

MS-4 COMPLIANCE

MINIMUM MEASURES 4 AND 5

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DEVELOP, IMPLEMENT, AND ENFORCE A PROGRAM THAT:

- PROVIDES EQUIVALENT PROTECTION TO GP-0-15-002
- ADDRESSES STORMWATER RUNOFF TO THE SMALL MS4 FROM CONSTRUCTION
 ACTIVITIES THAT RESULT IN A LAND DISTURBANCE OF GREATER THAN OR EQUAL TO ONE
 ACRE.
- INCLUDES A LAW, ORDINANCE OR OTHER REGULATORY MECHANISM TO REQUIRE A SWPPP FOR EACH APPLICABLE LAND DISTURBING ACTIVITY THAT INCLUDES EROSION AND SEDIMENT CONTROLS THAT MEET THE STATE'S MOST CURRENT TECHNICAL STANDARDS
 - CERTIFICATION BY THE ATTORNEY REPRESENTING THE MS-4

"ALLOWS FOR SANCTIONS TO ENSURE COMPLIANCE TO THE EXTENT ALLOWABLE BY STATE LAW;"

PROCEDURES FOR STEPPED UP ENFORCEMENT

- VERBAL WARNING
- WRITTEN NOTICE OF VIOLATION
- STOP WORK ORDER
- WITHHOLD CERTIFICATE OF OCCUPANCY
- ALLOW FOR FINES UP TO THE MAXIMUM ALLOWED BY LAW
- PROCEDURES MUST BE FOLLOWED
- EXHAUST ALL REMEDIES BEFORE CONTACTING DEC

"DESCRIBES PROCEDURES FOR SWPPP REVIEW AND REVIEW OF INDIVIDUAL SWPPPS TO ENSURE CONSISTENCY WITH STATE AND LOCAL SEDIMENT AND EROSION CONTROL REQUIREMENTS;"

- WHO CAN REVIEW?
 - "ENSURE THAT THE INDIVIDUALS PERFORMING THE REVIEWS ARE ADEQUATELY TRAINED"
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 - OTHERS SHOULD HAVE APPROPRIATE TRAINING
- "ALL SWPPPS MUST BE REVIEWED FOR SITES WHERE THE DISTURBANCE IS ONE ACRE OR GREATER"
- MS-4 ACCEPTANCE FORM



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- SOILS
- TERRAIN
- POLLUTANT SOURCES
- WETLANDS
- WATERBODIES

5 ACRE WAIVERS – CONSTRUCTION GP REQUIREMENTS

- TWO INSPECTIONS EVERY SEVEN DAYS (IV.C.2.B OF CONSTRUCTION GP)
- PHASING PLAN AND SEQUENCE OF OPERATIONS FOR ALL PROJECTS (III.B.1.D OF CONSTRUCTION GP)
- A TEMPORARY AND PERMANENT SOIL STABILIZATION PLAN FOR ALL PROJECTS (III.B.1.F OF CONSTRUCTION GP)

5 ACRE WAIVERS – TECHNICAL JUSTIFICATION

- BALANCED CUT AND FILL
- BUILDING PAD OVER FIVE ACRES
- GOLF COURSES/POLO FIELD
- PIPELINES

5 ACRE WAIVERS – MS-4 REQUIREMENTS

- IF THERE ARE POOR SOILS, SEDIMENT TRAPS, DITCHES AND CHECK DAMS MUST BE DOUBLE SIZE
- SKIMMERS IN ALL SEDIMENT TRAPS
- INTERMEDIATE GRADING PLAN THAT SHOWS ALL E&S CONTROLS
- SLOPE PROTECTION MEASURES WITHIN 3 DAYS
- FILTER BAGS ON DOWNSTREAM END OF OUTLET PIPE OF SEDIMENT PONDS
- A DEDICATED E&S CREW
- E&S CONSULTANT ON CALL DURING EARTH MOVING ACTIVITIES AND AFTER RAIN EVENTS
- PROCEDURES FOR TURBID DISCHARGE



 PROCEDURES FOR RECEIPT AND FOLLOW UP ON COMPLAINTS OR SUBMITTED BY THE PUBLIC REGARDING CONSTRUCTION SITE STORM WATER RUNOFF;



