Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733 **NPDES Permit No. MR04I000/OKR04I000**

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Tribal municipal separate storm sewer systems in an urbanized area in the states of New Mexico and Oklahoma who submit a Notice of Intent and a Stormwater Management Program document in accordance with Part I.A.6 of this permit are authorized to discharge stormwater under this general permit.

This permit is issued and shall become effective on

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

Signed by

_____

Deputy Director
Water Division

NEW MEXICO STATEWIDE
TRIBAL MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT

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PART I. GENERAL PERMIT CONDITIONS

A. DISCHARGES AUTHORIZED UNDER THIS GENERAL PERMIT

1. **Permit Area**. This permit is available for Tribal MS4 operators within the State of New Mexico and within the state of Oklahoma located in urbanized areas. This permit authorizes stormwater discharges to waters of the United States from Tribal MS4s within the State of New Mexico and the State of Oklahoma provided the MS4:

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

   b. Is located fully or partially within the urbanized areas in New Mexico and Oklahoma as determined by either the Albuquerque urbanized area, the 2000, the 2010 and the 2020 Decennial Census.

   c. Is designated as a regulated MS4 pursuant to 40 CFR 122.26(a)(9) or 122.32; or

   d. Is designated as a regulated MS4 pursuant to 40 CFR 122.26(a)(9) or 122.32; or

   e. Is covered by this permit for discharges from areas of a regulated small MS4 located outside an Urbanized Areas or areas designated by the Director provided the permittee complies with all permit conditions in all areas covered under the permit.

2. **Eligible MS4s.** MS4s located in an urban areas within the States of New Mexico and Oklahoma own or operated by one of the following Tribes, may be eligible for authorization under this permit:

- Pueblo of Sandia
- Pueblo of Pojoaque
- Pueblo of Acoma
- Pueblo of Cochiti
- Pueblo of Isleta
- Pueblo of Jemez
- Pueblo of Laguna
- Pueblo of Santo Domingo
- Pueblo of San Felipe
- Pueblo of San Ildefonso
- Pueblo of Santa Ana
- Pueblo of Santa Clara
- Pueblo of Taos
- Pueblo of Tesuque
- Pueblo of Zia
- Mescalero Apache Tribe
- Kickapoo Tribe of Oklahoma
- Miami Tribe of Oklahoma
- The Osage Nation
- Ottawa Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Quapaw Nation
- The Seminole Nation of Oklahoma
- Shawnee Tribe
- Absentee-Shawnee Tribe of Indians of Oklahoma
- Alabama-Quassarte Tribal Town
- Apache Tribe of Oklahoma
- Caddo Nation of Oklahoma
- Cheyenne and Arapaho Tribes
- The Chickasaw Nation
- The Choctaw Nation of Oklahoma
- Citizen Potawatomi Nation
- Comanche Nation
- Delaware Nation
- Delaware Tribe of Indians
- Eastern Shawnee Tribe of Oklahoma
- Fort Sill Apache Tribe of Oklahoma
- Iowa Tribe of Oklahoma
- Kaw Nation
- Kialegee Tribal Town
- Kiowa Indian Tribe of Oklahoma
- The Muscogee (Creek) Nation
- Otoe-Missouria Tribe of Indians
- Pawnee Nation of Oklahoma
- Ponca Tribe of Indians of Oklahoma
- Sac & Fox Nation
- Seneca-Cayuga Nation
- Thlopthlocco Tribal Town

- Tonkawa Tribe of Indians of Oklahoma
- Wichita and Affiliated Tribes
- Inter-Tribal Environmental Council of Oklahoma
- United Keetoowah Band of Cherokee Indians of Oklahoma
- Wyandotte Nation

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

   a. Public Participation: Prior to submitting the Notice of Intent (NOI) required in Part I.A.6.a. (i) and (ii), the operator of the MS4 must follow the local notice and comment procedures at Part I.D.4.f.(i).

   b. National Historic Preservation Act (NHPA) Eligibility Provisions

      In order to be eligible for coverage under this permit, the applicant must demonstrate that the stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities meet one of the following eligibility criteria. Discharges may be authorized under this permit only if:

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

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

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

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

4. **Authorized Non-Stormwater Discharges**. The following non-stormwater discharges are prohibited unless determined by the permittees or U.S. Environmental Protection Agency (EPA) not to be significant contributors of pollutants to the municipal separate storm sewer system (MS4). Any such discharge that is identified as significant contributor of pollutants to the MS4, or as causing or contributing to a water quality standards exceedance[1] , must be addressed as an illicit discharge under the illicit discharge and improper disposal practices established pursuant to Part I.D.4.d of this permit. For all of the discharges listed below, not treated as illicit discharges, the permittee must document the reason these discharges are not expected to be significant contributors of pollutants to the MS4. This documentation may be based on either the nature of the discharge or any pollution prevention/treatment requirements placed on such discharges by the permittee.

   - potable water sources, including routine water line flushing;
   - lawn, landscape, and other irrigation waters provided all pesticides, herbicides and fertilizers have been applied in accordance with approved manufacturing labeling and any applicable permits for discharges associated with pesticide, herbicide and fertilizer application;
   - diverted stream flows;

[1] While the CWA and EPA's regulations use the term "violation" of WQS, in practice WQS are not independently enforceable, and thus cannot be violated. This permit will use the terms "exceedance" or "excursion" when referring to what the CWA and EPA's regulations would label WQS "violation." EPA considers the terms to be synonymous in this context.

- rising ground waters;
- uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20));
- uncontaminated pumped groundwater;
- foundation and footing drains;
- air conditioning or compressor condensate;
- springs;
- water from crawl space pumps;
- individual residential car washing;
- flows from riparian habitats and wetlands;
- dechlorinated swimming pool discharges;
- street wash waters that do not contain detergents and where no un-remediated spills or leaks of toxic or hazardous materials have occurred;
- discharges or flows from firefighting activities (does not include discharges from firefighting training activities); and,
- other similar occasional incidental non-stormwater discharges (e.g. non-commercial or charity car washes, etc.)

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

a. Non-Stormwater: Discharges that are mixed with sources of non-stormwater unless such non-stormwater discharges are:

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

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

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

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

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

d. Currently Permitted Discharges: Stormwater discharges currently covered under another NPDES permit.

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

f. Discharges Inconsistent with a TMDL: You are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is an applicable total maximum daily load (TMDL) established or approved by EPA unless you incorporate into your SWMP measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, you must incorporate documentation into your NOI supporting a determination of permit

eligibility with regard to waters that have an EPA-established or approved TMDL. If a waste load allocation has been established that would apply to your discharge, you must comply with the requirements established in Part I.C.2.b. Where an EPA-approved or established TMDL has not specially indicated that allocations are not available to municipal storm water discharges, adherence to a SWMP that meets the requirements in Part I.C.2.c of this general permit will be presumed to be consistent with the requirements of the TMDL. If the EPA-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under this general permit.

6. **Authorization Under This General Permit**

a. Obtaining Permit Coverage.

(i) First Step: By no later than 90 days from the effective date of permit, An MS4 operator seeking authorization to discharge under this general permit must submit a complete notice of intent (NOI) as required in Part B.2.a to the e-mail addresses provided in Part I.B.3 (see suggested EPA R6 MS4 NOI format located in Appendix H), in accordance with the deadlines in Part I.B.1 of this permit.

(a) The NOI must be signed and certified in accordance with Parts IV.H.1 and 4. Signature for the NOI, which effectively takes the place of an individual permit application, consistent with EPA's general permit regulations at 40 CFR 122.28,(2)(i), may not be delegated to a lower level under Part IV.H.2

(b) By submitting a signed NOI, the applicant certifies that all eligibility criteria for permit coverage have been met. If EPA notifies a discharger (either directly, by public notice, or by making information available on the Internet) of other NOI options that become available at a later date, such as electronic submission of forms or information, the MS4 operator may take advantage of those options to satisfy the NOI submittal requirements.

(c) Upon submittal of the NOI, EPA will determine if the operator completely submitted the required adequate information to conduct its authorization review. If EPA notifies the MS4 operator of deficiencies or inadequacies in any portion of the NOI, the MS4 operator must correct the deficient or inadequate portions and submit a written statement to EPA certifying that appropriate changes have been made. The certification must be submitted within the time frame specified by EPA and must specify how the NOI has been amended to address the identified concerns.

(d) Upon written notification by EPA, the MS4 is authorized to discharge in accordance with the requirements of the general permit.

(ii) Second Step: By no later than May 1, 2026, or October 1, 2026, if the MS4 participates in cooperative programs outlined in (1) – (5) below, each MS4 permittee must submit a supplemental NOI including the information in Part I.B.2.b to the e-mail addresses provided in Part I.B.3 (see suggested EPA R6 MS4 NOI format located in Appendix H).

(a) The requirements in Part I.A.6.a.(i) also apply to the supplemental NOI.

(b) EPA will review the complete supplemental NOI to determine what additional terms and conditions will be added to the permit for their specific MS4 related to the programs outlined in (1) – (5) below. EPA will then provide public notice of its preliminary decision to authorize the MS4 to discharge subject to the proposed additional terms and conditions, including an explanation of the basis for such requirements, and provide a 30-day opportunity to submit comments or request a public hearing on these determinations. EPA will follow the procedures required in §124.10 through 124.13 (excluding §124.10(c)(2)) related to draft permit conditions,

and will respond to significant comments received during the comment period as provided in §124.17. See Appendix E, which explains EPA's public participation procedures for establishing additional terms and conditions for each MS4.

(1) Impaired Waters with approved TMDLs - Part I.C.2.b.(i), (ii), and (iii);

(2) Impaired Waters without approved TMDLs - Part I.C.2.c.(i);

(3) Wet Weather Monitoring Plan - Part III.A;

(4) Qualifying State, Tribal, or Local Programs - Part D.7; and

(5) Methodology to establish a site-specific pre-development hydrology and associated storm event discharge volume. (Only if selecting Option C under Part I.D.4.b.(ii)(b).

(c) Upon written notification by EPA, the MS4 is authorized to discharge in accordance with the requirements of the general permit and subject to the final additional terms and conditions related to TMDLs, Impaired Waters without TMDLs, Wet Weather Monitoring, Qualified State, Tribal, or Local programs, or any proposed methodology to establish site-specific pre-development hydrology and associated storm event discharge volume under Part I.D.4.b.(ii).(b).

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

b. Terminating Coverage.

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

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

(a) Ceases discharging stormwater from the MS4;

(b) Ceases operations at the MS4; or

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

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

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

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

(c) The NPDES permit tracking number for the MS4;

(d) An indication of whether another operator (including the operator's NPDES permit tracking number) has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the stormwater discharges have been eliminated; and

(e) The following certification:

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

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

B. NOTICE OF INTENT REQUIREMENTS

1. **Deadlines for Submittal of NOIs**.

a. Designations: Any MS4 required to obtain permit coverage, either required by regulations or as a result of the 2010 or the 2020 census or as a result of designation by the permitting authority, after issuance of this permit will be given an individualized deadline for NOI submittal by the Director at the time of designation.

In lieu of creating duplicate program elements for each individual permittee, implementation of the Stormwater Management Program (SWMP), as required in Part I.D, may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part D. For these programs with cooperative elements, the permittee must submit individual NOIs as established in Table 2. See also "Permittees with Cooperative Elements in their SWMP" under Part.I.B.4 and "Shared Responsibilities and Cooperative Programs" under Part I.D.3.

Newly Defined MS4s: If a MS4 meets the requirements for regulation pursuant to the 2020 census, or is designated for regulation by EPA or the State of New Mexico after issuance of this permit, then the MS4 is required to submit an NOI and the SWMP within 180 days of notification that permit coverage is required.

b. New Operators. For new operators of all or a part of an already permitted MS4 (due to change in operator or expansion of the MS4) who will take over implementation of the existing SWMP covering those areas, the NOI must be submitted 30 days prior to taking over operational control of the MS4. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI but must comply with Part I.D.5.d.

c. Submitting a Late NOI. MS4s not able to meet the NOI deadline due to delays in determining eligibility should notify EPA of the circumstance and progress to date at the e-mail addresses in Part I.B.3 and then proceed with submitting a late NOI. MS4 operators are not prohibited from submitting an NOI after the dates provided in Table 2 and Part I.B.1.b. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is effective. The permitting authority reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2**.** **Contents of Notice(s) of Intent**. NOIs must consist of a letter to EPA containing the following information (see suggested EPA R6 MS4 NOI Format located in Appendix H).

a. Information Required in the NOI – First Step: The NOI required under Part I.A.6.a.(i) must include the following information:

(i) The legal name of the MS4 operator (or owner) and the name of the urbanized cluster and core municipality in which the operator's MS4 is located; An indication of whether the MS4 is a Federal, State, Tribal, or other public entity;

(ii) The full facility name, mailing address, telephone number, and the previous MS4 NPDES Permit Number if applicable;

(iii) The name, e-mail address, and phone number of the person or persons responsible for overall coordination of the SWMP;

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

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

(vi) The latitude and longitude of the approximate center of the MS4;

(vii) The name(s) of the waters that receive discharges from the system and the route to the Rio Grande if applicable;

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

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

(x) Public participation: As required in Part I.D.4.f.(i) include unresolved public comments and the MS4's response to these comments.

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

b. Information Required in the Supplemental NOI – Second Step: The NOI required in the second step under Part I.A.6.a.(ii) must include the following information and must be signed and certified consistent with Part I.B.2.a.(xi), above:

(i) The identifying information in Part I.B.2.a.(i)-(iii) above, including the NPDES permit tracking number assigned by EPA.

(ii) If the MS4 discharges to a receiving water for which EPA has approved or developed a TMDL the MS4 permittee must:

(a) Describe how the eligibility requirements of Part I.A.5.f have been met.

(b) Submit a proposed TMDL plan as required in Part I.C.2.b .

(iii) If the MS4 discharges to an impaired water without a TMDL, submit the proposed procedures, targeted BMPs, and corresponding measurable goals as required in Part I.C.2.c.(i).(a) thru (e).

Note: See a list of impaired waters in Appendix G and approved TMDLs in Appendix B.

(iv) A proposed Wet Weather Monitoring Plan as required in Part III.A. At minimum, the plan must include: a list of pollutants; a description of monitoring sites with an explanation of why those sites were selected; the sampling procedures and the methodology (including procedures and methodology to address Response to Monitoring Results in Part III.A.2.g); and a detailed map with location of all proposed monitoring sites. Permittees may propose a local qualified storm event as required in Part III.A.2.a.

Note: Indicate if the applicant is participating in an individual or cooperative wet weather monitoring program. If implementing a cooperative program, identify the entity(ies) and the program element(s) the entity(ies) will be implementing.

(v) If the MS4 permittee is substituting a stormwater control program for an existing state or local stormwater pollution program (see Part I.D.7 Qualifying State, Tribal or Local Program) to comply with one or more program elements required in this permit, the permittee must explain the rationale for equivalency in the NOI submittal.

(vi) Any optional proposed methodology and data that will establish a site-specific pre-development hydrology and associated storm event discharge volume (only if the permittee is selecting Option C under Part I.D.4.b(ii)(b)).

(vii) Public Participation: As required in Part I.D.4.f.(i), include unresolved public comments and the MS4's responses to these comments.

3. **Where to Submit.** The MS4 operator must submit the signed NOI to EPA via e-mail at R6NPDES@epa.gov. Please note when the electronic NOI becomes available, the applicant must apply for coverage using EPA's NPDES eReporting Tool (NeT) at http://cdx.epa.gov. A complete copy of the signed NOI should be maintained on site. The final permit requires copies of the NOI to be provided to State or Tribal authorities (Note: only those MS4s with discharges upstream of or to waters under the jurisdictional of the Pueblo of Sandia or Isleta should provide copy of their NOIs to the Pueblos). Please include the MS4 General Permit Number.

Note: See suggested EPA R6 MS4 NOI Format located in Appendix H of this permit. A complete copy of the signed NOI as required in Part I.A.6.a.(i) and supplemental NOI as required in Part I.A.A.6.a.(ii) must be maintained on site. Electronic submittal of the documents required in the permit using a compatible Integrated Compliance Information System (ICIS) format would be allowed if available.

4. **Permittees with Cooperative Elements in their SWMP.** Any MS4 that meets the requirements of Part I.A of this general permit may choose to partner with one or more other regulated MS4(s) to develop and implement a SWMP or SWMP element. The partnering MS4s must submit separate NOIs and have their own SWMP, which may incorporate jointly developed program elements. If responsibilities are being shared as provided in Part I.D.3 of this permit, the SWMP document must describe which permittees are responsible for implementing which aspects of each of the minimum measures. All MS4 permittees are subject to the provisions in Part I.D.5.

