

# Stormwater Management Programs for MS4s

by Angus Eaton, P.E.

Under the requirements of the Phase II State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, permitted MS4s have to develop, implement and enforce Stormwater Management Programs (SWMPs). The permit requires SWMPs to reduce the discharge of pollutants to the maximum extent practicable (MEP) in order to protect water quality and satisfy the requirements of the Environmental Conservation Law and the Clean Water Act.

These programs must include minimum control measures to meet basic permit requirements (see article on Permit Requirements for MS4s), but are also expected to be dynamic. The permit includes minimum requirements, but permittees are expected to undertake whatever activities are necessary to achieve permit compliance. If activities selected in the program (beyond the minimum requirements) are not effective or other activities are determined to be more cost effective, the programs are expected to change to meet the goals of reducing pollution to the maximum extent practicable (MEP) and meeting receiving water quality requirements. Changes to the SWMP can be initiated by the MS4 or requested or compelled by the permitting authorities, the New York State Department of Environmental Conservation (DEC) and the United States Environmental Protection Agency (EPA).

To obtain coverage under the MS4 permit, MS4s must submit a Notice of Intent (NOI) describing the activities that were initially chosen for the SWMP. The NOI is considered to be the initial SWMP and should include a description of work that the permittee was already doing that would satisfy permit requirements. From that point forward there must be progress in development of the SWMP to meet the compliance deadline. By June 1 of each year, MS4 permittees must submit annual reports to the DEC to document that progress (see article on Annual Reporting for MS4s).

The initial NOI and the required annual reports are the primary

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means of documenting SWMPs. However, to assure information for program implementation is available into the future to implement the program, the program's supporting materials should be catalogued and/or kept in a central location. These supporting materials include all applicable local laws, inter-municipal agreements and other legal authorities; staffing and staff development programs and organization charts; program budget; policy, procedures and materials for each minimum measure; outfall and system maps; stormwater management practice selection and measurable goals; operation and maintenance schedules; documentation of public outreach efforts



Photo by Ellen Hahn, NYSDEC Region 7

**An outlet from a subdivision under construction draining into a flood control basin.**

and public comments; and, last but not least, records such as submitted construction site stormwater pollution prevention plans and review letters and construction site inspection reports.

In addition to being catalogued, portions of the program should be duplicated for or made available to the government units that will be using them on a routine basis. For example, the technical standards and associated technical assistance documents and manuals for stormwater controls should be available to code enforcement officers, review engineers and planning boards. The local laws should be readily available to the town board and planning board. An integrated pest management program would have to be available for use by the parks department and the stormwater outfall and available sewer system mapping and catch basin cleaning schedule would have to be available to the department of public works.

In general, policies and procedures must be available to the management and staff of any local government unit who will be called upon to use them.

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