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Permit No.: IDS-02756-1  
Application No.: IDS-02756-1

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101  
206/553-0523

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4 (the "CWA"),

THE CITY OF BOISE, THE ADA COUNTY HIGHWAY DISTRICT, BOISE STATE  
UNIVERSITY, THE IDAHO TRANSPORTATION DEPARTMENT DISTRICT 3,  
DRAINAGE DISTRICT #3, AND THE CITY OF GARDEN CITY  
(hereinafter "co-permittees ")

are authorized to discharge from all municipal separate storm sewer system outfalls existing as of the effective date of this permit, to the Boise River and its tributaries in accordance with the conditions set forth herein.

This permit shall become effective November 29, 2000

This permit and the authorization to discharge shall expire at midnight, November 29, 2005

Signed this 30th day of October, 2000

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Randall F. Smith, Director  
Office of Water, Region 10  
U.S. Environmental Protection Agency

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## **PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT**

- A. PERMIT AREA.** This permit covers all areas within the corporate boundaries of **Boise, Idaho and Garden City, Idaho** served by, or otherwise contributing to discharges from, municipal separate storm sewer systems (MS4) owned or operated by the co-permittees listed in Part I.C.
- B. AUTHORIZED DISCHARGES.** This permit authorizes all existing storm water discharges to waters of the United States from the MS4 subject to the limitations of this permit. This permit also authorizes the discharge of storm water which has commingled with other flows including process wastewater and storm water associated with industrial activity, provided each such other flow is authorized under a separate National Pollutant Discharge Elimination System (NPDES) permit.
- C. CO-PERMITTEES.**

CITY OF BOISE (Boise City)  
CITY OF GARDEN CITY (Garden City)  
ADA COUNTY HIGHWAY DISTRICT (ACHD)  
BOISE STATE UNIVERSITY (BSU)  
IDAHO TRANSPORTATION DEPARTMENT DISTRICT 3 (ITD)  
DRAINAGE DISTRICT #3 (DD3)

1. Except as described in Part I.C.2., the co-permittees' obligations to comply with the terms and conditions of this permit shall be joint and several.
2. Each co-permittee shall be individually obligated (and the remaining co-permittees shall not be obligated) to comply with those terms or conditions of this permit which:
  - a. relate exclusively to discharges from portions of the MS4 owned or operated solely by that co-permittee;
  - b. are identified in this permit as being the obligation of a single, named co-permittee; or
  - c. have been identified in Table III.A or the Cooperative Agreement approved by EPA under Part II.F. of this permit as being the responsibility of that co-permittee .

## **PART II. STORM WATER MANAGEMENT PROGRAM**

Each co-permittee shall implement a Storm Water Management Program (SWMP) designed to limit, to the Maximum Extent Practicable (MEP), the discharge of pollutants to and from that portion of the MS4 owned, operated, or utilized by that co-permittee . Each co-permittee shall implement the SWMP in accordance with the schedule contained in Part II, and as summarized in Table III.A, of the permit.

**A. COMPONENTS OF STORM WATER MANAGEMENT PROGRAM.**

1. *Structural Controls:* Each co-permittee shall operate and maintain the storm water structural controls for which it is the owner or operator, in a manner so as to reduce the discharge of pollutants to the MEP.
  - a. **Design Manuals.** Design Manuals. Co-permittees shall adopt design manuals that incorporate Best Management Practices (BMPs) and operation and maintenance criteria for all existing and future structural controls under the jurisdiction of the co-permittees. This requirement may be satisfied by adopting by reference all or elements of the design manuals and guidebooks developed by other co-permittees, including the *January 1997 Boise Storm Water Best Management Practices (BMP) Guidebook*, the *July 1994 ITD Catalog of Storm Water Best Management Practices (BMP's)*, the *June 1999 City of Boise Storm Water Management Design Manual*, and the *December 1999 ACHD Development Policy Manual*. Design practices shall be incorporated into co-permittees' design, maintenance, and operation of all existing and future controls. The design manuals shall be based on sound engineering practices and shall utilize methodologies to control the addition of pollutants to storm water runoff to the MEP. Co-permittees shall finalize and implement the design manuals **no later than two years from the effective date of the permit**.
  - b. **Operation and Maintenance Program.** Co-permittees shall develop and implement an operation and maintenance program, to include the following:
    - Definitive inspection and maintenance schedules for all co-permittee-owned structural controls which include the frequency of routine inspections. Actual inspections shall also be tracked.
    - Guidelines and criteria for maintenance activities that are to be implemented for co-permittee-owned structural controls, as well as a description of the maintenance activities required such as "disposal of sediment" and "removal of debris."
    - A description of the inspection, operation, and maintenance of storm water retention facilities owned or operated by co-permittees .The program shall incorporate measures, such as the assessment of retention basin outfalls, to evaluate the effectiveness of the proposed operation and maintenance program. Such measures shall be selected by the co-permittees, and a justification included in the program as to why they were chosen. The program shall ensure that co-permittees maintain drainage controls and structures to ensure that they operate as designed, such that the reduction of pollutants (including floatables) is maintained. Such structures include, but are not limited to: grates, basins, irrigation boxes, sediment tanks, skimmer boxes, drains, and pipes. The entire program shall be developed, and its implementation begun, **no later than one year from effective date of the permit**.
  - c. **Inspection and Maintenance Record Keeping.** Each co-permittee that owns or operates structural controls shall maintain an internal record-keeping system to track inspections and maintenance for those portions of the MS4 operated by the co-permittee. The record-keeping system shall be in place and operable **within one year from effective date of the permit**. A joint record-keeping system to track activity undertaken by two or more co-permittees is allowable under this Part of the permit.

- d. Annual Report. Copies of the **design manuals** shall be included in the **second annual report** of this permit term. Any **revisions or additions to the manual** shall be reported to the address in Section IV.E, along with the reason why the manual was altered, in the **first annual report after such changes occurred**. Co-permittees shall include with the **first annual report** a copy of the **operations and maintenance program**, including a maintenance schedule, for all structural controls owned or operated by co-permittees. Each co-permittee that has carried out **inspections and maintenance activities** shall submit a **summary** of such activity with **each annual report**. The summary shall include information on the number of structures cleaned, the number of hours dedicated to such cleaning, etc. Co-permittees shall also provide a summary of any data collected as part of the evaluation of the retention facilities as described above.
2. *Floatables*: The co-permittees shall ensure the establishment of a program to reduce the discharge of floatables (e.g., litter and other human-generated solid refuse). The floatables control program shall include source controls and, where necessary, structural controls.
    - a. Awareness and local authority cooperation. The co-permittees shall incorporate into their public education program information designed to reduce the amount of floatables which can end up in the storm sewer system. The co-permittees shall work with other authorities charged with enforcing litter control, and incorporate information on the existence of fines, penalties etc., for violations of such ordinances into any distribution of public education materials (which can be undertaken in conjunction with II.A.11.a). Each co-permittee shall determine and utilize methods to reduce litter within their respective jurisdictions. There shall be methods in place to control litter on a daily basis, as well as control litter that may result from a major public event.
    - b. Highway cleanup. The co-permittees shall implement a program or programs, such as the Adopt-a-Highway program, to facilitate litter removal from selected highways two times a year or as needed.
    - c. Operation and Maintenance Program. The co-permittees shall ensure that the streets for which they have maintenance authority and responsibility are swept as needed to reduce the discharge of pollutants to the MEP. Co-permittees shall compile a report on the sweeping activity and shall assess the above levels of effort in each of the designated land use type areas with respect to the mitigation of contribution of pollutants from the highways and other public areas that are maintained. The report shall be completed **within 18 months of the effective date of the permit**.
    - d. Annual Report. Co-permittees shall include in the **annual reports** any **cooperative efforts** undertaken with other authorities charged with enforcing litter control. Co-permittees shall report on any **interim results from the evaluation of the road sweeping program** during the **first annual report**. Co-permittees shall record and present **statistics from highway cleanup program(s)**, such as the Adopt-a-Highway program, that measure effectiveness and possible application on other co-permittee-maintained streets and roadways in **each annual report**. **Operation and Maintenance programs including reports of street sweeping** with the number of road miles that have been swept by land use type, shall be submitted with the **second annual report**.

3. *Areas of New Development and Significant Redevelopment:* Co-permittees shall adopt and utilize a comprehensive master planning process to develop, implement, and enforce controls to reduce the discharge of pollutants to the MEP from areas of new development and significant redevelopment.
  - a. Design Practice Manuals. Each co-permittee shall develop and finalize a design manual incorporating BMPs or adopt for use the BMPs prepared by another approved source. Co-permittees shall ensure that adopted BMPs are utilized and followed by developers, contractors and others involved in land development activities, to ensure that minimum requirements, standards and procedures are applied before, during and after land development activities. In addition, co-permittees shall ensure that developers, contractors and others involved in land development activities have in place Operation and Maintenance plans at the time of permitting for storm water facilities on new development and redevelopment (including residential, commercial and industrial land uses). Manuals shall be developed and implemented within **two years of the effective date of the permit**.
  - b. Project review. Project review and approval procedures shall be developed that include the ability to conduct inspections and follow-up after construction to ensure that approved Operation and Maintenance plans are being followed. Implementation of these procedures shall begin **within two years of the effective date of the permit**.
  - c. Record keeping. Co-permittees shall develop and maintain an internal record keeping system to track all activity on project review and approval actions. This activity shall be completed and implemented within **two years from the effective date of the permit**.
  - d. Annual Report. Co-permittees shall include copies of **design manuals** that include measures for areas of new development and significant redevelopment in the **second annual report**. The City of Boise shall include a copy of the City of Boise Storm Water Management Design Manual in its first annual report submission. **Project review and approval procedures** for new development and significant redevelopment shall also be submitted as part of the **second annual report**. A summary of each co-permittees previous year's **recordkeeping activity** shall be provided in each **annual report beginning the second year**.
4. *Roadways:* Each co-permittee shall operate and maintain public streets, roads, and highways under its jurisdiction and for which it has authority in a manner so as to reduce to the MEP the discharge of pollutants including those related to deicing or sanding activities.
  - a. Management Practices. Co-permittees shall develop a management practices program. This program shall include those management practices identified during the inventory of co-permittee-owned storm water facilities and audit of site activities undertaken as part of the application for the MS4 Permit. The program shall also evaluate ways to reduce pollutant discharges associated with road maintenance and rehabilitation operations. The program shall be submitted and implemented **within two years of the effective date of the permit**.
  - b. Snow and Ice Control and Removal Programs. Co-permittees shall monitor the application of chemicals and sand applied to roadways for snow and ice control. Co-

permittees shall implement programs for proper storage of de-icing materials to prevent materials from entering the storm sewer system (e.g., using covers or roofs for stockpiled materials), and research alternatives to salt for use in de-icing **within two years of the effective date of the permit.**

- c. Annual Report. Co-permittees shall submit the **management practices program** that includes ways to reduce pollutants from road maintenance and rehabilitation in the **second annual report**. In addition, co-permittees shall report the **amount (in appropriate units) of chemicals** applied to roads as part of the snow and ice control program in **each annual report beginning with the second report**. The **alternatives to salt** for de-icing and a **statement indicting that de-icing materials are properly stored** shall be in the **second annual report**.
5. *Flood Management*: Each co-permittee shall ensure that any flood management projects it undertakes include an assessment of the impacts on receiving water quality. Co-permittees shall also evaluate the feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water.
- a. Inventory of Structural Flood Control Devices. **Within one year of the effective date of the permit**, co-permittees shall complete an inventory of all existing structural flood control devices (e.g., storm sewer inlets, detention basins, drainage channels) within their jurisdictions to determine the feasibility of retrofitting them to provide additional pollutant removal. Co-permittees shall consider retrofits such as installation of in-line sediment trap devices, detention facilities or wetlands/riparian vegetation. Such evaluation should be carried out in conjunction with the sediment analysis component of section IV. B. of this permit.
  - b. Flood Management Projects. Co-permittees shall develop procedures **within one year of the effective date of the permit** to assure that flood management projects assess the impacts on the water quality of the receiving water.
  - c. Annual Report. In the **first annual report**, co-permittees shall provide **procedures assessing water quality impacts from all flood management projects**. An **inventory of existing structural flood control devices** shall also be provided in the **first annual report** including information whether retrofit to provide additional pollutant removal is feasible.
6. *Pesticide, Herbicide, and Fertilizer Application*: Co-permittees shall implement controls to reduce to the MEP the discharge of pollutants related to the application of pesticides, herbicides, and fertilizers applied by the co-permittee's employees or contractors to public right of ways, parks, and other municipal facilities. Co-permittees with jurisdiction over lands not directly owned by that entity (e.g., private lands within an incorporated city) shall implement controls such as educational activities, permits, certifications, and other measures to reduce the discharge of pollutants related to application and distribution of pesticides, herbicides, and fertilizers by commercial and wholesale distributors and applicators.
- a. Application Management. Co-permittees shall develop a list of regionally appropriate landscaping plants and turf with recommended fertilizer application rates. Co-permittees shall establish planting/landscape policies which encourage use of vegetation (either indigenous or imported) that is self sustainable without the need for

- pesticides or fertilizers. This task shall be completed **within one year of the effective date of the permit.**
- b. Distribution of Educational Materials. Co-permittees shall distribute educational materials to all contracted applicators. This task shall be completed **within 18 months of the effective date of the permit.**
  - c. Outreach Method Identification. Co-permittees shall identify and utilize outreach methods to educate homeowners and commercial businesses, such as greenhouses, nurseries, landscaping and yard-care businesses, on the impact of pesticides, herbicides, and fertilizers on aquatic resources and on the means to decrease their usage. Information should include the use of alternatives to commercial pesticides, as well as information on locally available methods for proper disposal of pesticides, herbicides and fertilizers after they have been used. Co-permittees may undertake this component of the storm water management plan as part of the overall public education component, identified in II.A.11.a.
  - d. Annual Report. Co-permittees shall include **the list of regionally appropriate landscape plants and turf and plant policies** with the **first annual report**. Co-permittees shall report on the **distribution of information** to contracted applicators in the **second annual report**. Information regarding what **outreach activities** have taken place on the effects of pesticides, herbicides, and fertilizers shall be in **each annual report**.
7. *Illicit Discharges and Improper Disposal*: Each co-permittee shall implement an ongoing program to detect and remove (or require the discharger to the MS4 to remove or obtain a separate NPDES permit for) illicit discharges and improper disposal into the MS4. Each co-permittee shall effectively prohibit non-storm water discharges to the MS4, other than those authorized under a separate NPDES permit. Unless identified by any co-permittee, IDEQ, or the Water Office Director, as sources of pollutants to waters of the United States, the following non-storm water discharges need not be addressed by co-permittee's illicit discharge and improper disposal program:
- water line flushing;
  - landscape irrigation;
  - diverted stream flows;
  - rising ground waters;
  - uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
  - uncontaminated pumped ground water;
  - discharges from potable water sources;
  - foundation drains;
  - air conditioning condensate;
  - irrigation water;
  - springs;
  - water from crawl space pumps;
  - footing drains;
  - lawn watering;
  - individual residential car washing;
  - flows from riparian habitats and wetlands;
  - de-chlorinated swimming pool discharges; or
  - street wash waters.

Discharges and flows from emergency fire fighting activities need not be addressed by co-permittee's illicit discharge and improper disposal program unless such discharges and flows are determined by any co-permittee, IDEQ, or the Water Office Director, as significant sources of pollutants to waters of the United States. Each co-permittee shall prevent (or require the owner or operator of the sanitary sewer to eliminate) un-permitted discharges of dry and wet weather overflows from sanitary sewers into the MS4. Each co-permittee shall limit the infiltration of seepage from sanitary sewers into the MS4. Each co-permittee shall provide education activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials (including antifreeze, paint, solvents, pesticides, and herbicides). Appropriate programs include the collection of used motor oil at curbside residences and the collection of hazardous waste at central locations. If conducted, these programs should be publicized on a regular basis.

- a. **Inspection and Enforcement.** Co-permittees shall work together to implement a program to inspect and enforce against illicit connections. The program can be based on the *Boise City Stormwater Investigation Manual* and the *December 1998 ACHD Stormwater Investigation Manual*. Co-permittees shall use the results of existing and on-going dry-weather screening and citizen reports as the primary basis for locating illicit discharges. Co-permittees shall ensure that an appropriate number of personnel receive training in the detection of illicit connections. The program shall include a requirement to update the inventory, within **6 months of the effective date of the permit**, of all major outfalls within the jurisdictions of the co-permittees. Co-permittees shall ensure compliance with this program element by inspecting 20% or more of the major outfalls per permit year, totaling 100% of outfalls by the conclusion of the first permit term. If illicit connections are identified or detected, co-permittees shall require their disconnection.
- b. **Storm Water Management and Discharge Control Ordinance Enforcement.** The City of Boise shall ensure enforcement of *Title 8, Chapter 15, The City of Boise Storm Water Management and Discharge Control Ordinance* (adopted May 2000). The City of Garden City shall ensure enforcement of *Garden City Code Title 4, Chapter 14, Ordinances for Stormwater Management and Discharge Control* (adopted on September 14, 1999). Each co-permittee shall require the elimination of illicit connections as expeditiously as possible and the immediate cessation of improper disposal practices upon identification of responsible parties. Where elimination of an illicit connection within seven (7) days is not possible, the co-permittee shall require an expeditious schedule for removal of the discharge. In the interim, the co-permittee shall require the owner or operator of the illicit connection to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

- c. **Complaint Procedures.** Co-permittees shall implement complaint investigation procedures (such as those outlined in the City of Boise and Ada County Stormwater Investigation Manuals) to guide staff through recording, investigating and following up on complaints regarding violations reported by the general public. Co-permittees shall publicize the availability of an approved complaint referral process and post notices informing the public of the existence of such resources. Co-permittees shall utilize appropriately trained staff in operating such a complaint response program. A program incorporating all such initiatives shall be in place and operational within **one year from the effective date of the permit.**
  - d. **Annual Report.** Co-permittees shall submit the **list of major outfalls** that was compiled in the **first annual report.** Co-permittees shall report the progress of the **inspection and enforcement program** to eliminate illicit connections to the storm sewer system in **each annual report.** The **annual reports** shall include summaries of activities carried out under this initiative, including the **number of outfalls/inspections** undertaken, **results of such inspections,** and **follow-up actions** taken. Copies of **complaint investigation procedures** shall be included in the **first annual report.**
8. *Spill Prevention and Response:* Co-permittees shall implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The spill response program may include a combination of spill response actions by the co-permittee (and/or another public or private entity), and legal requirements for private entities within the co-permittee's municipal jurisdiction.
- a. **Spill Response Task Group.** Co-permittees shall participate in an interagency spill response task group, such as the Boise City Fire Department Task Group, to ensure that a coordinated response to spills is achieved and that impacts upon aquatic resources from spilled pollutants are controlled to the MEP. As part of this activity, co-permittees shall provide educational materials and outreach to operators of industrial and commercial activity that have a potential to spill liquid and solid wastes during transportation of such materials. If participation does not already occur, co-permittees shall begin participation **within one year of the effective date of the permit.**
  - b. **Annual Report.** Co-permittees shall report on **activities undertaken** in conjunction with the interagency spill response task group, such as meetings attended, meeting notes, and copies of any cooperative agreements listing the responsibilities of relevant parties in **all annual reports.**
9. *Industrial & High Risk Runoff:* Co-permittees shall implement a program to identify, monitor, and control pollutants in storm water discharges to the MS4 from the following sources:

- municipal landfills;
- hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Section 313 of the Emergency Planning and Community Right to Know Act (EPCRA, 42 U.S.C. §11023); and
- any other industrial or commercial discharge the co-permittee determines is contributing a substantial pollutant loading to the MS4.

The program shall include:

- priorities and procedures for inspections and establishing and implementing control measures for such discharges; and
  - a monitoring (or self-monitoring) program for facilities identified under this section, including the collection of quantitative data on the following constituents: Any pollutants limited in an existing NPDES permit for an identified facility; oil and grease; chemical oxygen demand (COD); pH; five-day biochemical oxygen demand (BOD<sub>5</sub>); total suspended solids (TSS); total phosphorous; total Kjeldahl nitrogen (TKN); nitrate plus nitrite nitrogen; and any information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv). Data collected by the industrial facility to satisfy the monitoring requirements of an NPDES or State discharge permit may be used to satisfy this requirement. Co-permittees may require the industrial facility to conduct self-monitoring to satisfy this requirement.
- a. Database of Facilities. Co-permittees shall develop and maintain a database of priority industrial sites based on the above criteria within **one year of the effective date of the permit**. The database shall contain information on the primary economic activity conducted at the site (characterized by Standard Industrial Classification (SIC) code), the location of the facility, and a summary of the facility's storm water management plan and permit requirements.
  - b. Inspection and Monitoring of High Risk Facilities. Co-permittees shall work together to inspect and monitor such facilities for compliance with the storm water ordinance and the NPDES industrial storm water general permit within **one year of the effective date of the permit**. Whenever possible, such inspections should be in conjunction with pretreatment inspections conducted by the City of Boise. The inspection program shall be developed utilizing state statutes, local ordinances, contracts, or joint powers agreements. The agreements shall be developed to ensure that the program is carried out as devised. The memorandum of understanding between the Ada County Highway District and the City of Boise shall apply upon the **effective date of the permit**. Other permittees should consider developing similar agreements. The inspection and monitoring program shall include provisions to record observations of a facility, report findings to the inspected facility, follow up with the facility if necessary, and exercise legal authority to issue notices of violations, fines, etc., as and when appropriate. All activity regarding the monitoring and inspection of such facilities shall be maintained in the centralized database described above.

- c. Educational Materials. The *Storm Water Commercial and Industrial Best Management Practices Handbook*, developed by the City of Boise Public Works, shall be distributed with inspections as well as when requested.
  - d. Inspection Program. Co-permittees shall develop, formalize, and implement an inspection program of high risk industrial and other commercial facilities. The inspection program may be developed utilizing contract or joint powers agreements and shall be implemented within **one year of the effective date of the permit**.
  - e. Annual Report. Copies of the **inspection programs, including any agreements or MOUs**, shall be included in the **first annual report**. A **listing of any activities** taken place such as monitoring inspections, issuance of citations etc. shall be summarized from the industrial and commercial priority database and included in **each annual report**.
10. *Construction Site Runoff*: Co-permittees shall develop and implement a program to reduce to the MEP the discharge of pollutants from constructions sites, including:
- requirements for the use and maintenance of appropriate structural and nonstructural BMPs to reduce pollutants discharged to the MS4 during the time construction is underway;
  - procedures for site planning which incorporate considerations for potential short and long term water quality impacts and which minimize these impacts;
  - prioritized inspection of construction sites and enforcement of control measures;
  - appropriate education and training measures for construction site operators; and
  - notification of appropriate building permit applicants of their potential responsibilities under the NPDES permitting program for construction site runoff.
- a. Construction Site Discharge Control Program. Co-permittees shall implement a Construction Site Discharge Control Program **18 months from the effective date of the permit**. The program shall contain elements to control the contribution of pollutants from construction site activity to the MEP. The program shall require the owner or operator of the development site to prepare, and submit for approval, Erosion and Sediment Control (ESC) plans for construction within the boundaries of the co-permittee's jurisdiction. Co-permittees shall implement procedures for site plan review that incorporate consideration of potential water quality impacts from such construction sites. Approved ESC plans shall require BMPs and shall contain provisions addressing material containment, spill prevention, and other practices as applicable. Initiatives such as outreach and educational activities for construction site planners, developers, builders and operators shall be included in the implementation of the program. Such activities must extend to all construction activity within the municipality and all construction sites, regardless of size or ownership.
  - b. Inspection and Compliance. Co-permittees shall conduct inspections of construction sites to ensure compliance with the measures outlined in II.A.10(a) within **18 months of the effective date of the permit**. Co-permittees shall undertake enforcement measures against those operators of sites in violation of the measures in II.A.10(a), including the issuance of notices of violation and stop work orders.

- c. Database and Record Keeping. Co-permittees shall develop and maintain a database of all active and completed construction sites permitted within their jurisdiction and completed during the term of this permit. Such a database shall contain basic information regarding the nature of the construction activity, size of land clearing and grading activities, and contact information on the contractor and/or developer and shall be utilized within **one year of the effective date of the permit**.
  - d. Annual Report. **Each annual report beginning with the second**, shall include the following: **the number of site plans that were reviewed, the number that passed review and the number that required revision prior to passing review; the number of inspections carried out summarized by month or other similar calendar-based total; the number of citations, notice-of-violations, or stop-work-orders issued by co-permittees; the type and number of educational materials distributed by co-permittees; the outreach events that representatives of co-permittees attended in order to disseminate information regarding the purpose of the program; and a summary of information compiled in the database of all active and completed construction activity**. Copies construction site discharge programs shall be included in the **second annual report**.
11. *Public Education*: Co-permittees shall implement a public education program as follows:
- a. Public Education Program. The co-permittees shall implement a program to inform the public of the impact of pollutants in storm water on waters of the United States and how to avoid adding such pollutants to storm water runoff. This public education program shall include the following activities:
    - (1) The distribution of public education flyers, inserts or booklets to householders regarding appropriate methods for disposing of used motor oil and similar substances
    - (2) Programs and activities to promote awareness of locations where the drain discharges and promote importance of maintaining clean water resources. Examples of such activities and programs include a stenciling program and participation in educational forums such as Water Awareness Week
    - (3) Promoting the collection and/or composting of yard wastes from residential and commercial sites. Co-permittees shall promote the “Keep watershed clean” campaign and shall distribute copies of flyers previously developed, including but not limited to, the Storm Water Ordinance (developed by the City of Boise), RiverCare Tips to Protect Water Quality (developed by the City of Boise), and the Storm Water Trooper bookmark (developed by the City of Boise);
    - (4) Co-permittees shall distribute the *Storm Water Commercial and Industrial BMPs Handbook* to commercial and industrial facilities identified as priorities due to the nature of the industrial and commercial activities to be found at such sites. Co-permittees shall make available the *Storm Water Plant Materials - A Resource Guide* to other facilities and make developers and contractors aware of the existence of such information; and
    - (5) Co-permittees shall document the complaints received from the general public regarding violations to the storm water ordinance, and the co-permittees’ response to complaints.

- b. Annual Report. Each annual report shall include data on the following:
- the number and type of flyers, inserts, or booklets distributed to householders regarding household hazardous waste ;
  - the amount (in gallons) of used motor oil collected; the number of storm water inlets and drains stenciled during the year;
  - the number of students and teachers attending “Water Awareness Week;”
  - the amount (cubic yards) of yard wastes collected from residential and commercial sites;
  - the number of flyers distributed including, but not limited to, the Storm Water Ordinance, RiverCare Tips, and the Storm Water Trooper bookmark;
  - the number of Storm Water Commercial and Industrial BMPs handbooks distributed to commercial and industrial facilities;
  - the number of Storm Water Plant Materials - A Resource Guide distributed to other facilities, and a list of developers and contractors receiving such information; and
  - a list derived from a database, or similar record keeping procedure, that documents the complaints received regarding violations to the storm water ordinance, to include detail on what follow up was taken, and the resolution of the original complaint.

The annual reports shall include a **description of who the target audience** was for the distribution of the educational flyers, booklets, etc., and why they were chosen.

**B. DEADLINES FOR PROGRAM COMPLIANCE.** Except as provided in Part II.A and Table III.A, compliance with the SWMP shall be required **30 days from the effective date** of the permit.

**C. LEGAL AUTHORITY.** Each co-permittee shall operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the co-permittee at a minimum to:

1. Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;
2. Prohibit through ordinance, order or similar means, illicit discharges to the MS4;
3. Control through ordinance, order or similar means the discharge to the MS4 of spills, dumping or disposal of materials other than storm water;
4. Control through interagency agreements among co-permittees the contribution of pollutants from one portion of the MS4 to another portion of the MS4;
5. Require compliance with conditions in ordinances, permits, contracts or orders; and

6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the MS4.

Co-permittees shall include with the **first annual report** a demonstration that each co-permittee possesses legal authority that satisfies the six criteria listed above. Co-permittees shall include with this demonstration copies of all statutes, ordinances, permits, contracts, orders or inter-jurisdictional agreements that they contend demonstrate the adequacy of their legal authority.

- D. **STORM WATER MANAGEMENT PROGRAM RESOURCES.** Each co-permittee shall provide adequate finances, staff, equipment, and support capabilities to implement the SWMP as described in Part II.A and summarized in Table III.A.
- E. **STORM WATER MANAGEMENT PROGRAM MODIFICATION.** Only those portions of the SWMP specifically required as permit conditions shall be subject to the modification requirements of 40 CFR §§ 122.62, 122.63 and 124.5. Addition of the following components, controls, or requirements by co-permittees shall be considered minor changes to the Storm Water Management Program and not require modifications to the Permit: replacement of an ineffective or infeasible BMP; implementing a requirement of the SWMP with an alternate BMP expected to achieve the goals of the original BMP; and changes required as a result of schedules contained in Part III of this Permit.
- F. **COOPERATIVE AGREEMENT.** Co-permittees shall draft an enforceable Cooperative Agreement and submit it to EPA for approval **no later than one year from the effective date of this permit**. This Cooperative Agreement shall identify the roles and responsibilities of the co-permittees under this permit and shall be signed by all co-permittees and entered into within **one month** of written or verbal approval from EPA.

**PART III. SCHEDULES FOR IMPLEMENTATION OF STORM WATER MANAGEMENT PROGRAM.** The co-permittees shall implement the complete SWMP described in Parts II.A.1 through 11. Table III.A summarizes the SWMP, includes the dates by which specific components must be initiated, developed, implemented, or reported upon, and identifies the co-permittee(s) which have responsibility for each specific component. Modifications to the SWMP shall be consistent with Part II.E. of this permit.

