Exhibit 1 to the Complaint

General Permit
Rhode Island Pollutant Discharge Elimination System
Storm Water Discharge from Small Municipal Separate Storm Sewer Systems and from Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s

RIR040000

Valid ONLY in accordance with Part I.C.

Expiration Date:

December 19, 2008

Rhode Island Department of Environmental Management
Office of Water Resources
Permitting Section
RIPDES Program

GENERAL PERMIT
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORM WATER DISCHARGE FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
AND FROM INDUSTRIAL ACTIVITY AT ELIGIBLE
FACILITIES OPERATED BY REGULATED SMALL MS4s

PLEASE READ THIS PERMIT CAREFULLY!

Discharges composed entirely of storm water from a small Municipal Separate Storm Sewer System (MS4) that are required to get a RIPDES storm water permit, are eligible for this permit. Operators of regulated small MS4s eligible for this permit may also obtain coverage for storm water discharges associated with industrial activity that are not excluded in Part I.B.3.c of this permit. Regardless of the means of obtaining approval, the permittee is still responsible for complying with all terms and conditions of this permit and any other applicable state and/or federal regulations. The Department will be held harmless for any failure of the permittee to comply with this permit.

I. GENERAL COVERAGE UNDER THIS PERMIT

A. Permit Coverage. Small municipal separate storm sewer systems (MS4s) and eligible industrial facilities located within the State of Rhode Island owned or operated by regulated small MS4s.

B. Eligibility

1. This permit authorizes the discharge of storm water from small MS4s defined under RIPDES Rule 31(b)(17), owned and operated by the United States, State, city, town, district, association, or other public body created by or pursuant to State law and are designated under RIPDES Rule 31(a)(5)(i)(A) – (J) if:

   a. the small MS4 is located fully or partially in an urbanized or a densely populated area as defined in RIPDES Rule 31(b)(21), or both;

   b. the small MS4 is operated by the federal or State government and serves a facility with an average daily population of equal or greater to 1,000;

   c. the small MS4 is operated by the Rhode Island Department of Transportation and is located in the urbanized or densely populated area or serves a divided highway;

   d. the small MS4 is contributing substantially to the pollutant loadings of a physically-interconnected regulated MS4;

   e. the information for granting a waiver to the small MS4 has substantially changed ;

   f. the small MS4 contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the State;

   g. storm water controls are required based on waste load allocations that are part of an approved TMDL;

   h. the small MS4 is designated by the Director pursuant to a petition from the public or another MS4 operator.

2. This permit also authorizes the discharge of storm water discharges associated with industrial activity as defined in Rule 31(b)(15)(i)-(ix) and (xi) from industrial facilities that are owned or operated by a regulated MS4 operator that are not excluded in Part I.B.4.d of this permit.

3. Allowable non-storm water discharges. Other discharges not comprised of storm water are allowed under this permit but are limited to the following, provided these are not significant contributors of pollutants to the MS4: discharges which result from the washdown of vehicles at retail dealers selling new and used automobiles where no detergents are used and individual residential car washing; external building washdown where no detergents are used; the use of water to control dust; fire fighting activities; fire hydrant flushings; natural springs; uncontaminated groundwater; dechlorinated pool discharges; air conditioning condensate; lawn watering; potable water sources including waterline flushings; irrigation drainage; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; discharges from foundation or footing drains where flows are not contaminated with process materials such as solvents, or contaminated by contact with soils where spills or leaks of toxic or hazardous materials have occurred; uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals. If any of these discharges may reasonably be expected to be present and to be mixed with storm water discharges, they must be specifically identified in the municipality's Storm Water Management Program Plan (SWMPP) as described in Part IV of this permit. The SWMPP must include public education and outreach activities directed at reducing pollution from these discharges.

4. Limitations on Coverage. The following storm water discharges are not authorized by this permit:

   a. Storm water discharges mixed with non-storm water discharges except those listed in Part I.B.3 of this permit, or which are not in compliance with another RIPDES permit.

   b. Allowable non-storm water discharges as discussed in Part I.B.3, which are determined to be significant contributors of pollutants to waters of the State. If the Director or the operator of the MS4 does determine that one or more of the discharges listed in Part I.B.3 is a significant contributor of pollutants to the MS4, the identified discharges will be considered illicit discharges and must be addressed under the Illicit Discharge Detection and Elimination minimum measure (See Part IV.B.3 of this permit).

   c. Storm water discharges associated with industrial activity as defined in RIPDES Rule 31(b)(15)(i) - (xi) owned or operated by private entities.

   d. Storm water discharges associated with industrial activity as defined in RIPDES Rule 31(b)(15)(i)-(ix) and (xi) from the following facilities owned or operated by a regulated MS4 operator:

      1. SARA Title III, Section 313 facilities; which release "Section 313 water priority chemicals" into the environment;
      2. Primary Metal Industries (SIC 33);
      3. Landfills, Land Application Sites, and Open Dumps;
      4. Hazardous Waste Treatment, Storage or Disposal Facilities;
      5. Wood Treatment Industry (SIC2491);
      6. Coal Pile Runoff;
      7. Battery Redemption Sites;
      8. Airports with greater than 50,000 flights per year;

9. Coal Fired Steam Electric Plants;
10. Animal Handling Areas, manure management or storage areas, and production waste or storage areas in Meat Packing Plants (SIC2011), Poultry Slaughtering and Processing (SIC 2015), and Animal and Marine Fats and Oils (SIC 2077); where there is exposure to precipitation;
11. Chemicals and Allied Products (SIC 28) and Rubber and Miscellaneous Plastic Products (SIC 30); where solid chemicals used as raw materials, are exposed to precipitation;
12. Oil handling areas at Oil Fired Steam Electric Plants;
13. Cement Manufacturers (SIC 3241)
14. Readi-Mix Concrete Plants (SIC 3273); and
15. Lime Storage piles at Lime Manufacturing Facilities.

e. Wastewater discharges from vehicle or equipment washing operations except as provided under allowable storm water discharges in accordance to Part I.B.3 of this permit.

f. Storm water discharges associated with construction activity as defined in RIPDES Rule 31(b)(15)(x) or Rule 31(b)(16).

g. Discharges or discharge related activities that may adversely affect a listed, or a proposed to be listed, endangered or threatened species or its critical habitat (See Part IV.A.7 of this permit).

h. Discharges to territorial seas, the contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR 125 subpart M.

i. Discharges prohibited under RIPDES Rule 6.

j. Discharges that the Director determines an individual permit or alternative general permit is required in accordance with Part I.C.1.d of this permit. This determination may include but not be limited to discharges from a small MS4 when the SWMPP: is not consistent with the requirements of a TMDL, fails to ensure that future discharges will not cause or contribute to a violation of a water quality standard, or fails to adequately control discharges that the Director designated as significant contributors of pollutants or as causing or contributing to a violation of water quality standards.

k. Discharges not in compliance with the state's anti-degradation policy for water quality standards.

C. Authorization.

1. Conditions for Granting Authorization. The operator of a small MS4 seeking coverage under this general permit must meet all of the following conditions:

a. The permittee is the operator of a small MS4 within the State of Rhode Island;

b. The permittee is not a large or medium MS4 defined in Rule 31(b)(4) and (b)(7);

c. The MS4, is located fully or partially in the following: an urbanized area as determined by the latest Decennial Census by the Bureau of Census, a densely populated area as defined in RIPDES Rule 31(b)(21), or both; the small MS4 is operated by the federal or

State government and serves a facility with an average daily population of equal or greater to 1,000, the MS4 is operated by the Rhode Island Department of Transportation and is located in the urbanized or densely populated area or serves a divided highway, or the small MS4 is designated under RIPDES Rule 31(a)(5)(i)(E), (F), (H), (I) or (J); and

d. The operator submits, by certified mail or hand-delivered, a NOI form made available by the RIDEM in accordance with Part III of this permit and a copy of the SWMPP that meets the requirements of Part IV of this permit. Upon review of the NOI and SWMPP, the Director may deny coverage under this permit at any time and require the submittal of an application for an individual or an alternative general permit, for non-compliance with Part I.B. or II.C or D and V.T. of this permit. If coverage is denied or revoked, the operator must submit an application for an individual permit within sixty (60) days.

2. Deadlines for Requesting Authorization

a. A completed NOI and a copy of the SWMPP must be submitted within ninety (90) days of the effective date of this permit for storm water discharges from small MS4s if designated under RIPDES Rule 31(a)(5)(i)(A), (B), (C), and (D); and for all storm water discharges associated with Industrial Activity that are eligible for this permit.

b. A completed NOI and a copy of a SWMPP, must be submitted within one hundred and eighty (180) days of the date of written notice from the RIPDES Program, if the MS4 is partially or completely located outside of a regulated area and is designated under RIPDES Rule 31(a)(5)(i)(E), (F), (H), (I) or (J).

c. For storm water discharges associated with industrial activity that are eligible for this permit which commence after the effective date of the permit an amended NOI and SWMPP must be submitted ninety (90) days prior to commencement of such discharge.

d. Operators of unregulated small MS4s may apply for coverage under this general permit at any time after the Director has determined that the MS4 is eligible for coverage under the permit.

3. Granting of Authorization. Unless notified by the Director to the contrary, the operator of a regulated small MS4 that has submitted a complete NOI in accordance with Part I.C.2 of this permit is authorized to discharge under the terms and conditions of this permit as follows:

a. For storm water discharges designated under RIPDES Rule 31(a)(5)(i)(A) and (B), and for storm water discharges associated with industrial activity that are eligible for this permit, the authorization to discharge begins on the effective date of this permit if a completed NOI and a copy of the SWMPP have been submitted to RIDEM by this date; or

b. For storm water discharges designated under RIPDES Rule 31(a)(5)(i)(E), (F), (H), (I) or (J), and for storm water discharges associated with industrial activity that are eligible for this permit which commence after the effective date of the permit, the authorization to discharge begins on the date a completed NOI and a copy of the SWMPP have been submitted to RIDEM.

