms: "permit issuance," "effective date of permit," "permit effective date," etc. ***Please clarify whether a phrase refers to approval of the <u>General Permit</u> itself by EPA, or approval of a MS4 Permit, and use***

consistent terms throughout the permit. As written, there are several instances where implementation might precede approval of a MS4 permit.

PART I. B. 1. A. Designations, also refers to PART I. D. 1. General Requirements

Comment 3: The proposed permit does not reflect recommendations of EPA-led working meetings

Since early 2010 there have been monthly meetings at the direction of EPA permitting staff, yet these considerations and conclusions are not included in this permit, nor are the recommendations reached by the group as a whole. For example, the MRG working group created a ranking of SWMP elements, especially arid BMPs, with a count assigned to each sector level. That plan and several other collaborative efforts have been not been included. Also, because the SWMP mandatory elements are essentially the same as the current City of Albuquerque Phase I permit, it appears that Phase II permittees are now effectively considered Phase I. This seems beyond the intent of Phase I & Phase II regulations, again without the benefit of rulemaking review.

We suggest that the Sector based ranking of BMP's developed by the MRG working group be used to rank the SWMP elements and assign a minimum number for each sector rather than making all 145 SWMP elements mandatory for Phase II. We also recommend that the testing requirements be moderated and reduced in number and frequency.

Part I. C. Special Conditions, 2.Discharges to Impaired Waters,

Comment 4: Targeted Controls

b. (i) (a) and throughout (7 instances)"Targeted Controls" ***Please define***. Is there a separate list of specific controls or BMPs to which this refers? Or do you mean "controls intended for targeted pollutants"? ie, ***is the Pollutant the Target or is the Control the Target?***

Part I., D. 3. A. Shared Responsibility etc.

Comment 5: Joint Powers requirement

This section references a "Joint Powers Agreement to be entered into by the permittees." It was our understanding after meetings with EPA this spring (2013) that all cooperative programs were to be voluntary, but this seems to carry the weight of a command. ***Is this a mandatory separate requirement overreaching individual cooperative agreements between agencies? If so, please define the scope and the legal basis for requiring such an agreement between different sovereign governments. If not, please delete from this instance and all others.***

PART I. D. 1. General Requirements,

Comment 6: The proposed permit was intended to promote watershed cooperative efforts, but most of the 145 mandatory SWMP elements are non-cooperative by nature

Part D. Stormwater Management Program (SWMP), 5. Control Measures, includes 145 mandatory program elements. Despite EPA Permitting's openly stated intention to make the new permit too burdensome for any single entity to manage individually, there are few realistic opportunities for real collaborative efforts. In fact more than 80% of these control measures require local ordinance or procedures, or are simply best suited to management by different county divisions or departments. Thus the proposed permit is not merely burdensome, but doomed to fail as a cooperative effort.

(These are listed and categorized in Table 1 for reference.. It does not include the Industrial and High Risk Runoff, the Special Conditions with TMDL or sediment control, nor the monitoring requirements.)

Although EPA has held more than 2 years' of meetings with MRG agencies, there is no apparent understanding of the actual operations of a municipal or county government. *For example: street sweeping is a standard Part of sanitation efforts. SW measures might reasonably require a greater frequency, but to remove street sweeping to a separate "cooperative" agency or program is expensive folly. In fact, most stormwater programs rely upon the efforts of multiple groups within government: Building Permits, Facilities, Parks, and Health Services to name a few. Economically, these efforts are incorporated into the normal existing work of multiple individuals. There is not a "Stormwater Street Sweeper," only a street sweeper. To require that these things be done extra-agency as a cooperative effort, or called out as unique stormwater programs, completely ignores the economy of small scale.*

Stormwater management, as the most recent regulatory system in city or county operations, is almost always incorporated into another program, usually at substantial cost savings. The industrial business model of "economy of scale" is not applicable to small government. It might indeed create unreasonable subdivision of labor. The goal of cooperation, simply to call something a "cooperative" program, surely is not the point of a watershed approach, and may be a disservice to the greater goal of improving stormwater quality.

There must be a better way to encourage effective cooperation, such as funding a monitoring consortium to collect consistent watershed data with the assistance of Federal agencies. Since this MRG permit was begun as a pilot permit program, it seems appropriate that EPA fund implementation directly to measure the actual effectiveness of such a "watershed" approach. Such an evaluation is beyond the scope of any one agency involved directly in implementation, and would be better done by a neutral party or the regulatory agency itself, EPA.