**TABLE III.A.**  
**Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
<b>STRUCTURAL CONTROLS (II.A.1)</b>		
(a) Design Manuals. Finalize and implement design manuals incorporating best management practices and operation and maintenance criteria or adopt for use design manuals prepared by other approved sources	— Within two years of the effective date of the permit.	(a) Each co-permittee is responsible for its own design manual
(b) Operation and Maintenance Program. Develop and implement an operation and maintenance program to include schedules of planned and actual inspection and maintenance activity on all structural controls owned or operated by co-permittees.	— Within one year of the effective date of the permit.	(b) Each co-permittee is responsible for developing its own program for its own respective system. ACHD will take the lead for developing a standard form.
(c) Inspection and Maintenance Record Keeping. Develop and utilize a record tracking system to record all inspection and maintenance activity with regard to the inspection and maintenance of structural controls carried out in compliance of II.A.1.(b).	— Within one year of the effective date of the permit.	(c) Each co-permittee is responsible for its own respective recordkeeping system.
<b>FLOATABLES (II.A.2)</b>		
(a) Awareness and local authority co-operation. Work with other non-permitted authorities charged with litter control and determine and utilize methods to reduce litter within respective jurisdictions.	— Upon the effective date of the permit	(a) Boise City, BSU, and Garden City (for respective jurisdiction)
(b) Highway Cleanup. Implement a program or programs, such as the Adopt-a-Highway program, to facilitate litter removal from selected highways two times a year or as needed.	— Upon the effective date of the permit.	(b) ACHD and ITD (for respective jurisdiction)

**TABLE III.A.**  
**Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
(c) Operation and maintenance program. Evaluate the effectiveness of the current level of road-sweeping activity on preventing pollutants from entering the storm sewer system.	— Within 18 months of the effective date of the permit.	(c) ACHD, Boise City, ITD, and BSU (for respective jurisdiction)
<b>AREAS OF DEVELOPMENT AND SIGNIFICANT REDEVELOPMENT (II.A.3)</b>		
(a) Design Practice Manuals. Ensure that new development and significant re-development projects, designed by developers and contractors and others involved in land development activities, apply minimum requirements, standards, and procedures, as detailed in the respective design manuals, both during and after such land development activities.	— Two years from the effective date of the permit.	(a) ACHD, Boise City, and DD3 (with opportunity to adopt by reference part or all of Boise Storm Water Management Design Manual), Garden City
(b) Project review. Project review and approval process for new development and significant re-development shall be developed and adopted.	— Implemented within two years of the effective date of the permit.	(b) ACHD, Boise City, DD3, and Garden City
(c) Record Keeping. Develop and maintain an internal record keeping system to track all activity on project review and approval actions.	— System to be completed and in use two years from the effective date of the permit.	(c) ACHD, Boise City, DD3, and Garden City
<b>ROADWAYS (II.A.4)</b>		
(a) Management Practices. Evaluate ways to reduce pollutant discharges associated with road maintenance and rehabilitation operations. The program shall also include the management practices identified during the inventory of co-permittee-owned storm water facilities and audit of site activities listed in the permit application.	— Within two years of the effective date of the permit.	(a) ITD, ACHD, Boise City, and BSU (for respective systems)

**TABLE III.A.**  
**Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
(b) Snow and Ice Control and Removal Programs. Monitor the application of chemicals and sand applied to roadways for snow and ice control. Implement programs for proper storage of de-icing materials to prevent materials from entering the storm sewer system (e.g., using covers or roofs for stockpiled materials). Research alternatives to salt for use in de-icing.	— Within two years of the effective date of the permit.	(b) ACHD, ITD, and BSU
<b>FLOOD MANAGEMENT (II.A.5)</b>		
(a) Inventory of Structural Flood Control Devices. Complete an inventory of all structural flood control devices within their jurisdiction to determine the feasibility of retrofitting such devices to provide additional pollutant removal.	— Within one year of the effective date of the permit.	(a) Each co-permittee is responsible for its own respective flood control facilities (except Garden City and ITD).
(b) Flood Management Projects. Develop procedures for flood management projects that assess the impacts to the water quality of the receiving water.	— Within one year of the effective date of the permit.	(b) Each co-permittee is responsible for its own respective flood control facilities.
<b>PESTICIDES, HERBICIDES, AND FERTILIZER APPLICATION (II.A.6)</b>		
(a) Application Management. Develop a list of regionally appropriate landscaping plants and turf with information on appropriate application and timing of fertilizers.	— Within one year from the effective date of the permit.	(a) Boise City and Garden City (for respective jurisdictions)
(b) Distribution of Educational Materials. Distribute educational materials to applicators contracted by the co-permittee.	— This task shall be completed within 18 months of the effective date of the permit.	(b) Boise City and Garden City (for respective jurisdictions)
(c) Outreach Method Identification. Identify and utilize outreach methods to educate homeowners, and commercial businesses, on the impact of pesticides, herbicides, and fertilizers on aquatic resources, and means to decrease their usage.	— To be reported on annual report.	(c) Boise City and Garden City (for respective jurisdictions)

**TABLE III.A.**  
**Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
<p><b>ILLCIT DISCHARGES AND IMPROPER DISPOSAL (I.L.A.7)</b></p> <p>(a) Inspection and Enforcement. Implement a program to inspect and enforce against illicit connections, including dry-weather screening, citizen reports, and employee training in the detection of illicit connections. If illicit connections are observed, co-permittees shall require their disconnection. The program shall inspect 20% or more of the known major outfalls per permit year, totaling 100% of outfalls by the conclusion of the first permit term.</p> <p>Inventory all major outfalls within their jurisdiction.</p> <p>(b) Storm Water Management and Discharge Control Ordinance Enforcement. The City of Boise shall enforce Title 8, Chapter 15, The City of Boise Storm Water Management and Discharge Control Ordinance (adopted May 2000). The City of Garden City shall enforce the Garden City Code Title 4, Chapter 14, Ordinances for Storm Water Management and Discharge Control (adopted in September 1999).</p> <p>(d) Complaint Procedures. Implement a complaint manual to guide staff through recording, investigating and following up on complaints regarding violations reported by the general public. Publicize the availability of an approved complaint referral process and post notices informing the public of the existence of such resources. Utilize appropriately trained staff in operating such a complaint response program.</p>	<p>— Upon the effective date of the permit.</p> <p>— Within 6 months of the effective date of the permit.</p> <p>— Upon the effective date of the permit.</p> <p>— Within one year from the effective date of the permit.</p>	<p>(a) ACHD, Boise City, DD3, ITD, BSU, and Garden City (for respective systems)</p> <p>(b) Boise City and Garden City for its respective ordinances</p> <p>(d) Each permittee is responsible for developing a complaint manual for their respective system. Report forms shall be forwarded to the co-permittee with jurisdiction when appropriate.</p>

**TABLE III.A.**  
**Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
<b>SPILL PREVENTION AND RESPONSE (II.A.8)</b>		
(a) Spill Response Task Group. Participate in an interagency spill response task group, to ensure that a coordinated response to spills is achieved, and impacts upon aquatic resources from spilled pollutants are controlled to the MEP.	— Upon the effective date of the permit or a maximum of one year from the effective date of the permit.	(a) Boise City, ACHD, DD3, ITD, Garden City, and BSU (reporting responsibility only)
<b>INDUSTRIAL AND HIGH RISK RUNOFF (II.A.9)</b>		
(a) Database of Facilities. Develop and maintain a database of priority industrial sites	— Within one year of the effective date of the permit.	(a) ACHD
(b) Inspection and Monitoring of High Risk Facilities.	— Inspection program to be developed and implementation begun within one year of the effective date of the permit.	(b) ACHD as lead agency
(c) Work together to inspect and monitor such facilities for compliance with the storm water ordinance and the NPDES industrial storm water general permit.	— Upon the effective date of the permit.	(i) Boise City and Garden City as participating agency within respective jurisdictions (ii) ACHD and City of Boise
(ii) Implement the MOU between the Ada County Highway District and the City of Boise.	— Upon the effective date of the permit.	(c) Garden City and Boise City (for respective jurisdiction)
(c) Educational Materials. Distribute the Storm water Commercial and Industrial Best Management Practices manual	— Within a year of the effective date of the permit.	(d) ACHD and Garden City
(d) Shall develop, formalize, and implement an inspection program of high risk industrial and other commercial facilities. The inspection program may be developed utilizing state statutes, local ordinances, contracts, or joint powers agreements.	— 18 months from the effective date of the permit.	(a) Boise City, Garden City, ACHD, and ITD (consistent with jurisdiction and authority)
<b>CONSTRUCTION SITE RUNOFF (II.A.10)</b>		
(a) Construction Site Discharge Control Program. Develop and implement a Construction Site Discharge Control Program.	— 18 months from the effective date of the permit.	(a) Boise City, Garden City, ACHD, and ITD (consistent with jurisdiction and authority)

**TABLE III.A.**  
**Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
<p>(b) Inspection and Compliance. Conduct inspections of construction sites.</p> <p>(c) Database and Record Keeping. Maintain a database of all active and completed construction sites within their jurisdiction.</p>	<p>— 18 months from the effective date of the permit.</p> <p>— within one year of the effective date of the permit.</p>	<p>(b) Boise City, Garden City, ACHD, and ITD (consistent with jurisdiction and authority)</p> <p>(c) Boise City, Garden City, ACHD, and ITD (consistent with jurisdiction and authority)</p>
<p><b>PUBLIC EDUCATION (II.A.11)</b></p>		
<p>(a) Public Education Program. The plan shall include:</p> <p>(i) the distribution of public education flyers, inserts or booklets to householders regarding appropriate methods for disposing of used motor oil and similar substances,</p> <p>(ii) programs and activities to promote awareness of locations where the drain discharges and promote importance of maintaining clean water resources. Examples of such activities and programs include a stenciling program and participation in educational forums such as “Water Awareness Week.”</p>	<p>— Upon the effective date of the permit.</p>	<p>(i) Boise City and Garden City in respective jurisdictions with participation by other co-permittees</p> <p>(ii) Boise City and Garden City in respective jurisdictions with participation by other co-permittees and ACHD and Boise City (as partners with statewide “Water Awareness Week” program)</p>
<p>(iii) promoting the collection and/or co composting of yard wastes from residential and commercial sites. Promoting the “Keep watershed clean” campaign, and distributing copies of flyers previously developed, including but not limited to, the Storm Water Ordinance, RiverCare Tips, and the Storm Water Trooper bookmark.</p>	<p>— Upon the effective date of the permit</p>	<p>(iii) Boise City</p>

**TABLE III.A.  
 Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
<p>(iv) Distribute the Storm Water Commercial and Industrial BMPs handbook to commercial and industrial facilities identified as priorities due to the nature of the industrial and commercial activities to be found at such sites. The city shall make the Storm Water Plant Materials - A Resource Guide available to other facilities, contractors, and developers.</p> <p>(v) Document complaints received from the general public regarding violations to the storm water ordinance, to follow up on such complaints, and detail actions taken.</p>		<p>(iv) Boise City</p> <p>(v) All co-permittees</p>

## PART IV. MONITORING AND REPORTING REQUIREMENTS

### A. STORM EVENT DISCHARGES

1. Co-permittees shall implement a wet-weather monitoring program, or contract with another co-permittee to implement such a program, as described in the *Boise NPDES Municipal Storm Water Permit Monitoring Plan*, (Ada County Highway District, June 1998). This program shall provide data necessary to:
  - assess the effectiveness and adequacy of control measures implemented under the SWMP;
  - estimate annual cumulative pollutant loadings from the MS4;
  - estimate event mean concentrations and seasonal pollutants in discharges from major outfalls;
  - identify and prioritize portions of the MS4 requiring additional controls, and
  - identify water quality improvements or degradation.

The co-permittees are responsible for conducting any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the MS4. Improvement in the quality of discharges from the MS4 will be assessed based on the monitoring information required by this section, plus any additional monitoring conducted by the co-permittees.

2. A minimum of **three storm events per site per permit year** shall be analyzed for the parameters listed in Table IV.A. The samples shall be collected from five (5) sites located throughout the jurisdiction of the co-permittees. These sites are identified in Table IV.B. Alternate representative monitoring locations 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 in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Water Office Director, use of an alternate monitoring location may commence **thirty days from the date of the request**.
  - a. *Sample Type, Collection, and Analysis:* The following requirements apply only to samples collected for Part IV.A.
    - (1) For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken.
    - (2) Grab samples taken during the first two hours of discharge shall be analyzed separately for (if required) pH, temperature, oil & grease, E. coli, and volatile organics. For all other parameters, data shall be reported as flow weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.
    - (3) All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

- (4) Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from the EPA.
- b. Quality Assurance Plan:
- (1) Co-permittees shall develop a Quality Assurance Plan (QAP) for all monitoring requirements identified in the permit. The plan shall be completed and implemented within **120 days of the effective date of the permit**.
- (2) At a minimum, the plan shall include the following:
- Protocols for sampling techniques (field blanks, replicates, duplicates, control samples, etc.),
  - Sample preservation methods,
  - Sample shipment procedures,
  - Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts),
  - Qualification and training of personnel, and
  - Analytical test methods with associated method detection limits (when not prescribed in Table IV.A) and quality control checks.
- (3) Throughout all sample collection and analysis activities, co-permittees shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in: *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 and *Guidance on Quality Assurance Project Plans*, EPA QA/G-5. These documents are available on the EPA Region 10 website at: <http://www.epa.gov/r10earth/offices/oea/r10qahome.htm> or available by mail at:
- Quality and Data Management Program  
Office of Environmental Assessment  
U.S. EPA, Region 10  
1200 6th Avenue, OEA-095  
Seattle, Washington 98101
- (4) Co-permittees shall amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
- (5) Copies of the QAP shall be kept on site and made available to EPA and/or Idaho Department of Environmental Quality (IDEQ) upon request.
- c. *Sampling Waiver*. When a discharger is unable to collect samples required by Part IV.A. due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, blizzards, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
- d. *Storm Event Data*: For Part IV.A, quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed above, the co-permittees shall maintain records of the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the

end of the previous measurable (greater than 0.1 inch rainfall) storm event ; and an estimate of the total volume (in gallons) of the discharge sampled.

**Table IV.A – Representative Monitoring Requirements**

PARAMETER	SAMPLING FREQUENCY
Biochemical Oxygen Demand (BOD <sub>5</sub> ) (mg/l)	3 representative storm events/permit year
Chemical Oxygen Demand (COD) (mg/l)	3 representative storm events/permit year
Dissolved Oxygen (DO) (mg/l)	3 representative storm events/permit year
Total Suspended Solids (TSS) (mg/l)	3 representative storm events/permit year
Total Dissolved Solids (TDS) (mg/l)	3 representative storm events/permit year
Total Kjeldahl Nitrogen (TKN) (mg/l)	3 representative storm events/permit year
Total Phosphorus (mg/l)	3 representative storm events/permit year
Orthophosphate (mg/l)	3 representative storm events/permit year
Oil & Grease (mg/l)	3 representative storm events/permit year
Total Petroleum Hydrocarbons	3 representative storm events/permit year
Arsenic (µg/l) — Total and Dissolved per EPA Method 200.8 <sup>1</sup>	3 representative storm events/permit year
Cadmium (µg/l) — Total and Dissolved per EPA Method 200.8 <sup>1</sup>	3 representative storm events/permit year
Copper (µg/l) — Total and Dissolved per EPA Method 200.8 <sup>1</sup>	3 representative storm events/permit year
Lead (µg/l) — Total and Dissolved per EPA Method 200.8 <sup>1</sup>	3 representative storm events/permit year
Mercury (µg/l) — Total and Dissolved per EPA Method 200.8 <sup>1</sup> , 245.1 or 245.2	3 representative storm events/permit year
Nickel (µg/l) — Total and Dissolved per EPA Method 200.8 <sup>1</sup>	3 representative storm events/permit year
Zinc (µg/l) — Total per EPA Method 200.8 <sup>1</sup>	3 representative storm events/permit year
Organochlorine pesticides	3 representative storm events/permit year
Organophosphate pesticides per EPA Method 8141	3 representative storm events/permit year
E. coli, in col/100ml	3 representative storm events/permit year
pH (S.U.)	3 representative storm events/permit year
Discharge, Volume, in cubic feet	3 representative storm events/permit year
Hardness (as CaCO <sub>3</sub> ) (mg/l)	3 representative storm events/permit year
Temperature (°C)	3 representative storm events/permit year

**Table IV.A – Representative Monitoring Requirements**

PARAMETER	SAMPLING FREQUENCY
Volatile Organics as per EPA Method 8260	2/year, 2nd and 4th years of permit coverage
Base/Neutral Organics per EPA Method 8270	2/year, 2nd and 4th years of permit coverage
Acid Organics per EPA Method 8270	2/year, 2nd and 4th years of permit coverage
Pesticide Organics per EPA Method 8081 or Method 8270	2/year, 2nd and 4th years of permit coverage
Note: 1 Alternative Test Procedure approval is required of the lab or co-permittee prior to the submission of monitoring data using Method 200.8.	

**Table IV.B – Representative Monitoring Outfall Descriptions**

OUTFALL	LOCATION	RESPONSIBLE CO-PERMITTEE
001	51-N at Walnut Street	ACHD
002	Lucky Drive	ACHD
003	Koppel's	ACHD
004	Franklin Road	ACHD
005	Production Avenue	ACHD

**B. SEDIMENT ANALYSIS**

1. An analysis of sediments and decant water collected from storm water catch basins. The samples shall be collected by the lead sampling entity, as designated in the Cooperative Agreement, from a minimum of **three catch basins** representing residential, commercial, and industrial land uses within the permit area. The location and the rationale behind why the site was chosen shall be submitted to the address in Section IV.E **within six months of the effective date of the permit**. A minimum of **two samples per permit year** shall be collected and analyzed from the representative catch basins. Based upon the results obtained, co-permittees shall assess whether two samples per year can adequately characterize the wastes within the catch basin. Co-permittees shall report their findings in the annual reports following the years' activity. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used. The following are to be sampled as part of this program:

total suspended solids,  
total phosphorous,  
ortho-phosphorous,  
total petroleum hydrocarbons,  
poly-aromatic hydrocarbons,  
volatile organic compounds,  
E. coli,  
copper,  
lead,  
arsenic,  
cadmium,  
chromium,  
nickel, and  
zinc.

Co-permittees shall use the results from the analyses as part of an assessment of the BMPs employed as part of the storm water management program outlined in II.A.1 through 11. Co-permittees shall coordinate amongst themselves to ensure that results are disseminated and to ensure that personnel representing all of the departments and agencies having a role in the storm water management program are aware of the findings. In addition, co-permittees shall report all findings, and actions taken as a result of the findings, in the annual report.

### C. FLOATABLES

1. *Floatable monitoring program:* Co-permittees shall establish a minimum of **two monitoring locations** within the permit area to be sampled by the lead sampling entity as designated in the Cooperative Agreement. Co-permittees shall remove floatable material in discharges to or from the MS4 at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated in cubic yards.
2. *Annual Report:* Co-permittees shall submit, within the annual report required by Part IV.E, the following information:
  - a. Percent of MS4 screened during the year and the cumulative percent of system screened;
  - b. An estimate of the amount of floatable material collected (cubic yards);
  - c. A summary of results and actions taken or proposed based on the results of the wet weather screening program.

### D. DRY WEATHER DISCHARGES

1. *Dry Weather Screening Program:* Co-permittees shall implement a dry weather screening program, or contract with another co-permittee to implement such a program. The program shall detect the presence of illicit connections and improper discharges to the MS4. Co-permittees shall ensure compliance with the program element by inspecting (or contracting with another co-applicant to inspect) 20% or more of the major outfalls per permit year, totaling 100% of all major outfalls by the conclusion of the first permit term.

2. *Follow-up on Dry Weather Screening Results:* The dry weather program will also include the elimination of suspected sources of illicit connections and improper disposal identified during dry weather screening activities. Each year's results shall be included in the corresponding annual report. Follow-up activities should be prioritized on the basis of:
  - a. magnitude and nature of the suspected discharge;
  - b. sensitivity of the receiving water; and
  - c. other relevant factors.

#### E. ANNUAL REPORT

1. Within one (1) year of the effective date of this permit, and annually thereafter, Permittees shall prepare and submit to EPA and IDEQ an Annual Report postmarked by the 10th day of the following month. In addition, copies of all annual reports, including monitoring summaries, shall be available to the public through the municipal library system. The Annual Report shall include, at a minimum:
  - a. The status of implementing the components of the Storm Water Management Program that are established as Permit conditions;
  - b. Proposed changes to the Storm Water Management Program required by this Permit. Such proposed changes shall be consistent with 40 CFR § 122.26(d)(2);
  - c. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the Part 2 of the Permit Application;
  - d. A summary of the data that co-permittees accumulated throughout the reporting year;
  - e. Annual expenditures and budget for the year following each annual report;
  - f. A summary describing the number and nature of enforcement actions, inspections, and public education programs, including copies of all educational materials distributed in conjunction with efforts to reduce pollutant discharges to the MS4;
  - g. Identification of water quality improvements or degradation;
  - h. A summary of all storm event monitoring conducted throughout the year in a format that includes the requirements of Section I.A as well as a signature of the person responsible for data quality, parameter name, monitoring location, unit of measurement, sample type, method used, and date of sample collection; and
  - i. All other information required by this Permit to be submitted with the Annual Report<sup>1</sup>.
2. Preparation and submittal of a system-wide annual report shall be coordinated by **Ada County Highway District**. The report shall indicate which, if any, co-permittees have failed to provide required information on those portions of the MS4 for which they are responsible, by 45 days prior to the report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any co-permittee who failed to provide input to

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<sup>1</sup> Please note that different sections of the permit contain requirements to submit different documents and programs in different annual reports.

the annual report. Each individual co-permittee 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 in a timely manner.

3. Signed copies of monitoring summaries, the annual report, requests for SWMP modification, requests for changes in monitoring locations, and all other reports required herein, shall be submitted to:

U.S. EPA, Region 10  
Office of Water  
NPDES Compliance Unit (OW-133)  
1200 6th Avenue  
Seattle, Washington 98101

Idaho Department of Environmental Quality  
1410 N. Hilton Street  
Boise, Idaho 98706-1256

- F. CERTIFICATION AND SIGNATURE OF REPORTS.** All reports required by the permit and other information requested by the Water Office Director shall be signed and certified in accordance with Parts V.K. and V.L. of the permit.

**PART V. STANDARD PERMIT CONDITIONS.**

- A. DUTY TO COMPLY.** Except as provided in permit conditions in Part V.M Bypass of Treatment Facilities and Part V.N Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$27,500 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §

3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

3. Criminal Penalties:

- a. **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
- b. **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. **False Statements.** 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 a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this

permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

- B. DUTY TO REAPPLY.** If co-permittees intend to continue an activity regulated by this permit after the expiration date of this permit, such entities must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the co-permittees must submit a new application at least **180 days before the expiration date** of the permit or in conjunction with the **fourth annual report**. The reapplication package shall contain the information required of 40 CFR 122.21(f) which includes: name and mailing address(es) of the permittee(s) that operate the MS4, and names and titles of the primary administrative and technical contacts for the municipal permittee(s). In addition, permittees shall identify any previously unidentified water bodies that receive discharges from the MS4, a summary of any known water quality impacts on the newly identified receiving waters, a description of any changes in co-applicants, and the identification number of the existing NPDES MS4 permit. The reapplication package may incorporate by reference the fourth annual report when the reapplication requirements can be found within such report.
- C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.** It shall not be a defense for a co-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.
- D. DUTY TO MITIGATE.** Co-permittees shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. PROPER OPERATION AND MAINTENANCE.** Each co-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 co-permittees to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by co-permittees only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. PROPERTY RIGHTS.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of state or local laws or regulations.

**G. TRANSFERS.** This permit is not transferable to any person except after notice to the Director. The Director 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. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

**H. DUTY TO PROVIDE INFORMATION.** Co-permittees shall furnish to the Water Office Director and IDEQ, within the time specified in the request, any information which the Water Office Director or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Co-permittees shall also furnish to the Water Office Director or IDEQ, upon request, copies of records required to be kept by this permit.

**I. OTHER INFORMATION.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director or IDEQ, it must promptly submit the omitted facts or corrected information.

**J. INSPECTION AND ENTRY.** Co-permittees shall allow the Water Office Director, IDEQ, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon co-permittees' 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 Clean Water Act, any substances or parameters at any location.

**K. MONITORING AND RECORDS.**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The co-permittees shall retain records of all monitoring information, including, but not limited to, 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 application for this permit, for a period of at least five 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 Director or IDEQ at any time.

3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The name(s) of the individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The names of the individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.

**L. SIGNATORY REQUIREMENT.** All applications, reports or information submitted to the Director and IDEQ shall be signed and certified.

1. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer.
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
  - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director or IDEQ shall be signed by a person described above or by a 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 Director and IDEQ, and
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the organization.
3. Changes to authorization. If an authorization under Part V.J.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.J.2. must be submitted to the Regional Administrator and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

**M. 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 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.”

**N. REPORTING REQUIREMENTS.**

1. Planned changes. Co-permittees shall give notice to the Water Office Director and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:
  - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § 122.42(a)(1).
2. Anticipated noncompliance. Co-permittees shall give advance notice to the Water Office Director and IDEQ of any planned changes in the permitted facility or activity which may result in noncompliance with this permit.
3. Transfers. This permit may be automatically transferred to a new permittee if:
  - a. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit.

If the notice described in paragraph c above is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b above.
4. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
  - a. Monitoring results must be reported on a DMR or other form provided or specified by the Water Office Director for reporting results of monitoring of sludge use or disposal practices.

- b. If co-permittees monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR specified by the Water Office Director.
    - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Water Office Director in the permit.
  5. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
  6. Twenty-four hour notice of noncompliance reporting.
    - a. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
      - (i) any noncompliance that may endanger health or the environment;
      - (ii) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., "Bypass of Treatment Facilities");
      - (iii) any upset that exceeds any effluent limitation in the permit (See Part IV.G., "Upset Conditions"); or
      - (iv) any violation of a maximum daily discharge limitation for any of the pollutants
    - b. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
      - (i) a description of the noncompliance and its cause;
      - (ii) the period of noncompliance, including exact dates and times;
      - (iii) the estimated time noncompliance is expected to continue if it has not been corrected; and
      - (iv) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
    - c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
    - d. Reports must be submitted to the addresses in Part IV.E ("Annual Report").
  7. Other noncompliance reporting. The co-permittee(s) must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring

reports for Part IV.E are submitted. The reports must contain the information listed in Part V.L.6 of this permit.

#### **O. BYPASS**

1. Bypass not exceeding limitations. Co-permittees may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice
  - a. Anticipated bypass. If co-permittees know in advance of the need for a bypass, co-permittees shall submit prior notice, if possible at least ten days before the date of the bypass.
  - b. Unanticipated bypass. Co-permittees shall submit notice of an unanticipated bypass as required in Part V.L.6 ("24-hour notice of noncompliance reporting").
3. Prohibition of bypass.
  - a. Bypass is prohibited, and the Water Office Director or IDEQ may take enforcement action against a co-permittee for bypass, unless:
    - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (3) Co-permittees submitted notices as required under paragraph 2 of this Part.
  - b. The Water Office Director may approve an anticipated bypass, after considering its adverse effects, if the Water Office Director determines that it will meet the three conditions listed above in paragraph 3.a of this Part.

#### **P. UPSET**

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part V.N.3 of this permit are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A co-permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that co-permittees can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;

- c. Co-permittees submitted 24-hour notice of the upset as required in Part V.L.6 of this permit (24-hour notice of noncompliance reporting); and
  - d. Co-permittees complied with any remedial measures required under Part V.D (“Duty to mitigate”) of this permit.
3. Burden of proof. In any enforcement proceeding co-permittees seeking to establish the occurrence of an upset has the burden of proof.

**Q. 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.

**R. STATE AND ENVIRONMENTAL LAWS.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve co-permittees from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act, 33 U.S.C. § 1370.

**S. ADDITIONAL MONITORING BY CO-PERMITTEES.** If co-permittees monitor more frequently than required by this permit, using test procedures approved under 40 CFR Part 136, or equivalent, or as specified in this permit, the results of this monitoring shall be included with the data submitted as part of the annual report required by Part IV.E of this permit.

Upon request by the Director, the permittee must submit results of any other sampling, regardless of the test method used.

#### **PART VI. PERMIT MODIFICATION**

**A. MODIFICATION OF THE PERMIT.** The permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§122.62, 122.64 and 124.5. The filing of a request by co-permittees for a permit modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**B. TERMINATION OF COVERAGE FOR A SINGLE CO-PERMITTEE .** Permit coverage may be terminated, in accordance with the provisions of 40 CFR §§122.64 and 124.5, for a single co-permittee without terminating coverage for other co-permittees.

## PART VII. DEFINITIONS

The following definitions apply to this permit. Except as otherwise specifically provided, terms used in this permit but not defined by this Part shall have the meaning ascribed to them by Section 502 of the Clean Water Act (33 U.S.C. § 1362), 40 CFR § 122.2, and 40 CFR § 122.26(b). These statutory and regulatory definitions are incorporated herein by reference. Some of the statutory and regulatory term definitions are included here for convenience.

“Act” means the Clean Water Act.

“Administrator” means the Administrator of the EPA, or an authorized representative.

“Best Management Practices” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“BMPs” is an acronym for Best Management Practices.

“Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.

“CWA” means Clean Water Act (also 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.

“Director” means the Director of the Office of Water, EPA, or an authorized representative.

“Discharge” means discharge from the Municipal Separate Storm Sewer System (MS4).

“DMR” means discharge monitoring report.

“EPA” means the United States Environmental Protection Agency.

“Flood management project” means a project that takes into account the effects on the water quality of the receiving water body(s) and whether or not the structural flood control device can be retrofitted to control water quality.

“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.

“Grab” sample means an individual sample collected over a period of time not exceeding 15 minutes.

“IDEQ” means the Idaho Department of Environmental Conservation.

“Illicit connection” means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

“Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water 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.

“Individual residence” means a single or multi-family residences (e.g., single family homes and duplexes, town homes, apartments, etc.).

“Major outfalls,” means municipal separate storm sewer outfalls that discharge from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), outfalls that discharge from a single pipe with an inside diameter of 12 inches or more or its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

“Maximum Extent Practicable,” is the technology-based discharge standard for municipal separate storm sewer systems established by CWA § 402(p).

“MEP,” is an acronym for “Maximum Extent Practicable.”

“Method detection limit (MDL)” mean the minimum concentration of a substance (analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

“Minimum Level (ML)” means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

“MS4” is an acronym for “municipal separate storm sewer system.”

“Municipal separate storm sewer system” means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by the co-permittees; (ii) designed or used for collecting or conveying storm water; (iii) which is not part of a combined sewer; and (iv) which is not part of a Publically Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

“Permit year” means the year beginning from the day and month the permit becomes effective.

“QA/QC” means quality assurance/quality control

“Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

“Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural

resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

“Storm sewer,” unless otherwise indicated, refers to a municipal separate storm sewer.

“Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm Water Management Program” means the SWMP required by Part II of the permit.

“Structural flood control device” means a device which has been designed and installed for the purpose of storm drainage during storm events.

“SWMP” is an acronym for “Storm Water Management Program.”

“Time-weighted composite” means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of co-permittees. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

“Water Office Director” means the Director of the Office of Water United States Environmental Protection Agency, Region 10, or an authorized representative of the Director.

“Waters of the United States” is defined at 40 CFR 122.2.

“24-hour composite” sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24 hour period. The composite must be flow proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

**B**

NPDES Permit No. DC0000221

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
MUNICIPAL SEPARATE STORM WATER SYSTEM PERMIT NO. DC0000221**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 et seq.

Government of the District of Columbia  
The John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

is authorized to discharge from all portions of the municipal separate storm sewer system owned and operated by the District of Columbia to receiving waters named

Potomac River, Anacostia River,  
and tributaries

in accordance with the upgraded Storm Water Management Program(s), effluent limitations, monitoring requirements and other conditions set forth in Parts I through X herein.

The effective issuance date of this permit is

This permit and the authorization to discharge shall expire at midnight, on

Signed this            day of

Jon M. Capacasa, Director  
Water Protection Division  
U.S. Environmental Protection Agency  
Region III

PERMIT FOR THE DISTRICT OF COLUMBIA'S  
MUNICIPAL SEPARATE STORM SEWER SYSTEM

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X. PERMIT DEFINITIONS

**PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT**

**A. Permit Area**

This permit covers all areas within the corporate boundary of the District of Columbia served by, or otherwise contributing to discharges from, municipal separate storm sewers owned or operated by the District of Columbia.

**B. Authorized Discharges**

This permit authorizes all existing or new storm water point source discharges to waters of the United States from the municipal separate storm water sewer system of the District of Columbia. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, or storm water associated with industrial activity provided such discharges are authorized under separate NPDES permits.

Nothing in this permit prohibits the following sources when properly managed so that water quality is not impaired and that the requirements of the Clean Water Act and EPA regulations are met: clear water flows, roof drainage, water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation waters, springs, footing drains, lawn watering, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, fire fighting activities, and similar types of activities.

**C. Limitations to Coverage**

Section 402(p)(3)(B)(ii) of the Clean Water Act specifically prohibits non-storm water entering the MS-4. The Permit does not authorize the Permittee to discharge pollutants from the MS4 as described herein:

1. Non-Storm Water and Phase I and Phase II Storm Water

Discharges of non-storm water (other than those listed in Part I.B. of this permit) are prohibited except where such discharges are:

- a. Regulated with a General NPDES permit for Phase I or Phase II storm water discharges, or
- b. Regulated with a individual NPDES permit.

2. All other discharges of pollutants to the MS4 system that cause or contribute to the exceedance of the District of Columbia water quality standards are prohibited and not authorized by this Permit.

**D. Effluent Limits**

1. MEP Effluent Limit - The permittee shall implement the controls, Best Management Practices (BMP), and other activities necessary to reduce pollutants as set forth in the Upgraded Storm Water Management Plan dated October 19, 2002. Unless and until modified consistent with Part VII.P (Reopener Clause for Permits) of this Permit, the Upgraded Storm Water Management Plan requirements expressed in the form of BMPs, represent the controls necessary to reduce the discharge of pollutants to the Maximum Extent Practicable in accordance with 40 CFR Part 122.44(k)(2).

2. WOBEL Effluent Limit - The permittee shall implement the controls, Best Management Practices (BMPs), and other activities necessary to reduce pollutants as set forth in the Upgraded Storm Water Management Plan dated October 19, 2002, and all other requirements of this Permit (including but not limited to the narrative prohibition on discharge of pollutants from the MS4 set forth in I.C. of this Permit). Unless and until modified consistent with Part VII.P (Reopener Clause for Permits) of this Permit, EPA has determined that these controls are sufficient to achieve compliance with applicable water quality standards in accordance with existing Federal rules and regulations.

3. Effluent Limits Consistent with TMDL WLA - The permittee shall implement the controls, Best Management Practices (BMPs), and other activities necessary to reduce pollutants as set forth

in the Upgraded Storm Water Management Plan dated October 19, 2002, and all other requirements of this Permit (including but not limited to the narrative prohibition on discharge of pollutants from the MS4 set forth in I.C. of this Permit). Based on limited information, and until and unless this Permit is modified in accordance with the Reopener Clause of Part VII.P of this Permit, EPA has determined that these controls are appropriate effluent limits consistent with the assumptions and requirements of the approved waste load allocations (WLAs) established in various total maximum daily loads specifically described and discussed in the MS4 Fact Sheet. Based on EPA review of the Permittee's submission of the Total Maximum Daily Loading (TMDL) Implementation Plan(s) as required by Part IX.B. of this Permit, EPA shall reconsider and determine whether these controls are consistent with applicable water quality standards and approved WLAs in accordance with existing Federal requirements. EPA specifically reserves the right to formally modify this Permit's effluent limit in accordance with Reopener Clause of Part VIII.P. of this Permit in the event that EPA determines further controls are necessary to address the WLAs and/or water quality standards.

## **Part II. SOURCE IDENTIFICATION**

During the period beginning on the effective date and lasting through the expiration date of this permit:

The permittee shall continue to compile and submit pertinent information on pollution sources, including significant changes (see EPA's approved definition in First Annual Review dated April 19, 2001) in the identification and mapping of storm sewer system (MS4) outfalls consisting of those identified as "major" and "others" in the upgraded SWMP dated October 19, 2002, and changes affecting the District's separate storm system (MS4) due to: land use activities, population estimates, runoff characteristics, major structural controls, landfills, publicly owned lands, and industries. This information shall be submitted in each of the Annual Reports/Implementation Plans to EPA pursuant to the procedures in Part III of this permit. Analysis of data for these pollution sources shall be reported according to Part V for the Storm Water Model.

## **Part III. STORM WATER MANAGEMENT PROGRAM (SWMP)**

### **A. COMPLIANCE SCHEDULE**

Each year on the effective date of the Permit, the permittee shall provide EPA with a written Annual Report as required by 40 CFR 122.42(c) using the implemented upgraded and amended Storm Water Management Plan dated October 19, 2002 developed by the District as the basis for the Report. In addition to the Annual

Report, the permittee shall at the same time provide EPA with a Discharge Monitoring Report as described in Part IV of this Permit and an Implementation Plan as described in Part III.D of this Permit summarizing how each category of MS4 activities identified within this Permit was implemented during the previous year along with implementation plans for each activity in the following year. As described in Part IX.2 of this Permit, the permittee shall also submit Implementation Plan(s) for the Anacostia River Total Maximum Daily Loads (TMDLs) six months after the effective issuance date of the Permit and for the Rock Creek TMDLs twelve months after the effective issuance date of the Permit. Six months prior to the expiration date of the Permit, the permittee shall provide EPA an Upgraded Storm Water Management Plan (SWMP) as described in Part III.B and E of this Permit. All these efforts, which are identified in Table I below as "submittals", have deadlines and are subject to EPA approval as set forth below at Parts III.E and IX.2.

TABLE 1

Submittal	Deadline
Outfall Discharge Monitoring Report *	Each year on the effective date of the permit (EDOP) consistent with Paragraph IV.A.1.
Annual Report	Each year on the EDOP
Annual Implementation Plan	Each year on the EDOP
Anacostia River TMDL Implementation Plan(s)	6 months after the EDOP
Rock Creek TMDL Implementation Plan(s)	12 months after the EDOP
Upgraded SWMP and MS4 Permit Application	6 months prior to the permit expiration date.

\* Samples shall be taken at least three times a year within the subwatershed being monitored for that particular year as provided in Tables 4 and 5 of Part IV.A.1 of the permit.

Deadlines may be adjusted by written agreement by both EPA and the permittee up to 120 days (see minor modification provision). However, this permit places no obligation on EPA to expand the above schedule. The Outfall Discharge Monitoring Report shall be submitted each year, incorporating the reporting requirements in Part VIII.E. (Reporting of Monitoring Results).

All the requirements in Table 2 in Part III.B of this permit are to be used in the development of the upgraded SWMP. The District's October 19, 2002 (upgraded SWMP) is also incorporated by reference into this permit.

**B. COMPONENTS OF STORM WATER MANAGEMENT PROGRAM (SWMP)**

The SWMP shall be implemented in a manner consistent with the following guidelines provided for the 12 management plan components. In carrying out the SWMP, the permittee shall issue no exemption, waiver, or variance that would violate the Clean Water Act or EPA regulations. This Permit does not authorize any discharge based on such exemption, waiver, or variance. To the extent that this permit makes reference to or incorporates the District's Storm Water Management Plan (SWMP) (defined in Part X of this permit), that portion of the plan is hereafter incorporated into this permit by reference.

The permittee shall implement the controls, procedures, Best Management Practices (BMPs) set forth in the current Upgraded SWMP dated October 19, 2002 in order to reduce the pollutant load to the extent necessary to meet the requirements of 40 CFR 122.26 (d)(2)(iv) and the provisions of the Clean Water Act for all areas within the District according to Table 2 below. The controls described in the October 19, 2002, document are effluent limitations that EPA has determined are adequate to ensure that the discharges do not cause or contribute to exceedences of applicable water quality standards.