D. Submitting a Late NOI and SWMPP. If the operator of a regulated small MS4 submits a NOI and SWMPP after the dates provided in Part I.C.2 of this permit, the authorization is only for discharges that occur after

permit coverage is granted. The Director reserves the right to take appropriate enforcement actions for any unpermitted discharges.

E. Deficient NOI and SWMPP. For storm water discharges from a regulated small MS4, authorization to discharge begins in accordance with Part I.C.3 of this permit unless the Director notifies the permittee that the NOI and/or SWMPP are deficient in accordance with Part III.D of this permit. In the case of a deficient NOI and/or SWMPP, the operator must make all required changes and re-submit to the Department within thirty (30) days of being notified, unless a longer time frame is granted by the Director, during which period discharges from the MS4 are not authorized. The Director reserves the right to take appropriate actions for the unauthorized discharges. In the case of a deficient NOI and/or SWMPP the operator shall be automatically granted authorization to discharge on the date of resubmission of the NOI and/or SWMPP that addresses all required changes.

F. Failure to Notify. Operators of small MS4s, designated under RIPDES Rule 31(a)(5)(i) who fail to submit a completed NOI and a copy of the SWMPP to the Director, and discharge pollutants to the waters of the State without a RIPDES permit, are in violation of Chapter 46-12 of Rhode Island General Laws and the Clean Water Act (CWA).

II. PERMIT CONDITIONS

A. Development of a SWMPP, as described in Part IV of this permit, is required as part of the NOI application process. The operator must update the SWMPP when changes are made to the program or new procedures/strategies are developed. The SWMPP and annual reports must be made available to the public for review during normal business hours (i.e. library, Town Hall, web-site). The operator may charge a reasonable fee for copies.

B. Failure to implement the SWMPP, make inspections, or maintain records constitutes a violation of this permit and enforcement actions under 46-12 of R.I. General Laws may result.

C. Discharges to Water Quality Impaired Waters:

1. To the extent the information is available at the time of application, the operator must determine whether any portion of the MS4 or any facility owned or operated by the MS4 operator, discharges storm water either directly or indirectly into a water body on the current 303(d) list.

2. The operator must determine whether storm water discharges from any part of the MS4 or a facility owned or operated by the MS4 operator discharges the pollutant(s) identified as causing the impairment or contributes the pollutant of concern, either directly or indirectly, to the impairment of a 303(d) listed water body and whether the TMDL has been completed.

3. If a TMDL has been approved for any water body into which storm water discharges from the MS4 or facility contribute directly or indirectly the pollutant(s) of concern, the operator's SWMPP must address the TMDL provisions or other provisions for storm water discharges from the MS4 or the facility, in accordance with Part IV.D of this permit.

4. If a TMDL has not been approved, the SWMPP must include a description of the BMPs that will be used to control the pollutant(s) of concern, to the maximum extent practicable. BMPs that will collectively control the discharge of the pollutants of concern from existing and new sources, must be specifically identified.

5. In order to remain eligible for this permit, the operator must incorporate into the SWMPP any limitations, conditions and requirements applicable to discharges authorized by this permit,

necessary to implement the recommendations in an approved TMDL. This may include monitoring and reporting. Dischargers not eligible for this permit, must apply for an individual or alternative RIPDES general permit.

6. Upon completion of outfall mapping required in Part IV.B.3 of this permit, the operator must re-evaluate compliance with Parts 1-3 of this section and submit the information to the Department with the subsequent Annual Report and a request to modify the SWMPP as necessary.

7. Within ninety (90) days from the effective date of a revised/updated 303(d) list, the operator must determine whether any portion of the MS4 discharges storm water either directly or indirectly into a water body on the current 303(d) list and if so comply with part 3 of this section, and submit the information to the Department with the subsequent Annual Report and a request to change the SWMPP as necessary.

D. Where a discharge is already authorized under this permit and is later determined to cause or contribute or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, or to be a significant contributor of pollutants, the Director will notify the operator and may take enforcement actions for any violations. In order to remain eligible for this permit the operator must revise the SWPPP to eliminate the cause or reasonable potential to cause or contribute to a violation of an applicable water quality standard and to reduce any sources identified as significant contributors of pollutants. The Director may require corrective action and coverage under this permit may be terminated and an alternative general permit or individual permit may be issued if an MS4 is determined to cause an instream exceedance of water quality standards or if violations remain or re-occur.

III. NOTICE OF INTENT REQUIREMENTS

A. Contents of the Notice of Intent:

1. Name of person responsible for overall coordination of the storm water management program, mailing address, telephone number, fax and e-mail address.

2. Identify the legal status of the operator of the MS4 as either State, federal or other public entity.

3. Name and address of the MS4 operator responsible for operating the MS4.

4. Name and address of the owner of the MS4 if different from the operator.

5. List of facility information that have storm water discharges associated with industrial activity including the facility name, address, facility operator name and address, primary SIC code, name of receiving water or if the discharge is through an MS4, the name of the operator of the MS4 and the ultimate receiving water.

6. The NOI must be signed by an appropriate official (see Part V.G of this permit). The NOI must 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 the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations."

Print the name of the appropriate official, followed by signature, and date.

7. After review of the NOI, additional information may be required by this office to determine whether or not to authorize the discharge under this permit.

8. Where a new operator is selected after the submittal of an NOI, a new NOI must be submitted by the new operator in accordance with the requirements of this part.

B. Development of a SWMPP, as described in Part IV of this permit, is required as part of the NOI application process.

C. Where to Submit. A completed and signed NOI and a copy of the SWMPP must be submitted to:

R.I. Department of Environmental Management
Office of Water Resources
RIPDES Program
235 Promenade Street
Providence, RI 02908

D. Deficient NOI. If the NOI is incomplete or any portion of the NOI does not meet one or more of the minimum requirements of this part, then the applicant will be notified as such by a deficiency letter, such notification may occur at any time after the date of application. It is the responsibility of the applicant to make all required changes in the NOI and resubmit the application within thirty (30) days of being notified by the Department unless a longer deadline is granted.

IV. STORM WATER MANAGEMENT PROGRAM PLAN REQUIREMENTS

A. The operator must develop, implement and enforce a program to reduce the discharge of pollutants from the MS4 to the maximum extent practicable; protect water quality, and satisfy the water quality requirements of the Federal Clean Water Act and Rhode Island Water Quality Standards. The SWMPP must include management practices; control techniques and system design, and engineering methods; and such other provisions as the Director determines appropriate for the control of such pollutants.

1. The operator must develop and implement a SWMPP meeting all the requirements of the six minimum control measures, including but not limited to the implementation of all procedures in accordance to Part IV.B of this permit, and requirements of TMDL(s) or other water quality determination in accordance to Part IV.D of this permit as applicable.

2. Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully implement the measure. The operator may rely on another entity only if:

a. The other entity, in fact, implements the control measure;

b. The particular minimum measure, or component of that measure is at least as stringent as the corresponding permit requirement;

c. When the other entity fully implements the control measure on the operator's behalf, a legally binding written acceptance of this obligation is required. This obligation must be maintained as part of the SWMPP. If the other entity agrees to report on the minimum

measure, the operator must supply the other entity with the reporting requirements contained in this permit under Part IV.G of this permit.

d. In cooperative agreements where the responsibility is shared, no legally binding acceptance of obligation is required. The operator shall remain responsible to the State for permit compliance and implementation of the minimum measure if the other entity fails to do it.

3. Qualifying State or Local Programs: A qualifying local program (QLP) is a State or local storm water management program that the Director determines, that at a minimum imposes, the relevant requirements in Rule 31(e)(3)(ii) of the RIPDES Regulations. A QLP may be referenced by the operator to satisfy the requirements of Part IV.B of this permit. Where a qualifying State or local program does not include one or more of the elements as conditions in the permit, the operator of the MS4 is required to include the missing elements in the SWMPP. In order to reduce duplication of effort, municipalities may accept a permit from the RIDEM Freshwater Wetlands and Water Quality Certification Programs, and the Coastal Resources Management Council (CRMC) to meet the requirements for site plan and SWPPP reviews for Construction Site Storm Water Runoff Control and Post-Construction Storm Water Management in New Development and Redevelopment. Municipalities may also accept a permit from the RIDEM RIPDES Program in accordance to the limitations described in Part IV.B.4.b.5 of this permit for Construction Site Storm Water Runoff Control and Part IV.B.5.b.5. for Post-construction Storm Water Management. This does not apply to State and federal agencies or other public entities. These operators must implement policies and procedures to ensure that all point source discharges to the MS4 or to the waters of the State from construction activity and new and redevelopment occurring on its property have obtained the appropriate permit from the State prior to commencement of the discharge.

4. For each minimum measure, the permittee must:

a. Identify the person(s) or department responsible or sharing responsibility for the implementation of the measure. Identify the QLP and the minimum measure being addressed.

b. Identify all Best Management Practices (BMPs) to be implemented for full compliance with the measure.

c. Identify measurable goals for each BMP. Identify time-lines and milestones for BMP implementation, including as appropriate months and years in which the operator will undertake required actions, interim milestones, and frequency of activities. In addition to the measurable goals established under Part IV.B of this permit, the operator of the MS4 must identify the BMPs and measurable goals that will be implemented to ensure full compliance with all the permit requirements.

d. Identify all impaired water bodies within regulated areas (if applicable).

e. Identify TMDL requirements or other water quality determination provisions (if applicable).