Each individual MS4 in a joint agreement implementing a permit condition will be independently assessed for compliance with the terms of the joint agreement. Compliance with that individual MS4's obligations under the

joint agreement will be deemed compliance with that permit condition. Should one or more individual MS4s fail to comply with the joint agreement, causing the joint agreement program to fail to meet the requirements of the permit, the obligation of all parties to the joint agreement is to develop within 60 days and implement within 120 days an alternative program to satisfy the terms of the permit. The alternative program may be a revised joint agreement excluding the party that failed to comply with the joint agreement, a new agreement(s) may be formed (e.g., some members of the failed joint agreement may establish a new joint agreement while some may remain independent of the new agreement), or the members of the failed joint agreement may independently comply with the requirements of the SWMP element.

C. SPECIAL CONDITIONS

1. **Compliance with Water Quality Standards**. Pursuant to Clean Water Act Sections 402(p)(3)(B)(iii) and 40 C.F.R. Section 122.34(a), discharges from the permittee's MS4 must be controlled to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the CWA. In the absence of information to the contrary, implementation of the BMPs and other conditions of this permit is expected to be sufficiently stringent such that additional, more prescriptive water quality-based effluent limitations are unnecessary.

   a. Applicable surface water quality standards for discharges from the permittees' MS4 are those that are approved or promulgated by EPA and any other subsequent modifications approved or promulgated by EPA upon the effective date of this permit.

   b. If the permittee determines, based on available monitoring data, visual assessments, and/or site inspection reports, that discharges may not be meeting surface water quality standards (including numeric and narrative water quality criteria) applicable to the receiving waters, the permittee must notify EPA within 24 hours of making this determination and follow the other reporting requirements in Part IV.Y. EPA will evaluate the information provided by the permittee and other MS4-specific program documents, including, but no limited to, NMED and DEQ TMDL Implementation Plan(s), TMDL's Plans required in Part I.C.2.b (including TMDL Plan(s) with joint WLAs), SWMP(s), monitoring reports, annual reports, cooperative agreements related to water quality monitoring and/or joint WLAs.

   c. In the event that EPA determines that a discharge from the MS4 does not meet applicable surface water quality standards in violation of this permit and notifies the permittee of such violation , the permittee shall, within sixty (60) days of notification, submit to EPA, the tribal government, and NMED a report that describes controls that are currently being implemented and a proposal for additional controls to ensure that the discharge will meet applicable surface water quality standards. The permittee shall incorporate such measures into their SWMP as described in Part I.D of this permit. NMED and DEQ may provide information documenting exceedances of applicable water quality standards caused by the discharges authorized by this permit to EPA Region 6 and request that EPA take action under this paragraph.

      Any new measures proposed in the report to EPA, DEQ, NMED, and the Pueblo of Isleta (upon request) to address any exceedance of WQS may trigger the need to adopt additional permit terms and conditions for the affected permittee. If permit modification is needed, EPA will follow the procedures required in §§ 124.10 through 124.13 (excluding § 124.10(c)(2)) related to draft permit conditions and modifications, and will respond to significant comments received during the comment period as provided in § 124.17.

2. **Endangered Species Act (ESA) Requirements**. to ensure actions required by this permit are not likely to jeopardize the continued existence of any currently listed as endangered or threatened species or adversely affect its critical habitat, permittees shall meet the following requirements and include them in the SWMP:

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

(i) The permittees must identify (or continue identifying if previously covered under permit NMR04A000) structural controls, natural or man-made topographical and geographical formations, MS4 operations, or oxygen demanding pollutants contributing to reduced dissolved oxygen in the receiving waters of the Rio Grande. The permittees shall implement controls, and update/revise as necessary, to eliminate discharge of pollutants at levels that cause or contribute to exceedances of applicable water quality standards for dissolved oxygen in waters of the Rio Grande. The permittees shall submit a summary of findings and a summary of activities undertaken under Part I.C.3.a.(i) with each Annual Report. The SWMP submitted with the first and fourth annual reports must include a detailed description of controls implemented (or/and proposed control to be implemented) along with corresponding measurable goals. (Applicable to all permittees).

(ii) As required in Part I.C.1.d, the COA, AMAFCA and Bernalillo County shall revise the Strategy for dissolved oxygen to address dissolved oxygen at the North Diversion Channel Embayment and/or other MS4 locations. The permittees shall submit the revised strategy to FWS and EPA for approval within a year of permit issuance and progress reports with the subsequent Annual Reports (see also Part I.C.1.d.(iv)). The permittees shall **e**nsure that actions to reduce pollutants or remedial activities selected for the North Diversion Channel Embayment and its watershed are implemented such that there is a reduction in frequency and magnitude of all low oxygen storm water discharge events that occur in the Embayment or downstream in the MRG as indicated in Table 1.c. Actions to meet the year 3 measurable goals must be taken within 2 years from the effective date of the permit. Actions to meet the year 5 measurable goals must be taken within 4 years from the effective date of the permit.

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

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

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

(iii) The revised strategy shall include:

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

to 48 hours).

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

(iv) Reporting: The COA and AMAFCA shall provide:

A. An Annual Incidental Take Report to EPA and the Service that includes the following information: beginning and end date of any qualifying stormwater events, dissolved oxygen values and water temperature in the North Diversion Channel Embayment, dissolved oxygen values and water temperature at a downstream monitoring station in the MRG, flow rate in the North Diversion Channel, mean daily flow rate in the MRG, evaluation of oxygen and temperature data as either anoxic or hypoxic using Table 2 of the BO, and estimate the number of silvery minnows taken based on Appendix A of the BO**.** Electronic copy of The Annual Incidental Take Report should be provided with the Annual Report required under Part III.B no later than December 1 for the proceeding calendar year.

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

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

b. Sediment Pollutant Load Reduction Strategy (Applicable only to permittees previously covered by NMR04A000 and permittees within the Farmington and Los Lunas UAs): The permittee must develop, implement, and evaluate a sediment pollutant load reduction strategy to assess and reduce pollutant loads associated with sediment (e.g., metals, etc. adsorbed to or traveling with sediment, as opposed to clean sediment) into the receiving waters. The strategy must include the following elements:

(i) Sediment Assessment: Within the third Annual Report [INSERT DATE], the permittee must identify and investigate areas within its jurisdiction that may be contributing excessive levels (e.g., levels that may contribute to exceedance of applicable Water Quality Standards) of pollutants in sediments to the receiving waters as a result of stormwater discharges. The permittee must identify structural elements, natural or man-made topographical and geographical formations, MS4 operations activities, and areas indicated as potential sources of sediments pollutants in the receiving waters. At the time of assessment, the permittee shall record any observed erosion of soil or sediment along ephemeral channels, arroyos, or stream banks, noting the scouring or sedimentation in streams. The assessment

should be made using available data from federal, state, or local studies supplemented as necessary with collection of additional data. The permittee must describe, in the first annual report, all proposed standard operating procedures, quality assurance plans to assure that accurate data are collected, summarized, evaluated and reported.

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

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

(iv) Monitoring and Interim Reporting: The permittee shall monitor or assess progress in achieving interim measurable goals and determining the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP document and annual reports. In addition, the SWMP document must include methods to be used. This program element may be coordinated with the monitoring required in Part III.A.

a. Progress Evaluation and Reporting: The permittee must assess the overall success of the Sediment Pollutant Load Reduction Strategy and document both direct and indirect measurements of program effectiveness in a Progress Report to be submitted with the fifth Annual Report [INSERT DATE]. Data must be analyzed, interpreted, and reported so that results document the effectiveness of the BMPs and compliance with the ESA requirements specified in Parts I.C.3.a and b. The Progress Report must include:

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

(b) Type and number of structural BMPs installed;

(c) Evaluation of pollutant source reduction efforts;

(d) Any recommendations for additional controls based on program evaluation;

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

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

c. Critical Habitat (Applicable to all permittees): Verify that the installation of stormwater BMPs will not occur in or adversely affect currently listed endangered or threatened species critical habitat by reviewing the activities and locations of stormwater BMP installation within the location of critical habitat of currently listed endangered or threatened species at the U.S. Fish and Wildlife service website http://fws.gov/project/critical-habitat. Modify the proposed actions and the SWMP as necessary to protect critical habitat.

STORMWATER MANAGEMENT PROGRAM (SWMP)

1. **General Requirements**. The permittee must develop, implement, and enforce a SWMP designed to comply with the requirements of this permit, including any additional requirements for specific MS4s that are incorporated into the permit through the authorization process in Part I.A.6.a.(ii). The SWMP must be a written document or documents that, at minimum, describe in detail how the permittee intends to comply with the permit's requirements and shall include specific schedules to implement each program element required in the permit to satisfy all requirements of this permit, and be implemented in accordance with Section 402(p)(3)(B) of the Clean Water Act (Act), and EPA's stormwater regulations (40 CFR § 122.26 and § 122.34).

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

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

   a. Control the discharge of stormwater and pollutants associated with land disturbance and development activities, both during the construction phase and after site stabilization has been achieved (post-construction), consistent with Part I.D.4.a and Part I.D.4.b;

   b. Prohibit illicit discharges and sanitary sewer overflows to the MS4 and require removal of such discharges consistent with Part I.D.4.d;

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

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

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

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

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

a. The SWMP document, in addition to any interagency or inter-jurisdictional agreement(s) among permittees, (e.g., the Joint Powers Agreement to be entered into by the permittees), shall clearly 1) delineate individual work, 2) include a contingency plan to follow if one (or more) partner(s) fail to comply with the joint agreement, and 3) identify the roles and responsibilities of each permittee. See also Part I.B.4

Note: Elements 1 through 3 above can be included in the SWMP document as an attachment.

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

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

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

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

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

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

4. **Control Measures**.

a. Construction Site Stormwater Discharges Control.

(i) The permittee shall develop, revise, implement, and enforce a program to reduce pollutants in any stormwater discharges to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Consistent with the deadlines in Table 1, all permittees must have completed the development of or updates to their program to comply with the requirements of this section. (Note: Highway Departments and Flood Control Authorities may only have to apply the construction site stormwater management program to the permittee's own construction projects.)

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

(a) An ordinance or other regulatory mechanism that, to the extent allowable under State, Tribal or local law, requires implementation and maintenance of erosion controls, sediment controls, and pollution prevention measures at regulated construction sites, as well as sanctions to ensure

compliance. Permittees that lack the authority to enact an ordinance or other regulatory mechanism shall ensure that written, required agency policies or procedures are in place to address the requirements;

(b) Requirements for construction site operators to implement erosion and sediment controls, and pollution prevention measures, that are no less stringent than the requirements included in the current version of the Construction General Permit or "CGP." (Note: the applicable stormwater control requirements in the 2022 CGP (for New Mexico, either permit number NMR100000 or NMR 1010I000, for Indian Country lands within the state) are included in Part 2 ("Technology-Based Effluent Limitations.");

(c) Procedures for site plan review that incorporate consideration of potential water quality impacts. A pre-construction site plan review must be conducted prior to commencement of construction activities for 100 percent of all construction projects regulated under Part I.D.4.a.(i), above, and must include a review of the site design, the planned operations at the construction site, the planned control measures during the construction phase (including the technical criteria for selection of the control measures), and the planned controls to be used to manage discharges created after the development. The site plan review must include an evaluation of opportunities for use of GI/LID/Sustainable practices and, when the opportunity exists, encourage project proponents to incorporate such practices into the site design to mimic the pre-development hydrology of the previously undeveloped site. For purposes of this permit, pre-development hydrology shall be met according to Part I.D.4.b.(ii).(b) of this permit (consistent with any limitations on that capture). Report in the Annual Report the number of plans that had opportunities to implement these practices and how many incorporated these practices;

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

(e) Procedures for conducting timely site inspections at construction sites regulated under this section to ensure compliance with the Permittee's applicable requirements. The procedures must clearly define who is responsible for site inspections; who has the authority to implement enforcement procedures; and the steps utilized to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and the quality of the receiving water;

(1) At a minimum, the permittee must inspect 100 percent of all regulated construction sites at least one time per year, including an inspection carried out as close to the beginning of the project as possible, and an inspection following the site operator's termination of CGP coverage to ensure compliance with the permittee's stabilization requirements. For priority construction sites, the permittee must additionally conduct at least one inspection per year that is within 24 hours of a 0.25 inch or greater storm event. The timing of individual site inspections must be determined by, but not limited to, permittees' schedules, citizen complaints, and rainfall information.

(2) Site inspections conducted by the permittee must include, but are not limited to:

(A) A review of the site plan to determine if the required stormwater controls were installed, and are being implemented and maintained;

(B) Visual observation of any existing or potential non-stormwater discharges, illicit connections, and/or discharge of pollutants from the site, and recommendations to the site operator for follow-up;

(C) Education or instruction to the site operator related to improved compliance and/or additional or enhanced stormwater controls, if needed; and

(D) A written or electronic inspection report.

(3) Site inspections are to be followed by any necessary compliance or enforcement action. Follow-up inspections are to be conducted to ensure that corrective maintenance has occurred; and all projects must be inspected at completion for confirmation of final stabilization.

(f) Procedures for enforcement of stormwater control requirements. If a construction site operator fails to comply with required procedures or policies established by the permittee, the permittee may request EPA enforcement assistance. The required site inspection and enforcement procedures must describe sanctions and enforcement mechanism(s) for violations of permit requirements and penalties with detail regarding corrective action follow-up procedures, including enforcement escalation procedures for recalcitrant or repeat offenders. Possible sanctions include non-monetary penalties (such as stop work orders and/or permit denials for non-compliance), as well as monetary penalties such as fines and bonding requirements;

(g) Procedures to educate and train permittee personnel involved in the planning, review, permitting, and/or approval of construction site plans, inspections and enforcement. Education and training shall also be provided for developers, construction site operators, contractors and supporting personnel, including requiring a stormwater pollution prevention plan for construction sites within the permittee's jurisdiction. At a minimum, the permittee must ensure that all persons responsible for preconstruction site plan review, site inspections, and enforcement are appropriately trained to conduct such activities;

(h) Procedures for keeping records of and tracking all regulated construction activities within the MS4. At a minimum, the permittee must maintain an inventory of all regulated construction sites and must include up-to-date information, at a minimum, on site plan reviews, inspections, inspection reports, warning letters and other enforcement documents. A summary of the number and frequency of site plan reviews, inspections (including inspector's checklist for oversight of sediment and erosion controls and proper disposal of construction wastes) and enforcement activities that are conducted annually and cumulatively during the permit term shall be included in each annual report; and

(iii) The permittee must coordinate with all internal departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area to ensure that the construction stormwater controls meet the permittee's requirements. Coordination of activities include review of planning documents such us, but not limited to, comprehensive or master plans, subdivision ordinances, general land use plan, zoning code, transportation master plan, specific area plans, such as sector plan, site area plans, corridor plans, or unified development ordinances. The permittee must document this coordination in the Annual Report.

(iv) The permittee must include in the SWMP a description of the mechanism(s) that will be utilized to comply with each of the elements required in Part I.D.4.a.(i) throughout Part I.D.4.a.(v).

(v) The permittee shall assess the overall success of the program, and document the program effectiveness in the Annual Report. The permittee must include in each Annual Report:

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

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

Program Flexibility Elements

(vi) The permittee may use stormwater educational materials locally developed or provided by the EPA (refer to, for example, https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu), the NMED, environmental, public interest or trade organizations, and/or other MS4s.

(vii) The permittee may develop construction handbooks or use/adapt existing ones (e.g., the National Pollutant Discharge Elimination System Manual Storm Water Management Guidelines for Construction and Industrial Activities, Revision 2, August 2012 found at https://www.cabq.gov/municipaldevelopment/documents/storm-drainage-documents/national-pollutant-discharge-elimination-pdfs/FrontMatter.pdf) to be consistent with promulgated construction and development effluent limitation guidelines.

(viii) The construction site inspections required in Part I.D.4.a.(i)(e) may be carried out in conjunction with the permittee's building code inspections using a screening prioritization process.