TABLE 2

Required Program Element	Regulatory References (40 CFR 122.26)
Adequate Legal Authority	(d) (2) (I) (C) - (F)
Characterization Data	(d) (2) (iii) (B) - (D), 40 CFR 122.21(g) (7)
Application Requirements	(d) (2) (iv) (A) (1)
Assessment of Controls	(d) (2) (v)
Structural Controls	(d) (2) (iv) (A) (1)
Areas of new development and significant redevelopment	(d) (2) (iv) (A) (2)
Roadways	(d) (2) (iv) (A) (3)
Flood Control Projects	(d) (2) (iv) (A) (4)
Pesticides, Herbicides, and Fertilizers Application	(d) (2) (iv) (A) (6)
Illicit Discharges and Improper Disposal	(d) (2) (iv) (B) (1) - (5), (iv) (B) (7)
Industrial and High Risk Runoff	(d) (2) (iv) (C), (iv) (A) (5)
Identify Priority Industrial Facilities	122.26(d) (2) (iv) (C) (1)
Municipal Waste Sites	(d) (2) (iv) (A) (5)
Spills	(d) (2) (IV) (B) (4)
Infiltration of Seepage	122(d) (2) (iv) (B) (7)
Construction Site Runoff	(d) (2) (iv) (D)

Public Education	(d) (2) (iv) (A) (6), (iv) (B) (5), (iv) (B) (6)
Monitoring Program	(d) (2) (iv) (B) (2), (iii), iv(A), (iv) (C) (2)

Table 3's reporting requirements apply to each of the 12 components of the District's SWMP as defined in Part X of this permit.

TABLE 3

SWMP Component	Reporting Requirement (1)	Reporting Deadline
1. Management Plan for Commercial, Residential, and Government Areas	implement and update in accordance with the October 19, 2002, SWMP	Annual Report/ Implementation Plan
2. Management Plan for Industrial Facilities	implement and update in accordance with the October 19, 2002, SWMP	Annual Report/ Implementation Plan
3. Management Plan for Construction Sites	implement and update in accordance with the October 19, 2002, SWMP	Annual Report/ Implementation Plan
4. Flood Control Projects	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan
5. Monitor and Control of Pollutants from Municipal Landfills or Other Municipal Waste Facilities	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan
6. Monitor and Control Pollutants from Hazardous Waste Sites	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan

7. Pesticides, Herbicide, and Fertilizer Application	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan
8. Deicing Activities	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan
9. Snow Removal	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan
10. Management Plan to Detect and Remove Illicit Discharges	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan
11. Enforcement Plan	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan
12. Public Education	implement and update in accordance with the October 19, 2002 SWMP	Annual Report/ Implementation Plan

(1) These reporting requirements are governed by the schedules presented on Table 1.

1. Management Plan for Commercial, Residential, and Federal and District Government Areas

The District shall implement the SWMP (as described in the District's October 19, 2002, SWMP) to reduce the discharge of pollutants from commercial, Federal and District government owned/operated facilities, and residential areas into the District's storm sewer system (MS4). The permittee shall continue current practices of road, street, and highway maintenance as described in the SWMP and evaluate low impact development practices for inclusion with either new or retrofitted District and/or Federal highway construction projects. Applicable Federal

programs for this purpose include, but are not limited to provisions for funding under the Transportation and Enhancement Fund, the Transportation Equity Act for the 21<sup>st</sup> Century, or other authorized/appropriated funding from future National Transportation Bills.

Control for government, commercial, and residential storm water runoff shall consist of a mix of program activities addressing trash, debris and other storm water pollutants, including but not limited to:

- A shift in focus from just the minimum storm water controls required under local ordinances and guidelines to programs that encourage the use of functional landscape to enhance the aesthetic and habitat value at new parking lots and/or new developments;
- Low impact development practices such as improved tree boxes, reduced road length and width, use of infiltration trenches, porous pavements, grassy swales and filter strips where appropriate;
- A coordinated catch basin cleaning and street-sweeping strategy that optimizes reduction of storm water pollutants;
- Coordination with solid waste program to include leaf collections;
- Preventative maintenance inspections for all existing storm water management facilities;
- Development and implementation of a rain leader disconnection program;
- Development of a phased approach to storm water public education which includes collecting pet feces and environmentally-friendly fertilizing and landscaping techniques;
- Modeling of storm water impacts;
- Developing a simple method for measuring the performance of these activities; and
- Strengthening the erosion control program for new construction.

The permittee shall implement a program to control storm water discharges from Federal and District-government areas to the same extent as that for commercial, residential, and industrial areas. The status of this program shall be reported in

each Annual Report/Implementation Plan required by Part III.C. and D. of this permit. Information shall be provided as to how the implementation of these procedures will meet the requirements of the Clean Water Act. The implementation of a program to control discharges from Federal and District-government areas is dependent on the active cooperation of all federal agencies responsible for operating and maintaining facilities within the District. The District will continue to pursue partnerships with federal departments and agencies (e.g., National Park Service, Department of Agriculture, Department of Defense, and General Services Administration) responsible for facilities in the District designed to highlight the District's commitment to "lead by example" in managing storm water runoff.

The permittee shall maintain the authority to control all types of discharges into the waters of the District.

## 2. Management Plan for Industrial Facilities

The permittee shall implement a program to monitor and control pollutants in storm water discharged to the D.C. MS4 from Industrial Facilities, pursuant to the requirements in 40 CFR 122.26(d)(2)(iv)(C). These facilities shall include, but are not limited to:

- Private Solid Waste Transfer Stations
- Hazardous Waste Treatment, Disposal, and/or Recovery Plants
- Industrial Facilities subject to SARA or EPCRA Title III
- Industrial Facilities with NPDES Permits
- Industrial facilities with a discharge to the MS4

The permittee shall continue to maintain and update the industrial facilities database. The permittee shall continue to perform or provide on-site assistance/inspections and outreach focused on the development of storm water pollution prevention plans and NPDES permit compliance.

The permittee shall continue to refine and implement procedures to govern the investigation of facilities suspected of contributing pollutants to the MS4, including a review, if applicable, of monitoring data collected by the facility pursuant to its NPDES permit. These procedures shall be submitted as part of each Annual Report/Implementation Plan required by Part III.C. and D. of this permit.

The wet weather screening described in Part IV. C. of this permit includes collecting data on the discharges from industrial

sites. This information shall be used by the permittee in identifying problem industrial categories to better target outreach.

The program to prevent, contain, and respond to spills that may discharge to the MS4 shall continue to be implemented, and a report on this implementation submitted in each Annual Report/Implementation Plan. The spill response program may include a combination of spill response actions by the permittees (and/or another public or private entity).

Progress in developing and carrying out industrial related programs shall be reported in each Annual Report/Implementation Plan required by Part III.C. and D. of this permit. An explanation shall be provided as to how the implementation of these procedures will meet the requirements of the Clean Water Act.

The permittee shall continue to implement the prohibition against illicit discharges, control spills, and prohibit dumping.

### 3. Management Plan for Construction Sites

The permittee shall continue implementation of the Program that addresses the discharge of pollutants from construction sites. An evaluation shall be made and reported in the Annual Report/Implementation Plan to determine if the existing practice meets the requirements given in 40 CFR 122.26(d)(2)(iv)(A) and (D). The permittee shall continue the review and approval process of the sediment and erosion control plans under this program. The permittee shall submit its inspection and enforcement procedures to EPA in the Annual Report/Implementation Plan. The permittee shall continue with regular construction site inspections. When a violation of local erosion and sediment control ordinances occurs, the permittee shall follow existing enforcement procedures and practices. The permittee shall continue with educational measures for construction site operators (Part III.A.12 of this permit) that consist, at a minimum, of providing guidance manuals and technical publications.

Progress in developing and carrying out the above construction related programs shall be reported in each Annual Report/Implementation Plan required by Part III.D. and E. of this permit. An explanation shall be provided as to how the implementation of these procedures will meet the requirements of the Clean Water Act. An explanation shall be provided as to how the implementation of these procedures, particularly with regard to District "waivers and exemptions", will meet the requirements of the Clean Water Act.

Public streets, roads, and highways shall be operated and maintained in a manner to reduce the discharge of pollutants in accordance with the SWMP requirements. Standard road repair practices shall include limiting the amount of soil disturbance to the immediate area under repair. Storm water conveyances which are denuded should be resodded or reseeded and mulched for rapid revegetation, and these areas should have effective erosion control until stabilized. The program shall establish procedures that address spill prevention, material management practices, and good housekeeping measures at all equipment and maintenance shops that support maintenance activities.

#### 4. Flood Control Projects

Potential impacts on the water quality and the ability of the receiving water to support beneficial uses shall be assessed for all flood management projects. The feasibility of retrofitting existing flood control devices to provide additional pollutant removal from storm water shall be evaluated.

The above assessment, mapping program, and feasibility studies shall be reported in the Annual Report/Implementation Plan (Part III.C. and D.). The flood control measures necessary to meet the requirements of the Clean Water Act shall also be submitted with these Reports/Plans.

All development proposed in flood plains shall be reviewed by the District to ensure that the impacts on the water quality of receiving water bodies has been properly addressed. Information regarding impervious surface area located in the flood plains shall be used (in conjunction with other environmental indicators) as a planning tool. The District shall collect data on the percentage of impervious surface area located in flood plain boundaries for all proposed development after the effective date of this permit. The District shall collect similar data for existing development in flood plain areas, in accordance with the mapping program and other activities designed to improve water quality. Critical unmapped areas shall be prioritized by the District with an emphasis on developed and developing acreage. Reports of this work shall be summarized in the Annual Report/Implementation Plan. An explanation shall be provided as to how the implementation of these procedures will meet the requirements of the Clean Water Act

#### 5. Control of Pollutants from Municipal Landfills or Other Municipal Waste Facilities

The permittee shall implement a program to identify measures to evaluate, inspect, enforce, and monitor to reduce pollutants in storm water discharges from facilities that handle municipal waste, including sewage sludge, and report the results of this activity in each Annual Report/Implementation Plan. As part of this program, the permittee shall reduce pollutants in the storm water discharges from District-operated or owned solid waste transfer stations, maintenance and storage yards for waste transportation fleets and equipment, publicly owned treatment works, and sludge application and/or disposal sites which are not covered by an NPDES permit, and report the results of this effort in each Annual Report/Implementation Plan. The permittee shall provide an explanation as to how the implementation of these procedures will meet the requirements of the Clean Water Act for the above facilities.

#### 6. Control Pollutants from Hazardous Waste Sites

The permittee shall implement procedures that provide for monitoring and controlling pollutants in storm water discharges to the MS4 from: hazardous waste recovery, treatment, storage, and disposal facilities; facilities subject to Section 313 of the Emergency Planning and Right-to-Know Act; and any other industrial facility that either the permittee or the Regional Administrator determines is contributing a substantial pollutant loading to the MS4. This work shall be reported in each Annual Report/Implementation Plan.

The permittee shall complete an identification of industrial and high risk runoff facilities and develop procedures to map and record details of the facilities. Procedures to identify, map, and record the high risk facilities shall be completed by the end of this permit term.

The permittee shall implement procedures to govern the investigation of the identified facilities suspected of contributing pollutants to the MS4, including a review, if applicable, of monitoring data collected by the facility pursuant to its NPDES permit. Procedures governing the investigation of identified facilities and the method, schedule, and progress in implementing those procedures shall be submitted as part of each Annual Report/Implementation Plan. An explanation shall be provided as to how the implementation of these procedures will meet the requirements of the Clean Water Act.

#### 7. Pesticide, Herbicide, and Fertilizer Application

The permittee shall continue to control the application of pesticides, fertilizers, and the use of other toxic substances

according to current procedures and practices described in the October 19, 2002, SWMP and regulations. Such controls shall reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied by employees or contractors, to public right of ways, parks, and other District property. The permittee shall implement programs to encourage the reduction of the discharge of pollutants related to the application and distribution of pesticides, herbicides, and fertilizers, pursuant to the SWMP dated October 19, 2002.

A report on the implementation of the above application procedures, a history of the improvements in the control of these materials, and an explanation on how these procedures will meet the requirements of the Clean Water Act shall be included in each Annual Report/Implementation Plan.

A screening characterization shall be completed to determine the sources of pesticides, herbicides, and fertilizers that contaminate the storm water runoff. This screening characterization shall be part of the outfall monitoring plan and performed according to that plan's schedule identified in Table 1. Levels of storm water pollution from this runoff at locations within the District shall be used to develop a priority system for control of these pollutants. Procedures for reducing these pollutants shall be developed, implemented, and reported in each Annual Report/Implementation Plan.

#### 8. Deicing Activities

The permittee shall continue to evaluate the use, application and removal of chemical deicers, salt, sand, and/or sand/deicer mixtures in an effort to minimize the impact of these materials on water quality. Techniques available for reducing pollution from deicing salts in snowmelt runoff and runoff from salt storage facilities shall be investigated and implemented. This evaluation shall be made a part of an overall investigation of ways to meet the requirements of the Clean Water Act and reported in each Annual Report/Implementation Plan. In addition, an explanation shall be provided annually as to how the implementation of procedures resulting from this investigative effort will meet the requirements of the Clean Water Act.

#### 9. Snow Removal

The permittee shall implement a program and operating plan to ensure excessive quantities of snow and ice control materials do not enter the District's waterbodies. Progress in implementing the program and plan shall be reported in each Annual Report/Implementation Plan. The District shall avoid snow dumping in areas adjacent to water bodies, wetlands, and areas near public or private drinking water wells which would ultimately

reenter the MS4 system except during a declared Snow Emergency when the foremost concern of snow removal activities is public health and safety.

#### 10. Management Plan to Detect and Remove Illicit Discharges

The permittee shall implement an ongoing program to detect illicit discharges, pursuant to the SWMP dated October 19, 2002, and Part IV.B., of this permit, and prevent improper disposal into the storm sewer system, pursuant to 40 CFR 122.26(d)(2)(iv)(B)(1). The accomplishments of this program shall be reported in each Annual Report/Implementation Plan.

The permittee shall implement a program to prevent illicit discharges, as defined at 40 CFR 122.26(b)(2). However, those discharges listed at 40 CFR 122.26(d)(2)(iv)(B)(1) are to be addressed where such discharges are identified by the permittee as sources of pollutants to the waters of the United States.

The permittee shall ensure the implementation of a program to further reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables program shall include source controls and, where necessary, structural controls.

The District shall continue to implement the prohibition against the discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal waste into separate storm sewers. The permittee shall ensure the implementation of programs to collect used motor vehicle fluids (at a minimum oil and anti-freeze) for recycle, reuse, and proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis, pursuant to the Public Education Plan in this permit at Part III.B.12.

Detection and elimination of illicit discharges shall include, but not be limited to, the following mix of strategies:

- Implementation of an illicit connection detection and enforcement program to perform dry weather flow inspections in target areas;
- Visual inspections of targeted areas; and
- Issuance of fines, tracking and reporting illicit discharges, and reporting progress on stopping targeted illicit discharges, and in appropriate cases, chemical

testing immediately after discovery of an illicit discharge.

The District shall implement an enforcement plan for illicit discharges set forth in the following plan in paragraph 11, Enforcement Plan, of this part of the permit. A justification shall be provided for the control plan in the Annual Report/Implementation Plan in terms of meeting the requirements of the Clean Water Act.

The permittee shall carry out all necessary inspection, surveillance, and monitoring procedures to remedy and prevent illicit discharges. The District shall carry out the necessary monitoring activities with the goal of meeting the requirements of the Clean Water Act. The permittee shall submit an inspection plan, inspection criteria, and documentation regarding protocols and parameters of field screening as a part of each Annual Report/Implementation Plan. The inspection plan shall include a schedule and allocation of resources.

The permittee shall implement procedures to prevent, contain, and respond to spills that may discharge into the MS4. The permittee shall provide for the training of appropriate personnel in spill prevention and response procedures. The implementation of this program shall be reported in each of the Annual Reports/Implementation Plans.

11. Enforcement Plan

The permittee shall implement an enforcement plan for carrying out the objectives of the SWMP dated October 19, 2002. A listing of all violations and enforcement actions shall be used to assess the effectiveness of the Enforcement Program in each Annual Report/Implementation Plan. Enforcement shall be maintained at its current level.

12. Public Education

The permittee shall implement a public education program. There are many components of a storm water public education program required by federal regulations at 40 CFR 122.26. The permittee will address all topics and related audiences including the following requirements:

A household hazardous waste educational and outreach program shall control illicit discharges to the MS-4 as required under Part III.B.10. This permit requires the permittee to implement programs and materials during the term of the permit to inform and educate the public on proper management and disposal of used oil, other automotive fluids, and household chemicals.

A residential and commercial pesticide and fertilizer educational and outreach program shall address the use and application of pesticides and fertilizer under Part III.A.7. This program shall promote the proper use of pesticides, herbicides, and fertilizers through the development and dissemination of either new or existing educational materials.

An industrial facility outreach program shall be implemented as a means of monitoring and controlling pollutants in storm water from industrial facilities as required under Part III.A.2. An industrial facility outreach program should focus on informing industries within the District's watersheds about storm water permitting and pollution prevention plans. This program should also inform industries of the requirement that they develop structural and non-structural control systems, pursuant to regulations at 40 CFR 122.26(d)(2)(iv)(C) and (iv)(A)(5).

A construction site operators education and outreach program shall provide construction site operators with technical guidance documents. The permittee shall continue providing these types of outreach and educational materials.

The permittee shall develop public educational materials in cooperation and coordination with other agencies and organizations in the District with similar responsibilities and goals. Public education materials shall be developed in an easy-to-understand format and at a technical level appropriate for the target audience. Progress reports on public education shall be included in the Annual Report/Implementation Plan. An explanation shall be provided as to how this effort will reduce pollution loadings to meet the requirements of the Clean Water Act.

The permittee shall submit copies of all records and reports to the Martin Luther King, Jr. Public Library, to be kept in a single location for public review. This requirement shall extend at a minimum to all pertinent records and reports required to be filed with EPA.

### **C. Annual SWMP Reporting**

The permittee shall prepare an Annual Report to be submitted on the effective yearly date of the permit for the duration of the permitting cycle. The report shall include the following separate sections:

1. A review of the status of program implementation and compliance (or non-compliance) with all schedules of compliance contained in this permit;
2. A review of monitoring data and any trends in estimated cumulative annual pollutant loadings;

3. An assessment of the effectiveness of controls established by the October 19, 2002, SWMP;
4. An assessment of the projected cost of the October 19, 2002, SWMP and a description of the permittee's budget for existing storm water programs, including an overview of the permittee's financial resources and budget, overall indebtedness and assets, and sources for funds for storm water programs.
5. A summary describing the number and nature of enforcement actions, inspections, and public education programs and installation of control systems;
6. Identification of water quality improvements or degradation through application of a measurable performance standard identified in the first paragraph of Part III.D (Annual SWMP Implementation Plan);
7. Results of storm and water quality modeling, and its use in planning installation of control systems and maintenance and other activities.
8. An assessment of any October 19, 2002, SWMP modifications needed to reduce the discharge of pollutants to meet the requirements given in 40 CFR 122.26(d)(2)(iv).
9. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26(d)(2)(iv) and (v).
10. A cost benefit and affordability analysis to determine the commitments for the next year;
11. Methodology to assess the effects of the October 19, 2002 Storm Water Management Program (SWMP) in reducing pollution and achieving the requirements of the Clean Water Act and the requirements of 40 CFR 122.26(D)(2)(iv), (v), and (vi);
12. Annual expenditures and budget for the year following each annual report;
13. A summary of commitments for the next year and evaluation of the commitments from the previous year;
14. A summary of the monitoring data for storm water and ambient sampling that is collected in the previous year and the plan, including identification of monitoring locations, to collect additional data for the next year;

The permittee shall sign and certify the Annual Report in accordance with Part VII.F. and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been appraised of the content of the Annual Report. The permittee shall provide a description of the procedure used to meet the above requirement.

**D. ANNUAL SWMP IMPLEMENTATION PLAN**

The permittee shall submit, an Annual SWMP Implementation Plan, which is to be provided to EPA on the effective yearly date of the permit for the duration of the permitting cycle. The Implementation Plan is to analyze in detail the work to be done in each successive one year increment by identifying and evaluating the previous year's efforts based on a cost benefit and affordability analysis. The Plan shall include an established measurable performance standard for each of the MS4 program activities identified in Table 3 of this Permit which will be used for responding to Part III.C.6 of the Annual SWMP Reporting requirement. The basis for each of the performance standards which will be used as tools for evaluating environmental results and determining the success of each MS4 activity listed in the Plan shall be described incorporating, when practicable, an integrated program approach that considers all programs and projects which have a direct as well as an indirect affect on storm water management quantity and quality within the District. The Plan shall also provide an update of the fiscal analysis for each year of the permit as required by 40 CFR 122.26(d)(2)(vi).

Appropriate management officials within the Government of the District of Columbia shall develop and recommend to higher Authorities within the District the level of expenditures necessary for the Annual SWMP Reports and the SWMP Implementation Plans based on a cost benefit analysis and a partitioning of expenditures between the CSOs and storm sewers. If the recommended Report(s)/Plan(s) are not funded by the Mayor, the City Council, the Control Board, and/or Congress, then a written explanation will be provided to EPA and the D.C. Environmental Health Administration (EHA) within 30 days after a decision is reached by higher authorities. A written report on the above requests and decisions will also be incorporated into each Annual Report(s) and Implementation Plan(s). In each submittal, an explanation will indicate why the recommended funding was not approved. Once the SWMP Annual Implementation Plan and SWMP Annual Report are developed by this procedure, failure by the District to carry out the minimum requirements in the Reports or Plans would be a violation of this permit.

Based on the level of funding available and a cost benefit analysis, an evaluation shall be made in each Annual SWMP

Implementation Plan as to the benefit of implementing various types of structural and non-structural controls. The effect of the number and type of annual maintenance, inspections, and other program requirements will also be taken into account. Several alternatives will be considered in searching for the optimum approach. The alternatives will be evaluated in terms of a cost benefit analysis, taking into account the availability of funding and other environmental obligations of the District. Affordability cannot be used as a defense for noncompliance with conditions of this Permit.

Each Annual SWMP Report and SWMP Implementation Plan may be revised with written approval by EPA. The revised Report or Plan will become effective after its approval.

Failure to submit an Annual SWMP Report and/or Annual SWMP Implementation Plan, according to the signatory requirements in Part VII.F. and by the deadlines identified in Table 1, is a violation of this permit.

In reviewing any submittal identified in Table 1, EPA shall approve or disapprove each submittal. If EPA disapproves any submittal, EPA shall provide comments to the permittee. The permittee shall address such comments in writing within thirty (30) days of receipt of the disapproval from EPA. If EPA determines that the permittee has not adequately addressed the disapproval/comments, EPA may revise that submittal or portions of that submittal. Such revision by EPA is effective thirty (30) days from receipt by the permittee. Once approved by EPA, or in the event of EPA disapproval, as revised by EPA, each submittal shall be an enforceable element of this permit.

#### **E. SWMP UPGRADE**

The permittee shall develop an Upgraded SWMP based on the findings presented in each of the Annual SWMP Reports, and Annual SWMP Implementation Plans submitted during the permitting cycle. All the improvements and modifications to the District's existing SWMP dated October 19, 2002, shall be made in the Upgraded SWMP to be submitted six months prior to the expiration date of the permit. The Upgraded SWMP shall define the goals of the SWMP and provide an analysis to assure EPA that these goals will be achieved according to the schedule to be included in the Upgraded Plan. The Upgraded SWMP shall define what has to be done to meet the requirements of the Clean Water Act and a schedule for accomplishing these tasks.

One of the purposes of the Updated SWMP is to develop a master plan pursuant to 40 CFR 122.26(d)(2)(iv)(A) to determine

the structural and source measures to reduce pollutants from runoff. Such control systems shall include those given in the SWMP dated October 19, 2002.

**F. LEGAL AUTHORITY AND RESOURCES**

The permittee shall ensure legal authority exists to control discharges to and from the Municipal Separate Storm Sewer System (MS4). Any changes/deficiencies in Legal Authority shall be given in each Annual Report/Implementation Plan. The legal authority may be a combination of statute, ordinance, permit, certification, contract, order, or inter-jurisdictional agreements with existing legal authority to:

1. Prohibit illicit discharges to the municipal separate storm sewer;
2. Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;
3. Require compliance with conditions in ordinances, permits, certifications, contracts, or orders;
4. Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance with NPDES permit conditions;
5. Carry out adequate enforcement actions, including fines, penalties, orders, and development of compliance schedules for storm water dischargers pursuant to 40 CFR 122.26(d)(2)(C).
6. Monitor and control pollutants in storm water discharges to municipal storm sewers from industrial facilities and other sources (pursuant to the above regulations) that the permittee determines are contributing a substantial pollutant loading to the municipal storm system.
7. Search out unpermitted discharges, require that they apply for NPDES permits, and take appropriate enforcement actions.

The permittee shall provide adequate finances, staff, equipment, and support capabilities to implement the existing Storm Water Management Program (SWMP) dated October 19, 2002 and the Upgraded SWMP to be developed in accordance with the compliance schedule set forth in Table I.

**PART IV. MONITORING AND REPORTING REQUIREMENTS**

**A. STORM EVENT DISCHARGES**

The permittee shall implement a wet-weather monitoring program for the Municipal Separate Storm Sewer System (MS4) to provide data necessary to assess and report the effectiveness and adequacy of control measures implemented under the Storm Water Management Program (SWMP) dated October 19, 2002; estimate annual cumulative pollutant loadings from the MS4 subwatershed monitored for that particular year; estimate and report the event mean concentrations and seasonal pollutants in discharges from major outfalls; identify and prioritize portions of the MS4 requiring additional controls; and identify water quality improvements or degradation. The sampling plan being implemented by the permittee shall be consistent with the monitoring requirements at 40 CFR 122.26 (d) (2) (iii).

The permittee is responsible for conducting any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the municipal separate storm sewer system. Improvement in the quality of discharges from the MS4 will be assessed based on the monitoring information required by this Part of the permit, plus any additional monitoring conducted by the permittee.

1. Representative Monitoring

The permittee shall monitor and provide an Outfall Discharge Monitoring Report (refer to the schedule in Table I, Part III.A) of representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System (MS4). The sampling plan being implemented by the permittee shall be consistent with the monitoring requirements at 40 CFR 122.26 (d) (2) (iii). Table 4 shows the required parameters and their monitoring frequency.

TABLE 4  
Monitoring Requirements

Parameter*	Monitoring Frequency *
pH	3/year
temperature	3/year
total ammonia nitrogen, organic nitrogen, and total nitrogen	3/year
volatile organic compounds	3/year
acid extractable compounds	3/year

base/neutral extractable compounds	3/year
pesticides/PCBs	3/year
metals, cyanide, and phenols	3/year
conventional pollutants	3/year
hardness	3/year

\* Refer to Discharge Monitoring Report dated April 19, 2002 for a listing of parameters being monitored. Monitoring frequency shall be at least three times per year at a minimum.

TABLE 5  
Representative Monitoring Outfall Locations

A. Anacostia River Sub Watershed Monitoring Sites
1. Stickfoot Sewer (Suitland Parkway)-2400 block of Martin Luther King, Jr. Ave., SE, near Metro bus entrance.
2. O St. Storm Water Pump Station - 125 O St., 125 O SE-just outside front gate at O St. Pump Station
3. Anacostia High School/Anacostia Recreation Center - corner of 17 <sup>th</sup> St. and Minnesota Ave. SE
4. Gallatin & 14 <sup>th</sup> St., NE-across from the intersection of 14 <sup>th</sup> St. and Gallatin St. in a large outfall
5. Varnum and 19 <sup>th</sup> Place, NE-2100 Block of Varnum St.
6. Nash Run-intersection of Anacostia Drive and Polk St., NE.
7. East Capitol St.-200 Block of Oklahoma Ave., NE.
8. Ft. Lincoln-Newtown BMP-in the brush along the side of New York Ave. West (coming into city) after the bridge.
9. Hickey run-33rd and V Streets, NE.

B. Rock Creek Subwatershed Monitoring Sites
1. Walter Reed (Fort Stevens Drive)
2. Military Road and Beach Drive
3. Soapstone Creek (Connecticut Avenue and Ablemarle Street)
4. Melvin Hazen Valley Branch (Melvin Hazen Park and Quebec Street)
5. Klinge Valley Creek (Devonshire Place and 30 <sup>th</sup> Street)
6. Normanstone Creek (Normanstone Drive and Normanstone Parkway)

C. Potomac River Subwatershed Monitoring Sites
1. Battery Kemble Creek-49th and Hawthorne Streets, NW.
2. Foundary Branch-at Van Ness and Upton Streets, NW in the park.
3. Dalecarlia Tributary-Van Ness Street and Dalecarlia Parkway.
4. Oxon Run-Mississippi Avenue and 15 <sup>th</sup> Street, SE
5. Tidal Basin-17th Street and Constitution Avenue, NW
6. Washington Ship Channel-Washington Marina parking lot, SW
7. C and O Canal-Potomac Avenue and Foxhall Road, NW

One of the subwatersheds listed in Table 5 along with their associated MS4 monitoring stations shall be selected for yearly sampling in accordance with the District's current monitoring program and reassessed every third year utilizing the watershed approach recommended by the EPA. The current watershed based monitoring approach which is on-going for rotating the MS4 stations continues to be the Anacostia River in calendar years 2005 and 2008, Rock Creek in calendar year 2006, and the Potomac River in calendar years 2004 and 2007. All changes to the above MS4 monitoring stations and/or sites for any reason shall be considered a major modification to the permit subject to the reopener clause.

## 2. Storm Event Data

In addition to the parameters listed above, the permittee shall maintain records of the date and duration (in hours) of the storm events sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and a calculated flow estimate of the total volume (in gallons) and nature of the discharge sampled.

## 3. Sample Type, Collection, and Analysis

The following requirements apply only to samples collected for Part IV.A.1. - Representative Monitoring.

a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken for pH, temperature, cyanide, oil and grease, fecal coliform,

fecal streptococcus, total phenols, residual chlorine, and (at the permittee's option) volatile organics. For all other parameters, data shall be reported for weighted composite samples of the entire event of the discharge pursuant to 40 CFR 122.21(g) (7).

b. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge, with each aliquot being separated by a minimum period of fifteen minutes.

c. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136.

#### 4. Sampling Waiver

Grab samples taken during the first two hours of discharge shall be used for the analysis of pH, temperature, cyanide, oil and grease, fecal coliform, fecal streptococcus, total phenols, residual chlorine, and (at the permittee's option) volatile organics.

When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event.

Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

#### B. DRY WEATHER MONITORING

##### 1. Dry Weather Screening Program

The permittee shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the MS4 pursuant to the District SWMP dated October 19, 2002. All sewersheds (but not necessarily all outfalls in those sewersheds) of the MS4 must be screened at least once during the permit term. The screening shall be sufficient to estimate the frequency and volume of dry weather discharges and their environmental impact.

##### 2. Screening Procedures

Screening may be developed and/or modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). A description of the protocol actually used shall be provided in each Annual Report with a justification for its use. The procedures described in the October 19, 2002 SWMP shall be used as guidance.

3. Follow-up on Dry Weather Screening Results

The permittee shall continue to implement a program to locate and eliminate suspected sources of illicit connections and improper disposal identified during dry weather screening activities, and report the results of that implementation in each Annual Report.

Follow-up activities may be prioritized on the basis of:

- a. magnitude and nature of the suspected discharge;
- b. sensitivity of the receiving water; and
- c. other relevant factors.

**C. WET WEATHER SCREENING PROGRAM**

The permittee shall implement a program to identify, investigate, and address areas within its jurisdiction that may be contributing excessive levels of pollutants to the MS4. The Wet Weather Outfall Monitoring Program in the District's October 19, 2002 SWMP shall include the above Wet Weather Screening Program.

As part of the Wet Weather Screening Program, the permittee shall:

- a. screen the Municipal Separate Storm Sewer System, in accordance with existing procedures identified in the SWMP dated October 19, 2002 at least once during the permit term.
- b. specify the sampling and non-sampling techniques (such as observations or quantitative methods), to be used for initial screening and follow-up purposes. For samples collected for screening purposes only, sample collection and analysis need not, pursuant to 40 CFR 122.26 (1)(d)(iv)(D), conform to the requirements of 40 CFR Part 136.

**PART V. STORM WATER MODEL**

The permittee shall report all progress made in developing a Storm Water Model and Geographical Information System (GIS) to EPA on an annual basis as an attachment to each

Annual Report/Implementation Plan in Part III.C. and D.

#### **PART VI. HICKEY RUN**

Monitoring for oil and grease at the Hickey Run MS4 site identified in Table 5.A of this Permit shall be performed on a rotating basis in the same year as the other Anacostia River MS4 locations identified in the Table are sampled using the procedures and methodology described and outlined in the Permit's Monitoring Program. To determine the effectiveness and performance of the planned Hickey Run BMP discussed below, the permittee shall provide in the Annual Report for EPA review and approval a detailed post construction BMP monitoring plan of sampling and protocol requirements. The results of the BMP monitoring and BMP performance in addressing the requirements of the Hickey Run TMDL shall be presented in the Annual Discharge Monitoring Report required by this Permit when the Anacostia River MS4 monitoring stations are sampled. In the event, monitoring station THRO1 downstream on Hickey Run shows violations for oil and grease (above water quality standard criterion of 10mg/l), the Hickey Run MS4 site and BMP shall be sampled in accordance with the Permit's Monitoring Program on an annual basis rather than every third year under the current watershed based monitoring program until monitoring shows remedial actions effective to achieve compliance with the TMDL.

The effluent limits applicable to the Hickey Run Outfalls consistent with the TMDL WLAs consist of the BMPs set forth in the Upgraded SWMP and the narrative effluent limits set forth above.

The permittee shall continue to use their best efforts to negotiate an agreement with all parties to construct a multi purpose BMP for ensuring compliance with the Hickey Run TMDL document to the maximum extent practicable at this location and have it operational and ready for monitoring its effectiveness during the permitting cycle. The permittee shall inform EPA of changes to the above through Annual Reports and Implementation Plans required by the Permit. The final Hickey Run BMP Compliance Plan and the sampling program component for monitoring the effectiveness and performance of the BMP shall be submitted to EPA for approval prior to the sampling of the BMP being initiated.

#### **PART VII STANDARD PERMIT CONDITIONS FOR NPDES PERMITS**

##### **A. DUTY TO COMPLY**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and may result in an enforcement action; permit

termination, revocation and reissuance, or modification; and denial of a permit renewal application.

**B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS**

The Clean Water Act provides any person who violates any permit condition or limitation implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act, or any permit condition or limitation implementing of such section, and any person who violates any Order issued by EPA under Section 301(a) of the Act, shall be subject to a civil penalty not to exceed \$32,500 per day for each violation, and to an action for appropriate relief including a permanent or temporary injunction.