Alternately, we request that the number of mandatory elements be reduced proportionate to Phase II status, or that the reporting requirements be modified to make cooperative efforts realistic.

Part I. D. 5. a. Construction Site Stormwater Runoff Control.
Also Part I. D. 5. b. Post-Construction Stormwater Management in New Development etc

Comment 7. New measures incorporating GI/LID are unproven, and possibly detrimental to river flow

The proposed permit includes more than 20 new measures for Green Infrastructure/LID. While these measures are currently quite popular, there has been very little demonstration of their effectiveness in the arid Southwest. Since they rely almost entirely upon reduction of flow, not reduction of pollution, they also challenge the reality of water rights (the Rio Grande Compact) and the necessity of having water in the river if endangered species are to survive. The silvery minnow will be more challenged by the absence of water than by its quality.

In fact, with our current average rainfall of 4 inches per year, the stormwater contribution of the entire Albuquerque area is estimated to be less than 0.02% of the river's flow as it leaves the area. The Rio Grande is a river originating in the mountains of Southern Colorado and Northeastern New Mexico, fed largely by snow melt. Once it leaves the Santa Fe area into the flat river bottoms and bosques of central New Mexico it loses water through evaporation (even in winter), infiltration and irrigation. As it passes through the MRG the flow is additionally diminished by the ABCWUA draw of drinking water; while much of the drinking water draw is returned via the wastewater utility, there is a substantial net loss. Further reduction of flow via Green Infrastructure and LID measures are likely to produce a greater negative impact if this permit is implemented.

We recommend that GI/LID measures be made optional elements or at least reduced in number.

Part I D. (SWMP), 5. a. Construction Site Stormwater Runoff Control, Comments 8 - 11

Comment 8. Question: Do these provisions apply only to the Urbanized Areas of Bernalillo County? We have separate policies for the East Mountains, non-urbanized areas. This calls for different policies within different areas of Bernalillo County, so would require particular study and procedures. Please clarify exact application prior to permit approval to conserve time.

Comment 9. a. Construction Site Stormwater Runoff Control, in general: Currently in our master plans and development review, we can take into account certain downstream flood and stormwater control features in calculations of allowable run-off. ***How will this be accommodated in the new permit?*** These measures reflect the unique nature of arid SW conditions, in which flood control for exceptional events has created these structures. Unlike the east coast models of stormwater, Bernalillo County has long periods (months) without any rain at all, with steep slopes and critical flood control. The flood control features provide protection for the extremes, while allowing flexibility for development in the average dry conditions.

Comment 10. (v) ***Has the State Engineer's Office been consulted specifically and given written approval or consent regarding GI/LID/Sustainable practices? If not, will EPA provide legal support for this mandated program?*** Lacking a specific consultation, all projects may be tied up in burdensome and lengthy consultation with OSE, especially as noted below in Post-Construction management alternative options. **This is a problem that should have been resolved clearly without burdening MS4 permittees with extraneous conflict in state law.**

Comment 11. (v) This is the newest element to Construction, and has the shortest time line for implementation. It also requires the greatest training/learning time. ***Please revise the implementation schedule.***

Part I D. (SWMP), 5. b. Post-Construction Stormwater Management in New Development and Redevelopment, Comments 12 - 16

Comment 12 (ii) (f) regarding Procedures for site inspection and enforcement to ensure proper long-term operation, etc. ***Can you qualify this with a minimum commercial site size or industrial category?*** As it stands now it might include small businesses and residential development, even individual homes.

Comment 13 (ii) (g) regarding the training and certification of Pesticide Applicators, ***does this conflict or overlap with the NM State Department of Agriculture's program and licensure?*** Currently the state has legal authority over this program. The county has no legal authority to enforce or countermand state statutes.

Comment 14 (c) Partial Implementation. Partial compliance may be implemented where there is a written determination from the New Mexico Office of the State Engineer that full compliance cannot be achieved consistent with water rights appropriations requirements. This has the potential to create a huge burden on the OSE and to hold up projects.

Comment 15 (v) (d) Other. In a situation where alternative options (a) through (c) above are not feasible, the permittees may submit to the EPA for approval, an alternative option that meets the 90th percentile pre-development hydrology values. ***Will EPA guarantee rapid approval, within 30 days, to meet contractor/developer schedules?*** If not, please specify approval by default, ie, if a ruling is not issued within 30 days, the option is approved.