5. The operator of the MS4 must identify priority areas for the implementation of the SWMPP. The SWMPP must include a description of how the six minimum measures will be implemented when the MS4 discharges to Outstanding Natural Resources Waters, Special Resource Protection Waters and Impaired Waters.

6. Unless otherwise stated in Part IV.B of this permit all elements of the SWMPP, including but not limited to all required procedures, must be fully adopted and implemented by the expiration date of this permit.

7. To the extent the information exists and is available at the time of application, the SWMPP must identify the names of all known receiving waters that receive a discharge from the regulated MS4, as well as the number of outfalls to each water body. The operator of the MS4 must identify in the SWMPP all discharges to a critical habitat of a listed or a proposed to be listed endangered or threatened species (this information can be found on DEM's web-site at MAPS under Environmental Resource Maps, Natural Heritage Areas). Upon completion of mapping of additional outfalls required in Part IV.B.3.b.1 of this permit or as impacts are identified during dry weather surveys or illicit discharge detection and elimination required in Part IV.B.3.b.6 of this permit, the operator must determine if the illicit discharges or newly identified outfalls discharge to a critical habitat of a listed or a proposed to be listed endangered or threatened species and submit the additional information to the Department with the subsequent Annual Report required in Part IV.G of this permit. If the Department makes a determination that the discharge may adversely affect a critical habitat of a listed or a proposed to be listed endangered or threatened species, the discharge cannot be authorized under this permit and the operator must submit an application for an individual RIPDES permit that would require appropriate storm water controls or the operator must eliminate the discharge.

B. Six Minimum Control Measures

1. Public education and outreach.

a. Permit Requirement. The operator must implement an ongoing public education program to distribute education material to the community over the term of the permit. The public education program must provide information concerning the impact of storm water discharges on water bodies. It must address steps and/or activities that the public can take to reduce the pollutants in storm water runoff. For State and federal operators the community consists of people who use the facility including employees and visitors.

b. Decision Process/Milestones. The operator must document the decision process for the development of a storm water public education and outreach program. The rationale statement must address both the overall public education program and the individual BMPs, measurable goals and responsible persons for the program. If documented strategies are not in place to meet the requirements of Part IV.B.1.b.2 and 4 of this permit at the time the SWMPP is required to be submitted, the operator must include development of the strategies within the first year of the program as a measurable goal. Any changes to the SWMPP to include the strategies must be submitted in writing in accordance with Part IV.E.2 of this permit. The rationale statement must include the following information, at a minimum:

1. Strategies on how to inform the community about the steps they can take to reduce storm water pollution.

2. Strategies on how to inform the community on how to become involved in the storm water program (with activities such as local stream and beach restoration activities) and how the operators will utilize partnerships with other governmental and non-governmental entities. Outreach/education activities

may be coordinated with local groups (i.e. watershed associations, or schools).

3. List of the target audiences for the education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected. The program must include efforts to cover both industrial and residential activities including illegal dumping into storm drains.

4. List of the target pollutant sources the public education program is designed to address. The program must address non-storm water discharges listed in Part I.B.3 of this permit that the Director or the operator has determined to significantly contribute pollutants to the MS4.

5. Outreach strategy, including the mechanism(s) (e.g., printed brochures, newspapers, media, workshops, etc.) that will be used to target audiences. Materials for outreach/education may include, but are not limited to, pamphlets; fact sheets; brochures; public service announcements; storm drain stenciling and newspaper advertisements. Topics should include, but are not limited to, litter disposal, pet waste, waterfowl, chlorinated pool discharges, household hazardous waste disposal, vehicle maintenance, vehicle washing, pavement washing, external building washdown, proper use of fertilizer and pesticides, as well as maintenance of Individual Sewage Disposal System (ISDS), if applicable.

6. Individual(s) responsible for overall management and implementation of the storm water public education and outreach program and, if different, responsible person for each of the BMPs identified for this program.

7. Procedures to evaluate the success of this minimum measure, including discussion of how the measurable goals for each of the BMPs were selected.

2. Public Involvement/Participation.

a. Permit Requirement. All Public Involvement/Participation activities must comply with State and local public notice requirements.

b. Decision Process/Milestones. The operator must document the decision process for the development of a storm water public involvement/participation program. The rationale statement must address both the overall public involvement/participation program and the individual BMPs, measurable goals and responsible persons for the program. If documented strategies are not in place to meet the requirements of Part IV.B.2.b.2 of this permit at the time the SWMPP is required to be submitted, the operator must include development of the strategies within the first year of the program as a measurable goal. Any changes to the SWMPP to include the strategies must be submitted in writing in accordance with Part IV.E.2 of this permit. The rationale statement must include the following information, at a minimum:

1. Description of how the community was involved in the development and submittal of the NOI and the SWMPP.

2. Strategy to actively involve the community in the development and implementation of the program. The operator must include the following milestones in the Public Involvement/Participation program:

   i. Identify the target audiences of the public involvement program, including a description of the types of groups engaged (e.g., commercial and industrial businesses, trade associations, environmental groups, homeowners associations, educational organizations, etc.).

   ii. Description of types of public involvement activities included in the program (e.g., citizen representatives on a storm water management panel, public hearings, volunteer monitoring, etc.)

   iii. Prior to submitting the annual report (see Part IV.G.), the operator must provide adequate public notice of the draft annual report and the opportunity for public comment and the availability of the draft report for review, and the date of the public meeting (if applicable).

   If the operator receives a request from twenty-five (25) people, a governmental agency or subdivision, or an association having no less than twenty-five (25) members during the public comment period, the operator must hold a public meeting to discuss the draft annual report including the progress of the program, evaluation of the selected BMPs and Measurable Goals, and any necessary changes to the annual report and/or SWMPP.

   The operator must provide a written summary of responses for all significant comments received to the commentor and all members of the public that request a response.

3. Individual(s) responsible for overall management and implementation of the storm water public involvement/participation program and, if different, responsible person for each of the BMPs identified for this program.

4. Procedures to evaluate the success of this minimum measure, including discussion of how the measurable goals for each of the BMPs were selected.

3. Illicit Discharge Detection and Elimination.

   a. Permit Requirement. At a minimum, the operator must develop, implement and enforce a program to detect and eliminate illicit discharges or flows into the small MS4 that includes the following:

      1. If not already existing, the operator must develop an outfall map. The map must show the location of all outfalls and the names of all waters that receive discharges from those outfalls. At a minimum recording of additional elements, such as, location of catch basins, manholes, pipes within the system, must be completed for those portions of the system that are associated with the investigation and tracing of illicit discharges detected from the dry weather survey of outfalls, municipal construction activity projects, and catch basin inspections.

2. To the extent allowable under State law, the operator must effectively prohibit and enforce, through an ordinance or other regulatory mechanism available to the operator, non storm water discharges into the system that are not authorized under Part I.B.3 of this permit or another appropriate RIPDES permit, and must also address pet waste, litter, yard waste, and other waste (such as household hazardous wastes). The mechanism must include sanctions for non-compliance. The ordinance or other regulatory mechanism must provide for appropriate enforcement procedures and actions. If a regulatory mechanism does not exist by the time an application is required, development and adoption of such a mechanism must be included as part of the SWMPP.

3. The non storm water discharges listed in Part I.B.3. must be addressed if they are identified as being significant contributors of pollutants.

4. The operator must develop and implement a plan to detect and address non storm water discharges, including illegal dumping, into the system.

5. The illicit discharge plan must contain procedures to identify and initially target priority areas, locate illicit discharges, locate the source of the discharge, remove illicit discharges, document actions, and evaluate impact on sewer system subsequent to the removal.

6. The operator must inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper waste disposal. Operators of facilities owned or operated by a State or federal agency must inform public employees, and users of the facility of hazards associated with illegal discharges and improper waste disposal.

b. Decision Process/Milestones. The operator must document the decision process for the development of a storm water illicit discharge detection and elimination program. The rationale statement must address both the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals and responsible persons for the program. If documented strategies and procedures are not in place to meet the requirements of Part IV. B.3.b. 2, 6, 7, 8, and 10 of this permit at the time the SWMPP is required to be submitted, the operator must include development of the strategies and procedures within the first year of the program as a measurable goal. Any changes to the SWMPP to include the strategies must be submitted in writing in accordance with Part IV.E.2 of this permit. The rationale statement must include the following information, at a minimum:

1. Procedures for identification of the location of outfalls. Description of how an outfall map will be developed. Outfall locations must be determined using Global Positioning System (GPS) units, operators may substitute using GPS units with advance surveying technology to generate latitude-longitude coordinates of sufficient accuracy to allow for the identification of individual pipes when revisiting their locations. The operator must include a measurable goal to develop an outfall map showing the location of all outfalls and names and locations of all receiving waters completed by the third year of the program. If already developed, describe how the map was developed and a description of the sources of information used for the maps, and procedures to verify the outfall locations with field surveys. The RIDOT must meet this requirement for all outfalls from the MS4 within the urbanized and densely

populated areas but may propose an alternate measurable goal to complete mapping of outfalls from the MS4 serving divided highways outside the urbanized and densely populated areas by the fifth year of the program.

2. Procedures for tagging of outfall pipes. The operator should implement a tagging program to identify and number outfall pipes. If and when an outfall is deemed inaccessible this requirement may be waived, however, the operator of the MS4 must submit to the Department documentation that demonstrates why the outfall was not tagged. Tags are recommended to contain the following information: name of the municipality or facility that operates the discharge and discharge serial number for the particular outfall. Tags should be legible, located as near to the outfall as possible, made of durable material such as metal, maintained on a regular basis, such as cleaned and inspected to ensure tag is properly attached. The operator should develop a system assigning unique serial numbers associated with each outfall. Tagging of outfalls is optional if the operator of the MS4 develops GIS maps showing the location of outfalls and the information used to create these maps is of sufficient accuracy to allow the identification of individual pipes when revisiting their locations.