Any person who negligently violates Section 301, 302, 305, 307, 308, 318, or 405 of the Clean Water Act, any permit condition or limitation implementation any such section, shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of such violation, or by imprisonment for not more than 3 years, or by both. Any person who knowingly violates any permit condition or limitation implementing Section 301, 302, 305, 307, 308, 318, or 405 of the Clean Water Act, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment of not more than 15 years, or by both.

**C. DUTY TO MITIGATE**

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

**D. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information newly acquired by the Agency, including but not limited to the results of the studies, planning, or monitoring described and/or required by this permit;

5. Material and substantial facility modifications, additions, and/or expansions;
6. Any anticipated change in the facility discharge, including any new significant industrial discharge or changes in the quantity or quality of existing industrial discharges that will result in new or increased discharges of pollutants; or
7. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
8. The effluent limitations are based on the District of Columbia's water quality standards in accordance with Clean Water Act. In the event of a revision of the District of Columbia's water quality standards this permit may be modified by EPA to reflect this revision.

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. When a permit is modified, only conditions subject to modification are reopened.

**E. CIVIL AND CRIMINAL LIABILITY**

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

**F. SIGNATORY REQUIREMENTS**

All Discharge Monitoring Reports, storm water pollution prevention plans, reports, certifications or information either submitted to the Director or that this permit requires be maintained by the permittee, shall be signed by:

1. For a municipality: State, Federal, or other public agency: by either a principal executive officer or ranking elected official; or
  - a. a duly authorized representative of that person. A person is a duly authorized representative only if:
    - b. The authorization is made in writing by a person described above and submitted to the Director.
    - c. 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).

d. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new notice satisfying the requirements of this paragraph must be submitted to the Director prior or together with any reports, information, or applications to be signed by an authorized representative.

**G. 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.

**H. DISTRICT LAWS**

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 District law or regulation identified in Chapter 2 of the SWMP dated October 19, 2002. In cases of "exemptions and waivers" under District law, Federal law and regulation shall be applicable.

**I. PROPERTY RIGHTS**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**J. SEVERABILITY**

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**K. TRANSFER OF PERMIT**

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

1. The current permittee notifies the EPA, in writing of the proposed transfer at least 30 days in advance of the proposed transfer date;

2. The notice includes a written agreement, between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3. The EPA does not notify the current permittee and the new permittee of intent to modify, revoke and reissue, or terminate the permit and require that a new application be submitted.

**L. CONSTRUCTION AUTHORIZATION**

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

**M. HISTORIC PRESERVATION**

During the design stage of any project by the Government of the District of Columbia within the scope of this permit that may include ground disturbance, new construction, or demolition of a structure, the Government of the District of Columbia shall notify the Historic Preservation liaison and provide the liaison planning documents for the proposed undertaking. The documents shall include project location; scope of work or conditions; photograph of the area/areas to be impacted and the methods and techniques for accomplishing the undertaking. Depending on the complexity of the undertaking, sketches, plans and specifications shall also be submitted for review. The documentation will enable the liaison to assess the applicability of compliance procedures associated with Section 106 of the National Historic Preservation Act. Among the steps in the process are included:

a. The determination of the presence or absence of significant historic properties (architectural, historic or prehistoric). This can include the evaluation of standing structures and the determination of the need for an archaeological survey of the project area.

b. The evaluation of these properties in terms of their eligibility for nomination to the National Register of Historic Places.

c. The determination of the effect that the proposed undertaking will have on these properties.

d. The development of mitigating measures in conjunction with any anticipated effects.

All such evaluations and determinations will be presented to the Government of the District of Columbia for their concurrence.

If an alternate Historic Preservation procedure is approved by EPA in writing during the term of this permit, the alternate procedure will become effective after its approval.

**N. ENDANGERED SPECIES**

The U.S. Fish and Wildlife Service (FWS) has indicated that Hay's Spring Amphipod, a Federally listed endangered species, and the bald eagle, a Federally listed threatened species, occur at several locations near, or in, the District of Columbia. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) has indicated that the endangered shortnose sturgeon occurs in the Potomac River drainage and may occur within the District of Columbia. The FWS and NOAA Fisheries indicate that at the present time there is no evidence that the ongoing storm water discharges covered by this permit are adversely affecting these Federally listed species. Storm water discharges, construction, or any other activity that adversely affects a Federally listed endangered or threatened species are not authorized under the terms and conditions of this permit.

The monitoring required by this permit will allow further evaluation of potential effects on these threatened and endangered species once monitoring data has been collected and analyzed. EPA requires that the permittee submit to NOAA Fisheries at the same time it submits to EPA each Annual Outfall Discharge Monitoring Report of the monitoring data which will be used by EPA and NOAA Fisheries to further assess effects on endangered or threatened species. If these data indicate it is appropriate, requirements of this NPDES permit may be modified to prevent adverse impacts on habitats of endangered and threatened species.

The above referenced annual Report of monitoring data is required under this permit to be sent on an annual basis to:

The United States Environmental Protection Agency  
Region III (3WP13)  
Water Protection Division  
1650 Arch Streets  
Philadelphia, Pennsylvania 19103-2029

National Marine Fisheries Service  
Protected Resource Division  
One Blackburn Drive  
Gloucester, Massachusetts 01930-2298  
Attn: Ms. Julie Crocker

**O. TOXIC POLLUTANTS**

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, the permittee shall comply with such standard to the maximum extent practicable or prohibition even if the permit has not yet been modified to comply with the requirement.

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic standards prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**P. Reopener Clause for Permits**

The permit may be modified or revoked and reissued, to incorporate any applicable effluent standard or limitation issued or approved under Sections 301, 304, or 307 of the Clean Water Act, and any other applicable provision as provided by Chesapeake Bay Agreement of 2000 based on water quality considerations, and if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit: or

b. Controls any pollutant not limited in the permit. The permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

c. The permit may be modified, or revoked and reissued to incorporate additional controls that are necessary to ensure that the permit effluent limits are consistent with any applicable TMDL WLA allocated to the discharge of pollutants from the MS4.

This permit may also be reopened, modified, or revoked and reissued as specified in 40 C.F.R. Parts 122.44(c), 122.62, 122.63, 122.64, and 124.5.

**Q. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in

advance but no longer than the permit expiration date. In the event that a timely and complete reapplication has been submitted and the Director is unable through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

## **PART VIII. MONITORING AND RECORDS**

### **A. REPRESENTATIVE SAMPLING**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit. Monitoring points shall not be changed except through permit modification.

### **B. FLOW MEASUREMENTS**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device.

### **C. MONITORING PROCEDURES**

1) Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedure have been specified in the permit.

2) PCBs have been identified in the contaminated sediments of the Anacostia River and in airborne particulate matter deposited within the District of Columbia. The Permittee shall continue to use Method 608 for PCB monitoring. In the event that EPA approves a test method for compliance monitoring purposes of measuring PCB concentrations in storm water with a minimum level of less than 1.0 ug/L, EPA reserves the right to modify the Permit to require the Permittee to use such EPA approved test method in place of Method 608.

### **D. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies or knowingly renders inaccurate, any monitoring device, required device, or method required to be maintained under this permit shall

upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

**E. REPORTING OF MONITORING RESULTS**

Monitoring results must be reported annually on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Monitoring results obtained during the previous year shall be summarized and reported on a DMR form postmarked no later than the effective date of the permit of the following year. Duplicate copies of DMR's signed and certified as required by Part VI.F., shall be submitted to the United States Environmental Protection Agency Region III, and the District of Columbia's Department of Health at the following addresses:

U.S. EPA Region III(3WP13)	District of Columbia Government
Water Protection Division	Department of Health
NPDES DMRS	Environmental Health Administration
1650 Arch Street	5 <sup>th</sup> Floor/51 N. Street, N.E.
Philadelphia, PA 19103-2029	Washington, D.C. 20002

**F. ADDITIONAL MONITORING BY THE PERMITTEE**

If the permittee monitors (for the purposes of this permit) any pollutant 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 annual Discharge Monitoring Report (DMR) forms. Such frequency shall also be indicated.

**G. RETENTION OF RECORDS**

The permittee shall 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, and records of all data used to complete the application for this permit, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

**H. RECORD CONTENTS**

Records of monitoring information shall include:

1. The date, exact place, time and methods of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

**I. INSPECTION AND ENTRY**

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises at reasonable times 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), processes, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**PART IX OTHER APPLICABLE PROVISIONS**

**A. Waivers and Exemptions**

This permit does not authorize the discharge of any pollutant from the MS4 which arises from or is based on any of the various existing "waivers and exemptions" that may otherwise apply and are not consistent with the Federal Clean Water Act and other pertinent guidance, policies, and regulations. This narrative prohibition on the applicability of such waivers and exemptions extends to any activity that would otherwise be authorized under District law but which impedes the reduction or control of pollutants through the use of BMPs to the maximum extent practicable and/or prevents compliance with the narrative effluent limits of this Permit. Any such discharge not otherwise authorized may constitute a violation of this permit.

**B. TMDL WLA Implementation Plans and Compliance Monitoring**

In addition to the duty to comply with the narrative effluent limits in Part I.D.3 of this Permit, the permittee shall demonstrate compliance as described in this Part and in Part IV, Monitoring and Reporting Requirements. In accordance with the

schedule identified in Part III.A. Compliance Schedule and Table 1, Permittee shall further submit implementation plans to reduce discharges consistent with any applicable EPA-approved waste load allocation (WLA) component of any established Total Maximum Daily Loadings (TMDL). An applicable TMDL WLA for this Permit means any TMDL established on or before the effective date of this Permit for a receiving stream, segment of a stream, or other waterbody within the District of Columbia to which the MS4 system discharges, and for which the MS4 receives a WLA, for purposes of achieving compliance with applicable requirements under the Clean Water Act.

EPA has identified all applicable TMDL WLAs and the associated reductions from current estimated loadings as described in Appendix A to the Fact Sheet. EPA provides the following list for informational purposes only: Upper and Lower Anacostia River Biochemical Oxygen Demand TMDL (50 per cent reduction); the Upper and Lower Anacostia River Total Suspended Solids TMDL (77 per cent reduction); Upper and Lower Anacostia River, Watts Branch, Fort Dupont Creek, Fort Chaplin Tributary, Fort Davis Tributary, Fort Stanton Tributary, Hickey Run, Nash Run, Popes Branch, and Texas Avenue Tributary Fecal Coliform Bacteria TMDL (27-90) per cent reduction); and the Anacostia River, Fort Chaplin Tributary, Fort Davis Tributary, Fort Dupont Creek, Fort Stanton Tributary, Hickey Run, Nash Run, Popes Branch, Texas Avenue Tributary, and Watts Branch Organics and Metals TMDL (0-98 per cent reduction). The same implementation procedures will apply to the approved TMDL WLAs for Rock Creek which includes the Upper and Lower Rock Creek Metals (0-86 per cent reduction subject to adjustment for the margin of safety); Rock Creek Fecal Coliform Bacteria (95 per cent reduction); and Rock Creek Tributary Organics for Broad Branch, Dumbarton Oaks, Fenwick Branch, Klinge Valley, Luzon Branch, Melvin Hazen, Normanstone Creek, Pinehurst Branch, Piney Branch, Portal Branch, and Soapstone Creek (0-99.9 per cent reduction subject to adjustment for the margin of safety).

Demonstration of compliance (as specified in Parts IV and VIII of the Permit) will be calculated using the procedures (i.e., Simple Method) identified in the Upgraded SWMP dated October 19, 2002, unless specified otherwise by EPA, and will be reported by comparing the monitoring data for that pollutant to the approved pollutant specific WLAs and its associated storm water load reductions for the receiving waterbody as specified in the Fact Sheet.

The permittee shall report to EPA the results of this analysis in accordance with the compliance schedule in Part III.A and Table 1 of this permit. If the analysis concludes that the MS4 discharge monitored for that specific pollutant is causing or contributing to an exceedance of the criteria under the approved pollutant-specific WLAs, the permittee shall develop a TMDL implementation

Plan and schedule in accordance with the compliance schedule in Part III.A and Table 1 of this permit. The Plan shall consist of documenting all previous and on-going efforts at achieving the specific pollutant reductions identified in the TMDL WLA and further demonstrating additional controls sufficient to achieve those reductions through an established performance based benchmark. This benchmark shall be applied against annual projected performance standards for purposes of completing the final implementation plan when determining measurable progress to achieve adequate reduction. EPA reserves the right after a review and approval of each Plan to modify this permit for purposes of requiring additional numeric and/or narrative effluent controls on the discharge of pollutants from the MS4. EPA shall make the results of any such determination(s) in writing available to the Permittee and other interested persons including, but not limited to members of the District of Columbia MS4 Task Force. Upon approval by EPA, the TMDL implementation plan(s) shall be incorporated into the upgraded SWMP in accordance with the compliance schedule in Part III.A (Table I) and Part III.E (SWMP Upgrade) of this Permit.

The Permittee shall submit to EPA the applicable TMDL Implementation Plans for the Anacostia River TMDLs within six months and for the Rock Creek TMDLs twelve months after the effective issuance date of this Permit.

#### C. Compliance Monitoring with Water Quality-Based Effluent Limitations

The Permit is water quality based and as such is written to impose controls (in Part I of this Permit) sufficient to ensure compliance with applicable District of Columbia water quality standards. EPA reserves the right to modify the Permit as needed, when monitoring results (as set forth in Parts IV and VIII of the permit) show that the current BMP controls required by this permit are not sufficient to ensure compliance with the applicable water quality standards.

#### **PART X. PERMIT DEFINITIONS**

"Best Management Practices" ("BMP") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the United States. BMP also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"CSMP" means Construction Site Management Plan

"CWA" 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. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

"Director" means the Regional Administrator or an authorized representative.

"Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

"Maximum Extent Practicable (MEP) Standard" means a technology based level of pollution reduction achieved through the use of a combination of non structural and/or structural best management practices (BMPs) for controlling the quantity as well as the quality of a particular pollutant or pollutants in storm water at their sources before entering the MS4 system.

"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.

"Goal" means the end results the permittee is to strive to achieve.

"Guidance" means assistance in achieving a goal.

"Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from clear water flows, roof drainage, water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation waters, springs, footing drains, lawn watering, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, fire fighting activities, and similar types of activities.

"Internal Sampling Station" means a monitoring site which is located within the Municipal Separate Storm Sewer System (MS4) upstream of an outfall pipe which discharges storm water directly into a receiving waterbody.

"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.

"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.

"MS4" refers to either a Large or Medium Municipal Separate Storm Sewer System.

"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 Appendices F and G of 40 CFR Part 122); or (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"Municipal Separate Storm Sewer" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.

"Permittee" refers to the Government of the District of Columbia and all subordinate District and independent agencies directly accountable and responsible to the City Council and Mayor as authorized under the Storm Water Permit Compliance Amendment Act of 2000 and any subsequent amendments for administering, coordinating, implementing, and managing storm water for MS4 activities within the boundaries of the District of Columbia.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch,

channel, substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Pollutant of concern" means a pollutant in an MS4 discharge that may cause or contribute to the violation of a water quality criterion for that pollutant downstream from the discharge.

"Significant spills" includes, but is not limited to: releases of 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 discharges. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"RSAT" is an acronym for Rapid Stream Assessment Techniques.

"SWMP" is an acronym for Storm Water Management Plan/Program. For purposes of this permit, the term includes all storm water activities described in the District's SWMP dated October 19, 2002, and all other documents and related correspondences embodied under the tier of the program document from the previous Permit and to be generated from this Permit.

"Section 313 water priority chemical" means a chemical or chemical categories which: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; 2) are present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and 3) that meet at least one of the following criteria: i) are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous oil or hazardous substances in excess of reportable quantities under section 311 of the CWA (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Total Maximum Daily Load (TMDL) Units" means for purposes of this Permit, the waste load allocations (WLAs) are expressed in pollutant pounds of a total average annual load unless specifically identified otherwise in an EPA approved TMDL report covered under the Permit.

"Time-weighted composite" means a composite consisting of a mixture of equal volume aliquots collected at a constant time interval.

"Upgraded Storm Water Management Program (SWMP)" is a modified and improved SWMP based on the existing SWMP and on information in each of the Annual Reports/Implementation Plans/Discharge Monitoring Reports. The goal of the Upgraded SWMP is to describe the list of activities that need to be done to meet the requirements of the Clean Water Act, an explanation as to why these activities will meet the Clean Water Act requirements, and a schedule for those activities, taking into account the cost benefit and affordability analysis to be done in each of the Annual Implementation Plans.

"Waste pile" means any non-containerized accumulation of solid, nonflowing waste.

"Waters of the United States" is identified at 40 CFR 122.2.

C

**NPDES PERMIT NO. NMS000101**  
**ALBUQUERQUE MUNICIPAL SEPARATE STORM SEWER SYSTEM**  
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**STORM WATER MANAGEMENT PROGRAM ATTACHMENT**

Chapter 1: City of Albuquerque/Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA)

Chapter 2: New Mexico State Highway and Transportation Department

Chapter 3: University of New Mexico

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

**NPDES Permit No. NMS000101**

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**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"),

City of Albuquerque  
Public Works Department  
P.O. Box 1293  
Albuquerque, NM 87103

Albuquerque Metropolitan Arroyo Flood  
Control Authority (AMAFCA)  
2600 Prospect NE  
Albuquerque, NM 87107

New Mexico State Highway and Transportation  
Department  
District III  
P.O.Box 91750  
Albuquerque, NM 87199-1750

University of New Mexico  
Department of Safety, Health and  
Environmental Affairs  
1801 Tucker Street N.E.  
Albuquerque, NM 87131

are authorized to discharge from all portions of the Albuquerque Municipal Separate Storm Sewer System (MS4) owned or operated by any permittee listed above, to waters of the United States,

in accordance with the Storm Water Management Program(s), effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, VI, VII, and VIII herein.

This is the first NPDES permit issued for these portions of the municipal separate storm sewer system.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

Issued on

Prepared by

---

Miguel I. Flores  
Director  
Water Quality Protection Division (6WQ)

---

Claudia V. Hosch & Maria Okpala  
Environmental Engineers  
Permitting Section (6WQ-PP)

**PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT.**

**A. Permit Area.** This permit covers all areas, except agricultural lands, within the corporate boundary of the City of Albuquerque, New Mexico served by, or otherwise contributing to discharges from municipal separate storm sewers owned or operated by the permittees listed above.

**B. Discharges.**

1. **Authorized Discharges:** This permit authorizes the permittee(s) to discharge to waters of the United States from those portions of the Municipal Separate Storm Sewer System owned or operated by the Permittees:
  - a. storm water and
  - b. storm water mixed with those categories of non-storm water that are identified in the permittee's Storm Water Management Program in accordance with Part II.A.6.a.
2. **Unauthorized Discharges:** This permit does not authorize:
  - a. discharge of storm water associated with industrial activity;
  - b. discharge of storm water or non-storm water that is required to be authorized under a separate NPDES permit; and
  - c. any storm water or non storm water discharge (either into or from the Municipal Separate Storm Sewer System), by any person other than the Permittees. This permit does not transfer liability for the act of discharging without (or in violation of) an NPDES permit from the operator of the discharge to the permittee(s).
  - d. Spills: discharges of material resulting from a spill, except where such discharges are:
    1. the result of an Act of God where reasonable and prudent measures have been taken to minimize the impact of the discharge, or
    2. necessary to prevent loss of life, personal injury, or severe property damage. (See also Parts II.A.7 and VI.E).

**C. Permittee Responsibilities.**

1. Each permittee is responsible for:
  - a. Compliance with permit conditions relating to discharges from portions of the Municipal Separate Storm Sewer System where the permittee is the operator;

- b. Storm Water Management Program implementation on portions of the Municipal Separate Storm Sewer System where the permittee is the operator;
  - c. Compliance with annual reporting requirements as specified in Part V.C.;
  - d. Collection of representative wet weather monitoring data required by Part V.A., according to such agreements as may be established between permittees; and
  - e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the Municipal Separate Storm Sewer System should interjurisdictional agreements allocating responsibility between permittees be dissolved or in default.
2. Permittees are jointly responsible for permit compliance on portions of the Municipal Separate Storm Sewer System where operational or Storm Water Management Program implementation authority over portions of the Municipal Separate Storm Sewer System is shared or has been transferred from one permittee to another in accordance with legally binding agreements. Each permittee remains ultimately responsible for those portions, and only those portions of the MS4, within its operational control.

**PART II. STORM WATER POLLUTION PREVENTION AND MANAGEMENT PROGRAM(S).**

Each permittee shall contribute to the development, revision and implementation of a comprehensive Storm Water Management Program including pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Sewer System. The Storm Water Management Program shall be implemented in accordance with Section 402(p)(3)(B) of the Act, and the Storm Water Regulations (40 CFR Part 122.26).

Controls and activities in the Storm Water Management Program shall identify areas of permittee responsibility on a jurisdiction, applicability, or specific area basis. The Storm Water Management Program shall include controls necessary to effectively prohibit the discharge of non-storm water into municipal separate storm sewers and reduce the discharge of pollutants from the Municipal Separate Storm Sewer System to the Maximum Extent Practicable (MEP). The permittees shall control pollutants in storm water discharges to the Maximum Extent Practicable by implementing the Storm Water Management Program in its entirety.

The Storm Water Management Program shall cover the term of the permit and shall be updated as necessary, or as required by the Director, to ensure compliance with the statutory requirements of Section 402(p)(3)(B) of the Act. Modifications to the Storm Water Management Program shall be made in accordance with Parts II.G., and III. Compliance with the Storm Water Management Program and any schedules in Part III. shall be deemed compliance with Parts II.A, and II.B. The Storm Water Management Program, and all updates made in accordance with Part II.G., are hereby incorporated by reference.

Implementation of the Storm Water Management Program may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II. in lieu of creating duplicate program elements for each individual permittee. The Storm Water Management Program, taken as a whole, shall achieve the "effective prohibition on the discharge of non-storm water" and "MEP" standards from Section 402(p)(3)(B) of the Act.

**A. Storm Water Management Program Requirements.**

1. *Structural Controls and Storm Water Collection System Operation:* The Municipal Separate Storm Sewer System and any storm water structural controls shall be operated in a manner to reduce the discharge of pollutants to the Maximum Extent Practicable.
2. *Areas of New Development and Significant Redevelopment:* A comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant re-development after construction is completed shall be implemented. The goals of such controls shall be:
  - a. New development - limiting increases in the discharge of pollutants in storm water as a result of development, and
  - b. Re-development - reducing the discharge of pollutants in storm water.

3. *Roadways*: Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.
4. *Flood Control Projects*: Impacts on receiving water quality shall be assessed for all flood management projects. The feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated.
5. *Pesticide, Herbicide, and Fertilizer Application*: Each permittee shall implement controls to reduce 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. Permittee(s) with jurisdiction over lands not directly owned by that entity (e.g. incorporated city) shall implement programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers.
6. *Illicit Discharges and Improper Disposal*: Non-storm water discharges to the Municipal Separate Storm Sewer System shall be effectively prohibited. For the purpose of this permit, the following discharges need not be addressed as illicit discharges by the permittees nor prohibited from entering the Municipal Separate Storm Sewer System: discharges regulated by a separate NPDES permit; discharges for which an NPDES permit application has been submitted; and non-storm water discharges identified by the permittee as specified in item a. below.
  - a. Permittees shall identify in the Storm Water Management Program any categories of non-storm water that are not prohibited from being discharged into the Municipal Separate Storm Sewer System, in accordance with conditions described in items (1) and (2) below.
    - (1) Categories of non-storm water discharges that the permittees may exempt from the prohibition on non-storm water entering the Municipal Separate Storm Sewer System include those either:
      - (a) listed in 40 CFR 122.26(d)(2)(iv)(B)(1); or
      - (b) other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.).
    - (2) Categories of non-storm water discharges exempted from the prohibition on non-storm water must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either:
      - (a) the nature of the discharges; or
      - (b) conditions placed on the discharges by the permittees.

The Storm Water Management Program shall describe any local controls or conditions placed on discharges exempted from the prohibition on non-storm water. Permittees shall

prohibit any individual non-storm water discharge otherwise exempted under this paragraph from the prohibition on non-storm water that is determined to be contributing significant amounts of pollutants to the Municipal Separate Storm Sewer System.

- b. Each permittee shall implement the following programs to address the discharge of pollutants from sanitary sewers into the Municipal Separate Storm Sewer System:
- (1) an ongoing program for prevention of unpermitted chronic dry and wet weather overflows from the sanitary sewer system (e.g. overflows caused by deteriorated or undersize lines, excessive inflow and infiltration, improper maintenance, etc.);
  - (2) a program for responding to and eliminating, as soon as practicable, unforeseen episodic overflows from the sanitary sewer system (e.g. overflows caused by power outage, line breakage or blockage, vandalism, etc.); and
  - (3) an ongoing program to limit seepage from sanitary sewers into the MS4 (e.g. seepage due to minor cracks in lines, line joints separating due to land subsidence, etc.).

These programs may be implemented either directly or in conjunction with other permittees and/or the sanitary sewer system operator. Remediation schedules, not to exceed any compliance schedule placed on the sanitary sewer system operator by the State or EPA, may be developed to prioritize capital projects or repair and maintenance efforts. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the Municipal Separate Storm Sewer System.

- c. The permittee(s) shall ensure the implementation of a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables control program shall include source controls and, where necessary, structural controls.
- d. The discharge or disposal of used motor vehicle fluids, household hazardous wastes; and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into separate storm sewers shall be prohibited. The permittee(s) shall ensure the implementation of 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, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis.
- e. A program to locate and eliminate illicit discharges and improper disposal into the Municipal Separate Storm Sewer System shall be implemented. This program shall include dry weather screening activities to locate portions of the Municipal Separate Storm Sewer System with suspected illicit discharges and improper disposal (described in Part II.A.11.a). Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or

other relevant factors. This program shall establish priorities and schedules for screening the entire Municipal Separate Storm Sewer System at least once during the permit term. 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.

- f. Each permittee shall require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within thirty (30) days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the Municipal Separate Storm Sewer System.
  - g. The permittee(s) shall maintain, and update as necessary, a list of discharges to municipal separate storm sewers that has been issued a NPDES permit. The list shall include the name, location and NPDES permit number of the discharger.
7. *Spill Prevention and Response:* A program to prevent, contain, and respond to spills that may discharge into the Municipal Separate Storm Sewer System shall be implemented. 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 minimize or prevent any adverse effects to human health or the environment. The spill response program may include a combination of spill response actions by the permittee(s) (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction.
8. *Industrial & High Risk Runoff:* A program to identify and control pollutants in storm water discharges to the Municipal Separate Storm Sewer System 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 Municipal Separate Storm Sewer System shall be implemented. The program shall include:
- a. priorities and procedures for inspections, monitoring (see also Part II.A.11.c.), and establishing and implementing control measures for such discharges; and
  - b. a list of industrial storm water sources discharging to the Municipal Separate Storm Sewer System, which shall be maintained and update as necessary.
9. *Construction Site Runoff:* A program to reduce the discharge of pollutants from construction sites shall be implemented. This program shall include:
- a. requirements for the use and maintenance of appropriate structural and nonstructural best management practices to reduce pollutants discharged to the Municipal Separate Storm Sewer System during the time construction is underway;

- b. inspection of construction sites and enforcement of control measures (in accordance with priorities and procedures established in the Storm Water Management Program);
  - c. appropriate education and training measures for construction site operators; and
  - d. notification of appropriate building permit applicants of their potential responsibilities under the NPDES permitting program for construction site runoff.
10. *Public Education:* A public education program with the following elements shall be implemented:
- a. a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the Municipal Separate Storm Sewer System;
  - b. a program to promote, publicize, and facilitate the proper management and disposal of used motor vehicle fluids and household hazardous wastes.
  - c. a program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors.
11. *Monitoring Programs:* The following monitoring programs shall be implemented in addition to the monitoring required by Part V.:
- a. The *Dry Weather Screening Program* shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the Municipal Separate Storm Sewer System. All major outfalls discharging directly to the Rio Grande must be screened at least once per year. All areas of the Municipal Separate Storm Sewer System must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.
  - b. *Wet Weather Screening Program:* 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. All major outfalls discharging directly to the Rio Grande must be screened at least once per year. The wet weather screening program:
    - (1) shall screen the Municipal Separate Storm Sewer System, in accordance with the procedures specified in the Storm Water Management Program.
    - (2) shall specify the sampling and non-sampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of

possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.

- c. The *Industrial and High Risk Runoff Monitoring Program* shall monitor storm water discharges from Type 1 and 2 industrial facilities (described below) which discharge to the Municipal Separate Storm Sewer System. Analytical monitoring data collected by a facility to comply with, or apply for, a State or NPDES discharge permit (other than this permit) may be used, on a parameter-by-parameter basis, to avoid unnecessary cost and duplication of effort.

If a Type 1 or Type 2 industrial facility has two or more outfalls with substantially identical effluents, the MS4 may allow the facility to test only one outfall and to report that the quantitative data also apply to the substantially identical outfalls. The facilities must demonstrate that the storm water outfalls are substantially identical. The MS4 operator may allow the use of one or all of the following methods for such demonstration: (1) submission of a narrative description and a site map; (2) submission of matrices; or (3) submission of model matrices. Detailed guidance on each of the three options for demonstrating substantially identical outfalls is provided on pages 106 and 107 of the NPDES Storm Water Sampling Guidance Document (EPA 833-B-92-001), available on EPA's website at <http://www.epa.gov/npdes/pubs/owm0093.pdf>.

- (1) 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 Municipal Separate Storm Sewer System. Analytical monitoring of the following parameters shall be conducted at Type 1 facilities which discharge to the Municipal Separate Storm Sewer System:
- any pollutants limited in an existing NPDES permit for a subject facility;
  - oil and grease;
  - chemical oxygen demand (COD);
  - pH;
  - biochemical oxygen demand, five-day (BOD<sub>5</sub>);
  - 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; and
  - total zinc.

Frequency of monitoring shall be established by the permittee(s), but may not be less than once per year.

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 Multi-Sector General Storm Water Permit (October 30, 2000, 65 FR 64801) or any applicable general permit issued after October 30, 2000. 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 storm water discharges from that facility.

The optional monitoring list must be supplemented by any pollutants of concern identified by the permittee(s) for that facility.

- (2) Type 2 facilities are other municipal wastes treatment, storage, or disposal facilities (e.g., POTWs, transfer stations, incinerators) and industrial or commercial facilities the permittee(s) believe are contributing pollutants to the Municipal Separate Storm Sewer System. Appropriate monitoring (e.g., analytic, visual), as determined by the permittee(s), shall be conducted at Type 2 facilities which discharge to the Municipal Separate Storm Sewer System. The permittee(s) shall include in the Annual Report a list of parameters of concern and monitoring frequencies required for each type of facility.
- (3) No Exposure Certification: In lieu of analytic monitoring, the permittee(s) may accept copy of certification from a facility made to EPA under 40 CFR 122.26(g).

**B. Area-specific Storm Water Management Program Requirements.** Permittees are required to develop and implement measures necessary to bring the discharge into compliance with the Middle Rio Grande Total Maximum Daily Load (TMDL) for Fecal Coliform. Specific permit requirements to implement the TMDL are included in Part III, Table III.B.

The permittees shall conduct a five year monitoring study to collect samples and test storm water for its toxic effects on the fathead minnow (*Pimephales promelas*). Within 6 months from the effective date of the permit, the permittees shall develop a monitoring strategy for this study in coordination with the U.S. Fish and Wildlife Service, Albuquerque Ecological Field Services Office and EPA. The monitoring strategy must be consistent with EPA toxicity monitoring and testing protocols and may include the use of additional standard EPA freshwater toxicity test organisms, such as *Ceriodaphnia dubia*. The monitoring strategy must include a provision to notify the EPA immediately upon the detection of any toxicity. The completed monitoring strategy shall be implemented immediately and shall be added to the Storm Water Management Program in accordance with Part II.G.2.b. Implementation shall include monitoring of one storm event per year, at minimum, for the NPDES permit term. The permittee(s) shall provide EPA with status updates of the toxicity study, including monitoring data, in accordance with the annual reporting requirements in Part V.C.

Before the expiration of the permit term (5 years), the permittee(s) shall compile a final report containing the monitoring data, the results of toxicity testing, an evaluation of the toxicants (if any), and the permittees' actions to eliminate that toxicity, including activities ongoing during the current permit term and any needed activities which would extend past the five year permit term.

**C. Deadlines for Program Implementation.** Except as provided in Part III, or in any implementation schedule in the Storm Water Management Program that is not in conflict with a Part III schedule, full implementation of the Storm Water Management Program shall begin within 90 days from the effective date of the permit.

**D. Roles and Responsibilities of Permittee(s).** The Storm Water Management Program, together with any attached interagency agreements, shall clearly identify the roles and responsibilities of each permittee.

**E. Legal Authority.** Each permittee shall ensure legal authority to control discharges to and from those portions of the Municipal Separate Storm Sewer System over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:

1. Control the contribution of pollutants to the Municipal Separate Storm Sewer System by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;
2. Prohibit illicit discharges to the Municipal Separate Storm Sewer System;
3. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the Municipal Separate Storm Sewer System;
4. Control through interagency or interjurisdictional agreements among permittees the contribution of pollutants from one portion of the Municipal Separate Storm Sewer System to another;
5. Require compliance with conditions in ordinances, permits, contracts or orders; and
6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

**F. Storm Water Management Program Resources.** Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the Storm Water Management Program.

**G. Storm Water Management Program Review and Update.**

1. *Storm Water Management Program Review:* Each permittee shall participate in an annual review of the current Storm Water Management Program in conjunction with preparation of the annual report required under Part V.C.

2. *Storm Water Management Program Update:* The permittee(s) may change the Storm Water Management Program during the life of the permit in accordance with the following procedures:
  - a. The approved Storm Water Management Program shall not be changed by the permittee(s) without the approval of the Director, unless in accordance with Parts II.G.2.b., c., or d.
  - b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made by the permittee(s) at any time upon written notification to the Director.
  - c. Changes replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Director, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal of the request. If request is denied, the Director will send the permittees a written response giving a reason for the decision. Such requests shall include the following:
    - (1) an analysis of why the BMP is ineffective or infeasible (including cost prohibitive),
    - (2) expectations on the effectiveness of the replacement BMP, and
    - (3) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
  - d. Changes resulting from schedules contained in Part III. may be requested following completion of an interim task or final deadline. Unless denied by the Director, proposed changes meeting the criteria contained in the applicable Part III schedule shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal date.
  - e. Change requests or notifications shall be made in writing, signed in accordance with Part VI.H. by all directly affected permittees, and include a certification that all permittees were given an opportunity to comment on proposed changes prior to submittal to the Director.
3. *Storm Water Management Program Updates Required by the Director:* The Director may require changes to the Storm Water Management Program as needed to:
  - a. address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;
  - b. include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or
  - c. include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

Changes requested by the Director shall be made in writing, set forth the time schedule for the permittee(s) to develop the changes, and offer the permittee(s) the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Director shall be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.