Comment 16 Overall this section puts Bernalillo County and other MS4's in direct conflict with State and Federal Water Rights laws, specifically the Rio Grande Compact, of May 31,, 1939 (Public Act No. 96, 76) administered in part by the USGS and the Federal Rio Grande Compact Commission. ***As a Federal Agency it is the responsibility of USEPA to resolve conflicts with other Federal laws and agencies.*** This has been argued before EPA watershed meetings for more than 2 years, and should be resolved by EPA, not local agencies**.**

Part III. A. Monitoring and Assessment

Part I. D. 5. a. Construction Site Stormwater Runoff Control.
Also Part I. D. 5. b. Post-Construction Stormwater Management in New Development etc
Also Part III. A. Monitoring and Assessment

Comment 17. The economic burden imposed by this permit is disproportionate to any realistic benefit

The Monitoring program alone represents a substantial increase in simple, direct costs. The required analytical costs alone will increase from less than $100 per sample (for E. coli) to more than $3000 per sample for the list of 15 analytes—a 30-fold increase, which does not include increased sampling frequency or new sampling locations.

The new mandatory elements in construction and post-construction measures alone may triple the workload of County plan review and inspection. Many of these elements are unnecessarily repetitive and overly defined. Simply calling out more than 145 mandatory elements in the SWMP creates tedious and largely irrelevant tracking efforts.

The reporting requirement, with annual update and annual assessments of the SWMP required, virtually doubles the administrative workload. It is also unrealistic to expect accurate evaluation of new stormwater measures on an annual basis in a location currently averaging about 4 inches of rain per year. To evaluate any measure at this frequency is a waste of time and money.

We recommend that new Construction and Post-Construction SWMP elements be reduced in number, and at the least staged in over the permit term to allow time for training and expansion of duties with existing personnel.
We strongly suggest that the analytical requirements be reduced, and that the annual assessment requirements be reduced to years 3 and 5 of the permit term, or to year 5 alone.

Section B: Comment & Questions on Monitoring
Permit Part III. Monitoring, Assessment, and Reporting Requirements

Wet Weather Monitoring vs. Storm Event Discharge Monitoring

Of first concern in this document is the distinction between Wet Weather Monitoring (Sec.III.A.1) and Storm Event Discharge Monitoring (Sec.III.A.5.a). More specifically, the sampling requirements for wet weather monitoring are significantly different from the requirements for storm event monitoring. For example, wet weather sampling requires an antecedent dry period as well as minimum rainfall amounts. However, both of these requirements can be waived for storm event samples.

The Albuquerque area is a semi-arid region; drainages that outfall to the Rio Grande are dry for extended periods of time and referring to these drainages even as ephemeral would be a very generous misnomer. Any notion of a defined wet-season would have to refer to Albuquerque's monsoonal months and just beyond (July through October). Even during this "wet season" drainages in the area are typically dry and regardless of the time of the year, discharges to the Rio Grande will almost always be the result of a storm event.

Comment 18 ***What, specifically, distinguishes a wet weather sample from a storm event sample? Are the two interchangeable, ie. can storm events be used to meet the wet weather monitoring requirements given in Sec.III.1.a-b? If the two samples are interchangeable, what is the reasoning for the significant differences between sampling methodologies?***

Sampling Methodology

There also exists some confusion regarding the sampling methodology. For example, Sec.III.A.1.c, in the paragraph that begins," Wet weather monitoring shall be performed…," list antecedent dry period and rainfall requirements. However, the following section which begins, "Monitoring methodology at each MS4 monitoring location shall consist…" states that these requirements are not necessary.

Comment 19 ***Can you please clarify the differences in sampling methodology between Sec.III.A.1.c and Sec.III.A.1.d?***

In addition, there is also some confusion in the permit regarding the difference, if any, between a grab sample and an aliquot. For example, Sec.III.A.1.c suggests that the term "grab sample" refers to the individual components, or aliquots, of a composite sample. However, the language in Sec.III.A.5.i-ii suggests that grab samples are not the same as aliquots.