3. Procedures for recording of additional elements on an on-going basis. Recording of additional elements, such as, location of catch basins, manholes and pipes within the system, will be coordinated with the investigation and tracing of illicit discharges detected during dry weather survey of outfalls, new MS4 construction projects, and inspections of catch basins required under the good housekeeping/pollution prevention minimum measure. Recording of additional elements must be done with sufficient accuracy to allow for the revisiting of the location of these elements. At a minimum field notes must be made on municipal plat maps to plot the location of additional elements and to ensure a minimum level of accuracy.

4. The mechanism (ordinance or other regulatory mechanism) that that will be used to effectively prohibit and enforce illicit discharges into the MS4 and why the particular mechanism was chosen. The operator must develop measurable goals to develop and introduce the mechanism within the first year of the program and adoption of the mechanism by the second year. If legal authority does not exist, the development and introduction of the mechanism must be completed within the first year after obtaining the legal authority, and adoption completed by the second year. If the mechanism is in place at the time of application, the operator must submit a copy of all relevant sections with the SWMPP along with a statement from the City Solicitor, legal counsel, or an official acting in a comparable capacity, that the mechanism provides the authority to adequately carry out the requirements of Part IV.B.3 of this permit. If the mechanism is not in place at the time of application, anytime the ordinance or regulatory mechanism is adopted or amended, the operator must submit a copy of the relevant sections and a statement from the City Solicitor, legal counsel, or an official acting in a comparable capacity, within thirty (30) days of adoption. Operators who do not have the legal authority to adopt an ordinance such as State and federal agencies or public entities or issue sanctions such as monetary fines must develop procedures and policies to ensure that illicit connections and discharges are prohibited, identified, corrected. If a user of the system or facility fails to comply with

procedures or policies established at the facility, the operator may rely on the Department for assistance in enforcing this provision of the permit.

5. Standard Operating Procedures (SOP) to detect and address the illicit discharges to the system including discharges from illegal dumping, spills and individual sewage disposal systems (ISDS) when applicable. The plan must include catch basin and manhole inspections for illicit connections, investigation of complaints, and dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of illicit discharge sources. Provide a description of coordination of this activity with the mapping of the outfalls, recording of additional elements and inspection of catch basins. The SOP must address the following, at a minimum:

   i. Strategies for locating priority areas, which include areas with higher likelihood of illicit connections, high incidences of complaints, or determined through ambient sampling as documented in a TMDL or other water quality study to locate impacted reaches.

   ii. Procedures for the receipt and consideration of complaints.

   iii. Procedures for tracing the source of an illicit discharge.

   iv. Procedures for removing the source of the illicit discharge.

   v. Procedures for program evaluation and assessment.

   vi. Procedures for catch basin and manhole inspections for illicit connections and non-storm water discharges. The operator must include a measurable goal of inspecting all catch basins and manholes for this purpose at least once by the fourth year of the program. It is recommended that these inspections be coordinated with inspection and cleaning activities required in Part IV.B.6 of this permit. The operator must keep records of all inspections and corrective actions required and completed.

   vii. Procedures for dry weather surveys including field screening for non-storm water flows and field tests of selected parameters and bacteria. The operator must include a measurable goal of performing a minimum of two surveys, one to be conducted between January 1st - April 30th and one between July 1st - October 31st by the fourth year of the program. Dry weather surveys must be conducted no less than 72 hours after the last rain fall of 0.10 inches or more. At a minimum, all dry weather flows from outfalls must be collected and analyzed for temperature, conductivity, pH, and bacteria. For areas served by sanitary sewers bacteria sampling is only required for the dry weather survey conducted between July 1st - October 31st. Bacteria sampling may be waived upon approval, for any outfall that is already identified as an illicit discharge of bacteria and is identified in the plan for further investigation and/or elimination or the permittee identifies existing recent applicable dry weather bacteria sampling data (e.g. DEM Shellfish Shoreline Survey data, TMDL data, etc). It is recommended that flow measurements be conducted. In addition, visual

observations must include but not be limited to the following: odors, sheen, stressed vegetation, coloration/staining, algae growth, sedimentation and/or scouring in the vicinity of the outfalls. If visual observations indicate the presence of illicit discharges additional sampling and analysis for any other parameters that may be useful in the identification of the illicit discharge must be performed as warranted. Dry weather survey results must be summarized in a table and include at a minimum, the following information: location (latitude/longitude), size and type of outfall (e.g. 15" diameter concrete pipe), flow (indicate if flowing or not, include flow rate if determined), samples collected (indicate what type of sample), sample results, results of other parameters if measured (e.g. temperature, conductivity, and pH), and sample analysis method (e.g. Standard Methods for the Examination of Water and Wastewater). It is recommended that this effort be coordinated with the outfall mapping required in this part of the permit. The RIDOT must meet this requirement for all outfalls from the MS4 within the urbanized and densely populated areas but may propose an alternate program and schedule for outfalls from the MS4 serving divided highways outside the urbanized and densely populated areas.

7. Procedures for coordinating with other physically interconnected MS4s, including State and federal owned or operated MS4s, when illicit discharges are detected or reported.

8. Procedures for referral to RIDEM of non-storm water discharges not authorized in accordance to Part I.B.3 of this permit or another appropriate RIPDES permit, which the operator has deemed appropriate to continue discharging to the MS4, for consideration of an appropriate permit.

9. Plans on how to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste as well as allowable non-storm water discharges identified as significant contributors of pollutants. Include a description on how this plan will be coordinated with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs.

10. Procedures to record and track all actions taken to detect and address illicit discharges.

11. Individual(s) responsible for overall management and implementation of the storm water illicit discharge detection and elimination program and, if different, responsible person for each of the BMPs identified for this program.

12. Procedures to evaluate the success of this minimum measure, including discussion of how the measurable goals for each of the BMPs were selected.

4. Construction Site Storm Water Runoff Control.

a. Permit Requirement. The operator of the regulated small MS4 must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one (1) acre. The operator must include disturbances less than one (1) acre if

part of a larger common plan or if controlling such activities in a watershed is required by the Director. At a minimum, the program must be consistent with the requirements of the RIDEM RIPDES General Permit for Storm Water Discharge Associated with Construction Activity. It is recommended that the operator of the MS4 implements a program for review of construction activity throughout their jurisdiction, addressing direct discharges of storm water to waters of the State in addition to the discharges to the MS4. The construction site storm water runoff control program must include the development and implementation of the following:

1. An ordinance or other regulatory mechanism to require sediment and erosion control and control of other wastes at construction sites, as well as sanctions to ensure compliance, to the extent allowable under State or local law. If such an ordinance does not exist at the time a permit application is required, development and adoption of an ordinance must be part of the program upon obtaining legal authority. Sanctions may include either monetary or non-monetary penalties.

2. Requirements for construction site operators to implement a sediment and erosion control program which includes best management practices that are appropriate for the conditions at the construction site and that at a minimum include the requirements of: Rhode Island Soil Erosion and Sediment Control Handbook (as amended).

3. Require control of wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.

4. Requirements for construction site operators to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

5. Procedures for plan and SWPPP review including procedures which incorporate consideration of potential water quality impacts. The site plan review must include procedures for review of sediment and erosion controls and design of BMPs to minimize water quality impacts.

6. Procedures for receipt and consideration of information submitted by the public.

7. Procedures for inspections and enforcement of control measures at construction sites.

8. Procedures for coordination of local and State construction permits and referrals of enforcement actions.

b. Decision Process/Milestones. The operator must document the decision process for the development of a construction site storm water control program. The rationale statement must address both the overall construction site storm water control program and the individual BMPs, measurable goals and responsible persons for the program. If documented strategies and procedures are not in place to meet the requirements of Part IV. B.4.b.2, 5 and 8 of this permit at the time the SWMPP is required to be submitted, the operator must include development of the strategies and procedures within the second year of the program as a measurable goal. Any changes to the SWMPP to include the strategies must be submitted in writing in accordance with Part

IV.E.2 of this permit. The rationale statement must include the following information, at a minimum:

1. The mechanism (ordinance or other regulatory mechanism) that will be used to effectively prohibit and enforce illicit discharges into the MS4 and why the particular mechanism was chosen. The operator must develop measurable goals to develop and introduce the mechanism within the first year of the program and adoption the mechanism by the second year. If legal authority does not exist, the development and introduction of the mechanism must be completed within the first year after obtaining the legal authority, and adoption completed by the second year. If the mechanism is in place at the time of application, the operator must submit a copy of all relevant sections with the SWMPP along with a statement from the City Solicitor, legal counsel, or an official acting in a comparable capacity, that the mechanism provides the authority to adequately carry out the requirements of Part IV.B.4 of this permit. If the mechanism is not in place at the time of application, anytime the ordinance or regulatory mechanism is adopted or amended, the operator must submit a copy of the relevant sections and a statement from the City Solicitor, legal counsel, or an official acting in a comparable capacity, within thirty (30) days of adoption. Operators who do not have the legal authority to adopt an ordinance such as State and federal agencies or public entities or issue sanctions such as monetary fines must develop procedures and policies such as contracting policies and contractor oversight pertaining to activities that occur on its property to ensure that appropriate State permits are obtained and complied with. If an operator of a construction activity fails to comply with procedures and policies established at the facility, the operator may rely on the Department for assistance in enforcing this provision of the permit.

2. Procedures for issuing and tracking permits to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms that will be used to ensure compliance. Describe the procedures for the use of certain sanctions (i.e., non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance). State and federal agencies and other public entities are not required to issue permits but must ensure that all construction activities occurring on its property receive the appropriate State permit. These operators must implement procedures for oversight over these activities and contractors and implement contracting policies that promote compliance with permit requirements. The operator must include a measurable goal of issuing permits or implementing policies and procedures for all construction projects resulting in land disturbance of greater than 1 acre, by the second year of the program.

3. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste. Erosion and sediment control BMPs must be protective of water quality and at a minimum be consistent with the requirements of the Rhode Island Soil Erosion and Sediment Control Handbook (as amended).

4. Procedures for plan and SWPPP review. The submission of plans and SWPPPs is required for all construction sites with resulting land disturbance

equal to or greater than 1 acre that discharge or have the potential to discharge storm water to the MS4. Plan and SWPPP reviews must be conducted by adequately trained personnel and incorporate consideration of potential water quality impacts. State and federal agencies and other public entities are not required to perform plan and SWPPP reviews but must develop policies and procedures to ensure that SWPPPs are developed and implemented for all storm water discharges associated with construction activities that discharge or have the potential to discharge to the MS4 or a waters of the State and that all State permits have been obtained prior to the commencement of the construction activity. The operator must include a measurable goal of reviewing 100% of plans and SWPPPs for construction projects resulting in land disturbance of 1-5 acres, not reviewed by other State programs (Wetlands, RIPDES, Water Quality Certification, CRMC) by the second year of the program.

5. Procedures for coordination of site plan and SWPPP review when relying on State program reviews of construction activity. The operator of the MS4 may accept the reviews from CRMC, RIDEM Wetlands Program and RIDEM Water Quality Certification Program. The operator of the MS4 may also accept approvals from RIDEM RIPDES Program for discharges of storm water associated with construction activity from all sites with resulting land disturbance equal to or greater than 5 acres and all sites with resulting land disturbance equal to or greater than 1 acre if the facility is also subject to permitting for storm water discharges associated with industrial activity as defined under RIPDES Rule 31(b)(15)(i)-(ix) and (xi).

6. Procedures for receipt and consideration of information submitted by the public. Potential coordination of this minimum measure with the public education program.

7. Procedures for site inspection and enforcement of erosion and sediment control measures and other measures for control of waste at construction sites. The program must include two inspections of all construction sites, first inspection to be conducted during construction for compliance of the Erosion and Sediment controls at the site, the second to be conducted after the final stabilization of the site. Inspections must be conducted by adequately trained personnel. Operators who are State and federal agencies and other public entities that don't have the legal authority to issue sanctions such as monetary penalties are not required to issue permits but must implement procedures for oversight over construction activities and contractors and implement contracting policies that promote compliance with State permit requirements. The operator must include a measurable goal of inspecting 100% of all construction projects within the regulated area that discharge or have the potential to discharge to the MS4 regardless of who performed the review by the second year of the program.

8. Procedures for referral to the State of non-compliant construction site operators. The operator may rely on the Department for assistance in enforcing the provisions of the RIPDES General Permit for Storm Water Discharges Associated with Construction Activity to the MS4 if the operator of the construction site fails to comply with the local and State requirements of the permit and the non-compliance results or has the potential to result in significant adverse environmental impacts.

9. Individual(s) responsible for overall management and implementation of the construction site storm water control program and, if different, responsible person for each of the BMPs identified for this program.

10. Procedures to evaluate the success of this minimum measure, including discussion of how the measurable goals for each of the BMPs were selected.

5. Post Construction Storm Water Management in New Development and Redevelopment.

a. Permit Requirement. The operator must develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale that discharge into the MS4. It is recommended that the operator of the MS4 implements a plan review and inspection post-construction program throughout their jurisdiction, addressing direct discharges of storm water to waters of the State in addition to the discharges to the MS4. The program must ensure that controls are in place to prevent or minimize water quality impacts. The post construction program must include:

1. Development and implementation of strategies which include a combination of structural methods such as detention basins, wet basins, infiltration basins and trenches, dry wells, galleys, vegetated swales and vegetated filter strips and/or non-structural BMPs appropriate for the community.

2. An ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects, that includes non-structural and structural BMPs, as well as their installation and operations and maintenance (O&M), and sanctions to ensure compliance, to the extent allowable under State and local law. If such an ordinance does not exist, development and adoption of an ordinance must be part of the program.

3. Procedures for site plan review to ensure that design of controls to address post-construction runoff are consistent with: The State of Rhode Island Stormwater Design and Installation Manual (as amended).

4. Procedures to ensure adequate long term operation and maintenance of BMPs.

5. Procedure to develop and implement strategies to reduce runoff volume which may include minimizing impervious surface areas such as roads, parking, paving or other surfaces, encouraging infiltration of non-contaminated runoff, preventing channelization, encouraging sheet flow, and where appropriate, preserving, enhancing or establishing buffers along surface water bodies and tributaries.

6. Procedures for coordination of local and State post-construction storm water management in new and redevelopment permitting and referrals for enforcement actions.

b. Decision Process/Milestones. The operator must document the decision process for the development of a post-construction storm water management program. The rationale statement must address both the overall post-construction storm water

management program and the individual BMPs, measurable goals and responsible persons for the program. If documented strategies and procedures are not in place to meet the requirements of Part IV.B.5.b.2, 3, 5, 6, 10 and 12 of this permit at the time the SWMPP is required to be submitted, the operator must include development of the strategies and procedures within the second year of the program as a measurable goal. Any changes to the SWMPP to include the strategies must be submitted in writing in accordance with Part IV.E.2 of this permit. The rationale statement must include the following information, at a minimum:

1. Description of a method to address storm water runoff from new development and redevelopment projects. This must include any specific priority areas for the program, for example, minimizing or reducing paved surfaces from commercial development.

2. Description of how the program is consistent with the State of Rhode Island Stormwater Design and Installation Manual (as amended) and how the program will be specifically tailored for the local community or facility, will minimize water quality impacts, and will work to maintain pre-development runoff conditions considering opportunities for groundwater recharge.

3. Procedures for pre-application meetings with representatives of construction projects, to be held prior to the development of any engineering design work, for the purpose of informing the representatives of the construction project, of any local requirements that might be more stringent than the State's construction and post-construction requirements, as well as, any additional limitations that may be imposed by the operator. Coordination of this minimum measure with the construction site storm water runoff control pre-application requirement.

4. Procedures for plan review, that include the review of post-construction BMPs for the control of storm water runoff from new development and redevelopment projects that result in discharges to the MS4 which incorporates consideration of potential water quality impacts. The submission of plans is required for all construction sites with resulting land disturbance greater than one (1) acre. Plan reviews must be performed by adequately trained personnel. This minimum measure should be coordinated with the construction site storm water control minimum measure review of site plans process. State and federal agencies or other public entities must develop policies and procedures to ensure that new development and redevelopment that takes place on their property, includes structural and non-structural controls to prevent or minimize water quality impacts and reduce runoff volumes, to ensure adequate long-term operation and maintenance of BMPs, and to ensure that all State permits have been obtained prior to the commencement of the construction activity. The operator must include a measurable goal of reviewing 100% of plans for development projects greater than 1 acre, not reviewed by other State programs (Wetlands, RIPDES, Water Quality Certification, CRMC) by the second year of the program.

5. Description of how the program will coordinate with existing State programs requiring post-construction storm water management such as RIDEM RIPDES, Wetlands, Water Quality Certification Program and CRMC. The operator of the MS4 may accept RIDEM RIPDES Program review for discharges of storm water from all sites subject to permitting for storm water

discharges associated with industrial activity as defined under RIPDES Rule 31(b)(15)(i)-(ix) and (xi).

6. Procedures for referral of new discharges of storm water associated with industrial activity as defined in RIPDES Rule 31(b)(15). The operator must develop procedures to identify new activities that require permitting, notify RIDEM, and refer facilities with new storm water discharges associated with industrial activity to ensure that facilities will obtain the proper permits.

7. Any non-structural BMPs in the program, including, as appropriate:

   i. Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation.

   ii. Policies and ordinances that encourage in fill development in higher density urban areas, and areas with existing storm sewer infrastructure.

   iii. Education programs for developers and the public about project designs that minimize water quality impacts.

   iv. Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

8. Any structural BMPs in the program, including , as appropriate:

   i. Storage practices such as wet ponds and extended-detention outlet structures.

   ii. Filtration practices such as grass swales, bioretention cells, sand filters and filter strips.

   iii. Infiltration practices such as infiltration basins and infiltration trenches.

9. The mechanism (ordinance or other regulatory mechanism) that will be used to address post-construction runoff from new development and redevelopment, including but not limited to requirements for proper installation and operation and maintenance of structural BMPs, requirements and standards for non-structural BMPs, as well as sanctions to ensure compliance and why the particular mechanism was chosen. The operator must develop measurable goals to develop and introduce the mechanism within the first year of the program and adoption the mechanism by the second year. If legal authority does not exist, the development and introduction of the mechanism must be completed within the first year after obtaining the legal authority, and adoption completed by the second year. If the mechanism is in place at the time of application, the operator must submit a copy of all relevant sections

with the SWMPP along with a statement from the City Solicitor, legal counsel, or an official acting in a comparable capacity, that the mechanism provides the authority to adequately carry out the requirements of Part IV.B.5 of this permit. If the mechanism is not in place at the time of application, anytime the ordinance or regulatory mechanism is adopted or amended, the operator must submit a copy of the relevant sections and a statement from the City Solicitor, legal counsel, or an official acting in a comparable capacity, within thirty (30) days of adoption. Operators that do not have the legal authority to adopt an ordinance such as private entities and State and federal agencies or issue sanctions such as monetary penalties must evaluate existing procedures and policies pertaining to new development and redevelopment on its property. Policies and procedures must ensure that all State permits are obtained and complied with and include policies or guidelines for all new development and redevelopment to incorporate BMPs to prevent or minimize water quality impacts and runoff volumes.