Table 1. Construction Site Stormwater Discharge Control - Program Development and Implementation Schedules

Activity	Phase I & II MS4s	Phase II MS4s (Designated)	Any Permittee with cooperative programs
Develop an ordinance, other regulatory mechanism, or written, required agency policies and procedures as required in Part I.D.4.a.(ii)(a)	Six (6) months from effective date of permit [INSERT DATE]	Fourteen (14) months from effective date of permit [INSERT DATE]	Two (2) years from effective date of the permit [INSERT DATE]
Develop requirements and procedures as required in Part I.D.4.a.(ii)(b) through Part I.D.4.a.(ii)(h)	Six (6) months from effective date of permit [INSERT DATE	Fifteen (14) months from effective date of permit [INSERT DATE]	Two (2) years from effective date of permit [INSERT DATE]
Annually conduct site inspections of 100 percent of all construction projects cumulatively disturbing one (1) or more acres as required in Part I.D.4.a.(ii).(e).(1)	Twelve (12) months from effective date of permit and annually thereafter [INSERT DATE	Eighteen (18) months from effective date of permit and annually thereafter [INSERT DATE]	Start two and half (2.5) years from effective date of permit and thereafter [INSERT DATE]

Coordinate with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.4.a.(iii)	Six (6) months from effective date of permit [INSERT DATE]	Fourteen (14) months from effective date of permit [INSERT DATE]	Eighteen (18) months from effective date of permit [INSERT DATE]
Update the SWMP document and annual report as required in Part I.D.4.a.(iv) and in Part I.D.4.a.(v)	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include program elements in Part I.D.4.a.(vi) through Part I.D.4.a.(viii)	Update as necessary	Update as necessary	Update as necessary

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

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

(i) The permittee must develop, revise, implement, and enforce a program to address stormwater discharges that occur after construction is completed from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must consist of a combination of structural and non-structural best management practices (BMPs) to ensure that controls are in place that would prevent or minimize water quality impacts as described in Part I.D.4.b.(ii).(b) below.

(ii) Consistent with the deadlines in Table 2, all new permittees must complete the development of their program to comply with the requirements of this section, including the following elements. (Note: NMDOT and LANL may only need to apply the post-construction stormwater management program to the permittee's own construction projects.)

(a) Adopt an ordinance or other regulatory mechanism to control post-construction discharges from new development and redevelopment projects to the extent allowable under State, Tribal or local law. Permittees that lack the authority to enact an ordinance or other regulatory mechanism shall ensure that written, required agency policies or procedures are in place to address the requirements. The ordinance or policy must establish a stormwater quality design standard that manages on-site the 90^{th} percentile storm event discharge volume associated with new development sites and 80^{th} percentile storm event discharge volume associated with redevelopment sites, through stormwater controls that infiltrate, evapotranspire and/or beneficially reuse (consistent with New Mexico water law) the discharge volume, except in instances where full compliance cannot be achieved, as provided in Part I.D.4.b.(ii).(c).

Note: Consistent with New Mexico law, the stormwater from rooftop discharge may be harvested and used on-site for non-commercial use. Any controls utilizing impoundments that are also used for flood control that are located in areas where the New Mexico Office of the State Engineer requirements at NMAC 19.26.2.15 (see Section 72-5-32 NMSA) apply must drain within 96 hours unless the state engineer has issued a waiver to the owner of the impoundment. See also guidance to implement post-construction stormwater management controls in New Mexico

(b) Establish the required volume that must be managed for the 90th percentile (for new development projects) or 80th percentile (for redevelopment projects) using the following estimation approaches:

Note: Options A and B rely on the methodology included in EPA Technical Report entitled "*Estimating Predevelopment Hydrology in the Urbanized Areas in New Mexico".*

Option A: use the site-specific 90th or 80th percentile storm event discharge volume in the EPA Technical Report.

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

Option C: establish a site-specific pre-development hydrology and associated storm event discharge volume using different methodology and data than the methodology and data referenced in EPA Technical Report. The permittee must submit information related to proposed methodology during the second step of authorization under Part I.A.6.a.(ii). Any new measures proposed in the methodology may trigger the need to adopt additional permit terms and conditions for the affected permittee. EPA will follow the procedures required in §§ 124.10 through 124.13 (excluding §124.10(c)(2)) related to draft permit conditions and modifications and will respond to significant comments received during the comment period as provided in §124.17.

(c) Alternative Compliance for Infeasibility due to Site Constraints. Infeasibility to manage the design standard volume specified in Part I.D.4.b.(ii).(a), or a portion of the design standard volume, onsite may result from site constraints including the following:

(1) Too small a lot outside of the building footprint or insufficient right of way to create the necessary infiltrative capacity even with amended soils;

(2) Soil instability as documented by a thorough geotechnical analysis;

(3) A site use that is inconsistent with capture and reuse of stormwater;

(4) Other physical conditions;

(5) or to comply with applicable requirements for on-site flood control structures leaves insufficient area to meet the standard.

(d) To establish an alternative to compliance for meeting the standard on site, the permittee must document a technical justification as to the infeasibility of on-site management of the entire design standard volume, or a portion of the design standard volume. The site-specific hydrologic and/or design analysis must be conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect.

(e) When a Permittee determines a project applicant has demonstrated infeasibility due to site constraints specified in Part I.D.4.b.(ii).(c) to manage the design standard volume specified in Part I.D.4.b.(ii).(a) or a portion of the design standard volume on-site, the permittee shall develop procedures to implement one or more of the following mitigation options, that in combination with on-site controls, manages the design standard volume:

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

(2) Ground Water Replenishment Project: As allowed under State law, implementation of a project that has been determined by the permittee to provide an opportunity to replenish regional ground water supplies at an off-site location. This is applicable on both redevelopment and new development sites.

(3) Payment in lieu: Payment in lieu may be made to the permittee, who will apply the funds to a public stormwater project. MS4s shall maintain a publicly accessible database of approved projects for which these payments may be used and pollutant loading estimates. This is applicable on both redevelopment and new development sites.

(4) Other: In a situation where alternative options (1) through (3) above are not feasible, the permittee may propose an alternative option that meets the standard.

(f) A determination that it is infeasible to manage the design standard volume specified in Part I.D.4.b.(ii).(a), or a portion of the design standard volume, on site may not be based solely on the difficulty or cost of implementing onsite control measures, but must include multiple criteria that rule out an adequate combination of the practices set forth in Part I.D.4.b.(ii).

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

(h) Where applicable New Mexico OR OklahomaWater Law limits the ability to fully manage the design standard volume on site, measures to minimize increased discharge consistent with requirements under State law must still be implemented through a combination of on-site and off-site controls.

(iii) Inspections, Site Plan Review, and Enforcement:

(a) The permittee must ensure pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for noncompliance with preconstruction BMP design; failure to construct BMPs in accordance with the agreed upon pre-construction design; and ineffective post-construction operation and maintenance of BMPs; and

(b) Procedures for site inspection and enforcement to ensure stormwater management practices that are put into place as part of construction projects/activities are maintained and remain in effective operating condition. Procedure(s) shall include the requirement that as-built plans be submitted

within ninety (90) days of completion of construction projects/activities that include controls designed to manage the stormwater associated with the completed site (post-construction stormwater management). Procedure(s) to ensure long-term operation and maintenance may include the use of dedicated funds or escrow accounts for development projects or the adoption of maintenance responsibilities by the permittee of all privately owned control measures. This may also include the development of maintenance contracts between the owner of the control measure and the permittee. The maintenance contract shall include verification of maintenance practices by the owner, allow the MS4 owner/operator to inspect the maintenance practices, and perform maintenance if inspections indicate neglect by the owner.

(iv) Training: Develop and implement an educational program for project developers regarding designs to minimize water quality effects from stormwater, and a training program for plan review staff regarding stormwater standards, site design techniques and controls, including training regarding GI/LID/Sustainability practices. Following the program development schedule included in Table 6, the training must be held every year. The training may be developed independently or obtained from outside resources, i.e., federal, state, or local experts.

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

(vi) The permittee must coordinate with all internal departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private new development and redevelopment projects/activities compliance with the performance standard in Part I.D.4.b.(ii).(a). (Note: This permit does not prevent permittees from requiring additional controls for flood control purposes.)

(vii) The permittee must assess all existing codes, ordinances, planning documents, and other applicable regulations for impediments to the use of GI/LID/Sustainable practices. Planning documents include, but are not limited to, comprehensive or master plans, subdivision ordinances, general land use plan, zoning code, transportation master plan, specific area plans, such as sector plan, site area plans, corridor plans, or unified development ordinances. The assessment shall include a list of the identified impediments, necessary regulation changes, and recommendations and proposed schedules to incorporate policies and standards to relevant documents and procedures to maximize infiltration, recharge, water harvesting, habitat improvement, and hydrological management of stormwater runoff as allowed under the applicable water rights appropriation requirements. The permittee must develop a report of the assessment findings, which is to be used to provide information to the permittee, of the regulation changes necessary to remove impediments and allow implementation of these practices. The Final Report must be submitted to EPA and NMED according to the deadline in Table 6.

(viii) Assessment and Inventory of Infrastructure:

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

(b) The permittee must estimate the number of acres of impervious area (IA) and directly connected impervious area (DCIA) within the regulated area. For the purpose of this part, IA includes conventional pavements, sidewalks, driveways, roadways, parking lots, and rooftops. DCIA is the

portion of IA with a direct hydraulic connection to the permittee's MS4 or a waterbody via continuous paved surfaces, gutters, pipes, and other impervious features. DCIA typically does not include isolated impervious areas with an indirect hydraulic connection to the MS4 (e.g., swale or detention basin) or that otherwise drain to a pervious area. Also see Part I.D.4.b.(viii).(c) below for requirements to update this estimate; and

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

(ix) Incorporation of Watershed Protection Elements: The permittee must incorporate watershed protection elements that ultimately reduce pollutants in stormwater discharges from the MS4, such as those described in Part I.D.4.b.(xv), into relevant internal policy and/or planning documents as they come up for regular review. Planning documents include, but are not limited to, comprehensive or master plans, subdivision ordinances, general land use plans, zoning codes, transportation master plans, and? specific area plans, such as sector plans, site area plans, corridor plans, or unified development ordinances. If a relevant planning document is not scheduled for review during the term of this permit, the permittee, no later than five years after the effective date of this permit, must identify the elements that cannot be implemented until that document is revised, and provide to EPA a proposed schedule for incorporation and implementation of water protection elements in planning documents that are scheduled for review after the permit term ends. As applicable to each permittee's MS4 jurisdiction, policy and/or planning documents must incorporate the following elements or factors to be considered:

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

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

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

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

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

(f) Avoidance or prevention of, to the extent practicable, hydromodification of streams and other water bodies caused by development, including roads, highways, and bridges;

(g) Development and implementation of policies to protect native soils, prevent topsoil stripping, and prevent compaction of soils; and

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

(x) The permittee must update the SWMP document to meet the requirements of this section according to the schedule in Table 6.

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

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

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

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

(d) As required in Part I.D.4.b.(viii).(b) and (c) the tabulated results for IA and DCIA and the estimation methodology utilized in each subsequent annual report, the permittee shall estimate the number of acres of IA and DCIA that have been added or removed during the prior year. The permittee shall include in its estimates the additions and reductions of IA and DCIA resulting from development, redevelopment, or retrofit projects undertaken directly by the permittee, or by private developers and other parties in a voluntary manner or in compliance with the permittee's regulations; and

(e) A cumulative summary of retrofit evaluations conducted during the permit term on existing flood control devices, structures and drainage ways to benefit water quality. The permittee mus also update the SWMP to include a schedule (with priorities) for implementing identified retrofit projects.

Program Flexibility Elements:

(xii) Options to implement the site design standard include, but not limited to, management of the discharge volume achieved by canopy interception, soil amendments, rainfall harvesting, rain tanks and cisterns, engineered infiltration, extended filtration, dry swales, bioretention, roof top

disconnections, permeable pavement, porous concrete, permeable pavers, reforestation, grass channels, green roofs and other appropriate techniques, and any combination of these practices, including implementation of other stormwater controls used to reduce pollutants in stormwater (e.g., a water quality facility).

(xiii) The permittee may use stormwater educational materials locally developed or provided by EPA (see https://www.epa.gov/npdes/stormwater-discharges-municipal-sources, https://www.epa.gov/smartgrowth, and https://www.epa.gov/green-infrastructure), the NMED; environmental, public interest or trade organizations; and/or other MS4s.

(xiv) When choosing appropriate BMPs to comply with Part I.D.4.b.(ix) above, the permittee may participate in locally-based watershed planning efforts, which attempt to involve a diverse group of stakeholders including interested citizens. When developing its program, the permittee may adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures.

(xv) The permittee may incorporate the following elements in the Post-Construction Stormwater Management in New Development and Redevelopment program required in Part I.D.4.b.(ii):

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

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

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

Table 2. Post-Construction Stormwater Management in New Development and Redevelopment - Program Development and Implementation Schedules

Activity	Phase I & II MS4s	Phase II MS4s (Designated)	Cooperative (*) Any Permittee with cooperative programs

Develop an ordinance, other regulatory mechanism, or written, required agency policies or procedures as required in Part I.D.4.b.(ii).(a). As required in Part I.D.4.b.(ii)(b), establish the required volume that must be managed in Part I.D.4.b.(ii).(a).	Twelve (12) months from effective date of permit [INSERT DATE]	Thirty (30) months from effective date of permit [INSERT DATE]	Thirty-six (36) months from effective date of permit [INSERT DATE]
Implement and enforce, via the ordinance, other regulatory mechanism, or written, required agency policies or procedures of site design standards as required in Part I.D.4.b.(ii).(a).	Within eighteen (18) months from the effective date of the permit [INSERT DATE]	Within forty-two (42) months from the effective date of the permit [INSERT DATE]	Within forty-eight (48) months from effective date of the permit [INSERT DATE]
Develop procedures and ensure appropriate implementation of controls as required in Part I.D.4.b.(iii).	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Thirty (30) months from effective date of permit [INSERT DATE]
Develop procedures and ensure appropriate implementation of controls as required in Part I.D.4.b.(ii).(e).	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Two (2) years from effective date of permit [INSERT DATE]
Develop schedules for (iv) and (v).	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Two (2) years from effective date of permit [INSERT DATE]
Coordinate internally with all departments and boards with jurisdiction over the planning, review, permitting, or approval of public and private construction projects/activities within the permit area as required in Part I.D.4.b.(vi).	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Twenty (20) months from effective date of permit [INSERT DATE]

Assess all existing codes, ordinances, planning documents and other applicable regulations, for impediments to the use of GI/LID/Sustainable practices as required in Part I.D.4.b.(vii).	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Two (2) years from effective date of permit [INSERT DATE]
Develop and submit a report of the assessment findings on GI/LID/Sustainable practices .as required in Part I.D.4.b.(vii).	Nine (9) months from effective date of permit [INSERT DATE]	Eighteen (18) months from effective date of permit [INSERT DATE]	Twenty- seven (27) months from effective date of permit [INSERT DATE]
Provide an estimation of the number of acres of IA and DCIA as required in Part I.D.4.b.(viii).(b).	One (1) year from effective date of permit; with updates in the annual report thereafter	Two (2) years from effective date of permit; with updates in the annual report thereafter	Forty (40) months from effective date of permit, with updated in the annual report thereafter
Provide inventory and priority ranking as required in section in Part I.D.4.b.(viii).(c).	Within Eighteen (18) months from effective date of the permit	Within Thirty (30) months from effective date of the permit	Within Forty-four (44) months from effective date of the permit
Incorporate watershed protection elements as required in Part I.D.4.b.(ix).	Six (6) months from effective date of permit	Sixteen (16) months from effective date of permit	Thirty (30) months from effective date of permit
Update the SWMP document and annual report as required in Part I.D.4.b.(x) and Part I.D.4.b.(xi).	Update as necessary	Update as necessary	Update as necessary
Enhance the program as required in? Part I.D.4.b.(xii) through Part I.D.4.b.(xv).	Update as necessary	Update as necessary	Update as necessary

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

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

(i) The permittee must develop, revise, and implement an operation and maintenance program that includes a training component and the ultimate goal of preventing or reducing stormwater discharges from municipal operations. The program must include:

(a) Development and implementation of an employee training program to incorporate pollution prevention and good housekeeping techniques into everyday operations and maintenance

activities. At a minimum, the training must include programs that promote recycling (to reduce litter), minimize pesticide use, and ensure the proper disposal of animal waste. The employee training program must be designed to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The permittee must also develop a tracking procedure and ensure that employee turnover is considered when determining frequency of training;

(b) Maintenance activities, maintenance schedules, and long-term inspections procedures for municipally-owned or operated stormwater controls to reduce floatable, trash, and other pollutants discharged from the MS4. At a minimum, maintenance activities must include:

(1) Weekly pick up of litter and other wastes from permittee-owned facilities and outside areas (e.g., maintenance yards, office buildings), including selected storm drain inlet grates, dumpsters and other waste containers to reduce exposure to stormwater; and

(2) Internal coordination with other inspection and maintenance personnel to ensure that a target number of stormwater controls per basin are inspected and maintained per quarter. At a minimum, all stormwater controls must be inspected and maintained at least annually. Examples of stormwater controls to be inspected and maintained include, but are not limited to, stormwater quality structures designed to remove floatables and sediment, including selected storm drain inlets.