Comment 20 ***What specifically are the definitions of composite sample, grab sample, and aliquot as they are being used in the permit?***

Variability of Rainfall

As previously mentioned, the wet season in Albuquerque is mostly driven by monsoonal thunderstorms, and being convective in nature, these thunderstorms are also very spotty. It is not uncommon to see closely-spaced rain gages record vastly different amounts of rainfall. And for this reason, it could be difficult to determine if a sample will meet minimum rainfall requirements simply because rainfall may not be evenly distributed across the sampling watershed and as a result, a given storm may produce discharge without actually being recorded at a rain gage. Section Sec.III.A.1.d basically states that any discernible flow would constitute a valid sample, regardless of any antecedent dry period or rainfall requirement and this approach to sampling is probably most appropriate for an area like Albuquerque.

Comment 21 ***Consequently, rainfall magnitude requirements should be dropped from the permit and instead NPDES permittees in the Albuquerque area should be allowed to sample any and all significant flows to meet permit requirements.***

Analytical Requirements

The analytical requirements listed include 15 tests: 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. (Although total ammonia plus organic nitrogen is the same as TKN, so it is unclear what exactly is required.) To perform all 15 tests as routine discharge monitoring is excessive and expensive, approximately $3000 per sample.

Comment 22 ***Please identify the critical analytes per sample: in other words if a sample cannot be tested for a specific analyte in accordance with the methods specified at 40 CFR §136 due to holding time constraints for example, WHICH of the analytes define whether a sample counts toward the minimum samples required? Is E. coli the minimum mandatory analysis?***

Comment 23 ***We recommend that the test list be reduced to those parameters of concern PER stream or discharge point, not required across the entire watershed for each sample event.***

Comment 24 ***DO, conductivity, and temperature are not included in the test list, but are referenced in field screening along with pH. Please clarify if and when these are required. (Part III, A, 1. F)***

(b) Analytical Methods:
Comment 25 ***Please clarify specifically.*** Is EPA Method 1668 (PCBs) to be used in discharge water? And the Arochlor test (EPA Method 8082) or USGS test method (8093) to be used only for sediment sampling as part of a screening program.

Section C: Comments & Tabulation of SWMP elements for cooperation between parties

Comment 26 Despite the published intention to create a cooperative watershed permit, this permit creates few opportunities for meaningful cooperative efforts. In the 145 listed mandatory SWMP elements, the potentially cooperative elements are less than 15% of the count. ***The number of mandatory elements in itself increases workload significantly without contributing to water quality improvement.***

Comment 27 Of the mandatory SWMP control measures listed, 58% would be Part of existing normal programs, such as building permits, zoning reviews, etc. ***These are identified as INT for Integral to existing programs.*** Particularly in pollution prevention/good housekeeping, these activities are already Part of normal, existing programs; it would be both inefficient and costly if these activities were removed from their current process to some cooperative program to do lip service to the idea of cooperative programs.. For example, it would be foolish to have street sweepers pulled out as "stormwater" sweepers when they already operate for normal county sanitation efforts. ***We recommend that EPA find other opportunities for cooperation.***

Another 7% to 10% cannot be shared between MS4s because of the need for an ordinance or local regulation. In some instances the regulation is directly required by permit, in others it will be necessary to implement the mandatory control measure. ***These are identified as RR for Requiring Regulation.*** It is difficult to determine without study and consultation with other divisions exactly which of these 3% might be implemented by policy without ordinance.

Comment 28 Of the remaining listed control measures, approximately 23% are required to be done separately by the permit itself. Many/most reporting elements, especially those for in the annual report, are required to be done individually by the MS4 permittee; it would be difficult to build a cooperative effort on these items where detailed, internal tracking is required to document how many instances had been performed by the individual permittee. ***These are identified as SEP for Separate by definition of permit (separate tabulation per agency required by EPA. To increase the opportunities for cooperation we recommend that EPA change reporting requirements. The number of mandatory elements in itself increases workload significantly without contributing to water quality improvement.***

Comment 29 Ironically, of those 21 potentially cooperative elements all but two are already in practice through the efforts of the Middle Rio Grande Stormwater Quality Team. This jointly funded education/outreach/involvement program has been funded and operated cooperatively since 2004, and has as members Bernalillo County, the City of Albuquerque, the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA), the University of New Mexico and the New Mexico Department of Transportation. **The current proposed permit offers virtually nothing new for cooperative SWMP elements.**