10. Procedures for post-construction inspection of BMPs, to ensure these are constructed in accordance with the approved plans. Inspections must be performed by adequately trained personnel. These inspections should be coordinated with the second inspection of construction activities after final stabilization of the site. Operators who are State and Federal agencies and other public entities must implement development policies that promote BMPs consistent with local and State guidelines and requirements and implement procedures for oversight over construction of BMPs. The operator must include a measurable goal for inspection of 100% of all development greater than one acre within the regulated areas that result in discharges to the MS4 regardless of whom performs the review by the second year of the program.

11. Description of how the long-term O&M of the selected BMPs, for new development and re-development, will be ensured. Strategies to help ensure that future O&M responsibilities are clearly identified include an agreement between the operator and another party such as the post-development landowners or regional authorities. Procedures tracking required O&M actions for site inspections and enforcement of the O&M of structural BMPs.

12. Develop a program to identify existing storm water structural BMPs discharging to the MS4 with a goal of ensuring long term O&M of the BMPs.

13. Individual(s) responsible for overall management and implementation of the post-construction storm water management program, as well as each BMP identified for this program.

14. Procedures to evaluate the success of this minimum measure, including discussion of how the measurable goals for each of the BMPs were selected.

6. Pollution Prevention and Good House Keeping in Municipal Operations.

a. Permit Requirement. The operator must:

1. Identify all operations such as activities and facilities that have a point source or the potential for a point source discharge of storm water to an MS4 or waters of the State associated with activities or operations that have the potential to introduce pollutants to storm water runoff.

2. Develop and implement a program to prevent and reduce pollutant runoff and runoff volumes from facilities owned and operated by the MS4 operator, and from the MS4 and structural BMPs. The program must include an employee training component.

3. Develop and implement a program to prevent and reduce storm water pollution from operations and maintenance activities that have the potential to introduce pollutants to storm water runoff.

4. Develop inspection procedures and schedules for long term O&M of municipal facilities, municipal structural BMPs and the MS4.

5. Develop and implement an employee training program for good housekeeping, pollution prevention, and O&M of BMPs.

6. Implement a site-specific SWPPP developed for each facility that discharges storm water associated with industrial activity.

b. Decision Process/Milestones. The operator must document the decision process for the development of a pollution prevention/good housekeeping program for facilities, maintenance activities, and operations that have the potential to introduce pollutants to storm water runoff. The rationale statement must address both the overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals and responsible persons for the program. If documented strategies and procedures are not in place to meet the requirements of Part IV. B.6.b.1, 2, 4, 7, and 8 of this permit at the time the SWMPP is required to be submitted, the operator must include development of the strategies and procedures within the first year of the program as a measurable goal. Any changes to the SWMPP to include the strategies must be submitted in writing in accordance with Part IV.E.2 of this permit. Unless otherwise stated the remaining requirements have to be submitted by the time authorization to discharge is required. For all facilities that have a discharge of storm water associated with industrial activity to a MS4 or a waters of the State, the operator must develop and implement the procedures required in Part IV.B.6.b.3 and 5 by the effective date of this permit. The rationale statement must include the following information, at a minimum:

1. Description of the O&M program to prevent or reduce pollutant runoff and runoff volumes from the MS4 and structural BMPs. Description of controls for reducing or eliminating the discharge of pollutants from streets, roads, catch basins, curbs, gutters, ditches, man-made channels, or storm drains. The description of the operation and maintenance program must include:

   i. Procedures for identification of structural BMPs owned or operated by the small MS4 operator. The operator must identify and list the specific location and a description of all structural BMPs in the SWMPP at the time of application and update the information in the Annual Report.

   ii. Procedures for inspections, cleaning and repair of detention/retention basins, storm sewers and catch basins with appropriate scheduling given intensity and type of use in the catchment area. The operator must develop a maintenance schedule for inspection and maintenance of BMPs. The maintenance program must at a minimum

incorporate all permit requirements and maintenance specifications of the particular BMP. Maintenance schedules must address issues related to the performance of BMPs observed during their inspection. The operator must make changes to the frequency of maintenance of structural BMPs when dry weather surveys of outfalls and inspections of the system and BMPs reveals that the maintenance frequency is not adequate. The operator must maintain records on inspections and maintenance performed on structural BMPs.

iii. Procedures for implementation of a regular catch basin inspection and cleaning program to inspect all catch basins annually commencing by the third year of the program, document the results of the inspection, and clean structures as necessary. The operator may request approval for a lesser frequency of inspection based on at least two consecutive years of operational data indicating the system does not require annual cleaning. Documentation supporting a different frequency of catch basin cleaning may be based on observations made on sediment accumulation in catch basins, sediment accumulation at outfalls or observed flooding problems. The operator must submit this documentation and supporting rationale to the Department with the Annual Report required in this permit. The program must also include procedures to increase the inspections and cleaning based on field investigations, complaints and areas that are prone to sediment accumulation. Changes to the frequency of catch basin cleaning must be made when field observations reveal that the chosen frequency is not being effective. The program must also include the inspection and cleaning of other elements in the system, such as manholes, when catch basins in the system are found to be overfilled or failing. Describe coordination of inspection of catch basins for maintenance and inspection for illicit discharge detection and when recording additional elements of the MS4. The RIDOT must apply this program to the MS4 within the urbanized and densely populated areas but may propose an alternate program for the MS4 that serves divided highways outside the urbanized and densely populated areas or if the divided highway is inside the urbanized or densely populated area, the RIDOT can provide justification that road sanding is the only potential significant source of sediment accumulation and the MS4 is not physically-interconnected with another MS4 or receive discharges from other properties.

iv. Procedures to minimize erosion of road shoulders and roadside ditches by requiring stabilization of those areas. Some recommended methods for stabilization may include rip rap, or gravel, to reduce the velocity of the storm water runoff, or planting of grass, shrubs or trees.

v. Procedures to identify and report annually as part of the annual report submitted to the Department in accordance with Part IV.G.2.e. known discharges causing scouring at outfall pipes or outfalls with excessive sedimentation for the Department to determine on a case-by-case basis if the scouring or sedimentation is a significant and continuos source of sediments. The operator of the MS4 must include procedures to remediate scouring or sedimentation upon written notification by the Department. Some recommended methods of

remediation may include the repositioning or extension of outfalls and the addition of rip rap.

vi. Procedures for the development and implementation of a regular street and road sweeping program that includes sweeping of all streets and roads within the regulated area annually, to be fully implemented by the third year of the program. The operator is required to sweep all streets and roads within the regulated area annually unless a lesser frequency can be justified based on at least two consecutive years of data indicating the street or road does not require annual sweeping. The selected frequency of sweeping must be based on complaints received, historical records, high potential for sediment accumulation in the catch basins and at outfalls and observed flooding problems. The program must also include procedures to increase the frequency of sweeping. Any changes to the sweeping program and all documentation and supporting rationale should be reported to the Department in the Annual Report as required in this permit. The RIDOT must apply this program to the MS4 within the urbanized and densely populated areas but may propose an alternate program or frequency for divided highways outside the urbanized or densely populated areas.

vii. Description of maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants from the MS4. The description must include one or more floatable control options which could include, but are not limited to storm sewer grate retrofits, increased number of litter receptacles in areas frequented by pedestrian traffic, trash netting and/or other equivalent technologies.

viii. Procedures for the proper disposal of waste removed from MS4s and waste from other municipal operations, including accumulated sediments, floatables and other debris.

2. The operator must specifically list the operations under the operator's legal control, including activities and facilities, that have the potential to introduce pollutants into storm water runoff and are covered by this O&M program. Describe all activities such as pesticide/herbicide/fertilizer application, chemical and waste handling and storage, vehicle fueling, vehicle washing, vehicle maintenance, sand/salt storage and snow disposal and facilities such as public works facilities with maintenance and storage yards, waste transfer stations, municipal wastewater and water treatment facilities, municipal parking lots and parking areas at, public schools, municipal offices, and fire and police departments, parks and open space, owned or operated by the municipality.

3. The operator must also include a list of industrial facilities owned and operated by the municipality, which have storm water discharges associated with industrial activity that ultimately discharge to an MS4 or to a waters of the State. The operator must indicate if seeking coverage under this permit (subject to limitations in Part I.B.3) or seeking permit coverage under an individual RIPDES permit or the General Permit for Storm Water Discharges Associated with Industrial Activity. Discharges composed entirely of storm

water are not considered storm water discharges associated with industrial activity if there is "no exposure" of industrial materials and activities provided these are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff, and the discharges satisfies the conditions of RIPDES Rule 31(h)(1) through (h)(4). A RIPDES "no exposure" certification must be submitted to the Department if the operator of the Storm Water Discharges Associated with Industrial Activity is seeking conditional exclusion from permit authorization.

4. For all facilities that have a point source or the potential for a point source discharge of storm water that has the potential to introduce pollutants to storm water runoff to the MS4 or a waters of the State and do not have storm water discharges associated with industrial activity, this description must address for each facility or activity a brief narrative description of the facility and activities, assessment of potential pollutants and the selected BMPs, including structural and non-structural controls, for reducing or eliminating the discharge of pollutants, and a description of all strategies to reduce runoff volumes. The BMPs must include operation and maintenance and good housekeeping practices such as preventative maintenance, inspections of BMPs and chemical and material storage practices, spill and leak prevention and response procedures, vehicle maintenance, fueling, and washing, employee training, reducing impervious surfaces and infiltration of storm water. The operator must include a measurable goal of implementing all the recommended BMPs by the fourth year of the program.