Note: A different maintenance schedule to address (1) above can be proposed in the Supplemental NOI required in Part I.B.2.b.(v) (see also Qualifying State, Tribal, or Local Programs - Part D.7).

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

(1) General Good Housekeeping: The permittee must:

(A) Keep all municipally-owned or operated facilities neat and orderly, minimizing pollutant sources through good housekeeping procedures and proper storage of materials:

(B) If outdoor pavement cleaning with detergent is required, collect wash water and dispose in indoor sinks or drains for discharge to the sanitary sewer; never dispose of waste products in storm drain inlets; and

(C) Recycle wastes or dispose or waste properly: use drip pans, absorbent pads or materials to collect leaks or spills during vehicle maintenance activities.

(2) Fueling operations: The permittee must continue to implement standard operating procedures for vehicle fueling and receiving of bulk fuel deliveries at municipally-owned or operated facilities with the goal of reducing the likelihood of spills, and providing spill controls in the event that accidental spills do occur.

(d) Procedures for disposing of waste removed from the separate storm sewers and areas listed in Part I.D.4.c.(i).(c) (such as dredge spoil, accumulated sediments, floatables, and other debris) in accordance with state and local law; and

(e) Procedures to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. At a minimum, the permittee must create, review and revise, as necessary, technical criteria guidance documents and programs for the assessment of water quality impacts and incorporation of water quality controls into future flood control projects. The criteria guidance document must include the following elements:

(1) A description of how new flood control projects are assessed for water quality impacts;

(2) Citations and descriptions of design standards that ensure water quality controls are incorporated into future flood control projects;

(3) A method for permittees to update standards with new and/or innovative practices; and

(4) A description of master planning and project planning procedures and design review procedures.

Note: The permittee may use training materials that are available from EPA, NMED, an Indian tribe, or other organizations.

(ii) Based on the MS4's operations, the Pollution Prevention/Good Housekeeping program must include the following elements:

(a) An inventory of all municipally-owned or operated stormwater quality facilities by drainage basin, including but not limited to the following:

- Composting facilities
- Equipment storage and maintenance facilities
- Fuel farms
- Hazardous waste disposal facilities
- Hazardous waste handling and transfer stations
- Incinerators
- Landfills
- Landscape maintenance on municipal property
- Materials storage yards
- Pesticide storage facilities
- Public buildings, including schools, police stations, fire stations, municipal buildings, and similar buildings
- Public parking lots
- Public golf courses
- Public swimming pools
- Public works yards
- Recycling facilities
- Salt storage facilities
- Solid waste handling and transfer facilities
- Vehicle storage and maintenance yards
- Municipally-owned and/or maintained structural stormwater controls;

(b) Operational manuals for de-icing activities that address alternate materials and methods to control impacts to stormwater quality that are more protective than existing practice;

(c) A program to reduce stormwater discharges from equipment and vehicle maintenance yards and maintenance center operations located within the MS4. At a minimum, the program must include standard operating procedures for vehicle maintenance and repair activities that occur at permittee-owned or operated facilities with the goal of reducing the likelihood of spills or releases and providing controls in the event that accidental spills do occur, including procedures for collection of used motor vehicle fluids (at a minimum oil and antifreeze) and toxics (paint, solvents, fertilizers, pesticides, herbicides, and other hazardous materials) used in permittee operations or discarded in the MS4, for recycle, reuse, or proper disposal (in compliance with the state law);

(d) A street sweeping program. The street sweeping frequency must be based on land use, trash and stormwater pollutant levels generated and must be ranked as "high priority", "medium priority", and "low priority" areas, as follows:

- High Priority Area – streets, road segments, and public parking lots designated as high priority are high traffic zones, commercial and industrial districts, shopping malls, large schools, high-density residential dwellings, sport and event venues, and plazas;

- Medium Priority Area – Streets, road segments and public parking lots that are medium traffic zones; warehouse districts; and light, small-scale commercial and industrial areas; and

- Low Priority Area – Streets and road segments that are light traffic zones and residential zones.

(See definition of ranked priority areas for sweeping activities in Part VII.)
In accordance with the deadlines in Table 7, the permittee must assess possible benefits from changing frequency or timing of sweeping activities or utilizing different equipment for sweeping activities;

(e) A list of roadway areas most likely to contribute pollutants to and from the MS4 (i.e., roadways with stormwater discharges directly to sensitive receiving water(s), roadways that receive majority of de-icing material, roadways that receive excess litter, roadways that receive greater loads of oil and grease);

(f) A program to address and control floatables in stormwater discharges. The floatables control program may be established in partnership with other MS4s to monitor and assess floatable material in discharges to and/or from a joint jurisdictional area or watershed basis consistent with the schedules for cooperative programs in Table 7. At a minimum, the permittee must:

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

(2) Develop a schedule for implementation of the program to control floatables in stormwater discharges. At a minimum, the permittee shall perform a quarterly visual inspection to ensure stormwater facilities for floatables control operate as designed;

(3) Establish a ranking system to establish high-priority locations for monitoring/assessing floatable material in discharges to and/or from the MS4.

(4) Monitor at least twice per year at all high priority locations and a minimum of once per year at all low priority locations. Non-traditional MS4s as defined in Part VII shall sample/assess

all locations a minimum of once per year. If implementing a cooperative program, permittees must determine high priority areas based on population, high risk areas (e.g., industrial areas), and/or the ranking system referenced in (3) above.

(5) Estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type. The amount of collected material shall be estimated in cubic yards.

(6) Develop and implement litter source control programs, or revise existing programs, to include public awareness campaigns targeting the MS4 employees and contractors; and

(7) Based on the MS4's operations, develop or enhance the existing program to control the discharge of floatables and trash in stormwater by implementing source control of floatables in industrial and commercial MS4-owned areas and industrial and commercial product storage facilities.

(g) Procedures to control the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied by the permittee's employees or contractors to public rights-of-way, parks, and other permittee property. At a minimum, the permittee must:

(1) Provide an inventory of all permittee areas utilizing pesticides, herbicides and fertilizers;

(2) Implement integrated pest management measures that increase application of non-chemical solutions, including, but not limited to, use of native plants and xeriscaping in arid/semi-arid regions (reduces water usage and fertilization); and

(3) Provide schedules for chemical application that minimize the discharge of such constituents due to irrigation and expected precipitation.

(h) Develop program to address PFAS. Program must incorporate BMPs to address PFAS-containing firefighting foams: Pursuant to122.44(k)(2), where appropriate, to address Aqueous Film Forming Foam (AFFF) used for firefighting, such as the following:

(1) Prohibiting the use of AFFFs other than for actual firefighting.

(2) Eliminating PFOS and PFOA-containing AFFFs.

(3) Requiring immediate clean-up in all situations where AFFFs have been used, including diversions and other measures that prevent discharges via storm sewer systems.

(iii) Permittee Facilities with Individual Stormwater NPDES Permit and/or the EPA's permittee must develop or update:

(a) A list and a map showing the industrial facilities owned and operated by the MS4 that are covered under the MSGP on an individual permit; and

(d) A list of the industrial facilities in (a) above (other than large construction activities defined as industrial activity) by category and by basin. The list must include the permit authorization number or a MSGP NOI ID for each facility as applicable. A list of the No Exposure Certifications for MSGP facilities within the MS4 jurisdiction must be also maintained.

(iv) Updates to the SWMP. The permittee must update the SWMP document to meet the requirements of this section according to the schedule in Table 7.

(v) Annual Report: The permittee shall assess the overall success of the program and document the program's effectiveness in the annual report.

Table 3. Pollution Prevention/Good Housekeeping for Municipal/Co-permittee Operations - Program Development and Implementation Schedules

Activity	**Phase I & II MS4s**	**Phase II MS4s (Designated)**	**Cooperative (*) Any Permittee with cooperative programs**
Develop or update the Pollution Prevention/Good House Keeping program to include the elements in Part I.D.4.c.(i)	Six (6) months from effective date of the permit [INSERT DATE]	Sixteen (16) months from effective date of the permit [INSERT DATE]	Two (2) years from effective date of the permit [INSERT DATE]
Develop or update the program to include the elements in Part I.D.4.c.(ii).(a) through (e) and Part I.D.4.c.(ii).(g)	Twelve (12) months from effective date of the permit [INSERT DATE]	Eighteen (18) Months from effective date of the permit [INSERT DATE]	Thirty (30) months from effective date of the permit [INSERT DATE]
Control of Floatables Discharges: Develop (or update) the program as required in Part I.D.4.c.(ii).(f).(1). (2), (3), (4), (6), and, (7).	Six (6) months from effective date of the permit [INSERT DATE]	Eighteen (18) months from the effective date of the permit [INSERT DATE]	Twenty- two (22) months from the effective date of the permit [INSERT DATE]
Control of Floatables Discharges: Estimate the annual volume of floatables and trash removed from each control facility and characterize the floatable type as required in Part I.D.4.c.(ii).(f).(5).	Twelve (12) months from effective date of the permit [INSERT DATE]	Twenty (20) months from the effective date of the permit [INSERT DATE]	Thirty (30) months from the effective date of the permit [INSERT DATE]
Develop PFAS program which Incorporate BMPs to address PFAS from firefighting foams	Six (6) months from effective date of the permit [INSERT DATE]	Sixteen (16) months from effective date of the permit [INSERT DATE]	Twenty (20) months from effective date of the permit [INSERT DATE]

Develop or update a list and a map of industrial facilities owned or operated by the permittee as required in Part I.D.4.c.(iii).	Six (6) months from effective date of the permit [INSERT DATE]	Sixteen (16) months from effective date of the permit [INSERT DATE]	Twenty (20) months from effective date of the permit [INSERT DATE]
Update the SWMP document and annual report as required in Part I.D.4.c.(iv) and Part I.D.4.c.(v).	Update as necessary	Update as necessary	Update as necessary

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

d. Illicit Discharges and Improper Disposal

(i) The permittee shall develop, implement, and enforce a program to detect and eliminate illicit discharges entering the MS4. "Illicit discharges" are discharges to the MS4 that are composed in part of non-stormwater, except the allowable non-stormwater discharges under this permit, discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer), and discharges resulting from firefighting activities that are not identified as significant sources of pollutants to a water(s) of the United States.

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

In accordance with the deadlines in Table 4, permittees must develop their program to comply with the requirements of this section. At a minimum, the permittee must:

(a) Develop a storm sewer system map, showing the names and locations of all outfalls as well as the names and locations of all waters of the United States that receive discharges from those outfalls. Identify on the map all discharge points into "major" drainage channels, i.e., those channels draining more than twenty (20) percent of the MS4 area;

(b) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance or other regulatory mechanism, illicit discharges into the MS4. Permittees that lack the authority to enact an ordinance or other regulatory mechanism shall ensure that written, required agency policies or procedures are in place to address the requirements, including the process for referring matters to the appropriate agency for enforcement and the time frames for referrals, actions, response, and resolution;

(c) Develop and implement a plan to detect and eliminate illicit discharges, including illegal dumpling, to the MS4. At a minimum? the permittee must include the following elements in the plan:

(1) Determination of the location of high priority areas for illicit discharge within the MS4 service area. At a minimum, the following are considered high priority areas: areas with older infrastructure that are more likely to have illicit connections; industrial, commercial, or mixed use areas; areas with onsite sewage disposal systems; areas with older sewer lines or with a history of sewer overflows or cross connections; areas upstream of sensitive waterbodies; areas with a history of past illicit discharges or illegal dumping; and/or areas where the permittee has received citizen complaints on more than five (5) separate events within twelve (12) months..

(2) Procedures for conducting dry weather screening for illicit discharges to identify, investigate, and address areas within its jurisdiction that may be contributing excessive levels of pollutants to the MS4 as a result of dry weather discharges (i.e., discharges from separate storm sewers that occur without the direct influence of runoff from storm events, e.g. illicit discharges, allowable non-stormwater, groundwater infiltration, etc.). At a minimum, the procedures must:

(A) Require the permittee to screen the entire regulated area at least once every five (5) years and high priority areas (identified in Part I.D.4.d.(i).(c).(1), above) at least once every year.

(B) Due to the arid and semi-arid conditions of the area, the dry weather discharges screening program may be carried out during both wet season (July 1 through October 31) and dry season (November 1 through June 30). Results of the assessment shall be provided in each annual report.

(C) Include a description of the means, methods, quality assurance and controls protocols, and schedule for successfully implementing the required screening, laboratory analysis, investigations, and analysis evaluation of data collected. The permittee must, at a minimum, comply with the following requirements:

a. Identify and include screening points to adequately assess pollutant levels from all areas of the MS4.

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

c. Specify the sampling and non-sampling techniques to be issued for initial screening and follow-up purposes, including the specific protocols to be used for selected pollutant indicators

Screening Level Tests: The permittee may utilize less expensive “field test kits” using test methods not approved by EPA under 40 CFR part 136, provided the manufacturer’s published detection ranges are adequate for the illicit discharge detection purposes. For purposes of sediment sampling in dry weather as part of a screening program to identify area(s) where PCB control/clean-up efforts may need to be focused, either the Arochlor test (EPA Method 8082) or USGS test method (8093) may be used. EPA Method 1668 (latest revision) may be used to screen PCBs in the water column and sediments. Sample collection and analysis for screening purposes need not conform to the requirements of 40 CFR part 136; and

d. Perform monitoring only when an antecedent dry period of at least seventy-two (72) hours after a rain event greater than 0.1 inch in magnitude is satisfied (or after the local qualifying storm event approved in the Monitoring Plan – see also Table 11 in Part III.A). Monitoring methodology shall consist of collecting a minimum of four (4) grab samples spaced at a minimum interval of fifteen (15) minutes each. Discrete grab samples from each location will be combined into a single composite sample from each station, preserved, and delivered to the laboratory for analysis. A flow-weighted automatic composite sample may also be used.

(D) The dry weather screening program shall be described in the SWMP and comply with the schedules contained in Part I.D.4.d.(i).(c).(1) and Table 8.

(3) Procedures for enforcement, including enforcement escalation procedures for recalcitrant or repeat offenders;

(4) Procedures for eliminating illicit discharges. At a minimum, the permittee must investigate suspected significant/severe illicit discharges (i.e., those suspected of being significantly contaminated or containing sanitary sewage) within forty-eight (48) hours of detection and all other discharges as soon as practicable; eliminate such discharges as expeditiously as possible; and require immediate cessation of illicit discharges upon confirmation of responsible parties;

(5) Procedures for assessing the overall success of the program. The permittee shall document the program effectiveness in the annual report; and

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

(d) Develop an education program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials. The permittee shall inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste. At a minimum, the permittee must establish a dedicated hotline to receive and address complaints from the public; and

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

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

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

(a) Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or insure the party responsible for

the spill takes, all reasonable steps to control or prevent any adverse effects to human health or the environment; and

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

(iv) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.4.d.(i) throughout Part I.D.4.d.(iii) and a description of the means, methods, quality assurance and controls protocols, and schedule for successfully implementing the required screening, field monitoring, laboratory analysis, investigations, and analysis of data collected.