Comment 30 ***We recommend that many of the reporting requirements and tabulations be dropped or modified to allow more effective cooperative efforts. Also, we suggest that requiring 145 mandatory elements is excessive; the work burden of tracking and administering these elements virtually ensures that nothing new or effective will result from this permit because there will not be time or money to spend.***

TABULATION OF MANDATORY SWMP ELEMENTS WITH COOPERATIVE STATUS

Cooperative Status — SWMP Components: 5. Control Measures

CE = Cooperative with Effort only
CF = Cooperative with Funding
RR = Requires regulation or ordinance
INT = integral Part of existing county programs, such as building permits, with broader scope
SEP = Separate by definition of permit (separate reports are required by EPA)

SWMP Components: 5. Control Measures

	a. Construction Site Stormwater Runoff Control.
INT	(i) Program for Reduction of pollutants & total discharge volume from Construction
RR	(ii) development, implementation, & enforcement of, at a minimum:
RR	(a) Regulatory mechanism to require erosion & sediment controls, w sanctions for non-compliance
RR	(b) Requirements for construction site operators to implement BMPs
RR	(c) Requirements for construction site operators to control waste
INT	(d) PreConstruction site plan review for water quality impact, site design, on-site operations, planned control measures during construction & post-construction run-off controls
INT	(e) Procedures for receipt & consideration of information submitted by the public;
INT	(f) site inspection & enforcement of control measures
INT	(g) Training of personnel in planning, review, permitting, inspections & enforcement
SEP	(h) Procedures for keeping records of & tracking all regulated construction activities
RR	(iii) site inspections of 100 percent of all construction projects
INT	(iv) Internal coordination
SEP	(v) evaluation of each plan for use of GI/LID/Sustainable practices, encouragement to meet pre-development hydrology by capturing the 90th percentile storm event runoff & report # of plans w opportunities & # incorporated
SEP	(vi) description of the mechanism(s) used for above, with description of each individual BMP (both structural or non-structural) or source control measures and its corresponding measurable goal
SEP	(vii) annual report

SEP	(a) frequency of activities
SEP	(b) # plans with opportunity & implementation for GI/LID/Sustainable practices
	b. Post-Construction Stormwater Management in New Development & Redevelopment
INT	(i) revise, implement, & enforce a program, runoff
INT	(ii) development, implementation, & enforcement of, at a minimum:
INT	(a) structural and/or non-structural best management practices
INT	(b) ordinance or other regulatory mechanism to address post-construction runoff
INT	A. site design standard addressing 90th percentile pre-development hydrology
INT	B. requirements & standards to direct growth, such as sensitive areas
INT	C. requirements to maintain and/or increase open space/buffers
INT	D. infill development in higher density urban areas, with existing storm sewer infrastructure.
INT	(d) post-construction requirements are reviewed & revised as appropriate
INT	(e) educational program for project developers & plan review staff regarding standards & practices
INT	(f) procedures for site inspection & enforcement; operation, maintenance, & repair
INT	(g) discharge of pollutants for commercial application, jurisdiction over lands not directly owned by that entity (e.g., incorporated city).
INT	(h) system to review & update the existing program to ensure objectives of the permit
INT	(iii) permittee must coordinate with all departments & boards with jurisdiction
INT	(iv) permittee must assess all existing codes, ordinances, planning documents & other applicable regulations, for impediments to the use of GI/LID/Sustainable practices.
INT	(v) Apply alternatives for projects that cannot meet the pre-development runoff values requirement on site as required in Part I.D.5.b.(ii).(b).A, four (4) alternatives are available
INT	(a) Off-site mitigation. Runoff practices achieving pre-development runoff values may be implemented at another location within the MS4 area
INT	(b) Payment in lieu. Payment in lieu may be made to the permittee, applied to a public stormwater project.
INT	(c) Partial Implementation. Partial compliance may be implemented where here is a written determination from the New Mexico Office of the State Engineer that full compliance cannot be achieved consistent with water rights appropriations requirements.
INT	(d) Other. In a situation where alternative options (a) through (c) above are not feasible, the permittees may submit to the EPA for approval, an alternative option that meets the 90th percentile pre-development hydrology values.
INT	(vi) Estimation of the # of acres of impervious area (IA) & directly connected impervious area (DCIA).
INT	(vii) An inventory & priority ranking of MS4-owned property & infrastructure
INT	(viii) Incorporation of watershed protection elements into policy and/or planning documents as they come up for regular review
INT	(a) Describe master planning & project planning procedures to control the discharge of pollutants to & from the MS4.
INT	(b) Minimize the amount of impervious surfaces within each watershed
INT	(c) Identify environmentally & ecologically sensitive areas