5. For all facilities with discharges of storm water associated with industrial activity, the SWMPP must contain a site specific SWPPP that includes the description of BMPs, including structural and non-structural controls for reducing or eliminating the discharge of pollutants from municipal operations and facilities. This description must address for each facility:

   i. Individual responsible for coordinating and implementing the activities described in Parts IV.B.6.b.5.vi-viii. The permittee must identify the individual or team who will: coordinate the development, inspections and implementation of all pollution prevention activities at a particular facility, coordinate employee training programs, keep all records and ensure that reports are submitted; implement the preventative maintenance program, oversee good housekeeping activities and serve as spill response coordinator; and conduct/assist with inspections and training program and conduct sampling if necessary. The following information must be provided for each individual: Name, office number, title and description of responsibilities.

   ii. Description of the facility that includes the following information: address, number of acres, size of impervious areas, number of buildings and what they are used for, number and types of vehicles, number and location of outfalls, number and location of catch basins and if applicable specify description of facilities for vehicle maintenance, vehicle washing, vehicles fueling and sand/salt storage.

   iii. Description of activities conducted at the site such as past spills and chronic leaks; locations of the following activities where such activities are exposed to precipitation or runoff, grit, screenings, solids handling,

sludge drying beds, dried sludge piles, compost piles, septage receiving, chemical storage, AST and UST fuel tanks, vehicle fueling stations, vehicle and/or equipment washing and maintenance areas, area for loading and/or unloading materials, above ground and under ground tanks, waste storage and disposal areas, including dumpsters, sand/salt piles or storage sheds, and any other exposed significant material; and description of allowable non-storm water discharges.

iv. A site map of the facility, with information on locations and activities, and a description of the storm water drainage system. The site map must include but not be limited to: all storm water outfalls; drainage area of each outfall and direction of storm water flow; structural storm water pollution control measures, such as flow diversion structures, retention/detention ponds, vegetated swales and/or sediment traps; name of receiving waters (or note discharges to a municipal separate sewer system); locations of activities where pollutants are or could be exposed to precipitation or runoff, locations of material storage areas and location of runoff from adjacent property if it impacts your storm water; access roads; location of material transfer; and location of machinery.

v. Description of any materials or activities that are or could be exposed to storm water and an assessment of the potential for various sources to contribute pollutants to storm water discharges. The operator must assess each of the materials and activities considering the toxicity and quantity of pollutants used, produced, or discharged, the likelihood of contact with storm water, and the history of significant leaks or spills of toxic or hazardous pollutants.

vi. Description of practices that are in place or will be implemented to control pollutants that have the potential to contaminate storm water. The description of practices must address the following:

Good housekeeping practices such as: procedures for spill cleaning, washing of vehicles with the use of BMPs, indoor storage of all fluid products and wastes, proper storage of waste oil and antifreeze, indoor changing of fluids and location of compost piles.

Preventive maintenance procedures such as: written spill prevention and response policy, staff training on spill prevention and response procedures, spill response equipment located at all potential spill areas, supervision of transfer of to and from tank by personnel trained in spill response procedures, adequate inspection and cleaning of structural BMPs, inspection of outdoor storage areas.

Existing and planned BMPs used to control the discharge of pollutants in storm water for activities such as: loading and unloading of materials, vehicle fueling, storage of chemicals and hazardous materials, storage of scrap metal or other raw or intermediate products, storage of salvage, and waste storage and handling.

Description of procedures for handling of vehicle water and wastewater at the facility. If wastewater from vehicle or equipment

washing operation discharges to a waterway, wetland or municipal storm drain, discharges must be authorized under a separate RIPDES permit. If wastewater is handled in another manner, describe the disposal method.

Description of storage of salt and salt/sand piles at the facility. Salt and salt/sand piles must be enclosed or covered by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff. If applicable description of temporary practices used to prevent exposure of salt and salt/sand piles to rain, snow, snowmelt and/or runoff.

Implementation of standard operating procedures to eliminate the discharge of storm water exposed to fuels, procedures must include requiring absorbent materials to be located in close proximity of fuel pumps for quick response to spills or leaks from fueling. In addition, procedures must be established to prevent fuel overfilling of vehicles and storage tanks.

Implementation of BMPs to ensure that vehicle maintenance operations will not impact storm water runoff quality. Such operations include, but are not limited to fluid changes, lubrication, brake servicing (including grinding of rotors), parts degreasing, and proper waste disposal.

Potential areas for erosion and the controls that will be used to prevent erosion.

Storm water runoff control management practices other than source control used at the facility such as: drainage outfalls discharge to riprap pads, runoff directed to detention/retention basins or dry wells, impervious areas have no curbs to encourage sheet flow runoff to vegetative areas, biofilter/bioremediation is used to treat runoff.

Copy of any Spill Prevention and Response Procedures that address tanks, fuel pumps and hazardous materials. These must include list of procedures that apply to specific locations or materials at the facility.

Employee training to address spill prevention and response, good housekeeping and materials management practices.

vii. Description of procedures for evaluation of compliance. Procedures must include visual monitoring, annual site inspections and record keeping and reporting.

Routine visual inspections of designated equipment, processes, and material handling areas must be performed for evidence of, or the potential for, pollutants entering the drainage system or point source discharges to a waters of the State.

Quarterly visual monitoring of the storm water discharges at each outfall at the facility must be performed during daylight hours and within thirty (30) minutes after storm water begins to runoff, observed

contamination/problems with date and time must be documented, the source of contamination and actions to eliminate it must be described and monitoring logs must be kept.

The entire facility must be inspected at least once a year for evidence of pollution, evaluation of BMPs that have been implemented, and inspection of equipment. The site inspection report must include date of inspection, name of personnel conducting the inspection, observations, assessment of BMPs, corrective actions taken, and a signed certification. A tracking or follow up procedure must be used to ensure that the appropriate action has been taken in response to the inspection.

The facility must maintain records of spills, leaks, inspections and maintenance activities for at least one year after the permit expires. Record keeping procedures must also include a compliance evaluation report. The reports and SWPPP must be kept on-site. Both the Evaluation Report and any reports of follow-up action must be certified and include signature and date of certification. Certification language: "This Compliance Evaluation Report has been prepared by qualified personnel who properly gathered and evaluated information submitted for this Report. The information in this Report, to the best of my knowledge, is accurate and complete." Records described in this SWPPP will be retained on site for 5 years from the date of the cover letter that notifies this facility of coverage under the storm water permit. These records will be made available to state or federal inspectors upon request. Additionally, employee training records shall also be maintained.

viii. If the facility expands its operations, or changes any significant material handling or storage practices that could impact storm water, the SWPPP must be amended. The amended Plan will describe the new activities that contribute to increased pollution and planned control measures. The Plan must also be amended if a state or federal inspector determines that it is not effective in controlling storm water pollutants discharged to waterways.

6. All employee training programs that will be used to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Description of how training programs will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.

7. Procedures to ensure that new flow management projects undertaken by the operator are assessed for potential water quality impacts and existing projects are assessed for incorporation of additional water quality protection devices or practices.

8. Procedures for implementing proper erosion and sediment and water quality controls for all construction projects undertaken by the operator including roadway re-paving and flood control projects. The plan must identify all planned major capital improvements and opportunities to improve storm water

quality management for municipal new development and re-development projects.

9. Individual(s) responsible for overall management and implementation of the pollution prevention/good housekeeping program as well as each BMP identified for this program.

10. Procedures to evaluate the success of this minimum measure, including discussion of how the measurable goals for each of the BMPs were selected.

C. Cooperation with Interconnected MS4s. The operator must attempt to work cooperatively with other interconnected MS4s.

D. Total Maximum Daily Load (TMDL), or other Water Quality Determination: If the Department designates the MS4 as a regulated small MS4 and notifies the MS4 operator that discharges from the MS4 require non-structural or structural storm water controls based on an approved TMDL or other water quality determination that identifies provisions for discharges that contribute to a violation of water quality standards or are significant contributors of pollutants to waters of the State:

1. The operator must determine the land areas contributing to the discharges identified in the approved TMDL or other water quality determination by the Department (subwatershed boundaries as determined from USGS topographic maps or other appropriate means).

2. The operator must ensure that the SWMPP addresses all contributing areas and addresses the impacts identified by the Department.

3. The operator must provide the following information regarding progress towards meeting the provisions that includes:

   a. Identification of the discharge(s). Provide a tabular description of the discharges identified in the approved TMDL or other water quality determination by Department that includes location (latitude/longitude), size and type of conveyance (e.g. 15" diameter concrete pipe), any existing discharge data (flow data and water quality monitoring data).

   b. A description of the TMDL provisions or provisions of other water quality determination specific to the discharge.

   c. A description of any BMP(s) that have been implemented or will be implemented to address the provisions and pollutant(s) of concern identified by the Department. The BMPs must be tailored to address the pollutant(s) of concern and findings of the TMDL or other water quality determination by Department. The operator shall assess the six minimum control measure BMPs and additional controls currently being implemented or that will be implemented in the SWMPP and describe the rationale for the selection of controls. The rationale must include the location of the discharge(s), receiving waters, water quality classifications, shellfish growing areas, and any other relevant information that the municipality may have (e.g. land use).

4. If additional structural storm water controls or measures are necessary to meet the provisions of an approved TMDL or other water quality determination by Department, the operator of the MS4 must also prepare and submit a Scope of Work (SOW) document describing the process and rationale that will be used to select BMPs and measurable goals to ensure that the TMDL

provisions or other provisions identified by the Department will be met. The SOW document must:

a. Document how all remaining discharges within the contributing area not identified in the approved TMDL or other water quality determination by the Department, or system mapping, will be identified and assessed.

b. Document how the drainage or sub-catchment area(s) from discharge(s) identified in the approved TMDL or other water quality determination by the Department will be determined. Include sub-catchment area(s) from remaining discharges within contributing area that have not been identified in the approved TMDL or other water quality determination by the Department.

c. Document the process that will be used to identify interconnections within the system as well as how the permittee will work cooperatively with operators/owners of the interconnected system.

d. As appropriate, identify any structural BMPs that address the pollutants of concern, areas to site potential BMPs, permitting requirements or restrictions, potential costs, preliminary and final engineering requirements or the steps taken to determine this information if not known.