4. *Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation:* The permittee(s) shall implement the Storm Water Management Program on all new areas added to their portion of the Municipal Separate Storm Sewer System (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one 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.

Within 90 days of a transfer of ownership, operational authority, or responsibility for storm water management program implementation, the permittee(s) shall have a plan for implementing the Storm Water Management Program on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the Storm Water Management Program shall be submitted in the annual report.

**H. Retention of Storm Water Management Program Records.** The permittee shall retain Storm Water Management Program records developed in accordance with Parts II. and III. for at least 5 years after coverage under this permit terminates.

**PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE.**

- A. Implementation and Augmentation of Storm Water Management Program(s).** The permittee(s) shall comply with the schedules contained in Tables III.A and III.B for Storm Water Management Program implementation and augmentation, and permit compliance. The Director shall have sixty (60) days from receipt of an update or augmentation made in compliance with Part III to provide comments or request revisions. The permittee(s) shall have thirty (30) days from receipt of the Director's comments or required revisions to submit a response.
- B. Compliance with effluent limitations. Reserved.**
- C. Reporting compliance with schedules.** No later than 14 days following a date for a specific action (interim milestone or final deadline) identified in the Part III schedule(s), the permittee(s) shall submit a written notice of compliance or noncompliance to the Director in accordance with Parts V.E.
- D. Updating Storm Water Management Program.** The permittee(s) shall update the Storm Water Management Program(s), as appropriate, in response to changes required by Part III.A. Such updates shall be made in accordance with Part II.G.2.

**Table III.A - Implementation and Augmentation of Storm Water Management Program(s).**

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
1. General	<p>a. Develop and submit a program describing procedures to ensure that public participation is a component of the storm water management program. The program shall include procedures for ensuring that core items developed to comply with Table III.A schedules are available for public review, and that applicable State, Tribal, and local public notice requirements are complied with.</p> <p>b. Submit copies of new or revised ordinances adopted to implement the SWMP and other permit conditions.</p>	Albuquerque/AMAFCA NMSHTD UNM	June 1, 2004
2. SWMP Document	<p>a. Submit copy of each permittee's SWMP revised as necessary to reflect final permit conditions and adjustment of time period-based (e.g. 18 months) schedule dates to reflect actual calendar dates based on the permit effective date. SWMP revisions shall follow the format in the City's SWMP and shall include::</p> <ol style="list-style-type: none"> <li>1) Incorporation of Part III compliance schedules</li> <li>2) Incorporate measurable goals for each of the program elements included in Part II.A of the permit*</li> <li>3) Months and years in which required actions will be taken, including interim milestones and the frequency of the actions</li> </ol> <p>b. Revise SWMP document to include programs for all campuses in one document.</p>	Albuquerque/AMAFCA NMSHTD UNM	December 1, 2004
3. Structural Controls (Part II.A.1)	<p>a. Revise SWMP to include a list of all storm water quality facilities by drainage basin, including location and description. List shall include record of maintenance and inspections.</p>	UNM	December 1, 2004
		Albuquerque/AMAFCA NMSHTD UNM	December 1, 2004

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>b. Revise Inspection and Maintenance program to include a target number of structures per basin to be cleaned per quarter.</p>	<p>Albuquerque/AMAFCA NMSHTD UNM</p>	<p>December 1, 2004</p>
<p>4. Areas of New Development and Significant Redevelopment (Part II.A.2.a and b.)</p>	<p>a. Submit revisions to master planning, design review and approval procedures (SWMP Chapter 1, Section A.2) to incorporate requirements for post construction controls to minimize discharge of pollutants from areas of new development and significant redevelopment. At a minimum, the revised program shall include:</p> <ol style="list-style-type: none"> <li>1.) Guidance document with required storm water management technical standards and design guidelines. The document shall contain requirements for all projects; must address all areas, with special requirements for environmentally sensitive areas; shall be developed for use during planning and design stages of projects; and shall contain requirements for structural and non-structural controls. In developing the optimum measures for environmentally sensitive areas, the permittees should consult with the entities involved as to what controls will be appropriate and acceptable. Environmentally sensitive areas are areas in critical watersheds, areas with endangered species concerns, and riparian areas.</li> <li>2.) Appropriate criteria for defining projects required to undergo formal review of storm water pollutant impacts for use during review and approval process.</li> <li>3.) Submit copies of revised administrative procedures and any necessary revisions to ordinances (City of Albuquerque).</li> </ol>	<p>Albuquerque/AMAFCA UNM</p>	<p>December 1, 2005</p>
	<p>b. Submit certification of the implementation of the revised master planning, formal adoption of guidance document and control requirements and incorporation of standards into master planning and plan review and approval process.</p>	<p>Albuquerque/AMAFCA UNM</p>	<p>December 1, 2006</p>

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>c. Develop and submit program describing criteria and procedures for determining requirements for structural and non structural <b>post-construction</b> storm water quality controls on new and significant reconstruction of roads and highways. The program shall include the following:</p> <ol style="list-style-type: none"> <li>1.) Guidance manual for design and maintenance of structural and non structural controls to control pollutants in storm water runoff from highways.</li> <li>2.) Detailed description of master planning and project planning procedures to reduce the discharge of pollutants from NMSHTD's MS4 within Albuquerque's corporate city limits.</li> <li>3.) Identification of areas that are sensitive to the effects of urbanization and highway construction.</li> <li>4.) Specific procedures for estimating the impacts to the water quality of the stream that would receive storm water runoff from new construction and significant reconstruction of highways.</li> <li>5.) A process for evaluating and selecting alternative best management practices to mitigate the impacts on water quality.</li> <li>6.) Special requirements for projects that may impact environmentally sensitive/unique areas.</li> <li>7.) The criteria shall be implemented during project planning and design of new and reconstruction of projects.</li> </ol> <p>d. Submit certification of the implementation of program described in item c. above for all new projects and for significant reconstruction of roads and highways by NMSHTD within the permit area.</p>	NMSHTD	December 1, 2005
5. Roadways (Part II.A.3)	<p>a. Develop and submit an operational manual for de-icing activities addressing alternate materials and methods to minimize impacts to storm water quality.</p> <p>b. Develop and submit a program to control pollution in storm water runoff from equipment/vehicle maintenance yards and maintenance center operations.</p>	NMSHTD	December 1, 2006
		Albuquerque/AMAFCA NMSHTD	June 1, 2005
		Albuquerque/AMAFCA	June 1, 2005

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>c. Revise street sweeping program with increased frequencies, taking into account leaf litter in the fall, de-icing operations in the winter and proximity to water bodies and conveyances.</p>	Albuquerque/AMAFCA	June 1, 2005
	<p>d. Submit certification of the implementation of the revised de-icing practices, BMPs to control pollution in storm water runoff from equipment/vehicle maintenance yards and maintenance center operations, and revised street sweeping program.</p>	Albuquerque/AMAFCA	December 1, 2005
	<p>e. Submit revisions to the SWMP describing maintenance practices for streets, roads and highways, to include:</p>	NMSHTD	December 1, 2004
	<p>1.) Specific practices to reduce to the Maximum Extent Practicable (MEP) pollutants from road and highway repair, equipment/vehicle yards and materials storage/ maintenance facilities.</p>		
	<p>2.) Roads and highways sweeping schedules and frequencies with priorities, taking into account leaf litter in the fall, de-icing operations in the winter and proximity to water bodies and conveyances.</p>		
	<p>3.) Description of criteria for litter control targets with priorities (e.g. proximity to receiving waters) within the permit area.</p>		
	<p>4.) Control measures to minimize the discharge of pollutants in storm water runoff related to deicing and sanding activities.</p>		
	<p>f. Submit certification of the implementation of the revised streets, roads and highways maintenance program.</p>	NMSHTD	December 1, 2005
	<p>g. Develop and submit a permitting/certification program to ensure that entities applying for the use of Right of Way implement BMPs in their construction and maintenance procedures to minimize pollutants entering into NMSHTD's MS4.</p>	NMSHTD	December 1, 2004
	<p>h. Submit certification of the incorporation of BMP requirements into the of right of way permitting process.</p>	NMSHTD	December 1, 2005

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>i. Develop a litter source control program to include public awareness campaigns targeting the faculty and student bodies.</p> <p>j. Submit certification of implementation of the anti-litter educational/public awareness program.</p>	UNM	December 1, 2004
		UNM	December 1, 2005
6. Flood Control Projects and Structural Controls (Part II.A.4)	<p>a. Develop and submit technical criteria guidance document and program for the assessment of water quality impacts and incorporation of water quality controls into future flood control projects. The criteria for future projects shall be implemented during the planning and design stages of projects. Impacts of new flood control projects on quality of receiving waters shall be assessed as part of the project approval process.</p> <p>b. Develop and submit criteria, procedures and schedule to evaluate existing flood control devices/structures/drainage ways to assess the feasibility of retrofitting to provide additional pollutant removal from storm water.</p> <p>c. Submit a summary report of retrofit evaluations conducted on existing flood control devices/structures to benefit water quality. Update SWMP to include schedule (with priorities) for identified retrofit projects.</p> <p>d. Submit certification of the implementation of program for water quality review of future flood control projects. Update SWMP to include schedule (with priorities) for identified retrofit projects.</p> <p>e. Begin implementation of retrofit program for identified projects.</p>	Albuquerque/AMAFCA NMSHTD	June 1, 2005
		Albuquerque/AMAFCA NMSHTD	June 1, 2005
		Albuquerque/AMAFCA NMSHTD	December 1, 2005
		Albuquerque/AMAFCA NMSHTD	December 1, 2005
		Albuquerque/AMAFCA NMSHTD	December 1, 2006

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
7. Pesticide, Herbicide, and Fertilizer Application (Part II.A.5)	<p>a. Submit revisions to the Pesticide, Herbicide and Fertilizer Program to include the following:</p> <ol style="list-style-type: none"> <li>1.) Develop a public education program to advise the public on the proper use and application of pesticides, herbicides and fertilizers to minimize pollutants in storm water runoff. Program description to include schedules for specific activities and population targets.</li> <li>2.) Develop and implement program to provide literature to the public on xeriscape landscaping for residential and commercial areas.</li> <li>3.) Submit procedures and internal policies in place to ensure that the City's herbicide and pesticide applicators are properly trained and certified, and to ensure that the applicators use the least toxic products, and minimize use and application rates.</li> <li>4.) Description of data monitoring system for all City departments utilizing pesticides, herbicides and fertilizers.</li> </ol>	Albuquerque/AMAFCA	December 1, 2004
	b. Submit certification of implementation of revised Pesticide, Herbicide and Fertilizer Program..	Albuquerque/AMAFCA	December 1, 2005
	c. Submit certification of implementation of Pesticide, Herbicide and Fertilizer Management program proposed in the SWMP.	UNM	December 1, 2004
8. Illicit Discharges and Improper Disposal (Part II.A.6.a)	a. Revise program to describe local controls or conditions on discharges exempted from the prohibition on non-storm water. For each category the permittees described as exempt, submit an explanation as to why the discharges are not reasonably expected to be significant sources of pollutants.	Albuquerque/AMAFCA NMSHTD UNM	December 1, 2004
	b. Define the term "not significantly chlorinated" in permittee's SWMP in terms of levels of chlorine	NMSHTD	December 1, 2004

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
<p>9. Illicit Discharges and Improper Disposal - Overflows and Infiltration (Part II.A.6.b)</p>	<p>a. Revise program to prevent the discharge of pollutants from sanitary sewers into the MS4. The program shall include:</p> <ol style="list-style-type: none"> <li>1.) Municipal controls used to address seepage from malfunctioning septic systems and on-site water systems into the storm sewer system. Program to include description of private sewage system regulations and procedures to reduce or prevent the possibility of illicit discharges from these systems, including seepage and infiltration into the MS4 system.</li> <li>2.) Procedures to track and eliminate sanitary sewer overflow and exfiltration of wastewater into the MS4.</li> <li>3.) Schedules and methods for sanitary sewer inspections, cleaning, maintenance and repairs, by basin.</li> <li>4.) Procedures describing how findings from inspections are passed on to storm sewer maintenance personnel; how repairs of damaged sanitary lines are prioritized, and how sources are eliminated.</li> </ol> <p>b. Submit certification of implementation of revised program addressing prevention of sanitary overflows and limitation of sanitary seepage into the MS4.</p> <p>c. Develop and submit procedures to advise appropriate utility owner of infiltration or overflows if constituents common to sanitary sewage contamination are discovered in the MS4.</p> <p>d. Submit certification of implementation of notification procedures included in c. above.</p>	<p>Albuquerque/AMAFCA</p>	<p>June 1, 2005</p>
		<p>Albuquerque/AMAFCA</p>	<p>December 1, 2005</p>
		<p>NMSHTD1</p>	<p>June 1, 2004</p>
		<p>NMSHTD</p>	<p>December 1, 2004</p>
	<p>e. Submit summary of results of sanitary sewer system survey and plan for rehabilitation</p>	<p>UNM</p>	<p>December 1, 2004</p>
	<p>f. Submit certification of implementation of plan to rehabilitate.</p>	<p>UNM</p>	<p>December 1, 2005</p>

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
10. Illicit Discharges and Improper Disposal - Floatables (Part II.A.6.c)	a. Schedules for control of floatables are included under Roadways (Item 5) and Floatables (Item 17).	N/A	N/A
11. Illicit Discharges and Improper Disposal - Household Hazardous Wastes/Motor Vehicle Fluids (Part II.A.6.d)	<p>a. Develop and submit a program including standard operating procedures for collection of used motor vehicle fluids (at a minimum oil and antifreeze) and toxics (including paint, solvents, pesticides, herbicides, and other hazardous materials) used in NMSHTD and UNM operations or discarded in the MS4, for recycle, reuse, or proper disposal.</p> <p>b. Submit certification of implementation of used motor vehicle fluids and toxics program.</p>	NMSHTD	December 1, 2004
12. Illicit Discharges and Improper Disposal - MS4 Inspections and Elimination of Illicit Discharges (Part II.A.6.e and f.)	<p>a. Submit revisions to illicit discharge inspection and elimination program to include:</p> <ol style="list-style-type: none"> <li>1.) Types of facilities/outfalls/sampling points subject to inspections.</li> <li>2.) Inspection procedures, priorities and frequencies (e.g. commercial, residential, etc)</li> <li>3.) Enforcement procedures for identified illicit dischargers and improper disposal practices.</li> <li>4.) An updated list of dischargers to the MS4 that has been issued a NPDES permit. The list shall include the name, location and NPDES permit number of the discharger.</li> </ol> <p>b. Submit certification of implementation of revised illicit discharge inspection and elimination program.</p>	Albuquerque/AMAFCA	December 1, 2004
		Albuquerque/AMAFCA	December 1, 2005

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>c. Develop and submit a program to locate and eliminate illicit discharges and improper disposal into the MS4. The program shall include:</p> <ol style="list-style-type: none"> <li>1.) Description of utility permitting process for storm drain connections to NMSHTD's MS4.</li> <li>2.) Inspections of drainage connections to NMSHTD's MS4, after project completion to ensure continued compliance with drainage connection permit requirements and to ensure that no illicit or non-permitted connections have been made.</li> <li>3.) Description of standard investigative procedures used to identify and report the source(s) of illicit connections or discharges. These procedures shall include notification to NMED and EPA of illicit connections.</li> <li>4.) An updated list of dischargers to the MS4 that has been issued a NPDES permit. The list shall include the name, location and NPDES permit number of the discharger.</li> <li>5.) Description of public education/outreach activities to promote, publicize, and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4.</li> </ol>	NMSHTD	December 1, 2004
	<p>d. Submit certification of the implementation of the illicit discharge investigation/elimination program.</p>	NMSHTD	December 1, 2005
	<p>e. Revise illicit discharge inspection/elimination program to include:</p> <ol style="list-style-type: none"> <li>1.) Expedited time schedule for removal of illicit discharges, after discovery.</li> <li>2.) An updated list of dischargers to the MS4 that has been issued a NPDES permit. The list shall include the name, location and NPDES permit number of the discharger.</li> </ol>	UNM	December 1, 2004
	<p>f. Submit certification of the implementation of the illicit discharge inspection/elimination program.</p>	UNM	June 1, 2005

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
13. Spill Prevention and Response (Part II.A.7)	<p>a. Submit a revised Spill Prevention and Response Program including Spill Response Plan and Interagency agreements. Program shall describe specific procedures to prevent, contain, mitigate and respond to potential pollutant discharges to the MS4, to surface waters, and to environmentally sensitive areas.</p> <p>b. Submit certification of the implementation of the revised Spill Prevention and Response program.</p>	NMSHTD UNM	December 1, 2004
14. Industrial and High Risk Runoff (Part II.A.8) and Industrial and High Risk Runoff Monitoring (Part II.A.11.c)	<p>a. Submit a revised Industrial and High Risk Program to include:</p> <ol style="list-style-type: none"> <li>1.) A list of the facilities that the City will include in their industrial runoff control program, by category and by basin.</li> <li>2.) Schedules and frequency of inspection for listed facilities.</li> <li>3.) Priorities for inspections and description of procedures used during inspections (e.g. inspection checklist, review for NPDES permit coverage; review of storm water pollution prevention plan; etc.).</li> <li>4.) Updated list of industrial storm water sources discharging to the MS4.</li> </ol> <p>b. Revise the Industrial and High Risk Program to include a monitoring program for storm water discharges from the facilities identified in the program included in item a. above, in accordance with Part II.A.11.c. Program to include:</p> <ol style="list-style-type: none"> <li>1) Monitoring frequency</li> <li>2) Parameters</li> <li>3) Entity who will do 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.</li> </ol>	Albuquerque/AMAFCA	December 1, 2004
		Albuquerque/AMAFCA	December 1, 2004

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>c. Revise Industrial and High Risk runoff program to include a list of facilities that UNM will include in their industrial runoff control program, by category (e.g. research labs, maintenance yards, power plant, etc.). The program shall include:</p> <ol style="list-style-type: none"> <li>1) Schedule and frequency of inspections for listed facilities.</li> <li>2) Priorities and description of procedures used during inspections.</li> <li>3.) A monitoring program for storm water discharges from the facilities identified above, in accordance with Part II.A.11.c.</li> </ol>	UNM	December 1, 2004
	<p>d. Submit certification of the implementation of the revised Industrial and High Risk Runoff and Monitoring Programs.</p>	Albuquerque/AMAFCA UNM	December 1, 2005

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
<p>15. Construction Site Runoff (Part II.A.9)</p>	<p>a. Submit revisions to Construction Runoff Program to include:</p> <ol style="list-style-type: none"> <li>1.) Manual with technical criteria and specific sediment and erosion BMPs required to reduce discharge of pollutants to receiving waters from construction activities. The manual shall contain requirements and guidelines for construction and maintenance of BMPs. Criteria shall be developed for all construction sites and may allow for different requirements depending on project size.</li> <li>2.) Detailed description of sediment and erosion plan review process and criteria used to evaluate proposed controls.</li> <li>3.) Procedures for inspecting construction sites for sediment and erosion controls. Minimum frequency of inspections; and inspector's checklist.</li> <li>4.) Enforcement mechanisms for violations and penalties to deter infractions.</li> <li>5.) Corrective action follow-up procedures.</li> <li>6.) Review for NPDES compliance as appropriate.</li> <li>7.) Procedures to address citizen complaints of offsite sedimentation problems, if applicable.</li> </ol> <p>b. Submit certification of implementation of operator education and training programs as described in the SWMP.</p> <p>c. Submit certification of formal adoption and implementation of revised Construction Runoff program.</p>	<p>Albuquerque/AMAFCA UNM</p>	<p>December 1, 2004</p>
		<p>Albuquerque/AMAFCA UNM</p>	<p>December 1, 2004</p>
		<p>Albuquerque/AMAFCA UNM</p>	<p>December 1, 2005</p>

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>d. Submit revisions to Construction Runoff Program to include:</p> <ol style="list-style-type: none"> <li>1.) Updated NPDES handbook to include latest revisions to EPA's General Permit for Storm Water Discharges from Construction Activities.</li> <li>2.) Procedures for verification of construction permit coverage.</li> <li>3.) Description of enforcement measures for contractors that are not in compliance with permit requirements.</li> <li>4.) Description and frequencies of educational/training activities for construction personnel and contractors on the different aspects of the construction program.</li> </ol> <p>e. Submit certification of implementation of revised Construction Runoff Program for all NMSHTD construction sites within the permit area.</p>	NMSHTD	December 1, 2004
16. Public Education (Part II.a.10)	<ol style="list-style-type: none"> <li>a. Submit revisions to the public education program to promote, publicize and facilitate public reporting of the presence of illicit discharges or improper disposal of materials to include detailed description of public education activities, target groups and schedule/frequencies of activities.</li> <li>b. Submit certification of the implementation of the public education program and inlet stenciling program.</li> <li>c. Develop and submit a public education program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials into the MS4; and to promote, publicize, and facilitate the proper management and disposal of used oil and household hazardous wastes. The program shall include a detailed description of public education activities, target groups and schedule/frequencies of activities</li> </ol>	Albuquerque/AMAFCA	December 1, 2004
	<ol style="list-style-type: none"> <li>d. Submit certification of the implementation of the public education programs required in item c. above.</li> </ol>	Albuquerque/AMAFCA	December 1, 2005
		NMSHTD	December 1, 2004
		NMSHTD	December 1, 2005

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>e. Submit revisions to the public education program to include information on what constitutes an illicit discharge; steps to report illicit discharges; information on proper management of oil and toxics and opportunities to recycle motor vehicle fluids; and detailed description of public education activities, with frequencies.</p> <p>f. Submit certification of the implementation of the public awareness program, inlet stenciling program and hotline for reporting illicit discharges.</p>	UNM	December 1, 2004
17. Floatables	<p>a. Develop a program to reduce the discharge of floatables and trash from the North Diversion Floodway Channel to the maximum extent practicable. Submit results of a study conducted to determine the most effective structural or treatment control BMPs to reduce the levels of floatables discharged through this storm water conveyance.</p> <p>b. Begin installation of permanent BMPs to control the discharge of floatables and trash from the North Diversion Floodway Channel to the Maximum Extent Practicable, based on results of the study included in item a. above.</p> <p>c. Conduct evaluations of trash reduction needs from the entire MS4 and determine the most effective structural or treatment control BMPs to reduce the levels of floatables discharged through the MS4. The study should specifically address:                      1) all conveyances discharging directly to the Rio Grande;                      2) upstream contributing systems;                      3) possible retrofits of detention basins for outlet structures to minimize the discharge of floatables; and                      4) Source control requirements for floatables in commercial and industrial areas                      Results of the evaluation should be submitted in a report format and shall include recommendations and milestones for implementation.</p>	Albuquerque/AMAFCA	December 1, 2004
		Albuquerque/AMAFCA	December 1, 2006
		Albuquerque/AMAFCA NMSHTD UNM	December 1, 2004

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	<p>d. Complete installation and implementation of BMPs and retrofit structures to control floatables and trash based on the result of the evaluation included in item c. above.</p>	<p>Albuquerque/AMAFCA NMSHTD UNM</p>	<p>December 1, 2005</p>
	<p>e. Begin implementation of requirements for source control of floatables in industrial and commercial areas.</p>	<p>Albuquerque/AMAFCA</p>	<p>December 1, 2005</p>
	<p>f. Develop a floatables monitoring program, install a floatables monitoring location and commence monitoring (See Part V.B.).</p>	<p>NMSHTD UNM</p>	<p>December 1, 2004</p>
	<p>g. Develop a floatables monitoring program, install two floatables monitoring locations and commence monitoring (See Part V.B.).</p>	<p>Albuquerque/AMAFCA</p>	<p>December 1, 2005</p>
<p>18. Monitoring - Dry Weather Screening (Part II..A.11.a)</p>	<p>a. Submit a description of dry weather screening program for covering the entire MS4, but not necessarily each individual outfall. The purpose of this program is to identify problem areas and "hot spots" within the MS4 that may need further investigation. All major outfalls discharging directly to the Rio Grande must be screened at least once per year. The program shall include:</p> <ol style="list-style-type: none"> <li>1.) Priorities for screening</li> <li>2.) Description of screening procedures</li> <li>3.) Major system points to be screened</li> <li>4.) Annual commitments and means of calculating percent of system screening (e.g. percent of land area, etc.)</li> <li>5.) Sampling and non-sampling methods for initial screening, and follow-up procedures if potential problem areas or "hot spots" are located.</li> </ol> <p>b. Complete dry weather screening of 50% of the MS4.</p>	<p>Albuquerque/AMAFCA NMSHTD UNM</p>	<p>September 1, 2004</p>
		<p>Albuquerque/AMAFCA NMSHTD UNM</p>	<p>June 1, 2005</p>

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
	c. Complete dry weather screening of 100% (cumulative) of the MS4.	Albuquerque/AMAFCA NMSHTD UNM	December 1, 2006
19. Monitoring - Wet Weather Screening (Part II.A.11.b)	<p>a. Develop and submit a wet weather screening program satisfying the requirements of Part II.A.11.b. The purpose of this program is to identify problem areas and "hot spots" within the MS4 that may need further investigation. All major outfalls discharging directly to the Rio Grande must be screened at least once per year.</p> <p>b. Complete wet weather screening of 50% of the MS4.</p> <p>c. Complete wet weather screening of 100% (cumulative) of the MS4.</p>	<p>Albuquerque/AMAFCA NMSHTD UNM</p> <p>Albuquerque/AMAFCA NMSHTD UNM</p> <p>Albuquerque/AMAFCA NMSHTD UNM</p>	<p>September 1, 2004</p> <p>June 1, 2005</p> <p>December 1, 2006</p>
20. Supporting Permit Requirements	a. Submit updated description of the roles and responsibilities of co-permittees, including any interagency agreements developed for MS4 permitting purposes.	Albuquerque/AMAFCA NMSHTD UNM	December 1, 2004

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
<p>21. Industrial High Risk Municipal Operations</p> <p>Note: Some of the requirements in this program are also developed under other program components. This item consolidate the pollution prevention/good housekeeping BMPs for municipal operations. Compliance items for these requirements under other program components are to</p>	<p>a. <u>Pollution Prevention/Good Housekeeping for Municipal Operations</u>. The permittee or MS4 operator, as applicable, shall:</p> <p>1.) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations due to activities, including but not limited to, park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. The permittee shall address the following topics in the program:</p> <p>a. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the small MS4;</p> <p>b. Controls to reduce or eliminate the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt and sand storage locations and snow disposal areas;</p> <p>c. Procedures to properly dispose of waste removed from the small MS4 and municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris;</p> <p>d. Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices;</p> <p>2.) Include the following information in the SWMP:</p> <p>a. A list of the municipal operations impacted by this operation and maintenance program;</p>	<p>Albuquerque/AMAFCA NMSHTD UNM</p>	<p>December 1, 2004</p>

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE (from effective date of permit)
<p>be consolidated and also submitted under this program item.</p>	<p>b. A list of industrial facilities (other than large construction activities defined as industrial activity) owned or operated by the permittee that ultimately discharge to the small MS4 and are subject to:</p> <ul style="list-style-type: none"> <li>i. The Multi-Sector General Permit (MSGP), or</li> <li>ii. Individual NPDES permit for discharges of storm water associated with industrial activity.</li> </ul> <p>c. A map showing the industrial facilities owned and operated by the MS4;</p> <p>d. The EPA permit authorization number or a MSGP NOI form for each facility;</p> <p>e. A description of the training program for municipal employees;</p> <p>f. A list of measurable goals for the municipal pollution prevention program;</p> <p>g. Dates by which the permittee will achieve specific measurable goals; and</p> <p>h. The name of the person(s) responsible for implementing and coordinating employee training and pollution prevention activities.</p>	<p>Albuquerque/AMAFCA NMSHTD UNM</p>	<p>December 1, 2004</p>

**Note:** The "Certification of Implementation" is a letter from the permittee to EPA, stating that the program or permit condition has been implemented by the date due. The certification needs to be signed in accordance with Part VI.H Signatory Requirements of the permit.

\* Guidance on measurable goals is found at

[I.http://www.epa.gov/npdes/stormwater/measurablegoals/index.htm](http://www.epa.gov/npdes/stormwater/measurablegoals/index.htm).

The following requirements are included to implement the requirements in the Middle Rio Grande Total Maximum Daily Load (TMDL) for Fecal Coliform developed by the State of New Mexico.

**TABLE III.B - Implementation of Fecal Coliform TMDL**

Activity	Responsible Permittee	Draft Available for public review and comment	Compliance Date (from the effective date of the permit)
<p>1.0 <b>Source Categories.</b> Develop and submit a list of potential categories of fecal coliform sources by watershed and watershed density (undeveloped, low, moderate, high), covering the entire permit area.</p> <p>1.1 <b>Legal Authority</b> Evaluate adequacy of existing legal authority to implement the conditions included in this Table. Where existing ordinances are lacking, provide a schedule for obtaining the necessary legal authority. Ordinances shall be in place prior to the implementation of the programs.</p>	<p>Albuquerque/ AMAFCA NMSHTD UNM</p>	<p>1 month prior to compliance date</p>	<p>June 1, 2004</p>
<p>2.0 <b>Dry Weather Investigation.</b> Develop and submit a dry weather field investigation program, by watershed, to identify and isolate fecal coliform sources that occur during dry weather so that they can be reduced/eliminated. The program shall address the sources identified in item 1.0 above. The program shall address the suitability of each of the following measures and shall include detailed description of activities and frequencies.</p> <p>2.1 <b>Low Density Watersheds:</b></p> <p>2.1.1 Conduct dry weather channel survey</p> <p>2.1.2 Conduct survey of septic systems (e.g. aerial, ground, etc.)</p> <p>2.1.3 Conduct visual or tracer tests on suspected failing systems</p> <p>2.1.4 Investigate recreational and seasonal sewage dischargers</p> <p>2.1.5 Conduct ARA and study to determine whether fecal coliforms are of human or nonhuman origin</p> <p>2.1.6 Test ditch or channel sediments to see if they are a bacteria source or reservoir</p> <p>2.2 <b>Moderate/High Density Watersheds:</b></p> <p>2.2.1 Conduct dry weather channel survey</p> <p>2.2.2 Test for illicit connections</p> <p>2.2.3 Check integrity of major trunk lines for cracks and leaks</p> <p>2.2.4 Check for historic and unconnected septic systems</p> <p>2.2.5 Conduct ARA and study to determine whether fecal coliforms are of human or nonhuman origin</p> <p>2.2.6 Check ponds, lakes and impoundments for waterfowl concentrations</p>	<p>Albuquerque/ AMAFCA NMSHTD UNM</p>	<p>2 months prior to compliance date</p>	<p>September 1, 2004</p>

Activity	Responsible Permittee	Draft Available for public review and comment	Compliance Date (from the effective date of the permit)
<p>3.0 <b>Wet Weather Investigation</b> Develop and submit a wet weather field investigation program, by watershed, to identify and isolate fecal coliform sources that occur during wet weather so that they can be reduced/eliminated. The program shall address the sources identified in item 1.0 above. The program shall address the suitability of each of the following measures and shall include detailed description of activities and frequencies.</p> <p>3.1 <b>Low Density Watersheds</b></p> <p>3.1.1 Inspect septic systems for wet-weather failure</p> <p>3.1.2 Conduct comprehensive wet weather monitoring to isolate subwatershed hot spots</p> <p>3.1.3 Submit results of the Antibiotic Resistance Analysis and the study to determine whether fecal coliforms are of human or nonhuman origin</p> <p>3.1.4 Sample runoff from suspected source areas (e.g. hobby farms and livestock areas)</p> <p>3.1.5 Test storm drain or channel sediments to see if they are a bacteria sink or source</p> <p>3.2 <b>Moderate/High Density Watersheds:</b></p> <p>3.2.1 Check for chronic sanitary sewer overflows at specific manholes and /or pumping stations</p> <p>3.2.2 Submit results of the Antibiotic Resistance Analysis and the study to determine whether fecal coliforms are of human or nonhuman origin</p> <p>3.2.3 Conduct comprehensive wet weather monitoring to identify key source areas or subwatersheds</p>	<p>Albuquerque/ AMAFCA NMSHTD UNM</p>	<p>2 months prior to compliance date</p>	<p>September 1, 2004</p>
<p>4.0 Submit certification of the full implementation of the dry and wet weather field investigation programs.</p>	<p>Albuquerque/ AMAFCA NMSHTD UNM</p>	<p>N/A</p>	<p>June 1, 2005</p>

Activity	Responsible Permittee	Draft Available for public review and comment	Compliance Date (from the effective date of the permit)
<p>5.0 <b>Fecal Coliform Reduction and Treatment</b> Develop and submit a program for reducing or treating existing fecal coliform sources, by watershed and watershed density. The program shall address the sources identified in items 3.0 and 4.0 above. The program shall address the suitability of each of the following measures and shall include detailed description of activities and frequencies. Where activities are to be performed by entities other than the permittee, describe enforcement mechanism to be used to ensure compliance.</p> <p>5.1 <b>Low Density Watersheds</b></p> <p>5.1.2 Rehabilitate failing septic systems</p> <p>5.1.3 Connect failing septic systems to sewer</p> <p>5.1.4 Increase septic system clean outs</p> <p>5.1.5 Retrofit storm water ponds</p> <p>5.1.6 Retrofit ditches as dry swales</p> <p>5.1.7 Waterfowl management</p> <p>5.1.8 Install recreational vehicle sewage pumpouts</p> <p>5.1.9 Implement conservation plans at hobby farms</p> <p>5.2 <b>Moderate/High Density Watersheds:</b></p> <p>5.2.2 Eliminate illicit connections to storm sewer</p> <p>5.2.2 Rehabilitate existing sewer system to eliminate sanitary sewer overflows</p> <p>5.2.3 Relocate storm outfalls</p> <p>5.2.4 Disinfect at the end of pipe</p> <p>5.2.5 Retrofit storm water ponds</p> <p>5.2.6 Retrofit ditches as dry swales</p> <p>5.2.7 Waterfowl harrasment</p> <p>5.2.8 Enforce pet waste disposal</p> <p>5.2.9 Implement conservation plans at hobby farms</p>	<p>Albuquerque/ AMAFCA NMSHTD UNM</p>	<p>6 months prior to compliance date</p>	<p>June 1, 2005</p>
<p>6.0 Submit certification of the full implementation of fecal coliform reduction and treatment program.</p>	<p>Albuquerque/ AMAFCA NMSHTD UNM</p>	<p>N/A</p>	<p>December 1, 2005</p>

Activity	Responsible Permittee	Draft Available for public review and comment	Compliance Date (from the effective date of the permit)
<p>7.0. <b>Prevention of Future Fecal Discharges</b> Develop and submit a program for preventing future fecal coliform discharges, by watershed. The program shall address at a minimum, the measures included below, with detailed description of activities and frequencies. Where activities are to be performed by entities other than the permittee, describe enforcement mechanism to be used to ensure compliance.</p> <p>7.1 <b>Low Density Watersheds</b></p> <p>7.1.1 Land use management</p> <p>7.1.2 Stringent septic system requirements:</p> <p>7.1.2.1 Feasibility criteria</p> <p>7.1.2.2 Setbacks</p> <p>7.1.2.3 Reserve field requirements</p> <p>7.1.2.4 Minimum lot size</p> <p>7.1.2.5 Technology criteria</p> <p>7.1.2.6 Inspections</p> <p>7.1.2.7 Maintenance requirements</p> <p>7.1.3 Stream/ ditches buffers and access restrictions</p> <p>7.1.4 Livestock fencing</p> <p>7.1.5 Wildlife control</p> <p>7.1.6 Land application criteria for biosolids</p> <p>7.1.7 Storm water treatment for new development</p> <p>7.1.8 Public education</p> <p>7.1.9 Recreational vehicle and park sewage pump-out facilities</p> <p>7.2 <b>Moderate/High Density Watersheds:</b></p> <p>7.2.1 New Sewer Testing</p> <p>7.2.2 Inspection of new sewer hookups</p> <p>7.2.3 SSO monitoring and prevention</p> <p>7.2.4 Storm water treatment for new development</p> <p>7.2.5 Optimal storm water outfall location</p> <p>7.2.6 Engineered stream buffers</p> <p>7.2.7 Pet Exclusion</p> <p>7.2.8 Waterfowl control /management</p> <p>7.2.9 Public education on pet waste</p> <p>7.2.10 Transient sewage disposal</p> <p>7.2.11 Septic system rehabilitation</p>	<p>Albuquerque /AMAFCA NMSHTD UNM</p>	<p>6 months prior to compliance date</p>	<p>June 1, 2005</p>

Activity	Responsible Permittee	Draft Available for public review and comment	Compliance Date (from the effective date of the permit)
8.0 Submit certification of the implementation of the program to prevent future fecal coliform sources.	Albuquerque /AMAFCA NMSHTD UNM	N/A	December 1, 2005
9.0 <b>Monitoring Program</b> Develop a monitoring program, in consultation with the State of New Mexico, to assess BMP effectiveness and compliance with Fecal Coliform TMDL at North Diversion Floodway Channel, San Jose Drain, South Diversion Channel and Tijeras Arroyo. Target values and equation for comparison of loadings are included in Table III.B.2 below. While developing this monitoring program, the permittees should take into account the frequency of storm events, and the variation in Fecal Coliform levels, within individual storm event. Collection and analysis of samples shall be conducted in accordance with Part V requirements. Results shall be submitted in Discharge Monitoring Report (DMR) forms.	Albuquerque /AMAFCA NMSHTD UNM	6 months prior to compliance date	December 1, 2005
10.0 Submit certification of the full implementation of the monitoring program to assess BMP effectiveness.	Albuquerque /AMAFCA NMSHTD UNM	N/A	December 1, 2006
11.0 <b>BMP Assessment</b> Submit BMP evaluations and assessment, and revisions to the programs above if deemed necessary, based on monitoring data obtained.	Albuquerque /AMAFCA NMSHTD UNM	6 months prior to compliance date	June 1, 2008
12.0 <b>Annual TMDL Progress Reports</b> The permittees shall submit annual reports describing progress on the activities required in Table III.B. to comply with the Fecal Coliform TMDL. The reports shall follow the requirements included in Part V.C, items 1, 4, 6 and 7, but shall be submitted separately from the Annual Report covering all other items of the permit. Results of the monitoring program shall be summarized in the Annual TMDL Progress Report and shall include graphic representation of fecal coliform trends. The Annual TMDL Progress Report shall also include computations of annual percent reduction achieved from the baseline loads and comparisons with the target loads.	Albuquerque /AMAFCA NMSHTD UNM	N/A	Annually on December 1st.