INT	(d) Implement stormwater management practices that minimize water quality impacts to streams
INT	(e) Implement stormwater management practices that protect & enhance groundwater recharge
INT	(f) Avoid or prevent hydromodification of streams & other water bodies caused by development
INT	(g) Policies to protect native soils, prevent topsoil stripping, & prevent compaction of soils.
INT	(h) program must be tailored to address local community needs
SEP	(ix) permittee must update the SWMP as necessary
SEP	(x) assess the program & document the program effectiveness in the annual report
SEP	(a) Include a summary & analysis w number & frequency of all maintenance, inspections & enforcement
SEP	(b) list all modifications made to the Post-Construction SWMP wcumulative listing of annual revisions to administrative procedures
SEP	(c) According to the schedule the permittee must
SEP	A. Report the number of MS4-owned properties & infrastructure retrofitted w control measures for frequency, volume, & peak intensity of stormwater discharges
SEP	B. report the tabulated results for IA & DCIA & its estimation methodology
	c. Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations.
INT	(i) permittee must develop, revise & implement an O & M program wirh training component & preventing or reducing pollutant runoff from municipal operations
INT	(a) employee training program for pollution prevention & good housekeeping
INT	(b) Maintenance to reduce floatable, trash, & other pollutants discharged from the MS4.
INT	(c) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance & storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, snow disposal areas operated by the permittee, & waste transfer stations;
INT	(d) Procedures for properly disposing of waste removed from the separate storm sewers & areas listed above such as dredge spoil, accumulated sediments, floatables, & other debris
INT	(e) Procedures to ensure that new flood management projects assess the impacts on water quality & examine existing projects for incorporating additional water quality protection devices or practices.
INT	(ii) The Pollution Prevention/Good Housekeeping program must include the following elements:
INT	(a) Develop or update the existing list of all stormwater quality facilities by drainage basin
INT	(b) Develop or modify existing operational manual for de-icing activities addressing alternate materials & methods to control impacts to stormwater quality;
INT	(c) Develop or modify existing program to control pollution in stormwater runoff from equipment & vehicle maintenance yards & maintenance center operations located within the MS4;
INT	(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;
INT	(e) Describe procedure to target roadway areas most likely to contribute pollutants to & from the MS4

INT	(f) Develop or revise existing SOPs for collection of used motor vehicle fluids & toxics used in permittee operations or discarded in the MS4, for recycle, reuse, or proper disposal;
INT	(g) Develop or revise existing SOPs for the disposal of accumulated sediments, floatables, & other debris
INT	(h) Develop or revise existing litter source control programs to include public awareness campaigns
INT	(i) assess the potential of retrofitting existing flood control devices, structures & drainage ways to provide additional pollutant removal from stormwater.
INT	(j) Enhance inspection & maintenance programs by coordinating with maintenance personnel to ensure that a target number of structures per basin are inspected & maintained per quarter;
INT	(k) Enhance the existing program to control the discharge of floatables & trash from the MS4 by implementing source control of floatables in industrial & commercial areas;
SEP	(l) Include in each annual report, a cumulative summary of retrofit evaluations Update the SWMP to include a schedule (with priorities) for identified retrofit projects;
INT	(m) Review & revise technical criteria guidance documents & program for assessment of water quality impacts & incorporation of water quality controls into future flood control projects with elements:
INT	A. Describe how new flood control projects are assessed for water quality impacts.
INT	B. Provide citations & descriptions of design standards
INT	C. Include method to update standards with new and/or innovative practices.
INT	D. Describe master planning & project planning procedures & design review procedures.
INT	(n) Develop procedures to control the discharge of pollutants related to the storage & application of pesticides, herbicides, & fertilizers applied, by the permittee's employees or contractors, to public right-of-ways, parks, & other municipal property.
SEP	(iii) Comply with the requirements included in the EPA Multi Sector General Permit (MSGP) to control runoff
SEP	(a) A list of municipal/permittee operations impacted by this program,
SEP	(b) A map showing the industrial facilities owned & operated by the MS4,
INT	(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 & by basin. The list must include the permit authorization number or a MSGP NOI ID for each facility as applicable.
SEP	(iv) description of the mechanism(s) utilized above
SEP	(v) assess the overall success of the program, & document the program effectiveness in the annual report.
	e. Illicit Discharges & Improper Disposal
INT	(i) Program to detect & eliminate illicit discharges
INT	(a) Develop a storm sewer system map, showing the names & locations of all outfalls as well as the names & 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;
RR	(b) effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the MS4, & implement appropriate enforcement procedures & actions;
INT	(c) must include the following elements in the plan:

INT	A. Locate priority areas including field test for selected pollutant indicators & visually screening outfalls during dry weather;
RR	B. Procedures for enforcement, w/ escalation for recalcitrant or repeat offenders;
INT	C. Procedures for removing the source of the discharge;
INT	D. Procedures for program evaluation & assessment
CE	E. Coordinate with adjacent agencies to address situations where investigations indicate the illicit discharge originates outside the MS4 jurisdiction.
INT	(d) Develop an education program
CF	(e) Establish a hotline to address complaints from the public.
INT	(f) Investigate suspected significant/severe illicit discharges within forty-eight (48) hours
INT	(g) Review complaint records for the last permit term & develop a targeted source reduction program
INT	(h) If applicable, implement the program using the priority ranking develop during last permit term
INT	(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
INT	(iii) Screen the entire jurisdiction at least once every five (5) years & high priority areas at least once every year.
INT	(a) Develop SOP for required screening, field monitoring, laboratory analysis, investigations, & analysis evaluation of data collected.
INT	(b) Comply with the dry weather screening program established in Table 6 & the monitoring requirements specified in Part III.A.2.
INT	(c) If applicable, implement the priority ranking system develop in previous permit term.
CF	(iv) Develop programs to collect used motor vehicle fluids & household hazardous waste materials
CF	A. Increasing the frequency of the collection days hosted;
CF	B. Expanding the program to include commercial fats, oils & greases; and
CF	C. Coordinating program efforts between applicable permittee departments.
INT	(v) Spill Prevention & Response Program
INT	(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
INT	(b) Include a combination of spill response actions & legal requirements for private entities
SEP	(vi) Description of the mechanism(s) for above
SEP	(vii) The permittee shall assess the overall success of the program, & document the program effectiveness in the annual report.
INT	**f. Control of Floatables Discharges**
INT	(i) develop, update, & implement a program to control floatables in discharges
INT	(a) Develop a schedule for implementation of the program to control floatables
INT	(b) Estimate & characterize the annual volume of floatables & trash
SEP	(ii) describe compliance mechanism as used above
SEP	(iii) assess & document the program effectiveness in the annual report.

	g. Public Education & Outreach on Stormwater Impacts
CF	(i) comprehensive stormwater program Education program
CF	(ii) distribute educational knowledge or conduct equivalent outreach activities
CF	(a) Define the goals & objectives of the program based on high priority community-wide issues;
CF	(b) Develop or utilize appropriate educational materials
CF	(c) Inform individuals & households about proper septic system maintenance,
CF	(d) Inform individuals & groups about local stream & beach restoration activities
CF	(e) Use tailored public education program to target specific audiences & communities.
CF	(f) Target commercial, industrial, & institutional entities likely to have significant stormwater impacts.
SEP	(iii) Include the following information in the Stormwater Management Program (SWMP) document:
SEP	(a) Describe program for public reporting illicit discharges or water quality associated with MS4 discharges
SEP	(b) list activities to facilitate the proper management & disposal of used oil & toxic materials; and
SEP	(c) describe compliance mechanism as used above
SEP	(iv) assess program & document both direct & indirect measurements in the Annual Report.
	h. Public Involvement & Participation
SEP	(i) public notice of complete NOI & attachments
SEP	(ii) encourage public involvement in the review, modification & implementation of the SWMP
CF	(iii) Include a comprehensive planning process w/ public participation
CF	(a) detailed general plan for public involvement & participation opportunities
CF	(b) at least one (1) assessment of public behavioral change following an event;
CF	(c) Solicit involvement by environmental groups, etc
CF	(d) An evaluation of opportunities to utilize volunteers
CF	(iv) comply with State, Tribal & local public notice requirements
CF	(v) The public participation process must reach out to all economic & ethnic groups.
SEP	(vi) Description of the mechanism(s) for above
SEP	(vii) assess program in the annual report.
SEP	(viii) provide public accessibility of the (SWMP) document & Annual Reports