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

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

Program Flexibility Elements

(vii) The permittee may:

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

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

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

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

(e) After screening a non-high priority area once and as a result establishing that illicit discharges are not present in the area, adopt an “in response to complaints only” IDDE program for that area provided there are citizen complaints on no more than two (2) separate events within a twelve (12) month period;

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

Table 4. Illicit Discharges and Improper Disposal - Program Development and Implementation Schedules

Activity	Phase I & II MS4s	Phase II MS4s (Designated)	Cooperative (*) Any Permittee with cooperative programs
Mapping as required in Part I.D.4.d.(i).(a)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Twenty-two (22) months from effective date of permit [INSERT DATE]
Ordinance, other regulatory mechanism, or written, required agency policies or procedures as required in Part I.D.4.d.(i).(b)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Thirty (30) months from effective date of permit [INSERT DATE]
Develop/Update and implement a IDDE plan as required in Part I.D.4.d.(i).(c)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Thirty (30) months from effective date of permit [INSERT DATE]
Develop/Update an education program as required in Part I.D.4.d.(i).(d)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Eighteen (18) months from effective date of permit [INSERT DATE]
Establish a hotline as required in Part I.D.4.d.(i).(d)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Eighteen (18) months from effective date of permit [INSERT DATE]
Establish procedures to investigate suspected significant/severe illicit discharges as required in Part I.D.4.d.(i)(c).(4)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Eighteen (18) months from effective date of permit [INSERT DATE]
Review complaint records and develop a targeted source reduction program as required in Part I.D.4.d.(i)(e)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Two (2) years from effective date of permit [INSERT DATE]
Screen system as required in Part I.D.4.d.(i).(c).(1) as follows: a.) High priority areas**	1/year	1/year	1/year
b.) Whole system	Screen 20% of the MS4 per year	- Screen 20% of the MS4 per year	-Years 1 – 3: develop procedures as require in Part I.D.5.e.(i)(c) -Year 4: screen 30% of the MS4 -Year 5: screen 70% of the MS4

Develop, update, and implement a Waste Collection Program as required in Part I.D.4.d.(ii)	Twelve (12) months from effective date of permit [INSERT DATE]	Eighteen (18) months from effective date of permit [INSERT DATE]	Thirty (30) months from effective date of permit [INSERT DATE]
Develop, update and implement a Spill Prevention and Response program to prevent, contain, and respond to spills that may discharge into the MS4 as required in Part I.D.4.d.(iii)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Eighteen (18) months from effective date of permit [INSERT DATE]
Update the SWMP document and annual report as required in Part I.D.5.d.(iv) and Part I.D.4.d.(v)	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include requirements in Part I.D.4.d.(vii)	Update as necessary	Update as necessary	Update as necessary

(*) During development of cooperative programs, the permittee must continue to implement any existing programs.
(**) At a minimum, the following are considered high priority areas: areas with older infrastructure that are more likely to have illicit connections; industrial, commercial, or mixed use areas; areas with onsite sewage disposal systems; areas with older sewer lines or with a history of sewer overflows or cross connections; areas upstream of sensitive waterbodies; any area where there is ongoing evidence of illicit discharges or dumpling, or where there are citizen complaints on more than five (5) separate events within twelve (12) months
Note: The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.

e. Public Education and Outreach on Stormwater Impacts

(i) The permittee shall, individually or cooperatively, develop, implement, and maintain a comprehensive stormwater program to educate the community, employees, businesses (if applicable), and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater. In accordance with Table 5, all permittees must complete the development of their program to comply with the requirements of this section. The program must at a minimum:

(a) Define the goals and objectives of the program;

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

(c) Inform individuals, groups, and employees how to become involved in local water quality protection and restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups;

(d) Use tailored public education programs to target specific audiences and communities. At a minimum, the permittee must implement at least three of the following strategies as part of the

program: distribution of printed materials, brochures, or fact sheets, posting educational messaging on local billboards or mass transit advertisements signage at selected locations, use radio, television, or internet advertisements, sponsoring speaking engagements before community groups or regional events, providing public service announcements, implementing educational programs targeted at school age children, or conducting community-based projects such as storm drain stenciling, and watershed cleanups;

(e) Use outreach and educational materials designed to reduce pollutants in stormwater and directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts. At a minimum, your outreach materials must target the following:

(1) Restaurant owners on the impact of grease clogging storm drains and to garage owners and employees on the impact of oil discharges:

(2) Commercial businesses, industrial institutions, and residents on:

a. Lawn and garden activities and water conservation programs using sustainable practices; and

b. The proper disposal of household (or industrial/commercial) hazardous waste, trash and pet waste management.

(3) Industry groups to support employee trainings designed to implement BMPs to address pollutants in stormwater discharges.

(f) If ten percent (or more) of the population is non-English speaking residents, the permittee must make information available for those target residents; and as appropriate, the permittee should consider tailoring the outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

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

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

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

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

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

Program Flexibility Elements

(iv) Where necessary to comply with the requirements established in Part I.D.4.e.(i), the permittee may include the following elements:

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

(b) Include an integrated public education program (including all permittee departments and programs within the MS4) regarding litter reduction, reduction in pesticide/herbicide use, recycling and proper disposal (including yard waste, hazardous waste materials, and used motor vehicle fluids), and green infrastructure/LID/Sustainable practices (including xeriscaping, reduced water consumption, water harvesting practices allowed by the State).

(c) Collaborate or partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(d) Classroom education on stormwater;

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

2. Develop pet-specific education.

(e) Establish a water committee/advisory group;

(f) Contribute to and participate in Water Quality or Watershed groups;

(g) Use stormwater educational materials provided by entities such as the State, Tribes, EPA, environmental, public interest or trade organizations, or other MS4s. The permittee may also integrate the education and outreach program with existing education and outreach programs in the area.

Table 5. Public Education and Outreach on Stormwater Impacts - Program Development and Implementation Schedules

Activity	**Phase I & II MS4s**	**Phase II MS4s (Designated)**	**Cooperative (*) Any Permittee with cooperative programs**
Develop/Update, implement, and maintain an education and outreach program as required in Part I.D.4.e.(i)	Six (6) months from effective date of permit [INSERT DATE]	Sixteen (16) months from effective date of permit [INSERT DATE]	Eighteen (18) months from effective date of permit [INSERT DATE]

Update the SWMP document and annual report as required in Part I.D.4.e.(ii) and Part I.D.4.e.(iii)	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include requirements in Part I.D.4.e.(iv)	Update as necessary	Update as necessary	Update as necessary

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

f. Public Involvement and Participation

(i) Prior to the permittee submitting its NOI and Supplemental NOI to EPA (see Parts I.A.6.a.(i), (ii), and Part I.B.2), the permittee must provide local public notice of and make available for public review and comment a copy of the complete NOI and Supplemental NOI and attachments. Local public notice may be made by newspaper notice, notice at a council meeting, posting on the internet, or other method consistent with state/ local public notice requirements.

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

(ii) The permittee shall develop, implement and maintain a public involvement plan to encourage public involvement, improve intergovernmental coordination, and provide opportunities for participation in the review, modification and implementation of the SWMP. In accordance with the schedules in Table 6, all existing and new permittees must have completed the development of or updates to their program to comply with the requirements of this section. At a minimum the plan must include:

(a) Program goals based on the impact of stormwater discharges on local waterways and the steps that citizens, businesses, and other organizations can take to reduce the discharge of pollutants in stormwater using management practices, control techniques and system, design and engineering methods, and such other provisions required in this permit.

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

(c) Public accessibility of the Stormwater Management Program (SWMP) document, Annual Reports, and all documents required in the permit online via the Internet and during normal business hours at

the MS4 operator's main office, a local library, posting on the internet and/or other readily accessible location for public inspection and copying consistent with any applicable federal, state, tribal, or local open records requirements. Upon a showing of significant public interest, the MS4 operator is encouraged to hold a public meeting (or include in the agenda of in a regularly scheduled city council meeting, etc.) on the NOI, SWMP, and Annual Reports. (See Part III.B)

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

(e) A comprehensive planning process to:

1. Manage the public comments received, reviewed, and incorporated into the MS4's programs;

2. Solicit involvement by environmental groups, environmental justice communities, civic organizations or other neighborhoods/organizations interested in water quality-related issues; and

3. Inform the public or target audiences of involvement and participation opportunities on stormwater program activities.

(iii) The permittee must include in the SWMP a description of the mechanism(s) utilized to comply with each of the elements required in Part I.D.4.f.(i) and Part I.D.4.f.(ii).

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

Program Flexibility Elements

(v) The permittee may integrate the public involvement and participation program with existing education and outreach programs required by other terms and conditions of this permit.

Table 6. Public Involvement and Participation - *Program Development and Implementation Schedules*

Activity	**Phase I & II MS4s**	**Phase II MS4s (Designated)**	**Cooperative (*) Any Permittee with cooperative programs**
Develop/Update, implement, and maintain a public involvement and participation plan as required in Part I.D.4.f.(ii)	Six (6) months from effective date of the permit [INSERT DATE]	Sixteen (16) months from effective date of the permit [INSERT DATE]	Eighteen (18) months from effective date of the permit [INSERT DATE]

Update the SWMP document and annual report as required in Part I.D.4.f.(iii), Part I.D.4.f.(iv)	Update as necessary	Update as necessary	Update as necessary
Enhance the program to include requirements in Part I.D.4.f.(v)	Update as necessary	Update as necessary	Update as necessary

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

g. Industrial and High-Risk Runoff (Applicable only to Phase I MS4s)

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

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

(a) A description of a program to identify, monitor, and control pollutants in stormwater discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the MS4. (Note: If no such facilities are in a permittees jurisdiction, that permittee may certify that this program element does not apply.); and

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

(iii) Permittees must comply with the monitoring requirements specified in Part III.A.4;
(iv) The permittee must modify the following as necessary:

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

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

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

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

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

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

Program Flexibility Elements:

(vii) The permittee may:

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

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

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

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

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

Table 7: Industrial and High-Risk Runoff - Program Development and Implementation Schedules:

Activity	**Permittee**	
	Phase I MS4s	**Cooperative (*)** **Any Permittee with cooperative programs**
Ordinance (or other control method) as required in Part I.D.5.d.(i)	Six (6) months from permit effective date	Nine (9) months from permit effective date

Continue implementation and enforcement of the Industrial and High-Risk Runoff program, assess the overall success of the program, and document both direct and indirect measurements of program effectiveness in the annual report as required in Part I.D.5.d.(ii)	Six (6) months from permit effective date	Nine (9) months from permit effective date
Meet the monitoring requirements in Part I.D.5.d.(iii)	Six (6) months from permit effective date	Nine (9) months permit effective date
Include requirements in Part I.D.5.d.(iv)	Six (6) months from permit effective date	Nine (9) months permit effective date
Update the SWMP document and annual report as required in Part I.D.5.d.(v) and Part I.D.5.d.(vi)	Update as necessary	Update as necessary
Enhance the program to include requirements in Part I.D.5.d.(vii)	Update as necessary	Update as necessary

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

5. **Stormwater Management Program Review and Modification**.

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

(i) SWMP implementation progress toward achieving the terms and conditions of this permit that do not require immediate compliance, and compliance with program elements and other permit conditions;

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

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

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

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

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

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

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

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

(c) an analysis of how the proposed replacement component is expected to achieve an equivalent level of pollutant reduction in stormwater discharges from the MS4.

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

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

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

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

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

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

iv. If, at any time, EPA determines that the SWMP does not meet permit requirements. To the extent that EPA requests modifications to the SWMP that require a modification to the permit, it will follow the regulations at 40 CFR 122.62, 122.63 and 124.5.

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

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

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

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

7. Qualifying State, Tribal or Local Program. The permittee may substitute the BMPs and measurable goals of an existing stormwater pollution control program to qualify for compliance with one or more of the minimum control measures if the existing measure meets the requirements of the minimum control measure as established in Part I.D.4 and the permittee has included its proposed equivalent programs in the supplemental NOI and received EPA approval as provided in Part I.A.6.a.(ii).(b).(3).

PART II. NUMERIC DISCHARGE LIMITATIONS

A. DISCHARGE LIMITATIONS. Reserved

PART III. MONITORING AND REPORTING REQUIREMENTS:

A. WET WEATHER MONITORING PLAN

In New Mexico the permittees under Phase I, MS4s discharging in the Rio Grande Watershed, and MS4 discharging to an impaired waterbody, must develop and implement a Wet Weather Monitoring Plan designed to meet the following objectives:

- Assess the effectiveness of the permittee's stormwater management program in reducing pollutant discharges from the MS4, including reductions in pollutants causing impairments to applicable waters of the U.S.;
- Assess the impacts to receiving waters resulting from stormwater discharges, and evaluate long-term trends in receiving water quality;
- Characterize stormwater discharges by collecting and analyzing samples in accordance with this section; and
- Identify sources of elevated pollutant loads and specific pollutants.

The permittee must submit its proposed Wet Weather Monitoring Plan with the supplemental NOI required in Part I.A.6.a.(ii), which EPA reviews as part of the second step process.

Note: The Wet Weather Monitoring Plan must be developed in consultation with NMED and EPA (and affected Tribes if monitoring locations would be located on Tribal lands).

The permittee shall select specific monitoring locations sufficient to assess the effects of their stormwater discharges on receiving waters. The monitoring plan may take advantage of monitoring stations/efforts utilized by the permittees or others in previous stormwater monitoring programs or other water quality monitoring efforts. Data collected by others at such stations may be used to satisfy part, or all, of the permit monitoring requirements provided the data collection by that party meets the requirements of this section. The Wet Weather Monitoring Plan shall be described in the SWMP document and the results must be provided in each annual report.

The proposed Wet Weather Monitoring Plan may propose sample collection, timing, or other monitoring techniques to address constraints on sampling programs due to local geographical and climate conditions. If approved, such monitoring program elements will replace corresponding specific monitoring requirements in this permit and be identified by the permitting authority during establishment of terms and conditions of the permit during the second step of authorizing coverage under the general permit.

1. **<u>Selection of Wet Weather Monitoring Approach</u>**

   Each permittee shall conduct wet weather monitoring to gather information on the response of receiving waters to wet weather discharges from the MS4 during both the wet season (July 1 through October 31) and the dry season (November 1 through June 30). As required in Part I.B.2 Content of the Notice of Intent, permittees shall indicate in the NOI if they are participating in a cooperative or individual monitoring program. Permittees may choose either Option A or Option B below:

   a. *Option A*: Individual Monitoring Program

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

outfalls and/or Rio Grande monitoring locations. Phase I permittees must include additional parameters from monitoring conducted under permit NMR04A000 (from last 10 years) whose mean values are at or above a WQS. Permittee must sample these pollutants a minimum of 10 events during the permit term with at least 5 events in wet season and 4 events in dry season.

Monitoring Location(s): Perform wet weather monitoring at locations where any waterbodies flow into the MS4 jurisdictional area (upstream) and where they flow out of the MS4 jurisdictional area (downstream D). Based on existing stormwater discharge data, permittees must also select additional monitoring locations at outfall locations.

Pollutant Parameters: Monitor for total suspended solids (TSS), total dissolved solids (TDS), chemical oxygen demand (COD), biochemical oxygen demand (BOD_5), DO, oil and grease, *E.coli*, pH, total kjeldahl nitrogen, nitrate plus nitrite, dissolved phosphorus, total ammonia plus organic nitrogen, total phosphorus, 303(d) pollutants and TMDL constituents . The list of 303(d) pollutants is included in Appendix C

Sampling Frequency: The permittees must sample these pollutants at minimum of 8 events per location during the permit term with at least 4 events in the wet season and 2 events in the dry season. To gather information during each permit year, at least one sample per year must be taken at all established monitoring locations. To respond to an exceedance of WQS, additional samples may be taken, see Part III.A.2.g Response to Monitoring Results.

b. *Option B*: Cooperative Monitoring Program

Develop a cooperative wet weather monitoring program with other permittees in the urbanized area or local watershed area.

Monitoring Location(s): The program must perform wet weather monitoring at locations where any waterbodies flow into the MS4 jurisdictional area (upstream) and where they flow out of the MS4 jurisdictional area (downstream). Based on existing stormwater discharge data, permittees must also select additional monitoring locations at outfall locations.

Pollutant Parameters: The program must include sampling for TSS, TDS, COD, BOD_5, DO, oil and grease, *E.coli*, pH, total kjeldahl nitrogen, nitrate plus nitrite, dissolved phosphorus, total ammonia plus organic nitrogen, total phosphorus, and any other pollutants for which relevant waters are listed as impaired under Section 303(d) pollutants (see Appendix C).

Sampling Frequency: The permittee must sample the pollutants for a minimum of 7 storm events per location during the permit term with at least 3 events in wet season and 2 events in dry season. To gather information during each permit year, at least one sample per year must be taken at all established monitoring locations. To respond to an exceedance of WQS, additional samples may be taken, see Part III.A.2.g Response to Monitoring Results.

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

2. **General Wet Weather Monitoring Requirements**

a. Wet weather monitoring shall be performed only when the predicted (or actual) rainfall magnitude of a storm event is greater than 0.25 inches and an antecedent dry period of at least forty-eight (48) hours after a rain event greater than 0.1 inch in magnitude is satisfied. Permittees may propose a local

qualified storm event in the Wet Weather Monitoring Plan required in Part III.A and Table 11 for EPA and NMED approval. Samples may be taken during daylight hours to address safety hazards.