**Table III.B.2  
Numeric Target Values for Storm water Conveyances<sup>1</sup>**

Conveyance	(30-day geometric mean)
North Diversion Floodway Channel	6.438x10 <sup>11</sup> cfu/day
San Jose Drain	1.068x10 <sup>10</sup> cfu/day
South Diversion Channel	1.444x10 <sup>11</sup> cfu/day
Tijeras Arroyo	1.199x10 <sup>11</sup> cfu/day
<b><u>Formular to Compare Actual Loadings to Target Values</u></b>	
The resultant formular for Fecal Coliform TMDL should be used to address Fecal Coliform loadings:	
C as cfu/100 ml * 1000 ml/1 L /0.264 gallons * Q = cfu/day	
Where: C = 30-day geometric mean FC concentration Q = event flow in million gallons/day	

<sup>1</sup>Middle Rio Grande Total Maximum Daily Load for Fecal Coliform, NMED, 2001

**PART IV. DISCHARGE LIMITATIONS.**

**A. Discharge Limitations. Reserved**

**PART V. MONITORING AND REPORTING REQUIREMENTS.****A. Storm Event Discharges.**

1. *Representative Monitoring:* Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System.
  - a. Monitoring Requirements: Refer to Tables V.A.1.a.(1) and (2)
  - b. Outfall Descriptions: Refer to Table V.A.1.b.
  - c. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Director, use of an alternate monitoring location (except for outfalls with numeric effluent limitations) may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, the permit must be modified prior to substitution of alternate monitoring locations. Six samples shall be collected during the first year of monitoring at substitute outfalls.
2. *Representative Monitoring - Rapid Bioassessment Option:* The permittee(s) has the option of developing and implementing a rapid bioassessment monitoring program.
  - a. The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies (e.g. State Fish and Game Commission).
  - b. Permittee(s) utilizing the rapid bioassessment monitoring option shall conduct monitoring of the separate storm sewer system as described in Part V.A.1, except the monitoring for years 2, 3, and 5 for all parameters except fecal coliform, is no longer required. All other requirements of Part V.A.1., A.3., and A.4. (e.g.: samples types, parameters, etc.) remain unchanged.
  - c. If the permittee(s) elects to develop and implement a rapid bioassessment monitoring program, the permittee(s) shall submit an approvable monitoring program to EPA no later than one year from the effective date of this permit. An approvable program must include:
    - (1) monitoring of at least two locations in the Rio Grande receiving storm water discharges from the municipal separate storm sewer system plus a reference site located within the same ecological region as the municipal separate storm sewer system;
    - (2) monitoring of each station at least twice per year, with monitoring conducted at essentially the same time periods each year; and
    - (3) concurrent (e.g. within a day or two) monitoring of the reference site each time a station located in the receiving waters of the municipal separate storm sewer system is monitored.

Unless disapproved by the Director within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittee(s) may implement the alternate rapid bioassessment program.

- d. The permittee(s) shall notify the Director and State (addresses provided in Part V.E.), in writing, at least 14 days prior to commencing an alternate rapid bioassessment monitoring program.
3. *Storm Event Data:* For Part V.A.1. and any additional sampling conducted for Part V.A.5., quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.
  4. *Sample Type, Collection, and Analysis:* The following requirements apply only to storm event discharge samples collected for **Part V.A.1 and A.5.**
    - a. Composite Samples: Flow weighted composite samples shall be collected as follows:
      - (1) 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.
      - (2) 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 entire discharge must be sampled.
      - (3) Aliquot Collection - A minimum of three aliquots per hour, separated by at least fifteen (15) minutes, shall be collected. Where more than three aliquots per hour are collected, comparable intervals between aliquots shall be maintained (e.g. six aliquots per hour, at least seven (7) minute intervals).
    - b. Grab Samples: Grab samples shall be taken during the first two hours of discharge.
    - c. Representative Storm Events: Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

The required 72 hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived where the permittee(s) documents that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.
    - d. Analytical Methods: Analysis and collection of samples shall be done in accordance the methods specified at 40 CFR Part 136. Where an approved Part 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.

5. *Seasonal Loadings and Event Mean Concentrations.* All necessary sampling data shall be collected to provide estimates for each major outfall (or appropriate sub-watershed) of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in **Table V.A.1.a.(1) - Representative Monitoring Annual Requirements**. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations shall be included in the Annual Report for year four of the permit.

**B. Floatables Monitoring.** The permittees shall establish locations for monitoring floatable material in discharges to or from their Municipal Separate Storm Sewer System, as follows:  
Albuquerque/AMAFCA - two stations; NMSHTD and UNM - one station each. Floatable material shall be monitored at least twice per year. The amount of material collected shall be estimated in cubic yards.

**C. Annual Report.** Each permittee shall contribute to the preparation of an annual system-wide report to be submitted by no later than **February 1st**. The report shall cover the previous year from **January 1st to December 31<sup>st</sup>** and include the following separate sections, with an overview for the entire Municipal Separate Storm Sewer System and subsections for each permittee:

1. The status of implementing the storm water management program(s) (status of compliance with any schedules established under this permit shall be included in this section);
2. Proposed changes to the storm water management program(s) ;
3. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26(d)(2)(iv) and (d)(2)(v);
4. A summary of the data, including monitoring data, that is accumulated throughout the year; actual values of representative monitoring results shall be included, if results are below minimum analytical level (MAL);
5. Annual expenditures for the reporting period, with a breakdown for the major elements of the storm water management program, and the budget for the year following each annual report;
6. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
7. Identification of water quality improvements or degradation.

Preparation and submittal of a system-wide annual report shall be coordinated by the **City of Albuquerque**. The report shall indicate which, if any, permittee(s) have failed to provide the required information on the portions of the Municipal Separate Storm Sewer System for which they are responsible to the **City of Albuquerque**. Joint responsibility for report submission 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. Each individual permittee shall be individually responsible for content of the report relating to the portions of the Municipal Separate Storm Sewer System for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part VI.H. and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been appraised of the

content of the Annual Report. The first annual report shall be due **December 1, 2004**, and may be based on less than one year's information.

**D. Certification and Signature of Reports.** All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part VI.H.

**E. Reporting: Where and When to Submit.**

1. Representative monitoring results (Part V.A.1) obtained during the reporting period running from **January 1st to December 31st** shall be submitted on Discharge Monitoring Report Form(s) along with the annual report required by Part V.C. A separate Discharge Monitoring Report Form is required for each monitoring period (season) specified in Part V.A.1.
2. Signed copies of discharge monitoring reports required under Part V., the Annual Report required by Part V.C., and all other reports required herein, shall be submitted to:

U.S. EPA, Region 6  
Compliance Assurance and Enforcement Division  
Water Enforcement Branch (6EN-WC)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

3. Requests for Storm Water Management Program updates, changes 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

**Additional Notification.** In addition, the permittee(s) shall provide copies of discharge monitoring reports, annual reports, requests for Storm Water Management Program updates, items for compliance with permit requirements for TMDL implementation (Table III.B), programs or changes in monitoring locations, and all other reports required herein, to:

New Mexico Environment Department  
Surface Water Quality Bureau  
1190 St. Francis Drive  
P.O. Box 26110  
Santa Fe, New Mexico 87502

Pueblo of Sandia  
Box 6008  
Bernalillo, NM 87004  
Attn: Water Quality Officer

Pueblo of Isleta  
P.O. Box 1270  
Isleta, NM 87022

Attn: Director, Pueblo Environment Department

Table V.A.1.a (1). - Representative Monitoring Annual Requirements: Outfalls 001 - 005<sup>3</sup>

PARAMETERS <sup>4</sup>	REPORT FOR EACH MONITORING PERIOD (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY
	Minimum	Average		Grab	Composite	
		Maximum				
1. Biochemical Oxygen Demand (BOD <sub>5</sub> ) (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
2. Chemical Oxygen Demand (COD) (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
3. Total Suspended Solids (TSS) (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
4. Total Dissolved Solids (TDS) (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
5. Total Nitrogen (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
6. Total Kjeldahl Nitrogen (TKN) (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
7. Total Phosphorus (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
8. Dissolved Phosphorus (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
9. Total Cadmium (ug/l) (MAL 1 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
10. Dissolved Cadmium (ug/l) (MAL 1 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
11. Total Copper (ug/l) (MAL 10 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
12. Dissolved Copper (ug/l) (MAL 10 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
13. Total Lead (ug/l) (MAL 5 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
14. Dissolved Lead (ug/l) (MAL 5 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
15. Total Zinc (ug/l) (MAL 20 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
16. Dissolved Zinc (ug/l) (MAL 20 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
17. Mercury (ug/l) (MAL 0.2 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
18. Chromium III (ug/l) (MAL 10 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
19. Chromium VI (ug/l) (MAL 10 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
20. Arsenic (ug/l) (MAL 10 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>

PARAMETERS <sup>4</sup>	REPORT FOR EACH MONITORING PERIOD (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY
	Minimum	Average	Maximum	Grab	Composite	
21. Thallium (ug/l) (MAL 10 ug/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
22. Chlorides (as Cl) (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
23. Nitrate (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
24. pH (S.U.)	Yes		Yes	Yes		2 events/ wet season; 1 event/ dry season <sup>2</sup>
25. Sulfates (mg/l)		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
26. Conductivity		Yes	Yes	Yes		2 events/ wet season; 1 event/ dry season <sup>2</sup>
27. Fecal Coliform (colonies/100 ml)		Yes	Yes	Yes <sup>6</sup>		4 events/ wet season <sup>2</sup> ; Minimum of 2 events/ quarter during dry season <sup>5</sup>
28. Oil and Grease (mg/l)		Yes	Yes	Yes		2 events/ wet season; 1 event/ dry season <sup>2</sup>
29. Total Phenols		Yes	Yes		Yes	2 events/ wet season; 1 event/ dry season <sup>2</sup>
30. Hardness (as CaCO <sub>3</sub> ) (mg/l)	Yes	Yes	Yes	Yes		2 events/ wet season; 1 event/ dry season <sup>2</sup>
31. Temperature (°C)	Yes	Yes	Yes	Yes		2 events/ wet season; 1 event/ dry season <sup>2</sup>

<sup>2</sup> Seasonal monitoring periods are: Wet Season: June 1 through September 30; Dry Season: October 1 through May 31.

<sup>3</sup> Monitoring frequency for each year for Outfalls 001-005. Monitoring for Outfalls 001-005 to commence on the effective date of this permit.

<sup>4</sup> If any individual analytical test result is less than the minimum analytical level (MAL) 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 MAL.

<sup>5</sup> Monitoring results for fecal coliform shall also be submitted with the **Annual TMDL Progress Report** required in **Table III.B. Fecal Coliform Loadings** for each outfall shall be estimated and reported in the **Annual TMDL Progress Report**.

<sup>6</sup> May consist of multiple grab weighted for an event mean concentration.

**Table V.A.1.a (2) - Representative Monitoring Bi-Annual Requirements: Outfalls 001 - 005**

<u>VOLATILE COMPOUNDS</u>		REQUIRED MQL (µg/L)	EPA METHOD
Benzene		10	624
Bromoform		10	624
Carbon Tetrachloride		10	624
Chlorobenzene		10	624
Chlorodibromomethane		10	624
Chloroethane		50	624
2-Chloroethyl vinyl ether		10	624
Chloroform		10	624
1,1-Dichloroethane		10	624
1,2-Dichloroethane		10	624
1,2-Dichloropropane		10	624
1,3-Dichloropropylene		10	624
Ethylbenzene		10	624
Methyl Bromide [Bromomethane]		50	624
Methyl Chloride [Chloromethane]		50	624
Methylene Chloride		20	624
1,1,2,2-Tetrachloroethane		10	624
Toluene		10	624

<u>PESTICIDES</u>		REQUIRED MQL (µg/L)	EPA METHOD
Aldrin		.05	608
Alpha-BHC		.05	608
Beta-BHC		.05	608
Gamma-BHC (Lindane)		.05	608
Delta-BHC		.05	608
Chlordane		.2	608
4,4'-DDT		.1	608
4,4'-DDE (p,p-DDX)		.1	608
4,4'-DDD (p,p-TDE)		.1	608
Dieldrin		.1	608
Alpha-endosulfan		.1	608
Beta-endosulfan		.1	608
Endo sulfan sulfate		.1	608
Total PCBs		1.0	608

<u>BASE/NEUTRAL COMPOUNDS</u>		REQUIRED MQL (µg/L)	EPA METHOD
Bis(2-ethylhexyl) phthalate		10	625
4-Bromophenyl phenyl ether		10	625
Butyl benzyl phthalate		10	625
2-Chloronaphthalene		10	625
4-Chlorophenyl phenyl ether		10	625
Chrysene		10	625
Dibenzo (a,h) anthracene		20	625
1,2-Dichlorobenzene		10	625
1,3-Dichlorobenzene		10	625
1,4-Dichlorobenzene		10	625
3,3'-Dichlorobenzidine		50	625
Diethyl Phthalate		10	625
Dimethyl Phthalate		10	625
Di-n-Butyl Phthalate		10	625
2,4-Dinitrotoluene		10	625
2,6-Dinitrotoluene		10	625
Di-n-octyl Phthalate		10	625
Fluoranthene		10	625
Fluorene		10	625
Hexachlorobenzene		10	625
Hexachlorobutadiene		10	625
Hexachloroethane		20	625
Indeno (1,2,3-cd) pyrene		20	625
(2,3-o-phenylene pyrene)			
Isophorone		10	625
Naphthalene		10	625
Nitrobenzene		10	625
N-nitrosodi-n-propylamine		20	625
Phenanthrene		10	625
Pyrene		10	625
1,2,4-Trichlorobenzene		10	625

<u>BASE/NEUTRAL COMPOUNDS</u>		REQUIRED MQL (Ug/L)	EPA METHOD
Acenaphthene		10	625
Acenaphthylene		10	625
Anthracene		10	625
Benzo(a)anthracene		10	625
Benzo(a)pyrene		10	625
3,4-Benzo fluoranthene		10	625
Benzo(ghi)perylene		20	625
Benzo(k)fluoranthene		10	625
Bis(2-chloroethoxy) methane		10	625
Bis(2-chloroethyl) ether		10	625
Bis(2-chloroisopropyl) ether		10	625

<sup>6</sup> Parameters included in Table V.A.1.a (2) are to be monitored by Albuquerque/AMAFCA biannually (every other year). Seasonal monitoring periods are: Wet Season: June 1 through September 30; Dry Season: October 1 through May 31. Monitoring Frequency is to be 2 events/wet season and 1 event/dry season, using composite sampling. Average and maximum values are to be reported for each monitoring period. Monitoring to commence one year from the effective date of this permit and to continue every other year thereafter. If any individual analytical test result is less than the minimum analytical level (MAL) 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.

**Table V.A.1.b - Representative Monitoring Outfall Descriptions**

<b>OUTFALL</b>	<b>SITE NO.</b>	<b>LOCATION</b>	<b>DESCRIPTION</b>	<b>RESPONSIBLE PERMITTEE</b>
001	9900	North Floodway Channel near Alameda (USGS Station No. 08329900)	Station located on concrete lined channel. Drains approx. 92 sq.mi. Land use is: 41% residential; 36% agricultural; 15% commercial; 4% industrial; 4% open space	Albuquerque/ AMAFCA
002	200	South Diversion Channel above Tijeras Arroyo near Albuquerque (USGS Station No. 08330775)	Station located on natural unlined channel. Drains approx. 11 sq.mi. Land use is: 30% agricultural; 28% commercial; 21% industrial; 13% residential; 8% open space	Albuquerque/ AMAFCA
003	500	San Jose Drain at Woodward Road at Albuquerque (USGS Station No. 08330200)	Station located on concrete lined channel. Drains approx. 2 sq.mi. Land use is: 41% residential; 30% commercial; 18% agricultural; 9% industrial; 2% open space	Albuquerque/ AMAFCA
004	400B	City of Albuquerque Lift Station #32 (Barelas) at Albuquerque (USGS Station No. 08330075)	Stations located at storm water pumping stations. Combined drainage of. 4 sq.mi. Land use is: 35% residential; 34% commercial; 12% open space; 10% industrial; 9% agricultural	Albuquerque/ AMAFCA
005	300A	Mariposa Diversion of San Antonio Arroyo at Albuquerque (USGS Station No. 083299375)	Station located on natural unlined channel. Drains approx. 31 sq.mi.. Land use is: 73% agricultural; 14% industrial; 11% residential; 1% commercial; 1% open space	Albuquerque/ AMAFCA

**PART VI. 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 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 Director 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 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 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 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 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 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 Director 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 minimize 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 Director, within a time specified by the Director, any information which the Director may request to determine compliance with this permit. The permittee(s) shall also furnish to the Director 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 Director, he or she shall promptly submit such facts or information.

**H. Signatory Requirements.** All Discharge Monitoring Reports, storm water management programs, reports, certifications or information either submitted to the Director or that this permit requires be maintained by the permittee(s), shall be signed by:

1. for a municipality, State, or other public agency: by either a principal executive officer or ranking elected official; or
2. a 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 Director.
  - 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.
  - c. 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 Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
3. 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 Director may require any co-permittee authorized by this permit to obtain a separate NPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any co-permittee authorized to discharge under this permit to apply for a separate NPDES permit only if the co-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 co-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 V.E. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner a separate NPDES permit application as required by the Director, then the applicability of this permit to the co-permittee is automatically terminated at the end of the day specified for application submittal.
  2. Any co-permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for a separate permit. The co-permittee shall submit a separate application as specified by 40 CFR 122.26(d) with reasons supporting the request to the Director. Separate permit applications shall be submitted to the address shown in Part V.E. The request may be granted by the issuance of a separate permit if the reasons cited by the co-permittee are adequate to support the request.
- 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 storm water 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. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
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.

**Q. Monitoring Methods.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

**R. Inspection and Entry.** The permittee shall allow the Director 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.** If the permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR Part 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.** This permit does not authorize any storm water discharges nor require any BMPs to control storm water runoff which are not in compliance with any historic preservation laws.
1. 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 storm water associated with construction activity), then the permittee may seek authorization for storm water discharges from such sites of disturbance by:
    - a. the permittee shall, thirty (30) days prior to commencing land disturbance, submit the following to the State Historic Preservation Officer (SHPO) for evaluation of possible effects on properties listed or eligible for listing on the National Register of Historic Places:
      - (1) a description of the construction or land disturbing activity and the potential impact that this activity may have upon the ground, and
      - (2) a copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.
- The address of the SHPO is:
- New Mexico Office of Cultural Affairs  
Historic Preservation Division  
Room 320, La Villa Rivera  
228 East Palace Avenue  
Santa Fe, New Mexico 87501
- Pueblo of Sandia  
Box 6008  
Bernalillo, New Mexico 87004

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:

- (1) a determination of no adverse effect has been made, or
- (2) measures to minimize harm to historic properties have been agreed upon.

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.

b. Alternately, the permittee may obtain authorization for storm water 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:

- (1) A letter requesting a permit modification to include discharges from activities subject to this provision, in accordance with the signatory requirements in Part VI.H.
- (2) 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
- (3) a copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.

**PART VII. PERMIT MODIFICATION.****A. Modification of the Permit.** The permit may be reopened and modified 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 State or Federal statutes or regulations;
3. add a new permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System;
4. changes in portions of the Storm Water Management Program 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 Director to meet the requirements of the Act.

All modification to the permit will be made in accordance with 40 CFR 122.62, 122.63, and 124.5.

**B. Termination of Coverage for a Single Permittee.** Permit coverage may be terminated, in accordance with the provisions of 40 CFR 122.64 and 124.5, for a single permittee without terminating coverage for other permittees.**C. Modification of Storm Water Management Program(s).** Only those portions of the Storm Water Management Programs 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 BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP; and changes required as a result of schedules contained in Part III shall be considered minor changes to the Storm Water Management Program and not modifications to the permit. (See also Part II.G.)**D. Changes in Monitoring Outfalls.** Changes in monitoring outfalls, other than those with specific numeric effluent limitations (as described in Part V.A.1.c.), shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

**PART VIII. DEFINITIONS.**

All definition 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:

- A. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- B. "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.
- C. "Co-permittee" is defined at 40 CFR 122.26(b)(1).
- D. "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).
- E. "Director" means the Regional Administrator or an authorized representative.
- F. "Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (Municipal Separate Storm Sewer System).
- G. "Flood Control Projects" refer to major drainage projects developed to control water quantity rather than quality, including channelization and detention.
- H. "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.
- I. "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- J. "Illicit discharge" is defined at 40 CFR 122.26(b)(2).
- K. "Individual Residence" refers, for the purposes of this permit, to single or multi-family residences. (e.g. single family homes and duplexes, town homes, apartments, etc.)
- L. "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.
- M. "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.
- N. "Large or medium municipal separate storm sewer system" is defined at 40 CFR 122.26(b)(4) & (7).
- O. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by CWA §402(p).

- P. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large or Medium Municipal Separate Storm Sewer System (e.g. "the Dallas MS4").
- Q. "Municipal Separate Storm Sewer" is defined at 40 CFR 122.26(b)(8).
- R. "Part #" refers, unless otherwise indicated, to Part "#" of this permit (e.g. Part V.E.2.).
- S. "Permittee" refers to any "person," as defined at 40 CFR 122.2, authorized by this NPDES permit to discharge to Waters of the United States.
- T. "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 storm water runoff.
- U. "Storm drainage projects" include storm water inlets, culverts, minor conveyances and a host of other structures or devices
- V. "Storm sewer", unless otherwise indicated, refers to a municipal separate storm sewer.
- W. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- X. "Storm Water Discharge Associated with Industrial Activity" is defined at 40 CFR 122.26(b)(14).
- Y. "Storm Water Management Program" refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this permit, the Storm Water Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- Z. "SWMP" is an acronym for "Storm Water Management Program."
- AA. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
- BB. "Waters of the United States" is defined at 40 CFR 122.2.

**D**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DRAFT**

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §§1251 et seq.; the “CWA”), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53), the

**The City of Worcester  
Worcester, Massachusetts**

is authorized to discharge storm water discharges and allowable non-storm water discharges from its existing municipal separate storm sewer system (“MS4”) through **330 existing outfalls listed in Attachment A (89 major outfalls and 241 minor outfalls)**

to receiving waters (in the Blackstone River Basin): **Beaver Brook, Blackstone River, Broad Meadow Brook, Coal Mine Brook, Coes Pond, Curtis Pond North, Curtis Pond South, Fitzgerald Brook, Indian Lake, Kendrick Brook, Kettle Brook, Lake Quinsigamond, Leesville Pond, Middle River, Mill Brook Tributary, Tatnuck Brook, Patch Reservoir, Poor Farm Brook, Salisbury Pond, Smith Pond, Weasel Brook, and Williams Millpond**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit will become effective on the date of signature if no comments are received during the public notice period. If comments are received during the public notice period, this permit will become effective on the first day of the calendar month immediately following 60 days after the date of signature.

This permit and the authorization to discharge expire at midnight, on the last day of the calendar month preceding five years from the effective date of the permit.

This permit supersedes the permit issued on September 30, 1998, effective on October 30, 1998 and expired on October 30, 2003.

This permit consists of 36 pages in Part I, Attachment A - Existing Separate Storm Sewer Outfall List, Attachment B: City of Worcester’s Receiving Waters – Impairments and TMDL Status, and 25 pages in Part II, including General Conditions and Definitions.

Signed this        day of

\_\_\_\_\_  
Stephen S. Perkins, Director  
Office of Ecosystem Protection  
U.S. Environmental Protection Agency  
Boston, MA

\_\_\_\_\_  
Glenn Haas, Director  
Division of Watershed Management  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

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## **Part I. Municipal Separate Storm Sewer System**

### **Part I.A. Discharges Authorized Under This Permit**

1. **Permit Area.** This permit covers all areas within the corporate boundary of the City of Worcester served by, or otherwise contributing to discharges from, the existing municipal separate storm sewer system (“MS4”) owned and operated by the City of Worcester (the “Permittee”).
2. **Authorized Discharges.** This permit authorizes existing storm water discharges to Waters of the United States from all existing outfalls (identified in Attachment A) owned or operated by the Permittee, and new storm water discharges subject to Part I.A.4. below.
3. **Non-Storm Water Discharges.** The following non-storm water discharges need not be addressed by the Permittee unless determined by the Permittee, EPA, or MassDEP to be significant contributors of pollutants to the MS4 or cause or contribute to a water quality standards violation. Any of these discharges that are identified as significant contributor of pollutants to the MS4, or as causing or contributing to a water quality standards violation, must be addressed consistent with the Permittee’s legal authorities and illicit discharge and improper disposal practices established pursuant to Part I.E.5 of this permit.
  - (a) lawn, landscape, and other irrigation waters provided all pesticides, herbicides, and fertilizers have been applied in accordance with approved labeling;
  - (b) diverted stream flows;
  - (c) flows from riparian habitats and wetlands;
  - (d) springs;
  - (e) uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005 (20));
  - (f) uncontaminated pumped groundwater;
  - (g) potable water sources, including routine water line flushing;
  - (h) foundation and footing drains where flows are not contaminated with process materials;
  - (i) water from crawl space pumps;
  - (j) air conditioning or compressor condensate;
  - (k) individual residential car washing;
  - (l) dechlorinated swimming pool discharges;
  - (m) street wash waters that do not contain detergents and where no non-remediated spills or leaks of toxic or hazardous materials have occurred ; and
  - (n) building wash down water which does not contain detergents.

The Permittee is not expected to evaluate pollutant contributions from discharges associated with emergency fire fighting activities. Therefore, these discharges are authorized as allowable non-storm water discharges, unless identified by EPA, as significant sources of pollutants to Waters of the United States or as causing or contributing to a violation of water quality standards.

#### 4. New or Increased Discharges

- (a) The Permittee must notify EPA and MassDEP a minimum of thirty (30) days prior to commencement of a new discharge or increased discharge from its MS4 with a description of the discharge and information demonstrating that the discharge will satisfy the antidegradation provisions of the Massachusetts Surface Water Quality Standards (314 CMR 4.04). Such discharge will become authorized thirty (30) days after the Permittee's notification unless EPA or MassDEP notifies the Permittee that it has failed to demonstrate satisfaction with the antidegradation provisions. Except where permitted by MassDEP pursuant to 314 CMR 4.04(5), new or increased discharges to Outstanding Resource Waters or Special Resource Waters are not authorized by this Permit. Before commencing any new or increased discharge, the Permittee shall identify in its Storm Water Management Program ("SWMP") the best management practices ("BMPs") it will implement to ensure compliance with antidegradation provisions and the terms of this Permit.
- (b) Any new or increased discharge to a water quality impaired water as identified in Categories 4a or 5 of the *Final Massachusetts Year 2006 Integrated List of Waters* (or future updates or revisions thereto) will become authorized only if the Permittee demonstrates, before commencement of the discharge, that through the implementation of BMPs or other measures, the discharge is not expected to cause or contribute to an exceedance of a water quality standard for the pollutant(s) of concern. The Permittee shall provide data and other technical information to EPA and MassDEP sufficient to demonstrate one or more of the following:
- (1) the pollutant(s) identified as causing an impairment will not be present in the new or increased discharge; or
  - (2) the pollutant(s) identified as causing an impairment will be present in concentrations that will meet in-stream water quality criteria at the point of discharge to the waterbody; or
  - (3) there is sufficient remaining waste load allocation in an EPA approved or established TMDL to allow the new or increased discharge, and the existing dischargers into that water are subject to compliance schedules designed to bring the water into compliance with applicable water quality standards.
- (c) At the same time that the Permittee submits the required information to EPA and MassDEP, it shall make it available for public inspection at the Worcester Public Library (3 Salem Square, Worcester, MA) and on a publicly accessible internet website. The Permittee shall retain documentation of its demonstration in its SWMP and annual reports.

Unless EPA or MassDEP notifies the Permittee that it has failed to demonstrate that a discharge will not cause or contribute to the existing impairment, the discharge will be deemed authorized 30 days from the latest date on which the information is submitted to EPA and MassDEP and made available at the library or website.

5. This permit does not authorize discharges to the subsurface subject to state Underground Injection Control regulations. Although the permit includes provisions related to infiltration and groundwater recharge, structural controls that inject stormwater to the ground may be subject to requirements of the Safe Drinking Water Act and EPA's Underground Injection Control (UIC) program. Information about the UIC program and specific MassDEP requirements is available at <http://www.mass.gov/dep/water/resources/groundwa.htm>.

#### **Part I.B. [RESERVED]**

#### **Part I.C. Water Quality Based Effluent Limits**

1. Pursuant to Clean Water Act § 402(p)(3)(B)(iii), this permit includes provisions to ensure that discharges from the Permittee's MS4 do not cause or contribute to exceedances of water quality standards, in addition to requirements to reduce the discharge of pollutants to the maximum extent practicable ("MEP") set forth in Part I.E. The requirements found in Part I.C., along with certain requirements in Part I.E. that related to discharges to impaired waters for which an approved TMDL exists, constitute the water quality-based effluent limitations in this permit.
2. Requirement to Meet Water Quality Standards
  - (a) The Permittee's discharges shall not cause or contribute to an exceedance of water quality standards (including numeric and narrative water quality criteria) applicable to the receiving waters. In determining whether its discharges satisfy this requirement, the Permittee shall consider available monitoring data and visual assessment and site inspection reports.
  - (b) In the absence of information suggesting otherwise, discharges will be presumed to meet the applicable water quality standards if the Permittee fully satisfies the conditions and effluent limits in this permit.
  - (c) Applicable water quality standards for discharges from the Permittee's MS4 are those that are in place upon the effective date of this permit.
  - (d) In the event that the Permittee becomes aware, or EPA or MassDEP determines, that a discharge from its MS4 causes or contributes to an exceedance of applicable water quality standards, the Permittee shall within **sixty (60) days** of becoming aware (or notified by EPA or MassDEP) submit to EPA and MassDEP a description of best management practices ("BMPs") that are currently being implemented and additional or modified BMPs that will be implemented to prevent or reduce pollutants sufficient to ensure that the discharge will no longer cause or contribute to an exceedance of

applicable water quality standards. The Permittee shall implement such additional BMPs upon notification by EPA or MassDEP and shall incorporate such measures into its SWMP as described in Part I.G.2. of this permit.

### 3. Discharges into Impaired Waters

Impaired waters are those that have been identified by MassDEP pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards. This may include both waters with EPA approved TMDLs, and those for which a TMDL has not yet been approved. Attachment B to this permit includes a current list of receiving waters located in the City of Worcester indicating for each the associated impairment category, pollutant(s) of concern, and TMDL status.

#### (a) Existing Discharges to an Impaired Water without an Approved TMDL

Where the Permittee's MS4 discharges to an impaired water without an approved TMDL, the Permittee shall comply with Part I.C.2. of this permit and address in its SWMP and annual reports how the discharge of the pollutant(s) identified as causing the impairment will be controlled such that they do not cause or contribute to the impairment. The Permittee shall:

- (1) evaluate discharges to impaired waters;
- (2) identify additional or modified BMPs in its SWMP to ensure that discharges do not cause or contribute to the impairment; and
- (3) implement such BMPs and include the status of each in its annual report.