PROCEDURES FOR SITE INSPECTIONS AND ENFORCEMENT

- STEPS TO IDENTIFY PRIORITY SITES FOR INSPECTION AND ENFORCEMENT
 - NATURE OF THE CONSTRUCTION ACTIVITY
 - TOPOGRAPHY
 - CHARACTERISTICS OF SOILS AND RECEIVING WATER
 - PAST PERFORMANCE
- ENSURE THAT THE INDIVIDUAL(S) PERFORMING THE INSPECTIONS ARE ADEQUATELY TRAINED
 - DEPARTMENT SPONSORED OR APPROVED



INSPECTION PROCEDURES

- SHOULD BE SPECIFIC IN STORMWATER MANAGEMENT PLAN AND INCLUDE:
 - ENSURE ALL PAPERWORK ON SITE
 - REVIEW QUALIFIED INSPECTOR REPORTS
 - TRAINED CONTRACTOR
 - CONTRACTOR CERTIFICATION
 - INSPECT ALL EROSION AND SEDIMENT CONTROLS
 - INSPECT THE PERIMETER AND ALL OUTFALLS
- IF VIOLATIONS ARE FOUND, YOU MUST FOLLOW YOUR ENFORCEMENT PROCEDURE
- DOCUMENTATION!



PROJECT COMPLETION

- MS-4 MUST SIGN OFF
- 80% COVER
- E&S ONLY: CAN ACCEPT QUALIFIED INSPECTOR REPORT
- PERMANENT MEASURES: MS-4 MUST INSPECT

MINIMUM MEASURE 5: POST CONSTRUCTION

- DEVELOP (FOR NEWLY AUTHORIZED MS4S), IMPLEMENT, AND ENFORCE A PROGRAM THAT:
 - PROVIDES EQUIVALENT PROTECTION TO THE NYS SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (EITHER GP-02-01, GP-0-08-001, OR GP-0-15-002), UNLESS MORE STRINGENT REQUIREMENTS ARE CONTAINED WITHIN THIS SPDES GENERAL PERMIT;
 - ADDRESSES STORMWATER RUNOFF FROM NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS TO THE SMALL MS4 FROM PROJECTS THAT RESULT IN A LAND DISTURBANCE OF GREATER THAN OR SPDES GENERAL PERMIT FOR STORMWATER DISCHARGE FROM MS4S, GP-0-15-003 EQUAL TO ONE ACRE.

POST CONSTRUCTION PERMIT REQUIREMENTS

LAW, ORDINANCE, OR REGULATORY MECHANISM

- MEET CURRENT TECHNICAL STANDARDS
- STORMWATER PRACTICES TO REDUCE POLLUTANTS TO THE MEP
 - MUST INCORPORATE GREEN INFASTRUCTURE
- MUST HAVE PROCEDURES FOR SWPPP REVIEW

POST CONSTRUCTION PRACTICES INVENTORY

- LOCATION OF PRACTICE
- TYPE OF PRACTICE
- MAINTENANCE NEEDED
- DATES AND TYPES OF MAINTENANCE PERFORMED

A PROGRAM THAT ENSURES ADEQUATE LONG-TERM OPERATION AND MAINTENANCE

- ... BY TRAINED STAFF
- INSPECTION TO ENSURE THAT PRACTICES ARE PERFORMING PROPERLY
 - ALL MS-4 OWNED PRACTICES
 - PROGRAM FOR PRIVATE PRACTICES
- SPECIFIC PROCEDURES IN THE SWMP
- DOCUMENTATION

STORMWATER MANAGEMENT PLAN

- "EACH COVERED ENTITY IS REQUIRED TO DEVELOP (FOR NEWLY AUTHORIZED MS4S) AND IMPLEMENT A SWMP THAT SATISFIES THE REQUIREMENTS FOR EACH OF SIX REQUIRED PROGRAM COMPONENTS, KNOWN AS MINIMUM CONTROL MEASURES (MCMS)."
- SPECIFIC PROCEDURES FOR EACH PORTION OF THE PROGRAM
- IT'S A LIVING DOCUMENT



- WHAT IS ACCEPTABLE JUSTIFICATION FOR A FIVE ACRE WAIVER?
- DOES A MS-4 HAVE TO DO A FINAL INSPECTION BEFORE SIGNING A NOT?
- DO ALL POST CONSTRUCTION STORMWATER PRACTICES HAVE TO BE INSPECTED ANNUALLY?



QUESTIONS FOR ME