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

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

d. Alternate wet weather monitoring locations established in Part III.A.1.a or Part III.A.1.b may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the EPA and NMED in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the EPA, use of an alternate monitoring location (except for those with numeric effluent limitations) may commence thirty (30) days from the date of the request. At least four (4) samples shall be collected during the first year of monitoring at substitute monitoring locations, two of those samples should be collected during wet season and the other two samples during dry season. If there are fewer than four sampleable events, this must be documented for reporting purposes.

e. Requirements for different sampling types

(i) Composite Samples: Flow-weighted composite samples shall be collected as follows:

(a) Composite Method – Flow-weighted composite samples may be collected manually or automatically. For both methods, equal volume aliquots may be collected at the time of sampling and then flow-proportioned and composited in the laboratory, or the aliquot volume may be collected based on the flow rate at the time of sample collection and composited in the field.

(b) Sampling Duration – Where the discharge lasts less than two (2) hours, the permittee must report the quantity of stormwater discharged from a sampling location per unit of time. Samples shall be collected for at least the first two (2) hours of discharge.

(c) Aliquot Collection – A minimum of three (3) aliquots per hour, separated by at least fifteen (15) minutes, shall be collected. Where more than three (3) aliquots per hour are collected, comparable intervals between aliquots shall be maintained (e.g., six aliquots per hour, spread over at least seven (7) minute intervals).

Note: Samples from different monitoring locations should not be composited together.

(ii) Grab Samples: Grab samples are discrete samples taken at a specific point and time. They shall be taken during the first two (2) hours of discharge. A minimum of two grab samples shall be taken, with the first sample collected as near to first flush as possible and the second sample collected after first flush has passed. Date and time of the initiation of discharge and the collection of each sample shall be recorded. Precipitation data and a quantitative or qualitative measure of flow or stage shall be associated with each collected sample.

(iii) Data Comparability: Sampling method must be consistent across stations and over the duration of the permit to ensure data comparability. Where sampling methods differ across sites because of site limitations or characteristics, the methods at any given site must be consistent during the permit term.

f. Analytical Methods: The Permittee shall use sufficiently sensitive EPA analytical procedures or methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O as defined in 40 CFR 136.3, 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv). Analytical methods shall also conform with the 2017 Clean Water Act Methods Update Rule for the Analysis of Effluent also defined under 40 CFR Part 136.

The approved analytical methods (unless another method or reporting level is required by this permit) must have a minimum level (ML) of quantification at or below the level of the applicable water quality criterion. If there is no approved analytical method with a published ML at or below the criterion, then the permittee shall use an approved analytical method with the lowest published ML of the analytical methods specified in 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O. The permittee has the option of developing and submitting a report to justify the use of matrix or sample-specific MLs rather than the published levels. Upon written approval by EPA Region 6 the matrix or sample-specific MLs may be utilized by the Permittee for all future Discharge Monitoring Report (DMR) reporting requirements. A copy of this report and request must be also submitted to NMED to the address included in Part III.D.1.4.

g. Response to monitoring results: The monitoring program must include a contingency plan for collecting additional monitoring data within the MS4 or at additional appropriate instream locations should monitoring results indicate that MS4 discharges may be contributing to instream exceedances of WQS. The permittee must take a minimum of two grab samples from the sampling location(s) where the WQS exceedance results occurred or at other location(s) to verify suspected source of pollution. The purpose of this additional monitoring effort is to identify sources of elevated pollutant loadings so they can be addressed accordingly. The sampling procedures, the methodology, or/and a strategy to address this program element must be included in the Wet Weather Monitoring Plan (see Part III.A and Table 8). The Wet Weather Monitoring Plan must be submitted with the Supplemental NOI (see Part I.B.2.b.(iv)). The results of this program element "Response to Monitoring Results" must be included in the Annual Report.

Table 8. Wet Weather Monitoring Program Implementation Schedules:

Activity	**Phase I &II MS4s**	**Phase II MS4s (Designated)**	**Cooperative (*) Any Permittee with cooperative programs**
Submit wet weather monitoring approach preference to EPA (i.e., individual monitoring program vs. cooperative monitoring program) with NOI (Part I.A.6.a.(i) and Part I.B.2.a)	NOI	NOI	NOI

Submit the proposed wet weather monitoring plan required in Part III.A. to EPA and NMED with the supplemental NOI (Part I.A.6.a.(ii)) and Part III.B.2.b.(iv). The plan must include: a list of pollutants; a description of monitoring sites with an explanation of why those sites were selected; the sampling procedures and the methodology and a detailed map of all proposed monitoring sites. The plan must also include procedures and methodology to address Response to Monitoring Results required in Part III.A.2.g. Permittees may propose a local qualified storm event as required in Part III.2.a.	Supplemental NOI (Second Step)	Supplemental NOI (Second Step)	Supplemental NOI (Second Step)
Submit certification that all wet weather monitoring sites are operational and begin sampling	Three (3) months from approval of the wet weather monitoring plan	Six (6) months from approval of the wet weather monitoring plan	Six (6) months from approval of the wet weather monitoring plan
Update SWMP document and submit annual reports	Annually	Annually	Annually

(*) During development of cooperative programs, the permittee must continue to implement any existing programs.
(**) or MS4s designated by the Director

Notes:

- The deadlines established in this table may be extended by the Director for any MS4 designated as needing a permit after issuance of this permit to accommodate expected date of permit coverage.
- See Part III.E.1 on how to report monitoring results.

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B. ANNUAL REPORT

The permittee shall submit an annual report by no later than **December 1st** of each year**.** The Annual Report must be submitted using EPA's NPDES eReporting Tool (NeT) at http://cdx.epa.gov. The report shall cover the previous year from **July 1st to June 30rd** and include the below separate sections. Additionally, the year one (1) [INSERT DATE] and year four (4) annual report [INSERT DATE] shall include submittal of a complete SWMP document revision.

At least forty-five (45) days prior to submission of each Annual Report, the permittee must provide public notice of and make available for public review and comment a draft copy of the Annual Report. All public input must be considered in preparation of the final Annual Reports and any changes to the SWMP document.

Note: A complete copy of the signed Annual Report must be maintained on site.

1. **SWMP(s) status of implementation**: The Annual Report shall include the status of compliance with all schedules established under this permit and the status of actions required in Parts I, III, and VI.

2. **SWMP revisions**: The Annual Report shall include revisions, if necessary, to the assessments of controls or BMPs reported in the permit application (or NOI for coverage under this permit) under 40 CFR § 122.26(d)(2)(v) and § 122.34(d)(1)(i), as well as a cumulative list of all SWMP revisions during the permit term.

3. **Performance assessment**: The Annual Report shall include:

   a. an assessment of performance in terms of measurable goals, including, but not limited to, a description of the number and nature of enforcement actions and inspections, public education and public involvement efforts;

   b. a summary of the data collected in Part I.C.2 Part III.A and any monitoring data collected in Part I.D,4 including monitoring data, that is accumulated throughout the monitoring year (July 1 to June 30); actual values of representative monitoring results shall be included, if results are above minimum quantification level (MQL);

   c. a summary of the stormwater activities the permittee proposes to undertake to comply with the permit during the next reporting cycle; and

   d. an identification of water quality improvements or degradation.

4. **Annual Report Responsibilities for Cooperative Programs:** The Annual Report must indicate whether the permittee is relying on another governmental entity for any of the permittee's permit obligations. For such cooperative programs, preparation of a system-wide report may be coordinated among cooperating MS4s and then used as part of individual Annual Reports. The report of a cooperative program element shall indicate which, if any, permittee(s) have failed to provide the required information on the portions of the MS4 for which they are responsible to the cooperation permittees.

   a. Joint responsibility for reports covering cooperative programs elements shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report.

   b. Individual permittees shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report no later than July 31st of each year.

   5. **Public Review and Comment**: The Annual Report shall include a brief summary of any issues raised by the public on the draft Annual Report, along with the permittee's responses to the public comments.

   6. **Signature on Certification of Annual Reports**: The Annual Report shall be signed and certified, in accordance with Part IV.H, and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been apprised of the content of the Annual Report. The Annual report shall be submitted to EPA no later than December 1st of each year. A complete copy of the signed Annual Report must be maintained on site.

C. CERTIFICATION AND SIGNATURE OF RECORDS.

All reports required by the permit and other information requested by the EPA shall be signed and certified in accordance with Part IV.H.

D. REPORTING: WHERE AND WHEN TO SUBMIT

1. Monitoring results (Part III.A) obtained during the reporting period running from July 1st to June 30th shall be submitted on discharge monitoring report (DMR) forms along with the annual report required by Part III.B. A separate DMR form is required for each monitoring period (season) specified in Part III.A.1.

   Unless indicated in Part III.A.2.f Analytical Methods, if the EPA R6 MQL for a pollutant or parameter is sufficiently sensitive and the analytical test result is less than the MQL, then a value of zero (0) may be used for reporting purposes on DMRs. Unless indicated below, if the EPA R6 MQL for a pollutant or parameter is not sufficiently sensitive and the analytical test result is less than a calculated or defined ML from a sufficiently sensitive method, then a value of zero (0) may be used for reporting purposes on DMRs. The annual report shall include the actual value obtained, if a test result is less than the MQL (see Appendix B).

   For applications and effluent characteristics reports, both MDL, if calculated, and ML shall be submitted. Results below MDL may be reported as zero. For pollutants indicated below, results at or above MDL, but below ML, shall be reported as detected and estimated. For all other pollutants, results below ML may be reported as less than (<) quantified value.

   Current USEPA R6 minimum quantification levels (MQLs) for reporting and compliance are provided in Appendix B. The following pollutants may not have EPA-approved methods with a published ML at or below the effluent limit, if specified:

POLLUTANT	CAS Number	STORET Code
Total Residual Chlorine	7782-50-5	50060
Cadmium	7440-43-9	01027
Silver	7440-22-4	01077
Thallium	7440-28-0	01059
Cyanide	57-12-5	78248
Dioxin {2,3,7,8-TCDD}	1764-01-6	34675
4,6-Dinitro-0-Cresol	534-52-1	34657
Pentachlorophenol	87-86-5	39032
Benzidine	92-87-5	39120
Chrysene	218-01-9	34320
Hexachlorobenzene	118-74-1	39700
N-Nitrosodimethylamine	62-75-9	34438
Aldrin	309-00-2	39330
Chlordane	57-74-9	39350
Dieldrin	60-57-1	39380
Heptachlor	76-44-8	39410
Heptachlor epoxide	1024-57-3	39420
Toxaphene	8001-35-2	39400

2. Signed copies of DMRs required under Part III, the Annual Report required by Part III.B, and all other reports required herein, shall be submitted in electronic EPA's NPDES eReporting Tool (NeT) at http://cdx.epa.gov

This same tool will be used for the annual report.

3. Requests for SWMP updates, Analytical Methods Reports and requests under Part III.A.2.f, modifications in monitoring locations, or application for an individual permit shall, be submitted to:

U.S. EPA, Region 6
Water Division
NPDES Permits and TMDLs Branch
NPDES Permitting And Wetland Section (6WQ-PE)
Attn; Monica Burrell
1201 Elm Street
Suite 500
Dallas, TX 75270

4. Additional Notification.

   a. The permittees must report any noncompliance that may endanger public health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. See also Part IV.Y.

   b. Permittee(s) shall also provide copies of NOIs, DMRs, annual reports, and any request under Part III.A.2.f, NOTs, requests for SWMP updates, items for compliance with permit requirements for Compliance with Water Quality Standards in Part I.C.1, TMDL reports established in Part I.C.2, monitoring scheme, reports, and certifications required in Part III, programs or changes in monitoring locations, and all other reports required herein, to:

New Mexico Environment Department
Attn: Program Manager
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

PART IV. STANDARD PERMIT CONDITIONS

A. DUTY TO COMPLY.

The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Clean Water Act (The Act) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.

The EPA will adjust the Civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register: Dec. 31, 1996, Volume 61, No. 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, No. 54, pages 13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

1. **Criminal Penalties**.
   a. Negligent Violations: The Act provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one (1) year, or both.

   b. Knowing Violations: The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three (3) years, or both.

   c. Knowing Endangerment: The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than fifteen (15) years, or both.

   d. False Statement: The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two (2) years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both. (See Section 309(c)(4) of the Act).

2. **Civil Penalties**. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $27,500 per day for each violation.

3. **Administrative Penalties**. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

   a. Class I penalty: Not to exceed $11,000 per violation nor shall the maximum amount exceed $27,500.
   b. Class II penalty: Not to exceed $11,000 per day for each day during which the violation continues nor shall the maximum amount exceed $137,500.

C. DUTY TO REAPPLY. If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The EPA may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR §122.6 and any subsequent amendments.

D. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

E. DUTY TO MITIGATE. The permittee(s) shall take all reasonable steps to control or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. DUTY TO PROVIDE INFORMATION. The permittee(s) shall furnish to the EPA, within a time specified by the EPA, any information which the EPA may request to determine compliance with this permit. The permittee(s) shall also furnish to the EPA upon request copies of records required to be kept by this permit.

G. OTHER INFORMATION. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the EPA, he or she shall promptly submit such facts or information.

H. SIGNATORY REQUIREMENTS. For a municipality, State, or other public agency, all DMRs, SWMPs, reports, certifications or information either submitted to the EPA or that this permit requires be maintained by the permittee(s), shall be signed by either a:

1. Principal executive officer or ranking elected official; or

2. Duly authorized representative of that person. A person is a duly authorized representative only if:

    a. The authorization is made in writing by a person described above and submitted to the EPA.

    b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

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

4. Certification: Any person signing documents under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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 have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I. PENALTIES FOR FALSIFICATION OF MONITORING SYSTEMS. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the Act.

J. OIL AND HAZARDOUS SUBSTANCE LIABILITY. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act or section 106 of CERCLA.

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

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

M. REQUIRING A SEPARATE PERMIT.

1. The EPA may require any permittee authorized by this permit to obtain a separate NPDES permit. Any interested person may petition the EPA to take action under this paragraph. The Director may require any permittee authorized to discharge under this permit to apply for a separate NPDES permit only if the permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the permittee to file the application, and a statement that on the effective date of the separate NPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shown in Part III.D. The EPA may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit, prior to the deadline of the time extension, a separate NPDES permit application as required by the EPA, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified for application submittal.

2. Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for a separate permit. The permittee shall submit a separate application as specified by 40 CFR §122.26(d) for Class A permittees and by 40 CFR §122.33(b)(2) for Class B, C, and D permittees, with reasons supporting the request to the Director. Separate permit applications shall be submitted to the address shown in Part III.D.3. The request may be granted by the issuance of a separate permit if the reasons cited by the permittee are adequate to support the request.

3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the permittee is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

N. STATE / ENVIRONMENTAL LAWS.

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

O. PROPER OPERATION AND MAINTENANCE. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

P. MONITORING AND RECORDS.

1. The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the NOI for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.

2. The permittee must submit its records to the permitting authority only when specifically asked to do so. The permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. The permittee must make its records, including the NOI and the description of the SWMP, available to the public if requested to do so in writing.

3. Records of monitoring information shall include:
   a. The date, exact place, and time of sampling or measurements;
   b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed;
   d. The time(s) analyses were initiated;
   e. The initials or name(s) of the individual(s) who performed the analyses;
   f. References and written procedures, when available, for the analytical techniques or methods used; and
   g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4. The permittee must maintain, for the term of the permit, copies of all information and determinations used to document permit eligibility under Parts I.A.5.f and Part I.A.3.b.

Q. MONITORING METHODS. Monitoring must be conducted according to test procedures approved under 40 CFR §136 (or required under 40 CFR chapter I, subchapter N or O as defined in 40 CFR 136.3, 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv)) unless other test procedures have been specified in this permit. Per 40 CFR § 122 and 136, permittees shall use sufficiently sensitive test methods for permit reporting. The Method Detection Limit (MDL) and Minimum Level (ML) must be determined for each analyte and method to be used before data is reported (see 40 CFR 136). The MDL must be determined according to the procedure outlined in Appendix B to CFR Part 136.

R. INSPECTION AND ENTRY. The permittee shall allow the EPA or an authorized representative of EPA, or the State, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance or parameters at any location.