#### (b) Existing Discharges to an Impaired Water with an Approved TMDL

If the Permittee's MS4 discharges to an impaired water with an approved TMDL and a waste load allocation ("WLA") has been established as identified in Attachment B of this permit that applies specifically to its MS4 discharges, or more generally to discharges from MS4s, the Permittee shall comply with the requirements of Part I.C.2. and specific BMPs to support the achievement of the WLA as identified in Attachment B<sup>1</sup>. The Permittee shall include these BMPs in its SWMP and address in its SWMP and annual reports how the discharge of the pollutant(s) identified as causing the impairment will be controlled such that they comply with the requirements of Part I.C.2. If EPA determines more stringent requirements are necessary to support achievement of the WLA, EPA will incorporate such requirements through a modification to this permit pursuant to Part II.A.4. of this permit or by incorporation into the next permit.

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<sup>1</sup> Even if information available to the Permittee upon the effective date of the permit suggests that its MS4 discharges to a water that is not specifically identified on the applicable Section 303(d) list, EPA may nevertheless determine, after further examination of the applicable Section 303(d) list, and/or an approved TMDL, that a discharge from the Permittee's MS4 is contributing to a downstream water segment's impairment and that there is a WLA applicable to the Permittee's MS4 discharge.

- (1) If the approved TMDL does not include a WLA applicable to discharges from the Permittee's MS4, the Permittee shall comply with Part I.C.2. of this permit and address in its SWMP and annual reports how the discharge of the pollutant(s) identified as causing the impairment will be controlled such that they do not cause or contribute to the impairment. Unless otherwise notified by EPA or MassDEP, compliance with the requirements of Part I.C.2. of this permit shall be presumed to be adequate to meet the requirements of the TMDL.
- (2) Applicable TMDLs for discharges from the Permittee's MS4 are those that are approved by EPA as of the effective date of this permit.
- (3) The Permittee shall highlight in its annual reports all control measures currently being implemented or planned to be implemented to control the pollutants identified in approved TMDLs. The Permittee shall evaluate whether BMPs in addition to those required by the permit are necessary to achieve the percent reduction in phosphorus identified as waste load allocations applicable to MS4 discharges in Attachment B. The basis of supporting the determination that such controls are adequate to meet the TMDL shall also be included in the SWMP and annual reports.

#### **Part I.D. Storm Water Management Program (SWMP)**

1. Within **One hundred eighty (180) days** of the effective date of the permit, the Permittee shall submit to EPA and MassDEP for review and comment, an updated SWMP that satisfies the requirements of this permit. The SWMP update shall include all original components of its February 1999 SWMP that will be continued and all required or proposed modifications thereto. This updated SWMP shall be submitted to the EPA and MassDEP at the addresses listed in Part I.J.1. of this permit.
2. At the time of submittal of the SWMP, the Permittee shall make available a copy of the SWMP at the Worcester Public Library (3 Salem Square, Worcester, MA) and on a publicly accessible internet website, and shall inform the public of its opportunity to review and comment on the program. The public may submit comments on the SWMP within **forty-five (45) days** of its availability on the Permittee's website or at the public library. The Permittee shall indicate that comments shall be submitted to EPA and MassDEP at the addresses provided in Part I.J.1. of this permit, with a copy provided to the Permittee.
3. After receipt of the SWMP, EPA and/or MassDEP will review and comment on the SWMP and may require SWMP modifications pursuant to Part I.G.3. of this permit. The Permittee shall respond to all written comments by U.S. EPA and the MassDEP and shall make all requested changes to the SWMP within **sixty (60) days** of receipt of such comments. Implementation of the requirements of Part I.E. shall occur upon the effective date of this permit.
4. The Permittee shall provide adequate finances, staff, equipment, and support capabilities to fully implement its SWMP, and all requirements of this permit.

**Part I.E. Requirements to Reduce Pollutants to the Maximum Extent Practicable**

The Permittee shall reduce, to the maximum extent practicable (“MEP”), the discharge of pollutants from its MS4 to receiving waters identified in this permit.

The Permittee shall implement the provisions set forth below and shall incorporate into its SWMP with implementation schedules and measurable goals, at a minimum, all seven (7) elements included in this part.

1. **Legal Authority.** The Permittee shall ensure that it obtains or maintains the necessary and enforceable legal authority established by statute, ordinance, rules and regulations, permit, easement, contract, order and any other means, to prohibit or control the contribution of pollutants to its MS4, including the authority to:
  - (a) prohibit illicit discharges and sanitary sewer overflows (“SSOs”) to its MS4 and require removal of such discharges consistent with Part I.E.5 of this permit. For the purposes of this permit, an illicit discharge is any discharge to the Permittee’s MS4 that is not composed entirely of storm water, with the exception of SSOs, discharges authorized by another NPDES permit, or discharges described in Part I.A.3 of this permit;
  - (b) control the discharge of spills and prohibit the dumping or disposal of materials including but not limited to industrial and commercial wastes, trash, used motor vehicle fluids, food preparation waste, leaf litter, grass clippings, and animal wastes into its MS4;
  - (c) optimize the performance and pollutant removal efficiency of privately-owned retention or detention ponds that discharge to or receive discharge from its MS4, by ensuring the performance of adequate inspection and maintenance activities;
  - (d) prohibit the installation of drainage infrastructure on unpaved streets that discharges to the Permittee’s MS4;
  - (e) control the discharge of storm water and pollutants associated with land disturbance and development activities, both during the construction phase and after site stabilization has been achieved (post-construction or operational phase), consistent with Part I.E.4 of this permit.
  - (f) require the infiltration or injection of storm water from new development or redevelopment sites, where feasible and appropriate, to approximate the annual recharge of groundwater occurring during pre-development conditions consistent with MassDEP Stormwater Management Standard Nos. 3 or 7, as appropriate, applied pursuant to Part I.E.4. of this permit;
  - (g) control through interagency or inter-jurisdictional agreements, the contribution of pollutants between the Permittee’s MS4 and MS4s owned or operated by others; and,

- (h) enforce against illegal activities involving its MS4, including pursuing all available civil and criminal remedies for such activities.
2. Public Education and Involvement. The Permittee shall continue to implement a public education and involvement program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness. The program shall include elements that:
- (a) increase the public awareness about storm water pollution, its causes and effects, and actions that citizens, commercial, industrial and institutional entities can take to reduce the impact of storm water pollution on water quality;
  - (b) promote, publicize and facilitate the various elements of its SWMP through varied public education and involvement methods and make information available for non-English speaking residents;
  - (c) disseminate information to residents regarding the proper handling and disposal of used motor vehicle fluids, household hazardous waste, food preparation waste, grass clippings, car wash waters, and proper use of fertilizers, pesticides, and herbicides. (Including dissemination of educational material emphasizing phosphorus control as it relates to lawn care to residents located in watersheds of receiving waters identified in Attachment B with an approved TMDL and applicable waste load allocation);
  - (d) educate dog owners about the proper disposal of pet waste and the City's dog waste ordinance (General Ordinances of the City of Worcester, Chapter 8 §14.(9) and §15(c)) by providing written information at the time of dog license renewal. The Permittee shall install signage, pet waste baggies, and disposal receptacles in recreational areas where dog walking is allowed. In order to measure the effectiveness of education measures, the Permittee shall document in its annual report, information regarding the enforcement of the dog waste management ordinance including the number of violations and fines levied;
  - (e) educate owners and operators of commercial, industrial, and institutional facilities regarding their responsibility to control pollutants in storm water discharges from their property to the Permittee's MS4. Educational requirements are detailed at Part I.E.3.(f)(2) of this permit; and
  - (f) provide opportunities for the public to participate in the review, modification, and implementation of its SWMP, and sustain partnerships with environmental groups and civic organizations interested in water quality related issues. The Permittee shall host an annual public informational meeting within two months of submittal of each annual report required under Part I.H. of this Permit. The meeting notice shall comply with state public notice requirements and provide a forum for the education and involvement of interested public.
3. Pollution Prevention (Source Controls). The Permittee shall continue to implement, review and enhance its current pollution prevention practices and develop new source control

procedures as detailed in this part to reduce the amount of pollutants in storm water contributing to or discharging from its MS4 to the maximum extent practicable.

- (a) The Permittee shall continue to facilitate the proper management, disposal, reuse and recycling of used motor vehicle fluids by educating the public and actively using its used motor oil collection capabilities at the city-owned recycling facility. The Permittee shall continue to inform citizens about the obligation of motor oil retailers to accept back equal quantities of used product purchased (MGL c21 §52A).
- (b) The Permittee shall continue to promote and offer at least annually its municipal Household Hazardous Waste (HHW) Collection Program for the reuse, recycling and proper disposal of such waste. The Permittee shall establish as a goal increasing the frequency of the collection days hosted.
- (c) The Permittee shall continue to implement procedures to prevent, contain, and respond to spills entering its MS4, including its multi-departmental Integrated Hazardous Materials Incident Response Plan (IHMIRP).
- (d) The Permittee shall continue to limit the application of pesticides, herbicides and fertilizers ("PHFs") in public areas by municipal employees or private contractors. The Permittee shall develop and implement standard operating practices for the handling, storage, application, and disposal of PHFs in compliance with applicable state and federal laws, including state-approved vegetation management plans ("VMPs"). The Permittee shall establish reduction goals in its SWMP, including consideration of alternatives, for PHFs being used at Parks Department facilities including all city parks, Hope Cemetery, Green Hill Golf Course and areas managed by the Forestry Department. With respect to Green Hill Golf Course, the Permittee shall implement practices that achieve a 38 percent reduction in total phosphorus discharging from its MS4 into Green Hill Pond
- (e) In order to prevent exposure to precipitation, the Permittee shall continue to enclose all snow and ice control materials in storage sheds and implement pollution prevention procedures to minimize exposure while handling these materials (sand, salt, anti-caking chemicals, truck body applicants). Tarps or other suitable impervious cover material may be used to prevent exposure of any temporary or interim storage of snow and ice control materials. The Permittee shall develop and implement post-storm vehicle washing and residue disposal practices for city-owned and contractor equipment to reduce to the MEP the discharge of anti- and de-icing materials into its MS4.
- (f) The Permittee shall develop, implement, and enforce a program to control pollutants in storm water discharges to its MS4, not otherwise authorized by an NPDES permit, from commercial, industrial, municipal, institutional or other facilities when the Permittee determines that a stormwater discharge from a facility is contributing a substantial pollutant loading to the MS4. The Permittee shall report progress made towards reaching the goals of the program in each annual report. The program shall include:

- (1) an inventory, mapping, and prioritization of all facilities determined by the Permittee to be contributing a substantial pollutant loading to its MS4 through inspections, monitoring, or other methods conducted by the Permittee, facility operator, or others; and
- (2) an education program that informs these facility operators of their obligation to comply with the Permittee's stormwater rules and regulations, encourages pollution prevention, and promotes facility-specific storm water management practices, including appropriate operation and maintenance practices.

#### 4. Land Disturbance and Development

- (a) The Permittee shall coordinate all municipal departments and boards with jurisdiction over the review, permitting, or approval of land disturbance and development projects within the City of Worcester. As of the effective date of this permit, the Permittee shall implement and enforce a program to control any storm water contributing to its MS4 associated with land disturbance or development (including re-development) activities. Within two (2) years after the effective date of this permit, the Permittee shall begin implementing and enforcing an updated program that shall include implementation of legal authorities consistent with Part I.E.1, of this permit and shall address storm water management during land disturbing activities (construction phase) and after site stabilization has been achieved (post-construction or operational phase). At a minimum the Permittee's program shall, to the extent allowable by state law, establish by ordinance, bylaw, regulation or other appropriate legal authority requirements equivalent to the Stormwater Management Standards established by the MassDEP in effect upon the effective date of this permit<sup>2</sup>, and shall include the additional elements described in Part I.E.4.(c) below.
- (b) The Permittee does not need to apply provisions of its program addressing stormwater discharges during the construction phase of projects that receive a waiver from EPA under the provisions of 40 CFR § 122.26(b)(15)(i).
- (c) The Permittee's program managing stormwater associated with land disturbance and development activities must include the following elements:
  - (1) An ordinance, bylaw, regulation, or other appropriate legal authority that requires developers and construction site operators to comply with the equivalent of the MassDEP Stormwater Management Standards, and that includes sanctions to ensure compliance (to the extent allowable under State or local law). Notwithstanding the applicability provisions found in the applicable MassDEP regulations<sup>3</sup>, the

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<sup>2</sup> Massachusetts Stormwater Management Standards, Vol. 1, Chapter 1 (available at url: <http://www.mass.gov/dep/water/wastewater/v1c1.doc>)

<sup>3</sup> Revisions to 310 CMR 10.00 and 314 CMR 9.00 promulgated on January 2, 2008; summarized at url: <http://www.mass.gov/dep/water/laws/stmreg.pdf>, and available at url: <http://www.mass.gov/dep/water/laws/310c10p.pdf>, and <http://www.mass.gov/dep/water/laws/314c9p.pdf>, respectively. The Massachusetts Stormwater Management Standards do not apply (or are applied only to the maximum extent practicable) for certain projects or

Permittee's program shall apply standards equivalent to MassDEP's Stormwater Management Standards to any project or activity that results in a disturbance of one or more acres of land, whether considered individually or collectively as part of a larger common plan, and that contributes storm water to the Permittee's MS4.

The MassDEP Stormwater Management Standards require proponents of development or redevelopment projects to consider environmentally sensitive site design that incorporates low impact development techniques. Therefore, the Permittee shall ensure that a proponent's proposed use of low impact development ("LID") techniques identified in the Massachusetts Stormwater Handbook<sup>4</sup> are allowable by right or exception (e.g., special permit or variance) under its regulations. In addition, the Permittee shall identify existing municipal zoning, site planning or street design regulations that address minimal dimensional criteria for the creation of roadways, parking lots, and other impervious cover that may represent barriers to implementing LID practices that involve minimization of impervious cover. Within two (2) years after the effective date of this permit, the Permittee shall make revisions to these regulations necessary to eliminate or reduce potential barriers, or otherwise provide in its annual report(s) required by Part I.H. justification why it is unable to make such modifications.

To address projects that MassDEP regulations exempt from compliance with the Standards (i.e., single family house projects and certain small subdivisions and housing developments), the Permittee's regulatory mechanism(s) may apply its equivalent requirements to the "maximum extent practicable" as defined in the Massachusetts Stormwater Handbook rather than requiring their full application. To address projects or activities located outside of a wetland resource area and that do not require the submission of a Notice of Intent to the Conservation Commission, the Permittee's regulatory mechanism(s) must maintain or establish surrogate procedures for successfully applying and enforcing the MassDEP Storm Water Management Standards<sup>5</sup>;

- (2) procedures for site plan review and pre-construction review meetings that incorporate consideration of stormwater controls or management practices to prevent or minimize impacts to water quality;
- (3) procedures for site inspection and enforcement of control measures, including provisions to ensure proper construction, operation, maintenance, and repair of construction and operational phase control measures;

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activities based on threshold criteria including the number of lots or units developed, assurance of no potential affects to critical areas, and whether the work is an emergency repair.

<sup>4</sup> Available at url: <http://www.mass.gov/dep/water/laws/policies.htm#storm>

<sup>5</sup> Standards 8, 9, 10 respectively address construction-related impacts, long-term operation and maintenance, and an illicit discharge prohibition. These Standards involve submissions associated with NOIs, Orders of Conditions, and Certificates of Compliance that are filed or issued pursuant to the MA Wetlands Protection Act.

- (4) procedures for receipt and consideration of information submitted by the public concerning proposed and ongoing land disturbance and development activities; and
  - (5) procedures for notifying project applicants of their potential obligation to obtain authorization under an EPA NPDES Permit such as the *General Permit for Storm Water Discharges from Construction Activities* (CGP) if their development or redevelopment project disturbs one more acres of land, either individually or collectively as part of a larger common plan, and discharges storm water to a Waters of the U.S. directly or through the Permittee's MS4. The notification shall convey the Permittee's ability to obtain a copy of the Storm Water Pollution Prevention Plan prepared for projects covered by EPA's CGP.
- (d) Within one (1) year after the effective date of this permit, the Permittee shall complete an estimate of the directly connected impervious area (DCIA) that contributes stormwater to each of its MS4 outfalls utilizing its existing geographic information system (GIS). For the purposes of this part, DCIA is that part of the total impervious area that is hydraulically connected to the Permittee's MS4. DCIA typically includes streets, sidewalks, driveways, parking lots, and some roof tops. DCIA typically does not include isolated impervious areas that are not hydraulically connected to the MS4 or otherwise drain to a pervious area. In its initial annual report, the Permittee shall provide the estimated DCIA that contributes stormwater to each MS4 outfall and describe the methodology and assumptions used. The Permittee shall provide the estimated DCIA for each outfall in each subsequent annual report based on development, redevelopment, or retrofit projects that effectively added or removed DCIA to its MS4 during the prior year.

## 5. Illicit Discharges and Sanitary Sewer Overflows

- (a) Illicit discharges to the MS4 are prohibited, and any such discharges violate this permit and remain in violation until they are eliminated. The Permittee shall prohibit from entering its MS4 all illicit discharges as defined in Part I.E.1.(a). Upon detection, the Permittee shall eliminate illicit discharges as expeditiously as possible and require the immediate cessation of improper disposal practices upon confirmation of responsible parties in accordance with its enforceable legal authorities established pursuant to Part I.E.1. of this permit, and its existing notification and cost-sharing procedures. Where elimination of an illicit discharge within thirty (30) days of its confirmation is not possible, the Permittee shall establish an expeditious schedule for its elimination. No later than six (6) months after confirmation, such discharges shall be eliminated or the Permittee shall initiate appropriate enforcement actions shall be initiated. In the interim, the Permittee shall take all reasonable and prudent measures to minimize the discharge of pollutants to its MS4.
- (b) The Permittee shall implement outfall screening and an illicit discharge detection protocol pursuant to Part I.F.6. of this permit to identify, prioritize, and investigate separate storm sewer catchments for suspected illicit discharges or improper disposal (e.g. dumping into a catch basin) of pollutants.

- (c) The Permittee shall maintain a record of illicit discharge and improper disposal abatement activities including, at a minimum: location, description, method of discovery, date(s) of inspection, action(s) taken, date of removal or repair, responsible party(ies), costs associated with removal or repair, and estimated daily flow or total volume removed. This information shall be included in the Permittee's annual reporting pursuant to Part I.H. of this permit.
- (d) Discharges from SSOs to the MS4 are prohibited, and any such discharges violate this permit and remain in violation until they are eliminated. Upon detection, the Permittee shall eliminate SSOs as expeditiously as possible and take all reasonable and prudent interim mitigation measures to minimize the discharge of pollutants to and from its MS4 until elimination is achieved. The Permittee shall continue to update and implement its Capacity, Management, Operations and Maintenance ("CMOM") Plan; Priority Cleaning Plan; Long Term Preventative Maintenance Plan; Fats, Oils, and Grease (FOG) Program; and its Root Control Program to minimize the occurrence and discharge of SSOs into its MS4.
- (e) The Permittee shall identify all known SSOs that have not yet been eliminated or for which the underlying cause has not yet been identified or corrected. This shall include SSOs resulting, during dry or wet weather, from inadequate conveyance capacities, or where interconnectivity of the storm and sanitary sewer infrastructure allows for communication of flow between the systems. This shall not include SSOs resulting from isolated episodes of pipe blockages or collapses that have not recurred since addressed. The Permittee shall submit to EPA and MassDEP within sixty (60) days of the effective date of this permit an inventory of the identified SSOs indicating:
- (1) location (approximate street crossing/address and receiving water, if any);
  - (2) date(s) and time(s) (i.e., beginning and end of discharge);
  - (3) estimated volume(s);
  - (4) description of the occurrence indicating know or suspected cause(s);
  - (5) mitigation and corrective measures completed with dates implemented; and
  - (6) mitigation and corrective measures planned with implementation schedules.
- (f) Upon becoming aware of an SSO, the Permittee shall provide oral and written notice to EPA and MassDEP in accordance with Part II.D.1.e. of this permit and 314 CMR 12.03(8). A completed MassDEP *Sanitary Sewer Overflow/Bypass/Backup Notification Form*<sup>6</sup> shall serve as this written notice and shall include an implementation schedule for planned mitigation and corrective measures. The Permittee shall include a summary of this information in its Annual Report required by Part I.H. of this permit.
- (g) Schedules for the mitigation or elimination of SSOs shall be established pursuant to EPA Administrative Order (Docket No. 05-21) or subsequent compliance orders issued by EPA or MassDEP. In the absence of a compliance order addressing a particular SSO, the Permittee shall implement mitigation or corrective actions according to schedules established and identified pursuant to Part I.E.5.(e) or I.E.5(f).

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<sup>6</sup> Available at url: <http://www.mass.gov/dep/water/approvals/ssoform.pdf>

- (f) The Permittee shall include in its annual reports required by Part I.H. of this permit the status of mitigation and corrective measures implemented by the Permittee to address each SSO identified pursuant to this part.

## 6. Infrastructure Operations and Maintenance

- (a) The Permittee shall continue its ongoing programs to repair and rehabilitate its MS4 infrastructure in a timely manner in order to reduce or eliminate the discharge of pollutants from its MS4 to receiving waters. This shall include refinement of the Permittee's standard operating procedures and good housekeeping practices for management of its MS4.
- (b) City-owned public streets, roads and highway rights-of-way shall be maintained by the Permittee in such a manner as to minimize the discharge of pollutants to its MS4.
- (c) The Permittee shall continue a street sweeping program that removes sand, sediment and debris and includes year-round (weekly or more often) main line and arterial sweeping, spring city-wide residential sweeping, fall city-wide street sweeping and leaf pick-up program. As a goal, the Permittee shall compress its spring residential sweeping schedule to maximize the quantity of material collected at the end of the winter season. The Permittee shall document results of its sweeping program including, at a minimum: curb miles swept, dates of cleaning, cubic yards of material collected, and method(s) of reuse or disposal.
- (d) The Permittee shall sweep all publicly owned parking lots at least twice annually.
- (e) The Permittee shall sweep sidewalks in the central business district at least twice annually.
- (f) The Permittee shall continue implementation and refinement of its standard operating practices regarding its snow and ice control operations. The Permittee shall establish goals for the optimization of chemical application rates through the use of automated application equipment (e.g. zero-velocity spreaders), anti-icing and pre-wetting techniques, implementation of pavement management systems, and alternate chemicals.
- (g) The Permittee shall comply with MassDEP's Snow Disposal Guidance available at url: [www.mass.gov/dep/water/laws/snowdisp.htm](http://www.mass.gov/dep/water/laws/snowdisp.htm) for the stockpiling or disposal of post-plowing snow.
- (h) As of the effective date of the permit, the Permittee shall continue its practice of routine cleaning of all catch basins at least once every other year at a minimum. The Permittee shall continue implementing its catch basin inventory program ("CBIP") that utilizes a geographic information system ("GIS") and an electronic database for mapping and tracking catch basin inspection, maintenance and management information. Utilizing information compiled through its CBIP, operational staff and public complaints, the

Permittee shall optimize routine cleaning frequencies for particular structures or catchment areas as follows to maintain acceptable sediment removal efficiencies:

- (1) For those catch basins serving catchment areas tributary to a receiving water identified in Attachment B with an approved TMDL and applicable waste load allocation for total phosphorus, inspections and cleanings shall be performed at a minimum frequency to ensure that no sump shall become more than fifty-percent (50%) full.
- (2) For all other catch basins, the Permittee shall as a goal increase its regular cleaning frequencies such that no catch basin sump is found to be more than fifty-percent (50%) full during routine cleaning events.
- (3) Barring any definite extenuating circumstances (such as excessive erosion from an active construction site), if a catch basin sump is found to be more than fifty-percent (50%) full during each of two consecutive routine cleaning events, the Permittee shall investigate the contributing drainage area for sources of excessive sediment loading, and to the extent practical, abate contributing sources through appropriate measures. Appropriate measures may include stabilization practices, drainage modifications, and increased frequencies of catch basin cleaning and street sweeping, and structural controls suitable for controlling the excessive loading. The Permittee shall describe in its annual report actions taken or its plans to abate areas of persistent sedimentation, including stabilization practices, structural improvements or operational modifications.
  - (i) The Permittee shall ensure the performance of retention or detention ponds which discharge to, or receive stormwater from, its MS4. This shall include ponds that are owned by the Permittee and all privately-owned ponds where the Permittee maintains an easement or other legal authority pursuant to Part I.E.1.(c) of this permit. At a minimum, the Permittee shall annually inspect all such retention or detention ponds and remove accumulated solids to restore full solids capture design capacity where found to be in excess of 50% design capacity.
  - (j) The Permittee shall continue a formal employee training program to increase awareness of water quality related issues in management of its sanitary sewers and MS4. In addition to providing key staff with topical training regarding standard operating procedures and other activities necessary to comply with the provisions of this permit, the training program shall include establishing an awareness of the general goals and objectives of the SWMP; identification and reporting of illicit discharges, SSOs, and improper disposal; and spill response protocols and respective responsibilities of involved personnel.
  - (k) As part of interagency agreements established pursuant to Part E.1.(g) of this permit, the Permittee shall coordinate with operators of interconnected MS4s regarding the contribution of pollutants or operation and maintenance procedures affecting either system.

- (l) The Permittee shall continue to inspect, maintain, and monitor the Vortechincs Model 16000 storm water treatment device installed as a demonstration project during the first permit term on the Belmont Street Drain. Sampling methodology and annual reporting will be carried out as directed in Part I.F.7. of this permit.
- (m) The Permittee shall continue to inspect, maintain, and monitor the resource restoration project at Salisbury Pond, which included the installation of hydrodynamic separators at two outfalls into the pond, to reduce nutrients and sediment from entering the pond. The project shall include public education elements and the tracking of pollutant removal effectiveness of the separators. Sampling methodology and annual reporting will be carried out as directed in Part I.F.7. and Part I.H. of this permit.
- (n) The Permittee shall continue to inspect, maintain, and monitor the resource restoration project at Indian Lake, which included the installation of three hydrodynamic separators to remove sediment and nutrients from entering the Lake. The project shall also include public education elements and ongoing operation and maintenance of the separators. Sampling methodology and annual reporting will be carried out as directed in Part I.F.7. and Part I.H. of the permit.
- (o) The Permittee shall maintain the stream day-lighting culvert rehabilitation project at Beaver Brook, and the related reconstruction and the flood plain improvements to Beaver Brook Park. In-stream monitoring shall be performed as described in Part I.F.3. of this permit.

## 7. Infrastructure Improvements

- (a) The Permittee shall continue its ongoing programs to improve its MS4 infrastructure in order to reduce or eliminate the discharge of pollutants to and from its MS4.
- (b) The Permittee shall continue to implement its program to retrofit twin-invert manholes with hold-down devices on the metal plates that cover the sanitary sewer inverts; reducing the potential for hydraulic communication between its sanitary sewer and MS4.
- (c) The Permittee shall continue its Private Street Conversion Program, converting unpaved private streets to paved streets with proper drainage, following citizen petition for the conversion. The Permittee shall adhere to its construction site and post-construction pollution prevention practices (Part I.E.4) as part of street conversions.

## Part I.F. Monitoring and Analysis

- 1. The Permittee shall implement specific inspection, screening, and monitoring activities of its MS4 and receiving waters to facilitate and inform the implementation of several provisions of this permit and to support the Permittee's required assessments of its SWMP. Monitoring and analysis activities shall include in-stream dry and wet weather monitoring of receiving water quality; wet weather outfall monitoring for storm water quality; dry and wet weather outfall screening for illicit discharges; implementation of an illicit discharge detection

protocol; inspection and performance monitoring of existing hydrodynamic storm water separators; and implementation and monitoring of one or more groundwater recharge/low-impact development retrofit demonstration projects.

2. **Upon the effective date** of this permit, the Permittee shall begin implementation of activities described in this part. Within **One hundred eighty (180) days** of the effective date of this permit the Permittee shall submit as part of its updated SWMP submission pursuant to Part I.D. of this permit, a description of the means, methods, quality assurance and control protocols, and schedule for successfully implementing the required screening, field monitoring, laboratory analysis, investigations, and analysis and evaluation of data collected. The submission shall include a description of meteorological resources the Permittee intends to utilize to facilitate the required activities.
3. **In-stream Dry and Wet Weather Monitoring of Receiving Water Quality**
  - (a) In-stream dry and wet weather monitoring shall be conducted at a minimum total of eight (8) locations amongst six (6) major headwater tributaries to the Blackstone River: three (3) in Beaver Brook, and one (1) each in the Middle River, Kettle Brook, Tatnuck Brook, Mill Brook, and Poor Farm Brook. Specific monitoring locations shall be established by the Permittee through consideration of monitoring stations utilized by Permittee<sup>7</sup>, MassDEP<sup>8</sup>, the Blackstone River Coalition<sup>9</sup>, or others. Two of the three monitoring locations in Beaver Brook shall be located upstream and downstream of its recently daylighted reach in Beaver Brook Park. In-stream monitoring shall also be completed at all tributary inlets to impaired waters as described in Part I.F.4.(b) of this permit.
  - (b) The Permittee shall perform annual in-stream monitoring in a total of four rounds, performed once in the summer during dry weather conditions, and once each in the spring, summer and fall during wet weather conditions.
  - (c) Dry weather monitoring shall be performed only when an antecedent dry period of at least 72 hours after a rain event greater than 0.1 inch in depth is satisfied. Monitoring methodology shall consist of collecting a minimum of four (4) grab samples spaced at a minimum interval of 5 minutes each. Grab samples will be combined into a single composite sample from each station, preserved, and delivered to the laboratory for analysis.
  - (d) Wet weather monitoring shall be performed only when the predicted rainfall depth of a storm event is greater than 0.25 inches and an antecedent dry period of at least 48 hours after a rain event greater than 0.1 inch in depth is satisfied. Monitoring methodology will consist of collecting a minimum of four (4) grab samples spaced at a minimum interval of 15 minutes each. Individual grab samples shall be preserved and delivered to the

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<sup>7</sup> NPDES Permit Term 1 Stormwater Quality Analysis (City of Worcester, 2006)

<sup>8</sup> Blackstone River Basin -1998 Water Quality Assessment (MassDEP, 2001; available at url: <http://www.mass.gov/dep/water/resources/wqassess.htm#wqar>

<sup>9</sup> [http://www.zaptheblackstone.org/whatwedoing/water\\_quality/wqm.shtml](http://www.zaptheblackstone.org/whatwedoing/water_quality/wqm.shtml)

laboratory where samples will be combined into a single composite sample from each outfall, weighted by respective flow rate estimated at the time of sample collection.

- (e) At the time of sampling, the Permittee shall record any observed erosion of stream banks, scouring, or sedimentation in streams, such as sand bars or deltas.
- (f) Samples collected during the dry and wet weather monitoring shall be analyzed for the following parameters in the field (indicated by “\*”) or laboratory:

- Dissolved Oxygen (DO)\*
- pH\*
- Temperature\*
- Conductivity\*
- Total Suspended Solids (TSS)
- Total Petroleum Hydrocarbons (TPH)
- Surfactants
- Total Phosphorus
- Nitrate-Nitrogen
- Copper
- Lead
- Zinc
- Chloride
- Biochemical Oxygen Demand (BOD)
- E. coli*

- (g) The Permittee shall analyze all monitoring results in combination with relevant data collected during the 1998 permit term to assess any changes or trends in observed receiving water quality.

#### 4. Wet Weather Outfall Monitoring for Storm Water Quality

- (a) Permittee shall perform storm water quality monitoring at each of its MS4 outfalls a minimum of twice during the permit term. The first round of outfall monitoring shall be completed within the first two (2) years after the effective date of this permit. The second round of outfall monitoring shall be completed within the final two (2) years prior to the expiration date of this permit.
- (b) For storm water and tributary inlet discharges into water bodies identified as impaired by a known pollutant in Attachment B (Categories 4a and 5), the Permittee shall perform the following additional storm water and in-stream water quality monitoring and analyses for all pollutant(s) of concern (or appropriate precursors) causing use impairment(s)<sup>10</sup>. For storm water and tributary inlet discharges to impaired waters identified in Attachment B, with or without an approved TMDL, monitoring shall be performed a minimum of once

<sup>10</sup> For the purposes of this part, total phosphorus shall be the precursor analyzed where the pollutant of concern on Attachment B is identified as: (2) noxious aquatic plants, (8) nutrients, (9) organic enrichment/low dissolved oxygen, (11) turbidity, or (14) taste, odor and color.

per year. For the purposes of this part, a “storm water discharge to an impaired water” includes any discharge from the Permittee’s MS4 flowing directly into the impaired water, and does not include discharges from its MS4 located in the upstream tributary area to an impaired water. For the purposes of this part, a “tributary inlet” includes the point at which any natural water course discharges into another water body. The Permittee may combine implementation of the monitoring required in this part with the monitoring required by Part I.F.4.(a) to simultaneously satisfy requirements of both parts during a singular storm event.

- (c) Monitoring methodology at each outfall or tributary inlet shall consist of a single grab sample, collected during any portion of the outfall’s discharge hydrograph (i.e., first flush, rising limb, peak, and falling limb) or discernable increase in flow at the tributary inlet. In order to accommodate the timely completion of all required monitoring, no minimum rainfall depth or antecedent dry period criterion need be established beyond the requirement that qualifying storm events be sufficient in depth to generate storm water runoff and resultant discharge at the outfalls or discernable increased flow at tributary inlets to be monitored.
- (d) Individual grab samples collected pursuant to Part I.F.4.(a) shall be analyzed using field (indicated by “\*”) and laboratory instrumentation to measure the following physical, chemical, and biological water quality indicator parameters:

Dissolved Oxygen (DO)\*  
 pH\*  
 Temperature\*  
 Conductivity\*  
 Total Suspended Solids (TSS)  
 Total Petroleum Hydrocarbons (TPH)  
 Surfactants  
 Total Phosphorus  
 Nitrate-Nitrogen  
 Copper  
 Lead  
 Zinc  
 Chloride  
 Biochemical Oxygen Demand (BOD)  
*E. coli*

- (e) Monitoring performed at the New Bond Street outfall shall be coordinated with an investigation of the elevated concentrations of copper recorded during the 1998 permit term at this outfall. Within two (2) years after the effective date of this permit, the Permittee shall complete the investigation of this outfall. Based on the results of the investigation, the Permittee shall direct any contributing property owner or responsible party to abate its discharge of copper in accordance with the Permittee’s sewer and storm water management ordinance and, if applicable, its pollution prevention program developed pursuant to Part I.E.3.(f) of this permit.