S. PERMIT ACTIONS. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

T. ADDITIONAL MONITORING BY THE PERMITTEE(S). If the permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR §136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

U. ARCHEOLOGICAL AND HISTORIC SITES.

1. This permit does not authorize any stormwater discharges nor require any controls to control stormwater runoff which are not in compliance with any historic preservation laws.

2. If historic properties are identified in the path of an MS4's stormwater and allowable non-stormwater discharges or where construction activities are planned to install BMPs to control such discharges, and the project is not required to have a separate NPDES permit (e.g. general permit for discharge of stormwater associated with construction activity), then the permittee may seek authorization for stormwater discharges from such sites of disturbance by:

   Submitting, thirty (30) days prior to commencing land disturbance, the following to the State Historic Preservation Officer (SHPO) and to appropriate Tribes and Tribal Historic Preservation Officers for evaluation of possible effects on properties listed or eligible for listing on the National Register of Historic Places:

   a. A description of the construction or land disturbing activity and the potential impact that this activity may have upon the ground, and

   b. A copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.

   c. The addresses of the SHPO and THPO are:

   State Historic Preservation Officer
   New Mexico Historic Preservation Division
   Bataan Memorial Building
   407 Galisteo Street, Ste. 236
   Santa Fe, New Mexico 87501

   National Association of Tribal Historic
   Preservation Officers
   P.O. Box 19189
   Washington, DC 20036-9189

3. If the permittee receives a request for an archeological survey or notice of adverse effects from the SHPO, the permittee shall delay such activity until:

   a. A cultural resource survey report has been submitted to the SHPO for a review and a determination of no effect or no adverse effect has been made, and

b. If an adverse effect is anticipated, measures to minimize harm to historic properties have been agreed upon between the permittee and the SHPO.

4. If the permittee does not receive notification of adverse effects or a request for an archeological survey from the SHPO within thirty (30) days, the permittee may proceed with the activity.

5. Alternately, the permittee may obtain authorization for stormwater discharges from such sites of disturbance by applying for a modification of the permittee's permit. The permittee may apply for a permit modification by submitting the following information to the Permitting Authority 180 days prior to commencing such discharges:

   a. A letter requesting a permit modification to include discharges from activities subject to this provision, in accordance with the signatory requirements in Part IV.H.

   b. A description of the construction or land disturbing activity and the potential impact that this activity may have upon the ground; County in which the facility will be constructed; type of facility to be constructed; size area (in acres) that the facility will encompass; expected date of construction; and whether the facility is located on land owned or controlled by any political subdivision of New Mexico; and

   c. A copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.

V. **CONTINUATION OF THE EXPIRED GENERAL PERMIT**. If this permit is not reissued or replaced prior to the expiration date, the terms and conditions of the permit will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the terms and conditions of the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or

2. Issuance of an individual permit for the permittee's discharges; or

3. A formal permit decision by the permitting authority not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

W. **PERMIT TRANSFERS**: This permit is not transferable to any person except after notice to the permitting authority. The permitting authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

X. **ANTICIPATED NONCOMPLIANCE**: The permittee must give advance notice to the permitting authority of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

Y. **NONCOMPLIANCE – TWENTY-FOUR HOUR REPORTING**: The permittee must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission must also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is

expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Z. **PROCEDURES FOR MODIFICATION OR REVOCATION**: Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

PART V. PERMIT MODIFICATION

A. MODIFICATION OF THE PERMIT. The permit may be reopened and modified, in accordance with 40 CFR § 122.62, § 122.63, and § 124.5, during the life of the permit to address:

1. Changes in the State's Water Quality Management Plan, including Water Quality Standards;

2. Changes in applicable water quality standards, statutes or regulations;

3. A new permittee who is the owner or operator of a portion of the MS4;

4. Changes in portions of the SWMP that are considered permit conditions;

5. Construction activities implementing requirements of this permit that will result in the disturbance of previously undisturbed land and not required to have a separate NPDES permit; or

6. Other modifications deemed necessary by the EPA to meet the requirements of the Act.

B. MODIFICATION OF THE SWMP(s). Only those portions of the SWMPs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR § 124.5. Addition of components, controls, or requirements by the permittee(s); replacement of an ineffective or infeasible control implementing a required component of the SWMP with an alternate control expected to achieve the goals of the original control; and changes required as a result of schedules contained in Part VI shall be considered minor changes to the SWMP and not modifications to the permit. (See also Part I.D.5)

C. CHANGES IN REPRESENTATIVE MONITORING SITES. Changes in monitoring sites, other than those with specific numeric effluent limitations (as described in Part III.A.2.f), shall be considered minor modifications to the permit and shall be made in accordance with the procedures at 40 CFR § 122.63.

PART VI. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE.

A. IMPLEMENTATION AND AUGMENTATION OF THE SWMP(s). The permittee(s) shall comply with all elements identified in Parts I and III for SWMP implementation and augmentation, and permit compliance. The EPA shall have sixty (60) days from receipt of a modification or augmentation made in compliance with Part VI to provide comments or request revisions. During the initial review period, EPA may extend the time period for review and comment. The permittee(s) shall have thirty (30) days from receipt of the EPA's comments or required revisions to submit a response. All changes to the SWMP or monitoring plans made to comply with schedules in Parts I and III must be approved by EPA prior to implementation.

B. COMPLIANCE WITH EFFLUENT LIMITATIONS. Reserved.

C. REPORTING COMPLIANCE WITH SCHEDULES. No later than fourteen (14) days following a date for a specific action (interim milestone or final deadline) identified in the Part VI schedule(s), the permittee(s) shall submit a written notice of compliance or noncompliance to the EPA in accordance with Part III.D.

D. MODIFICATION OF THE SWMP(s). The permittee(s) shall modify its SWMP document, as appropriate, in response to modifications required in Part VI.A. Such modifications shall be made in accordance with Part V.B.

PART VII. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

(1) **Baseline Load** means the load for the pollutant of concern which is present in the waterbody before BMPs or other water quality improvement efforts are implemented.

(2) **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site discharges, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(3) **Bioretention** means the water quality and water quantity stormwater management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from stormwater discharges.

(4) **Canopy Interception** means the interception of precipitation, by leaves and branches of trees and vegetation that does not reach the soil.

(5) **Contaminated Discharges:** The following discharges are considered contaminated:
- Has had a discharge resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or
- Has had a discharge resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of an applicable water quality standard**.**

(6) **Controls** or **Control Measures** or **Measures** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or control the pollution of waters of the United States. Controls also include treatment requirements, operating procedures, and practices to control plant site stormwater discharges, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(7) **Controllable Sources**: Sources, private or public, which fall under the jurisdiction of the MS4.

(8) **CWA** or **The Act** means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

(9) **Co-permittee** means a permittee to a NPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.

(10) **Composite Sample** means a sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(11) **Core Municipality** means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Santa Fe for the Santa Fe Municipal Separate Storm Sewer System, Santa Fe County for unincorporated Santa Fe County).

(12) **Detection Limit** means the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is distinguishable from the method blank results as determined by the procedure set forth at appendix B of 40 CFR 136.

(13) **Direct Connected Impervious Area (DCIA)** means the portion of impervious area with a direct hydraulic connection to the permitee's municipal separate storm sewer system or a waterbody via continuous paved surfaces, gutters, pipes, and other impervious features. Direct connected impervious area typically does not include isolated impervious areas with an indirect hydraulic connection to the municipal separate storm sewer system (e.g., swale or detention basin) or that otherwise drain to a pervious area.

(14) **Director** means the Regional Administrator or an authorized representative.

(15) **Discharge** for the purpose of this permit, unless indicated otherwise, means discharges from the municipal separate storm sewer system.

(16) **Discharge-related activities"** include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the sitting, construction and operation of best management practices (BMPs) to control, reduce or prevent stormwater discharges.

(17) **Engineered Infiltration** means an underground device or system designed to accept stormwater and slowly exfiltrate it into the underlying soil. This device or system is designed based on soil tests that define the exfiltration rate.

(18) **Evaporation** means rainfall that is changed or converted into a vapor.

(19) **Evapotranspiration** means the sum of evaporation and transpiration of water from the earth's surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration of plants.

(20) **Extended Filtration** means a structural stormwater practice that filters stormwater runoff through vegetation and engineered soil media. A portion of the stormwater drains into an underdrain system that slowly releases it after the storm is over.

(21) **Facility** means any NPDES "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the NPDES program.
(22) First Flush means individual sample taken during the first 30 minutes of a storm event.
(23) **Flood Control Projects** mean major drainage projects developed to control water quantity rather than quality, including channelization and detention.
(24) **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.
(25) **Grab Sample** means a sample which is taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
(26) **Green Infrastructure** The term "green infrastructure" means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters. **High Priority Areas** means areas with older infrastructure that are more likely to have illicit connections; industrial, commercial, or mixed use areas; areas with onsite sewage disposal systems; areas with older sewer lines or with a history of sewer overflows or cross connections; areas upstream of sensitive waterbodies; areas with a history of past illicit discharges or illegal dumping; or areas where the permittee has received citizen complaints on more than five (5) separate events within twelve (12) months.
(27) **Hydromodification** means the alteration of the natural flow of water through a landscape, and often takes the form of channel straightening, widening, deepening, or relocating existing, natural stream channels. It also can involve excavation of borrow pits or canals, building of levees, streambank erosion, or other conditions or practices that change the depth, width or location of waterways. Hydromodification usually results in water quality and habitat impacts.
(28) **Illicit connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
(29) **Illicit discharge** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
(30) **Impervious Area (IA)** means conventional pavements, sidewalks, driveways, roadways, parking lots, and rooftops.
(31) **Indian Country** means:
   c. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
   d. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
   e. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.
(32) **Individual Residence** means, for the purposes of this permit, single or multi-family residences. (e.g. single family homes and duplexes, town homes, apartments, etc.)
(33) **Infiltration** means the process by which stormwater penetrates the soil.
(34) **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.
(35) **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.
(36) **Land Use** means the way in which land is used, especially in farming and municipal planning.
(37) **Large or medium municipal separate storm sewer system** means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendix F of 40 CFR §122); or (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers are located in the incorporated places, townships, or towns within such counties (these counties are listed in Appendices H and I of 40 CFR §122); or (iii) owned or operated by a municipality other than those described in Paragraph (i) or (ii) and that are designated by the Regional Administrator as part of the large or medium municipal separate storm sewer system.
(38) **Method Detection Limit (MDL)** means a detection limit determined by the procedure at 40 CFR part 136, appendix B.
(39) **MEP** means maximum extent practicable, the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges. A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34. CWA section 402(p)(3)(B)(iii) requires that a municipal permit "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system design, and engineering methods, and other provisions such as the Administrator or the State determines appropriate for the control of such pollutants.
(40) **Measurable Goal** means a quantitative measure of progress in implementing a component of stormwater management program.

(41) **Detection Limit (DL)** means the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure set forth at appendix B of 40 CFR 136.

(42) **Minimum Level (ML)** refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor of 3. For the purposes of NPDES compliance monitoring, EPA considers the following terms to be synonymous: "quantitation limit," "reporting limit," and "minimum level."

(43) **Municipal Separate Storm Sewer (MS4)** means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to paragraphs 40 CFR §122.26(b)(4), (b)(7), and (b)(16), or designated under paragraph 40 CFR §122.26(a)(1)(v).

(44) **Non-traditional MS4** means systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. 40 CFR 122.26(a)(16)(iii).

(45) **NOI** means Notice of Intent to be covered by this permit (see Part I.B of this permit)

(46) **NOT** means Notice of Termination.

(47) **Outfall** means a *point source* as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

(48) **Percent load reduction** means the difference between the baseline load and the target load divided by the baseline load.

(49) **Owner or operator** means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

(50) **Permittee** refers to any person (defined below) authorized by this NPDES permit to discharge to Waters of the United States.

(51) **Permitting Authority** means EPA, Region 6.

(52) **Person** means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

(53) **Point Source** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(54) **Pollutant** is defined at 40 CFR 122.2. Pollutant means dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sewage sludge. Munitions, chemical waste, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), heat, wrecked or discarded equipment, rock sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(55) **Pre-development Hydrology**, Predevelopment hydrology is generally the rain volume at which stormwater discharges would be produced when a site or an area is in its natural condition, prior to development disturbances. .

(56) **Rainfall and Rainwater Harvesting** means the collection, conveyance, and storage of rainwater. The scope, method, technologies, system complexity, purpose, and end uses vary from rain barrels for garden irrigation in urban areas, to large-scale collection of rainwater for all domestic uses.

(57) **Ranked Priority Areas for Sweeping Activities** means criteria for ranking areas based on stormwater pollutant levels generated. For example: High Priority Area – streets, road segments, and public parking lots designated as high priority include, but are not limited to, high traffic zones, commercial and industrial districts, shopping malls, large schools, high-density residential dwellings, sport and event venues, and plazas; Medium Priority Area – Streets, road segments and public parking lots designated as medium priority include, but are not limited to, medium traffic zones; warehouse districts; and light, small-scale commercial and industrial areas; Low Priority Area – Streets and road segments designated as low priority include, but are not limited to, light traffic zones and residential zones.

(58) **Soil amendment** means adding components to in-situ or native soils to increase the spacing between soil particles so that the soil can absorb and hold more moisture. The amendment of soils changes various other physical, chemical and biological characteristics so that the soils become more effective in maintaining water quality.

(59) **Storm drainage projects** include stormwater inlets, culverts, minor conveyances and a host of other structures or devices.

(60) **Storm sewer**, unless otherwise indicated, means a municipal separate storm sewer.

(61) **Stormwater** means stormwater discharges, snow melt discharges, and surface discharges and drainage.

(62) **Stormwater Discharge Associated with Industrial Activity** means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant (see 40 CFR § 122.26(b)(14) for specifics of this definition).

(63) **Target load** means the load for the pollutant of concern that is necessary to attain water quality goals (e.g., applicable water quality standards).

(64) **Stormwater Management Program (SWMP)** means a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the Stormwater Management Program is considered a single document, but may actually consist of separate programs (e.g., "chapters") for each permittee.

(65) **Sufficiently Sensitive Analytical Method**, as defined at 122.21(e)(3)(ii), a method approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O is "sufficiently sensitive" when:

(A) The method minimum level (ML) is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter; or

(B) The method ML is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or

(C) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter.

(66) **Targeted controls** means practices implemented to address particular pollutant of concern. For example, a litter program that targets floatables.

(67) **Time-weighted composite** means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

(68) **Total Maximum Daily Load (TMDL)** means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards. A TMDL is the sum of individual wasteload allocations for point sources (WLA), load allocations for non-point sources and natural background (LA), and must consider seasonal variation and include a margin of safety. The TMDL comes in the form of a technical document or plan.

(69) **Toxicity** means an LC50 of <100% effluent.

(70) **Waste load allocation (WLA)** means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.

(71) **Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(72) **Whole Effluent Toxicity (WET)** means the aggregate toxic effect of an effluent measured directly by a toxicity test.

PART VIII. PERMIT CONDITIONS APPLICABLE TO SPECIFIC AREAS

Reserved

Appendix A - Historic Properties Eligibility Procedures

MS4 operators must determine whether their MS4's stormwater discharges, allowable non-stormwater discharges, or construction of best management practices (BMPs) to control such discharges, have the potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties could be affected. However, for MS4s that are newly permitted stormwater dischargers and for existing MS4s that are planning to construct BMPs for permit eligibility, MS4 operators should conduct further inquiry to determine whether historic properties may be affected by the stormwater discharge or BMPs to control the discharge. In such instances, MS4 operators should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are "eligible for listing").

EPA suggests that MS4 operators first access the "National Register of Historic Places" information listed on the National Park Service's web page (www.nps.gov/nr/). Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers are listed in Parts II and III of this appendix, respectively. In instances where a Tribe does not have a Tribal Historic Preservation Officer, MS4 operators should contact the appropriate Tribal government office when responding to this permit eligibility condition. MS4 operators may also contact city, county or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register. Tribes that do not currently reside in an area may also have an interest in cultural properties in areas they formerly occupied. Tribal contact information is available at [RESERVED]

The following three scenarios describe how MS4 operators can meet the permit eligibility criteria for protection of historic properties under this permit:

(1) If historic properties are not identified in the path of an MS4's stormwater and allowable non-stormwater discharges or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), then the MS4 operator has met the permit eligibility criteria under Part I.A.3.b.(i).

(2) If historic properties are identified but it is determined that they will not be affected by the discharges or construction of BMPs to control the discharge, the MS4 operator has met the permit eligibility criteria under Part.I.A.3.b.(ii).