## 5. Dry and Wet Weather Outfall Screening for Illicit Discharges and SSOs

- (a) The Permittee shall screen discharges from its MS4 outfalls during dry and wet weather conditions for physical, chemical, and biological indicators of the presence and relative magnitude of sanitary or non-stormwater influence in tributary subcatchment areas. Whether documented by EPA, MassDEP, the Permittee, or others, drainage catchments or alignments with known or highly suspected contributions of illicit discharges or SSOs may have already been identified. Screening of outfalls serving such portions of the MS4 is not required for the purpose of prioritization as required in Part I.F.5.(b), and the Permittee shall continue or initiate isolation and removal procedures for illicit discharges and SSOs in these areas based on the Permittee's priority ranking established pursuant to Part I.F.6.(b) of this permit. Within sixty (60) days of the effective date of this permit the Permittee shall submit to EPA and MassDEP an inventory of all MS4 subcatchments for which the Permittee deems outfall screening is not required pursuant to this part. For each subcatchment or alignment, the Permittee shall provide:
- (1) all available documented evidence, including monitoring results, of illicit discharges and SSOs;
  - (2) completed, ongoing or planned corrective measures addressing the documented illicit discharges and SSOs; and
  - (3) a schedule for completing and verifying measures correcting the documented illicit discharges and SSOs.
- (b) Screening of outfalls during dry and wet weather periods shall be completed to facilitate the priority ranking of individual separate storm sewer subcatchment areas for investigation using the Permittee's Illicit Discharge Detection Protocol ("IDDP") described in Part I.F.6. of this permit. Analysis of screening results, including comparisons with benchmark values for parameters included in Table 1 and Figure 1 on Page 27 of this permit, shall support such prioritization. Screening of outfalls during dry and wet weather periods after implementation of the Permittee's IDDP shall serve to verify that the correction of all illicit discharges have been completed.
- (c) The Permittee shall develop a priority ranking for the purpose of scheduling its outfall screening activities required by this part. EPA and MassDEP recommend that the Permittee consider the current or intended uses of receiving waters, existence of use impairments, and the relative likelihood of the presence of illicit discharges and SSOs in the development of its priority ranking.
- (d) Except where excluded by Part I.F.5.(a), MS4 outfalls shall be screened a minimum of twice during the permit term, once in accordance with the dry weather methodology and once in accordance with the wet weather methodology described in Part I.F.5.(e) and Part I.F.5.(f) of this permit, respectively. Outfall screening to facilitate priority ranking shall be completed at a rate that will permit timely execution of the Permittee's IDDP as described in Part I.F.6.(a) of this permit (i.e., an incremental twenty-five percent (25%) of MS4 subcatchment areas completed by the end of permit years 1, 2, 3, and 4). As

described in Part I.F.6.(d)(8), an additional round of dry and wet weather screening is required at any outfall serving a subcatchment found to be influenced by one or more illicit discharges or SSOs, and shall be completed no more than sixty (60) days after the Permittee has subsequently verified removal of all such discharges contributing to the outfall's subcatchment in accordance with Part I.F.6.(d)(7).

- (e) Dry Weather Methodology. Dry weather outfall screening shall proceed only when no more than 0.1 inches of rainfall has occurred in the previous 24-hour period. The duration of the antecedent period may be shortened or lengthened by the Permittee as necessary or appropriate dependent upon rainfall depth or the relative extent, slope, storage, and other influences on the particular subcatchment served by the outfall. In order to maintain consistency, screening shall be performed according to substantially the same procedures as described in the 1998 permit as follows:
- (1) Locate the outfall, and take a photograph. At outfalls where photographs were previously taken, new photographs shall be taken from the same approximate orientation to facilitate comparison and determination of any changes.
  - (2) Collect data on physical condition of the outfall, including evidence of collapse and structural defects, and evidence of erosion or deposition in the vicinity of the outfall.
  - (3) Record any indicators of illicit discharges or SSOs such as odors, oil sheen, soap suds, slimes, or presence of sanitary floatables or solids.
  - (4) If the outfall is inaccessible or submerged, proceed to the first accessible upstream manhole or structure.
  - (5) If flow is observed, estimate flow using the product of flow area and velocity or the quotient of volume discharged over time, perform field analyses described in Part I.F.5.(e)(6), and collect grab sample for enumeration of *E.coli* indicator bacteria in the laboratory. If the outfall is not flowing, but shows evidence of recent intermittent flow (e.g. a residue unrelated to a storm water discharge), return in 4 to 24 hours and screen again; completing flow estimation, field analyses, and grab sampling for indicator bacteria analysis if flow is subsequently observed. If no flow is observed initially and upon return, or no evidence of intermittent flow is present, proceed to the next outfall.
  - (6) Field analyses of dry weather flow samples shall include measurement of the following parameters:
    - Conductivity
    - Turbidity
    - Dissolved Oxygen
    - pH
    - Chlorine
    - Temperature

- Surfactants as (MBAS)
  - Potassium
  - Ammonia
- (f) Wet Weather Methodology. In order to accommodate the timely completion of all required monitoring, no minimum rainfall depth need be established beyond the requirement that storm events be sufficient in depth to generate stormwater runoff and subsequent discharge at the outfalls to be monitored. No antecedent dry period criterion will apply to the wet weather screening and sampling; as a goal of the effort is to evaluate outfalls during wetter periods when many illicit discharges and SSOs are more likely to activate and manifest at an outfall. In order to maintain consistency with dry weather screening described above, wet weather screening will be performed in a similar manner as follows:
- (1) Record any indicators of illicit discharges or SSOs such as odors, oil sheen, soap suds, slimes, or presence of sanitary floatables or solids.
  - (2) If the outfall is inaccessible or submerged, proceed to the first accessible upstream manhole or structure to complete screening and monitoring.
  - (3) Estimate flow using the product of flow area and velocity or the quotient of volume discharged over time, perform field analyses described in Part I.F.5.(f)(4), and collect grab sample for enumeration of *E. coli* indicator bacteria in the laboratory.
  - (4) Field or laboratory analyses of wet weather flow samples shall include measurement of the following parameters:
    - Conductivity
    - Turbidity
    - Dissolved Oxygen
    - pH
    - Chlorine
    - Temperature
    - Surfactants (as MBAS)
    - Potassium
    - Ammonia

## 6. Illicit Discharge Detection Protocol (“IDDP”)

- (a) Implementation. The Permittee shall implement an IDDP according to the priorities developed pursuant to Part I.F.6.(b), and consistent with the methodology described in Part I.F.6.(d) of this permit. The Permittee shall complete implementation of its IDDP throughout its entire MS4 no later than **five (5) years** from the effective date of this permit; such shall be completed in minimum increments of twenty-five percent (25%) of its total MS4 service area no later than **2, 3, 4, and 5 years** from the effective date of this

permit. The Permittee shall cause the removal of all identified illicit discharges and SSOs pursuant to Part I.E.5.(a) and Part I.E.5.(g) of this permit, respectively.

- (b) **Prioritization.** The Permittee shall use the results from its dry and wet weather outfall screening required by Part I.F.5. to develop a priority ranking for the purpose of scheduling its IDDP implementation. EPA and MassDEP recommend that the Permittee consider the perceived severity of the pollution, the current or intended uses of receiving waters, and impairment status, in the development of its priority ranking.
- (c) **Mapping.** Through a geographic information system or other methods, the Permittee shall prepare mapping to facilitate implementation of its IDDP. Mapping shall provide a comprehensive depiction of key infrastructure and factors influencing proper system operation and the potential for illicit sanitary sewer discharges. Mapping themes shall include: key sanitary and storm sewer infrastructure, investigation and study findings, monitoring data, cleaning and repair activities, capital projects, and water resource and topographic features. The required number, scale and detail of the maps shall be appropriate to facilitate a rapid understanding of the system by the Permittee, EPA and MassDEP. In addition, the mapping shall serve as a planning tool for the implementation and phasing of the IDDP, demonstration of the extent of complete and planned investigations and corrections, and other related capital projects. To ensure legible mapping, information shall be grouped appropriately and represented thematically (e.g. by color) with legends or schedules where possible. Mapping shall be updated as necessary to reflect newly discovered information, corrections or modifications, and progress made. The following information and features shall be included in the mapping:

(1) **Infrastructure**

- Municipal separate storm sewer system (including inter-municipal and private connections where available)
- Municipal sanitary sewer system (including inter-municipal connections)
- Municipal combined sewer system
- Thematic representation of sewer material, size, and age
- Sewer flow direction and flow type (e.g., pressure, vacuum, gravity)
- Select rim and invert elevations (for comparison with water table and vertical separation between systems)
- Aerial delineations of major separate storm sewer catchment areas, sanitary sewersheds, combined sewersheds, and areas served by on-site subsurface disposal systems
- Common/twin-invert manholes or structures (i.e., structures serving or housing both separate storm and sanitary sewers)
- Sanitary and storm sewer alignments served by known or suspected underdrain systems
- Sewer alignments with common trench construction and major crossings representing high potential for communication due to water table influence
- Lift stations (public and private), siphons, and other key sewer appurtenances

- Sewersheds or sewer alignments experiencing inadequate level of service (LOS) (with indication of reason(s))
- Location(s) of known sanitary sewer overflows (SSO) (with indication of cause(s))

(2) Water Resources and Topographic Features

- Water bodies and watercourses identified by name
- Seasonal high water table elevations impacting sanitary sewer alignments
- Topography
- Orthophotography

(3) O&M, Investigations, Remediation, and Capital Projects

- Alignments, dates, and thematic representation of work completed (with legend) of past illicit discharge investigations (e.g. flow isolation, dye testing, CCTV)
- Locations of suspected, confirmed, and corrected illicit discharges (with dates and flow estimates)
- Water quality monitoring locations with representation of water quality indicator concentrations
- Recent and planned sewer infrastructure cleaning and repair projects
- Alignments and dates of past and planned I/I investigations and sanitary sewer remediation work
- Planned capital projects relative to utility and roadway rehabilitation or replacement
- Proposed phasing of future illicit discharge investigations

(d) IDDP Methodology. The IDDP shall utilize methodologies adapted from BWSC (2004) and Pitt (2004) (see Part XI.C.9 of Fact Sheet) described in this part to perform a thorough top-down investigation of separate storm sewer catchments that relies on results from visual observation, field test kits, and portable instrumentation during dry weather conditions to isolate areas or alignments with likely sanitary or non-storm water contributions. Internal plumbing inspections, dye or smoke testing, CCTV inspections, or other methods consistent with the Permittee's established procedures shall then employed to confirm the illicit and non-stormwater flow source(s).

(1) Infrastructure Verification and Preparation. Infrastructure and junction manhole mapping, and subcatchment delineations, shall be verified in the field and corrected prior to investigations as necessary. Separate storm sewer infrastructure shall be evaluated for the need to be cleaned to remove debris or blockages that could compromise investigations. Such material shall be removed to the extent possible prior to investigation, however, some cleaning may occur concurrently.

(2) Dry Weather Criteria. In order to prevent or limit the influence of storm water runoff during the investigations, an antecedent dry weather period of 24 hours after cessation of a precipitation event greater than 0.1 inches will be observed prior to

commencement of manhole inspections and field monitoring discussed in Part I.F.6.(e)(3) below. The duration of the antecedent period may be shortened or lengthened by the Permittee as necessary or appropriate dependent upon rainfall depth or the relative extent, slope, storage, and other influences on the particular subcatchment under investigation.

- (3) **Manhole Inspection Methodology.** All junction manholes or structures serving the subcatchment shall be opened and inspected for visual evidence of illicit discharges during a period when the antecedent dry weather criterion has been satisfied (e.g., after 24 hours of dry weather). Inspections shall be completed in a “top-down” progression, beginning with the most upstream junction manhole(s) in each subcatchment.

Where **flow is observed** in any junction manhole and determined to be contaminated through visual observation (e.g., excrement, toilet paper, or sanitary products present) or field monitoring (see Part I.F.6.(d)(4)), the contributing tributary storm sewer alignment shall be identified for investigations to isolate the source(s) in accordance with Part I.F.6.(d)(5).

Where **flow is not observed** in a junction manhole, all non-flowing inlets to the structure shall be partially dammed for the next 48 hours when no precipitation is forecast. Inlets shall be dammed by blocking a minimal percentage (approximately 20% +/- depending on pipe slope) of the pipe diameter at the invert using sandbags, caulking, weirs/plates, or other temporary barriers. Manholes shall thereafter be re-inspected (prior to any precipitation or snow melt) for the capture of periodic or intermittent flows behind any of the inlet dams. The same visual observations and field testing shall be completed on any captured flow to identify alignments for isolation investigations. Though isolation investigations of multiple lateral alignments of a subcatchment can occur simultaneously, downstream investigations of mainline alignments (after the confluence with lateral alignments) cannot proceed until any confounding influence of upstream illicit discharges or SSOs have been eliminated.

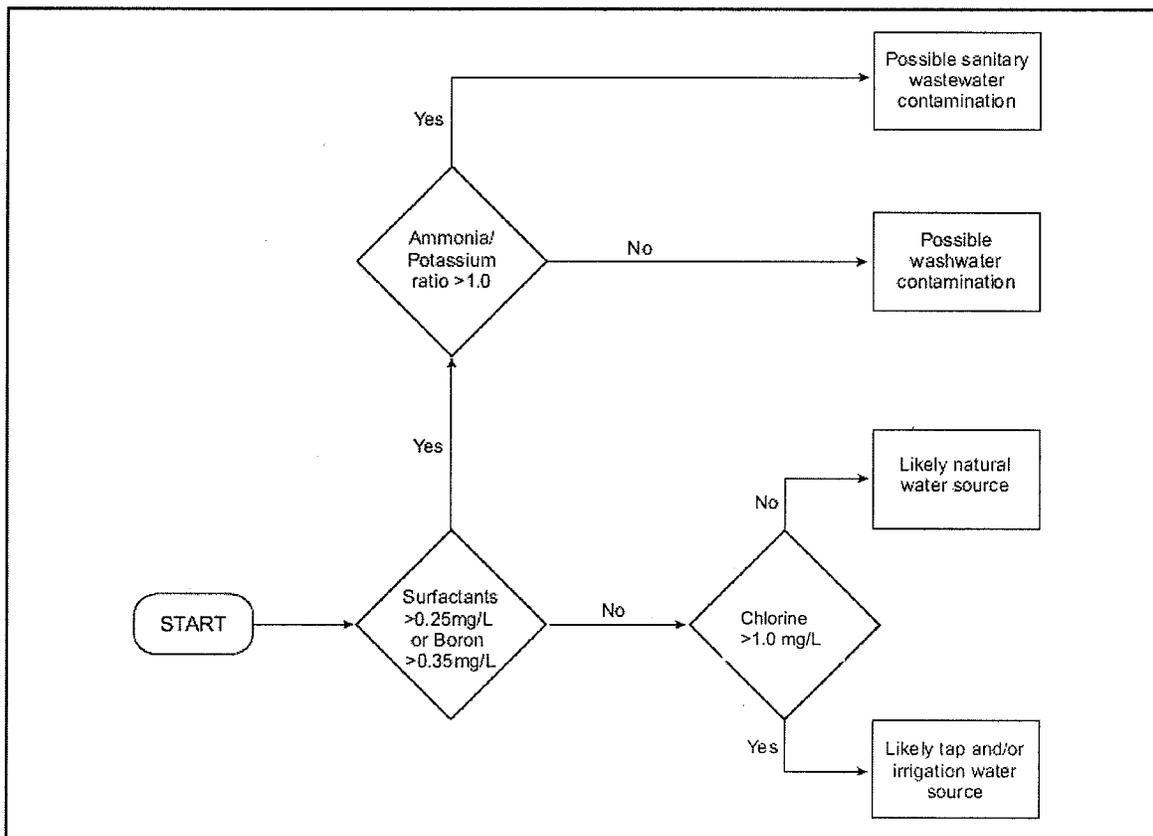
- (4) **Field Monitoring.** Where flow is observed that does not demonstrate obvious physical or olfactory evidence of an illicit discharge or SSO, a sample shall be collected and analyzed with the field kits and instrumentation as identified in Table 1. The Permittee shall compare the measured values with benchmark values using the flow chart in Figure 1 to determine the likely prominent source of the flow. Where surfactant concentrations are measured in the flow above the benchmark, ammonia and potassium shall be measured and results used in a ratio analysis to determine if the flow is likely to be governed by a sanitary or wash water component. Where surfactants are not detected above the benchmark concentration, a flow sample shall be analyzed for chlorine in an attempt to determine if the likely source is natural surface water or groundwater; or possibly a potable water source, a swimming pool, or an industrial discharge. However, the results of this analysis may not always prove conclusive as the chlorine demand found in the storm sewer may diminish or

**Table 1 - Field Measurements, Benchmarks, and Instrumentation**

Analyte	Benchmark	Instrumentation <sup>1</sup>
Surfactants (as MBAS)	>0.25 mg/L	MBAS Test Kit (e.g. CHEMetrics K-9400)
Potassium (K)	(ratio below)	Portable Ion Meter (e.g. Horiba Cardy C-131)
Ammonia (NH <sub>3</sub> )	NH <sub>3</sub> /K > 1.0	Portable Colorimeter or Photometer (e.g. Hach DR/890, CHEMetrics V-2000)
Chlorine	>0.1 mg/L	Portable Colorimeter or Photometer (e.g. Hach DR/890, CHEMetrics V-2000)
Temperature	Abnormal	Thermometer
pH	Abnormal	pH Meter

<sup>1</sup> Instrumentation manufacturers and models provided for informational purposes only. Mention of specific products does not constitute or imply EPA endorsement of same.

**Figure 1. Flow Chart - Determining Likely Source of Discharge (Adapted from Pitt, 2004)**



eliminate any chlorine present. The Permittee may need to adjust benchmark values found in Table 1 during the course of investigations after a comparison and calibration of data with actual incidences of observed flow sources.

- (5) Isolation and Confirmation of Illicit Discharges. Where physical evidence or field monitoring has identified storm sewer alignments to be influenced by sanitary flows, washwaters, or other illicit discharges, the Permittee shall isolate the tributary area for implementation of more detailed investigations. Additional manholes along the alignment shall be inspected to refine the location of potential contamination sources (e.g., an individual home or block of homes). Targeted internal plumbing inspections, dye or smoke testing, CCTV inspections, or other methods consistent with the Permittee's established procedures shall then be employed to confirm the flow source(s).
- (6) Removal of Illicit Discharges. Where an illicit discharge is verified, the Permittee shall exercise its authority as necessary to require its removal pursuant to Part I.E.5.(a) of this permit, including prompt notification and any appropriate cost-sharing arrangements.
- (7) Verification of Illicit Discharge Removals. After completing the removal of all illicit discharges from a particular alignment or portion of an MS4 subcatchment, the Permittee shall verify that all necessary corrections have been made. Depending on the extent and timing of corrections made, verification monitoring may be accomplished at the original junction manhole or the closet downstream MS4 structure to each correction. Verification shall be accomplished by using the same visual inspection, field monitoring, or damming techniques as described in Parts I.F.6.(e)(3) and I.F.6.(e)(4) above. Investigation of those portions of downstream alignments confounded by the identified illicit discharge(s) shall not proceed until removal or elimination has been verified.
- (8) Verification of IDDP Completion in MS4 Subcatchments. A completed verification at the outfall (or the first accessible upstream structure from an inaccessible MS4 outfall) of an MS4 subcatchment shall serve to demonstrate that the IDDP has been fully implemented for that entire subcatchment. This subcatchment verification shall include both the techniques described in Parts I.F.6.(e)(3) and I.F.6.(e)(4), as well as completion of the dry and wet weather screening methodologies described in Parts I.F.5.(e) and I.F.5.(f).
- (9) Work Progression & Schedule. Since the IDDP requires verification of illicit discharge removals prior to progressing to affected portions of downstream MS4 subcatchments, the Permittee shall maintain capacity to mobilize investigations to other subcatchments or unaffected lateral alignments within the same subcatchment, to facilitate suitable progress while awaiting correction of illicit discharges or sanitary sewer overflows confounding downstream investigations. Since work progress may be further constrained by the persistence of precipitation and snow melt events, the

Permittee shall provide for adequate staffing and equipment resources to perform concurrent investigations in multiple areas as necessary to complete all investigations within **five (5) years** from the effective date of this permit.

- (10) Reporting and Evaluation. The Permittee shall document in its annual reports required by Part I.H. its progress implementing the provisions of Part I.F.6., including the results and status of its outfall screening and monitoring, mapping, and IDDP implementation. The Permittee shall evaluate its progress by tracking, at a minimum, the percentage of MS4 catchment areas or outfalls screened and/or monitored, percentage of structures inspected, and the footage or percentage of MS4 cleaned and inspected by CCTV.
- (11) Modifications. Though the IDDP is applicable to most storm sewers, modifications to methods and materials may be required to address situations where groundwater or backwater conditions or other issues preclude adequate implementation as described herein. In such instances, the Permittee shall make necessary modifications to the IDDP in accordance with Part I.G. of this permit.

#### 7. Hydrodynamic Storm Water Separator Monitoring

- (a) Pollutant Removal Effectiveness. The Permittee shall monitor the pollutant removal effectiveness of a total of three hydrodynamic separator units installed and maintained at Belmont Street (Lake Quinsigamond), Salisbury Pond, and Indian Lake. Monitoring results, analyses and conclusions shall be incorporated into the Permittee's annual reports submitted to EPA and MassDEP.
- (1) Belmont Street Vortech Unit. The Permittee shall continue monitoring and analyzing water quality data collected upstream and downstream of this unit for total suspended solids (TSS), oil and grease and total phosphorus during dry and wet weather. To ensure the validity of the results, monitoring will be conducted only when 100% of flow in the 48-inch storm sewer is confirmed by visual inspection to be diverted to the separator unit. Monitoring "rounds" shall be comprised of single grab samples collected from the influent, effluent, and bypass flows to the unit. Dry weather monitoring shall include one round of sampling, once per year during the five-year permit term. Wet weather monitoring shall be conducted twice per year, once each during the spring and fall. Four rounds of samples shall be collected during each wet weather event; one during the first flush and one each fifteen minutes thereafter, for a total duration of one hour. Instantaneous flow estimates shall be made and recorded during each round.
- (2) Salisbury Pond. The Permittee shall monitor the pollutant removal effectiveness of the BMP's (hydrodynamic separator units) installed and maintained at Salisbury Pond. Dry weather sampling shall be conducted once per year and wet weather sampling shall be conducted twice per year, during the five-year permit term at one unit. Water quality analysis of total suspended solids ("TSS"), *E. coli* and total phosphorus shall be conducted. For each dry weather event, one round of samples

shall be collected. For each wet weather event, four rounds of samples shall be collected: one round during the first flush and one round every 15 minutes thereafter, for a total duration of one hour.

(3) Indian Lake. The Permittee shall monitor the pollutant removal effectiveness of the BMP's installed and maintained at Indian Lake. Dry weather sampling shall be conducted once per year and wet weather sampling shall be conducted twice per year during the five-year permit term at one unit. Water quality analysis of total suspended solids (TSS), *E.coli*, and total phosphorus shall be conducted. For each dry weather event, one round of samples shall be collected. For each wet weather event, four rounds of samples shall be collected: one round during the first flush and one round every 15 minutes thereafter, for a total duration of one hour.

(b) Operation and Maintenance Optimization. The Permittee shall implement an inspection program to facilitate the Permittee's refinement and implementation of a long term operation and maintenance plan for city owned and operated underground hydrodynamic storm water separators (Downstream Defender, Vortechincs and Vortcentury). The Permittee shall visually inspect all of its devices and record sediment accumulation depths in each throughout the permit term to facilitate the development and refinement of individual maintenance programs that strive for maximum operational effectiveness. Inspection frequencies shall be adequate to facilitate a qualitative understanding of the variability in solids and floatable accumulation rates in the devices as impacted by land use, road sanding, land disturbing construction activities, or other factors.

(1) For the first year of the permit term, inspections shall be conducted quarterly at a minimum, including before and after a predicted storm event (rainfall) that is greater than two (2) inches in depth in a twenty-four (24) hour period to assess how the units capture and retain sediment, or may be compromised, at higher rates of flow. Inspections may be conducted coincidentally with the water quality monitoring performed as required by Part I.F.3. – I.F.5. of this permit. After the first year of monitoring, and following the Permittee's assessment of its inspection data and the resulting derived maintenance and cleaning schedules for each device, the Permittee shall modify as necessary the inspection frequencies and operation and maintenance practices for each unit pursuant to Part I.G.2 of this permit. Maintenance and cleaning schedules shall be optimized based on observations of factors such as expected versus actual sediment deposition depth, sediment wash-out at certain deposition depths, or sediment accumulation variations during different seasons.

#### 8. Groundwater Recharge/Low-Impact Development Retrofit Demonstration Project

(a) The Permittee shall implement a retrofit demonstration project to inform and facilitate the application of groundwater recharge as a low-impact development practice in the city as required by Part I.E.1.(f) and Part I.E.4.(a) of this permit.

(b) The Permittee shall select a minimum of one municipally-owned and developed parcel on which to retrofit one or more low-impact development stormwater management practices

that encourage groundwater recharge and reduce surface water runoff. In selecting candidate parcels, the Permittee shall consider subwatersheds that discharge to impaired waters; that are significantly urbanized and discharge to smaller tributaries; or that represent opportunities to encourage or integrate with a phased implementation of other public and private low-impact development retrofits within a subwatershed.

- (c) The demonstration project shall be designed and monitored by the Permittee in a manner to allow it to assess the feasibility, cost effectiveness, performance, maintenance requirements and environmental benefits of the retrofit(s).
- (d) The project shall adhere to the Stormwater Management Standards established by the MassDEP in effect upon the effective date of this permit and guidance related to groundwater recharge<sup>11</sup>. The Permittee shall include in its annual reports the status of project implementation, and an assessment as described in Part I.F.8.(c) of this permit.
- (e) The schedule for this project shall be as follows:
- **Year 1:** Select location(s) for retrofit. This may entail a review of existing and proposed land uses on municipal properties, coordination with other uses and projects on municipal properties, sites evaluations for soil type, topography, and interagency agreements. Selected location(s) must be currently served by the Permittee's MS4.
  - **Year 2:** Design and Secure Funding. Potential recharge applications shall be evaluated with possible assistance from qualified consultants. Project design shall include establishment of monitoring and evaluation protocols. Funding to implement a minimum of one type of retrofit at one location shall be secured.
  - **Year 3:** Implementation. Selected design components shall be installed or constructed.
  - **Year 4:** Monitoring and Assessment. Retrofit(s) shall be inspected and monitored to determine maintenance needs and performance. Maintenance shall be performed as necessary.
  - **Year 5:** Evaluation and Reporting. Retrofit(s) shall be evaluated in terms of cost and level of effort to design, construct and maintain. Performance and maintenance requirements shall be evaluated through visual inspections and recharge volumes estimated through falling head tests or other methods. The Permittee shall evaluate the demonstration project and include findings of its assessment in its annual report for the final year of the permit term.

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<sup>11</sup> Massachusetts Stormwater Management Standards, Interim Guidance Handbook, Vol. 1, Chapter 1 (available at: <http://www.mass.gov/dep/water/wastewater/v1c1.doc>)

## 9. Implementation Schedule

The Permittee shall implement the activities required by Part I.F. of this permit in accordance with the following schedule.

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>In-stream Dry &amp; Wet Weather Monitoring</b>	One dry and three wet weather composite samples collected annually from each of eight stations located in six major headwater tributaries to the Blackstone River				
<b>Wet Weather Outfall Monitoring</b>	Two rounds of single grab samples at all outfalls during permit term analyzed for a suite of water quality parameters; completed once during the first two years of the permit term and once during the final two years of the permit term. Plus monitoring an additional once per year for pollutant(s) of concern in direct discharges into impaired waters (with or without an approved TMDL)				
<b>Dry &amp; Wet Weather Outfall Prioritization Screening (Pre-IDDP)</b>	Complete screening of 25% of MS4 Outfalls	Complete screening of 50% of MS4 Outfalls	Complete screening of 75% of MS4 Outfalls	Complete screening of 100% of MS4 Outfalls	
<b>Implementation of IDDP</b>	Complete IDDP in 25% of MS4		Complete IDDP in 50% of MS4	Complete IDDP in 75% of MS4	Complete IDDP in 100% of MS4
<b>Dry &amp; Wet Weather Outfall Verification Screening (Post-IDDP)</b>	Complete screening of 25% of MS4 Outfalls		Complete screening of 50% of MS4 Outfalls	Complete screening of 75% of MS4 Outfalls	Complete screening of 100% of MS4 Outfalls
<b>Hydrodynamic Storm Water Separators</b>	One dry and two wet weather performance monitoring rounds each year				
	Quarterly inspection of all units to establish schedule	Inspection and cleaning of all units based on schedules established during Year 1			
<b>Groundwater Recharge/LID Retrofit Demonstration Project</b>	Select Location(s)	Design & Secure Funds	Construct	Monitoring & Assessment	Evaluation & Reporting

10. Evaluation and Reporting. All data collected related to activities required by Part I.F. of this permit shall be evaluated and presented with findings in the Permittee's annual reports required by Part I.H. This shall include a comparison with data collected by the Permittee in each prior year, including those data collected pursuant to the 1998 permit (e.g., City of Worcester, NPDES Permit Term I Stormwater Quality Analysis Report, February 7, 2006).

11. Program Modifications. Modifications to the monitoring and analysis activities required by Part I.F. shall be made pursuant to the Part I.G. of this permit.

### **Part I.G. Storm Water Management Program Review and Modification**

1. Program Review. The Permittee shall conduct an annual review of its SWMP in conjunction with preparation of its annual report required by Part I.H. of this permit. Results of the review shall be discussed in the annual report and shall include an assessment of:
  - a). SWMP implementation, progress in achieving measurable goals, and compliance with program elements and other permit conditions;
  - b). the effectiveness of its SWMP, and any necessary modifications, in complying with the permit, including requirements to reduce the discharge of pollutants to the maximum extent practicable (MEP), and to comply with water quality standards and any applicable approved TMDLs.
  - c). the adequacy of staff and funding levels to fully implement the SWMP and comply with the permit conditions.
2. Program Modification. The Permittee may modify its SWMP with prior notification or request to EPA or MassDEP in accordance with this part.
  - (a) Modifications adding, but not eliminating, replacing, or jeopardizing fulfillment of any component of its SWMP may be made by the Permittee at any time during the permit term. The Permittee shall notify EPA and MassDEP in writing and document all such modifications in its annual reports required by Part I.H. of this permit.
  - (b) Modifications replacing or eliminating ineffective or unfeasible components of the Permittee's SWMP, including monitoring and analysis requirements described in Part I.F. of this permit, may be requested in writing to EPA and MassDEP at any time, including through its annual reporting. Unless denied, by EPA or MassDEP within **sixty (60) days** of receipt of a modification request, the Permittee may implement the requested SWMP modifications. If the request is denied, EPA or MassDEP, as applicable, will send a written explanation of the denial. Modification requests must include the following information:
    - (1) a description of why the SWMP component is ineffective, unfeasible (including cost prohibitions), or unnecessary to support compliance with the permit;
    - (2) expectations on the effectiveness of any proposed replacement components; and

- (3) an analysis of how proposed replacement components are expected to achieve the goals of the component to be replaced.
- (c) Modification notifications and requests must be made in writing and signed in accordance with the requirements in Part I.I. of this permit.
3. Modifications Required by the Permitting Authorities. EPA or MassDEP may require the Permittee to modify its SWMP as needed to comply with the terms of this permit.
4. Requests by EPA or MassDEP for SWMP modifications shall be made in writing and set forth a time schedule for the Permittee to develop the SWMP modification(s) and afford the opportunity to propose alternative program changes to meet the objective of the requested modifications.

#### **Part I.H. Reporting Requirements**

The Permittee shall prepare and submit annual reports no later than September 30 of each year. The first annual report shall include the reporting period from November 1, 2006 to June 30, 2008. Thereafter, annual reports will include the reporting period from July 1 to June 30 from the previous year. The report shall cover the previous permit year from July 1 to June 30. The Permittee shall include in its report all information required by specific parts of this permit and the following information:

1. the status of storm water management program implementation, including progress made toward achieving measurable goals and compliance with schedules established by this permit;
2. the status of adopting the MassDEP Stormwater Management Standards and other required provisions into its program to control stormwater discharges to its MS4 from land disturbance and development projects.
3. actual and proposed modifications to its storm water management program;
4. a current list of all interconnections with other MS4s operated by others, whether through open or closed conveyance, identifying location, size, materials of construction and owner;
5. a fiscal analysis of annual expenditures for the reporting period, with a breakdown of the major elements relating to the storm water management program and programs contributing to the water quality improvement of storm water discharges from its MS4;
6. a sewer and drain construction annual report providing information about installation, renewal or replacement of sanitary and surface drains, catch basins and manholes by both the Permittee and developers;

7. a summary describing the number and nature of enforcement actions, inspections, and spill response activities by the Permittee related to its MS4;
8. an assessment of the overall success of its public education and involvement programs, providing both direct and indirect measurements of program effectiveness; and
9. a summary of all training activities implemented or completed.

**Part I.I. Certification and Signature of Reports**

1. All reports required by this permit, and other information requested by the EPA and MassDEP shall be signed and certified in accordance with the General Conditions – Part II of this permit.

**Part I.J. Report Submission**

1. All original, signed notifications and reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency  
Water Technical Unit  
P.O. Box 8127  
Boston, MA 02114

Massachusetts Department of Environmental Protection  
Division of Watershed Management-Surface Water Discharge Permit Program  
627 Main Street, 2<sup>nd</sup> Floor  
Worcester, MA 01608  
Attn: Paul Hogan

2. Annual reports required by the permit shall also be submitted to the State at the following address:

Massachusetts Department of Environmental Protection  
Central Regional Office  
Bureau of Resource Protection  
627 Main Street  
Worcester, MA 01608  
Attn: Warren Kimball

**Part I.K. Retention of Records**

1. The Permittee shall retain records of all monitoring information, copies of all reports required by the permit and records of all other data required by or used to demonstrate compliance with the permit, until at least six years after coverage under the permit

terminates. This period may be modified by alternative provisions of the permit or extended by request of EPA and MassDEP at any time. The Permittee shall retain the latest approved version of its SWMP developed in accordance with Part I.E. of the permit until at least three years after coverage under the permit terminates.

#### **Part I.L. State Permit Conditions**

1. The U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection issue this discharge permit jointly under federal and state law, respectively. As such, all the terms and conditions of the permit are hereby incorporated into and constitute a discharge permit issued by the Massachusetts Department of Environmental Protection pursuant to M.G.L., Chap. 21, §43.
2. Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension, or revocation of the permit shall be effective only with respect to the agency taking such action, and shall not affect the validity or status of the permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension, or revocation. In the event any portion of the permit is declared invalid, illegal, or otherwise issued in violation of state law such permit shall remain in full force and effect under federal law as an NPDES permit issued by the U.S. Environmental Protection Agency. In the event the permit is declared invalid, illegal, or otherwise issued in violation of federal law, the permit shall remain in full force and effect under state law as a permit issued by the Commonwealth of Massachusetts.