(3) If historic properties are identified in the path of an MS4's stormwater and allowable non-stormwater discharges or where construction activities are planned to install BMPs to control such discharges, and it is determined that there is the potential to adversely affect the property, the MS4 operator can still meet the permit eligibility criteria under Part I.A.3.b.(ii) if he/she obtains and complies with a written agreement with the appropriate State or Tribal Historic Preservation Officer which outlines measures the MS4 operator will follow to mitigate or prevent those adverse effects. The operator should notify EPA before exercising this option.

Note: Permittees can coordinate with SHPO/THPO offices on a case-by-case basis and note that in the NOI.

The contents of such a written agreement must be included in the MS4's Stormwater Management Program.

In situations where an agreement cannot be reached between an MS4 operator and the State or Tribal Historic Preservation Officer, MS4 operators should contact EPA for assistance.

The term "adverse effects" includes but is not limited to damage, deterioration, alteration or destruction of the historic property or place. EPA encourages MS4 operators to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

MS4 operators are reminded that they must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places.

I. Internet Information on the National Register of Historic Places
An electronic listing of the ``National Register of Historic Places,'' as maintained by the National Park Service on its National Register Information System (NRIS), can be accessed on the Internet at www.nps.gov/nr/.

II. Advisory Council on Historic Preservation
Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004 Telephone: (202) 606-8503, Fax: (202) 606-8647/8672, E-mail: achp@achp.gov

III. State Historic Preservation Officers (SHPO)
[NOTE: NEED TO UPDATE] SHPO List for areas covered by the permit:

NEW MEXICO
Historic Preservation Div, Office of Cultural Affairs
Bataan Memorial Building, 407 Galisteo Street, Suite 236
Santa Fe, NM 87501
505-827-6320 FAX: 505-827-6338
[Michelle Ensey. e-mail: michelle.ensey@state.nm.us, phone number: 505-827-4064]

IV. Tribal Historic Preservation Officers
(THPO)
In instances where a Tribe does not have a Tribal Historic Preservation Officer, please contact the appropriate Tribal government office when responding to this permit eligibility condition. NM Tribal Offices are listed at http://www.epa.gov/region06/6dra/oejta/tribalaffairs/pdfs/tribalconact_04_26_13.pdf

For additional information:
National Association of Tribal Historic
Preservation Officers
P.O. Box 19189
Washington, DC 20036-9189

Tribal Historic Preservation Officers:
Mescalero Apache Tribe
P.O. Box 227
Mescalero, New Mexico 88340

Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, Arizona 86515
General Information: (928) 871-7198
Fax Number: (928) 871-7886
Window Rock, Arizona 86515
General Information: (928) 871-7198
Fax Number: (928) 871-7886

Pueblo of Cochiti
P.O. Box 70
Cochiti, NM 87072

Pueblo of Isleta
Department of Cultural and Historic Preservation
Attn: Dr. Henry Walt, THPO
PO Box 1270
Isleta NM 87022

Pueblo of Sandia Environment Department
Attn: Frank Chaves, Environment Director
481 Sandia Loop
Bernalillo, New Mexico 87004
Natural Resources Department Director

Water Resources Division Manager
Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, New Mexico 87004

For more information:
National Association of Tribal Historic
Preservation Officers
P.O. Box 19189
Washington, DC 20036-9189
Phone: (202) 628-8476
Fax: (202) 628-2241

IV. Advisory Council on Historic Preservation
Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004 Telephone: (202) 606-8503, Fax: (202) 606-8647/8672, E-mail: achp@achp.gov

Appendix B - Minimum Quantification Levels (MQL's)

POLLUTANTS	MQL µg/l	POLLUTANTS	MQL µg/l
METALS, RADIOACTIVITY, CYANIDE and CHLORINE			
Aluminum	2.5	Molybdenum	10
Antimony	60	Nickel	0.5
Arsenic	0.5	Selenium	5
Barium	100	Silver	0.5
Beryllium	0.5	Thalllium	0.5
Boron	100	Uranium	0.1
Cadmium	1	Vanadium	50
Chromium	10	Zinc	20
Cobalt	50	Cyanide	10
Copper	0.5	Cyanide, weak acid dissociable	10
Lead	0.5	Total Residual Chlorine	33
Mercury (*)	0.0005 0.005		
DIOXIN			
2,3,7,8-TCDD	0.00001		
VOLATILE COMPOUNDS			
Acrolein	50	1,3-Dichloropropylene	10
Acrylonitrile	20	Ethylbenzene	10
Benzene	10	Methyl Bromide	50
Bromoform	10	Methylene Chloride	20
Carbon Tetrachloride	2	1,1,2,2-Tetrachloroethane	10
Chlorobenzene	10	Tetrachloroethylene	10
Clorodibromomethane	10	Toluene	10
Chloroform	50	1,2-trans-Dichloroethylene	10
Dichlorobromomethane	10	1,1,2-Trichloroethane	10
1,2-Dichloroethane	10	Trichloroethylene	10
1,1-Dichloroethylene	10	Vinyl Chloride	10
1,2-Dichloropropane	10		
ACID COMPOUNDS			
2-Chlorophenol	10	2,4-Dinitrophenol	50
2,4-Dichlorophenol	10	Pentachlorophenol	5
2,4-Dimethylphenol	10	Phenol	10
4,6-Dinitro-o-Cresol	50	2,4,6-Trichlorophenol	10
BASE/NEUTRAL			
Acenaphthene	10	Dimethyl Phthalate	10
Anthracene	10	Di-n-Butyl Phthalate	10
Benzidine	50	2,4-Dinitrotoluene	10

Benzo(a)anthracene	5	1,2-Diphenylhydrazine	20
Benzo(a)pyrene	5	Fluoranthene	10
3,4-Benzofluoranthene	10	Fluorene	10
Benzo(k)fluoranthene	5	Hexachlorobenzene	5
Bis(2-chloroethyl)Ether	10	Hexachlorobutadiene	10
Bis(2-chloroisopropyl)Ether	10	Hexachlorocyclopentadiene	10
Bis(2-ethylhexyl)Phthalate	10	Hexachloroethane	20
Butyl Benzyl Phthalate	10	Indeno(1,2,3-cd)Pyrene	5
2-Chloronapthalene	10	Isophorone	10
Chrysene	5	Nitrobenzene	10
Dibenzo(a,h)anthracene	5	n-Nitrosodimethylamine	50
1,2-Dichlorobenzene	10	n-Nitrosodi-n-Propylamine	20
1,3-Dichlorobenzene	10	n-Nitrosodiphenylamine	20
1,4-Dichlorobenzene	10	Pyrene	10
3,3'-Dichlorobenzidine	5	1,2,4-Trichlorobenzene	10
Diethyl Phthalate	10		

PESTICIDES AND PCBS

Aldrin	0.01	Beta-Endosulfan	0.02
Alpha-BHC	0.05	Endosulfan sulfate	0.02
Beta-BHC	0.05	Endrin	0.02
Gamma-BHC	0.05	Endrin Aldehyde	0.1
Chlordane	0.2	Heptachlor	0.01
4,4'-DDT and derivatives	0.02	Heptachlor Epoxide	0.01
Dieldrin	0.02	PCBs **	--
Alpha-Endosulfan	0.01	Toxaphene	0.3

(*) Default MQL for Mercury is 0.005 unless Part I of your permit requires the more sensitive Method 1631 (Oxidation / Purge and Trap / Cold vapor Atomic Fluorescence Spectrometry), then the MQL shall be 0.0005.

(**) MQL for EPA approved method under 40 CFR is 0.2. However, if Method 1668 is used, detectable levels defined in Method 1668 must be used.

Note: The following pollutants may not have EPA-approved methods with a published ML at or below the effluent limit, if specified: (See also Part III.A.2.f Analytical Methods and Part III.D.1 Reporting)

POLLUTANT	CAS Number	STORET Code
Total Residual Chlorine	7782-50-5	50060
Cadmium	7440-43-9	01027
Silver	7440-22-4	01077
Thallium	7440-28-0	01059
Cyanide	57-12-5	78248
Dioxin (2,3,7,8-TCDD)	1764-01-6	34675
4,6-Dinitro-O-Cresol	534-52-1	34657
Pentachlorophenol	87-86-5	39032
Benzidine	92-87-5	39120
Chrysene	218-01-9	34320
Hexachlorobenzene	118-74-1	39700
N-Nitrosodimethylamine	62-75-9	34438
Aldrin	309-00-2	39330
Chlordane	57-74-9	39350
Dieldrin	60-57-1	39380
Heptachlor	76-44-8	39410

Heptachlor epoxide	1024-57-3	39420
Toxaphene	8001-35-2	39400

APPENDIX C

Public Notice of NOI and Effective Date of Coverage

a. EPA will provide a minimum of 30 calendar days for public notice and opportunity for comment on the contents of the submitted NOIs. NOIs can be viewed at **R6NPDES@epa.gov** https://permitsearch.epa.gov/epermit-search/ui/search.

b. Based on a review of a small MS4's NOI or other information, EPA may grant authorization, extend the public comment period, or deny authorization under this permit and require submission of an application for an individual or alternative NPDES permit.

c. Permittees whose authorization to discharge under NMR04A000 and NMR400000 permit, which expired and has been administratively continued, who wish to obtain coverage under this permit, must submit a new NOI requesting permit coverage in accordance with the requirements of Part I.A.6 of this permit to EPA. Permittees must submit a NOI for coverage within 90 days after the effective date of this permit. Permittees whose authorization to discharge under the expired permits was administratively continued, who fail to submit a timely, complete and accurate NOI or an application for an individual NPDES permit within 90 days after the effective date of this permit will be considered to be discharging without a permit. See 40 CFR § 122.28(b)(3)(iii).

APPENDIX D

Appendix F - Providing Comments or Requesting a Public Hearing on an MS4 Operator's NOI and Supplemental NOI

NOTE: Appendix F is for public information only and does not impose additional conditions on the permittee.

Any interested person may provide comments or request a public hearing on a Notice of Intent (NOI) and/or Supplemental NOI submitted under Part I.A.6.a.(i) and (ii) of this general permit. The general permit itself is not reopened for comment during the period a NOI or Supplemental NOI is available for review and comment.

A. How Will I Know A MS4 is Filing a NOI or a Supplemental NOI and How Can I Get a Copy?
Before a permittee can submit a NOI and Supplemental NOI to EPA for review and approval, the permittee is required to provide a local public notice that they are filing a NOI and a Supplemental NOI and make a copy of the draft submittals available locally. Local public notice may be made by newspaper notice, notice at a council meeting, posting on the internet, or other method consistent with state/tribal/local public notice requirements.

EPA will provide public notice of its preliminary decision to authorize the MS4 to discharge subject to the proposed additional conditions related to any applicable TMDLs, Wet Weather Monitoring, Qualifying State, Tribal, or local programs, or any proposed methodologies that will establish the treated volume under the required stormwater quality design standard to address post-construction stormwater management. EPA Public notice will be through the following website: **R6NPDES@epa.gov**

You may contact the listed MS4 representative for local access to the NOI and/or Supplemental NOI. You may also request a copy from EPA by contacting Monica Burrell at Burrell.Monica@epa.gov**.**

B. When Can I File Comments or a Hearing Request?
You can file comments and/or request a hearing as soon as a Supplemental NOI is published, but your request must be postmarked or physically received by EPA within thirty (30) calendar days of the date the Supplemental NOI is posted on the web site in Section A.

C. How Do I File Comments or Make My Hearing Request?
Your comments and/or hearing request must be in writing and must state the nature of the issues proposed to be raised in the hearing. You should be as specific as possible and include suggested remedies where possible. You should include any data supporting your position(s). If you are submitting the request on behalf of a group or organization, you should describe the nature and membership of the group or organization. Electronic format comments in MS-WORD or PDF format are preferred.

D. Where Do I Send Copies of My Comments or Hearing Request? Please send copies of your comments or to request a hearing on a specific MS4 permit to R6NPDES@epa.gov. Please include the MS4 NPDES general permit number and cc Monica Burrell at Burrell.Monica@epa.gov

E. How Will EPA Determine Whether or Not To Hold a Public Hearing?
EPA will evaluate all hearing requests received on a Supplemental NOI to determine if a significant degree of public interest exists and whether issues raised may warrant clarification of the MS4 Operator's Supplemental NOI submittals. EPA will hold a public hearing if a significant amount of public interest is evident. EPA may also, at the Agency's discretion, hold either a public hearing or an informal public meeting to clarify issues related to the Supplemental NOI and attachment(s). EPA may hold a single public hearing or public meeting covering more than one MS4 (e.g., for all MS4s in the county).

F. How Will EPA Announce a Public Hearing or Public Meeting?
EPA will provide public notice of the time and place for any public hearing or public meeting in a major newspaper with local distribution and via the Internet at https://www.epa.gov/publicnotices.

G. What Will EPA Do with Comments on a Supplemental NOI?

EPA will take all comments made directly or in the course of a public hearing or public meeting into consideration in determining whether or not the MS4 that submitted the Supplemental NOI is appropriately covered under the general permit. The MS4 operator will have the opportunity to provide input on issues raised. The Director may require the MS4 operator to supplement or amend the Supplemental NOI and attachment(s) in order to be authorized under the general permit or may direct the MS4 Operator to submit an individual permit application. A summary of issues raised and EPA's responses will be made available online at **R6NPDES@epa.gov**

APENDIX E

Suggested Notice of Intent (NOI) Format

Notice of Intent (NOI) for Coverage Under the R6 Tribal MS4 General Permit

1**. Notice of Intent (NOI) Instructions:** Unless a waiver is obtained consistent with the criteria described in Permit, the applicant must apply for coverage by submitting to EPA via email at R6_NPDES@epa.gov or once available use EPA's NPDES eReporting Tool (NeT) at https://cdx.epa.gov. Upon issuance of the Final MS4 Permit, EPA will offer training to eligible permittees on submitting NOIs through NeT.

The NOI submitted to EPA for a traditional or non-traditional MS4 must include all of the following information.

A. General Information
1. Legal Name of Municipality Separate Storm Sewer System (MS4) Owner (Operator)
2. Full facility name, mailing address and telephone number,
3. Operator Type (Municipal, Non-traditional), an indication of whether the MS4 is a Federal, State, Tribal, or other public entity;
4. EPA previous NPDES Permit Number for MS4 discharge (if applicable)

B. Primary MS4 Program Manager Contact Information (person or persons responsible for overall coordination of the SWMP)
1. Name
2. Title
3. Phone Number
4. Email
5. Address

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

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

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

F. The name(s) of the waters that receive discharges from the system. List each waterbody segment to which the MS4 discharges. For each waterbody, list the number of outfalls and any applicable impairments to the waterbody. Also indicate if a TMDL has been completed for the waterbody.

G. Eligibility Determination
1. National Historic Preservation Act Determination (how the eligibility criteria for historic properties have been met.
2. Public Participation: as required in Part I.D.4.f.(i) include unresolved public comments and the MS4's response to these comments

H. Certification

The NOI shall contain 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, I certify that the information submitted is, to 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.

Print the name and title of the official, followed by signature and date

2. Supplement NOI – Second Step

A. Stormwater Management Program (SWMP) Information

1. Web address (if Applicable) or upload of existing Stormwater Management Program (SWMP)

B. Additional Information on Prior MS4 Permit Coverage (if applicable)

1.List any applicable ordinance or regulatory mechanism that adopted

C. Identify information in Part I.B.2.a(i)-(iii)

D. Stormwater Management Program

1. Provide Stormwater Management Program: Identify the Best Management Practices (BMPs) employed to address each of the six Minimum Control Measures (MCMs) listed in Part 2.3 of the Permit.

a. Construction and Site Stormwater Runoff Control
b. Post Construction Stormwater Management in New Development and Redevelopment
c. Pollution Prevention /Good House Keeping for Municipal/ Co permittee Operations
d. Illicit Discharges and Improper Disposal Programs
e. Public Education and Outreach on Stormwater Impacts

2. Impaired Waters with approved Total Maximum Daily Load (TMDL) requirements and program/plan to comply with TMDLs requirements.

3. Impaired Waters without approved Total Maximum Daily Load (TMDL) requirements

4. Proposed Wet Weather Monitoring Program

5. Qualifying State, Tribal or Local Programs - If MS4 is submitting a stormwater control program for an existing state, tribal or local program please list and describe programs.

E. Certification

The NOI shall contain 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, I certify that the information submitted is, to 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.

Print the name and title of the official, followed by signature and date