5. The operator must provide measurable goals for the development and/or implementation of the six minimum measures and additional structural and non-structural BMPs that will be necessary to address provisions for the control of storm water in the provisions identified by the Department.

6. Development and implementation of any amendments made to the six minimum control measures within regulated areas and/or development and implementation of the six minimum control measures to contributing areas that were previously not regulated, must begin at the time of submittal of the NOI/SWMPP or revised SWMPP.

7. Development and implementation of storm water control measures from the MS4 that are additional to the six minimum control measures must be started upon receipt of written approval from the Department based on a review of the SOW and implementation schedule.

8. If the operator of an unregulated MS4 has not previously submitted a SWMPP, the operator of the MS4 must submit an NOI and SWMPP including amended BMPs, measurable goals, and the SOW if applicable, within one hundred and eighty (180) days of notification from the Department in accordance to the schedules of Part I.C.2 of this permit, and address the TMDL provisions or other provisions of a water quality determination identified by the Department as described in Part IV.D of this permit to obtain authorization for discharges previously not authorized. If the operator has previously submitted a SWMPP and has been authorized to discharge, the operator must submit only an amended SWMPP and the SOW, if applicable, to maintain authorization or to obtain authorization for discharges previously not authorized.

9. Upon approval, the Scope of Work document will be considered a part of the SWMPP and is subject to the Program Evaluation requirements of Part IV.E., the Record Keeping requirements of Part IV.F., the Reporting requirements of Part IV.G., and all other applicable requirements of this permit.

E. Program Evaluation

1. The operator must annually evaluate the compliance of the SWMPP with the conditions of this permit. If the permittee is required to implement, requirements for the control of storm water identified in an approved TMDL, the operator must identify compliance with the approved scope of work and schedules. If the schedules are not being met, the operator must provide an explanation as well as an amended schedule. If any or all of the storm water control measures have been implemented, assess whether the storm water control measures are being met or if additional measures are necessary.

2. The operator annually must evaluate the appropriateness of the selected BMPs and efforts towards achieving the Measurable Goals. The SWMPP may be changed in accordance with the following provisions:

   a. Changes adding (but not subtracting or replacing) components, controls or requirements to the SWMPP may be made at any time upon written notification to RIDEM.

   b. Changes replacing an ineffective or infeasible six minimum control measure BMP, specifically identified in the SWMPP, with an alternative BMP may be requested at any time. Unless denied, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented sixty (60) days from submittal of the request. If the request is denied, the Director shall send a written explanation of the denial. Changes replacing an ineffective or infeasible storm water control specifically identified in the SWMPP or in an approved Scope of Work document to meet the requirements of an approved TMDL, may be requested at any time, however, written approval from the Department must be received prior to implementing changes.

   c. Modification requests, must include the following information:

      i. Analysis of why the BMP is ineffective or not feasible (e.g., cost prohibitive).

      ii. Expectations on the effectiveness of the replacement BMP.

      iii. Analysis of how the replacement BMP is expected to achieve the goals of the BMP to be replaced.

   d. Change requests or notifications must be in writing and signed in accordance with the signatory requirements of Part V. of this permit.

3. The Director may require changes to the SWMPP as needed to:

   a. Meet the minimum requirements of Part IV of this permit.

   b. Address impacts on receiving water quality caused or contributed by discharges from the MS4.

   c. Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements.

   d. Include such other conditions deemed necessary to comply with the goals and requirements of the CWA.

e. Include a revised scope of work and implementation schedule necessary to comply with the TMDL requirements.

Any changes requested by the Director shall be in writing and shall set forth the time schedule for the operator to develop the changes and amend the SWMPP and to offer the opportunity to propose alternative program changes to meet the objective of the requested modification.

F. Record Keeping

1. All records required by this permit must be kept for a period of five years.

2. Records need to be submitted only when specifically requested by the Director or if required as a condition of this permit.

3. The operator must make the records relating to this permit available to the public, including the SWMPP. The public may view the records during normal business hours. The operator may charge a reasonable fee for copying requests.

G. Reporting

1. The operator must submit an annual report for each year after the permit is issued by March 10th. The reports must contain information regarding activities of the previous calendar year. Reports must be submitted to RIDEM and the operators of identified interconnected MS4s. Reports to RIDEM must be submitted at the following address:

R.I. Department of Environmental Management
Office of Water Resources
RIPDES Program
235 Promenade Street
Providence, RI 02908

2. The following information must be contained in the annual report:

a. A self assessment review of compliance with the permit conditions.

b. Assessment of the appropriateness of the selected BMPs.

c. Assessment of the progress towards achieving the measurable goals.

d. Assessment of the progress towards meeting the requirements for the control of storm water identified in an approved TMDL.

e. Summary of results of any information that has been collected and analyzed. This includes any type of data.

f. Discussion of activities to be carried out during the next reporting cycle.

g. A discussion of any proposed changes in identified BMPs or measurable goals.

h. Date of annual notice and copy of public notice.

i. Summary of public comments received in the public comment period of the draft annual report and planned responses or changes to the program.

j. Planned municipal construction projects and opportunities to incorporate water quality BMPs, low impact development as well as activities to promote infiltration and recharge.

k. Newly identified physical interconnections with other small MS4s.

l. Coordination of activities planned with physically interconnected MS4s.

m. Summary of the extent of the MS4 system mapped, actions taken to detect and address illicit discharges including: the number of illicit discharges detected, illicit discharge violations issued, and violations that have been resolved. Number and summary of all enforcement actions referred to RIDEM.

n. Summary of the number of site inspections conducted for erosion and sediment controls, inspections that have resulted in an enforcement action, and violations that have been resolved. Number and summary of all enforcement actions referred to RIDEM.

o. Summary of the number of site inspections conducted for proper installation of post construction structural BMPs, inspections that have resulted in an enforcement action, and violations that have been resolved. Number and summary of all enforcement actions referred to RIDEM.

p. Summary of the number of site inspections conducted for proper operation and maintenance of post construction structural BMPs, inspections that have resulted in an enforcement action, and violations that have been resolved.

q. Reference any reliance on another entity for achieving any measurable goal.

V. GENERAL REQUIREMENTS

A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the CWA and is grounds for enforcement action which may include, permit termination, revocation and reissuance, modification, or for the denial of a permit renewal application and the imposition of penalties.

1. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate this requirement.

2. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such sections in a permit issued under Section 402 of the CWA. Any person who violates any condition of this permit is subject to a civil penalty of up to $25,000 per day of such violation, as well as any other appropriate sanctions provided by Section 309 of the CWA. Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of up to $10,000 or by imprisonment of not more than two (2) years, or by both.

3. Chapter 46-12 of the R.I. General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than $25,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than $25,000 per day of such violation and imprisonment for not more than five (5) years, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than $5,000 for each instance of violation or by imprisonment for not more than thirty (30) days, or both.

B. Continuation of the Expired General Permit. Provided the permittee has reapplied in accordance with paragraph C. below, an expired general permit continues in force and effect until a new general permit is issued. Only those Municipal Separate Storm Sewer Systems previously authorized to discharge under the expired permit are covered by the continued permit.

C. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain coverage under a new permit. The permittee shall submit a complete Notice of Intent at least one hundred eighty (180) days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director.

D. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the 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 shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall furnish to the Director, upon request, any documents that are required to be kept as part of this permit.

G. Signatory Requirements. All Notices of Intent, Storm Water Management Program Plan, reports, certifications, or other information submitted to the Director, or that this permit requires be maintained by the permittee shall be signed and certified in accordance with Rule 12 of the RIPDES regulations. R.I. General Laws, Chapter 46-12 provides that any person who knowingly makes any false statements, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $5,000 per violation, or by imprisonment for not more than thirty (30) days per violation, or by both.

H. 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 CWA.

I. Release in Excess of Reportable Quantities. If a release in excess of a reportable quantity occurs, this office must be notified immediately. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances in the storm water discharge(s) from a facility shall be minimized in accordance with the applicable storm water pollution prevention plan for the facility, and in no case, during any twenty four (24) hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reportable quantities.

J. 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.

K. 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.

L. Transfers. This permit is not transferable to any person except after notice to the Director. Where an operator changes or a new operator is added after the submittal of a NOI, a new NOI must be submitted in accordance with Part III of this permit. The Director may require the operator to apply for and obtain an individual RIPDES permit as stated in Part V.T. of this permit.

M. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

N. Proper Operations and Maintenance. The permit 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 requirements of the storm water pollution prevention plans.

O. Monitoring and Records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.

2. The permittee shall retain records of all monitoring including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

3. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

4. Monitoring must be conducted according to test procedures approved under 40 CFR 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.

5. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of up to $10,000 per violation or by imprisonment for not more than six (6) months per violation, or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of up to $5,000 per violation, or by imprisonment for not more than thirty (30) days per violation, or by both.

6. Monitoring results must be reported on a Discharge Monitoring Report (DMR).

7. If the permittee monitors any pollutants more frequently than required by this permit, using test procedures approved under 40 CFR 136, applicable State regulations, 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 DMR.

P. Bypass of Storm Water Control

1. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, he or she shall notify this Department in writing at least ten (10) days prior to the date of the bypass. Such notice shall include the anticipated quantity and the anticipated effect of the bypass.

2. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within twenty four (24) hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee became aware of the bypass. The written submission shall contain a description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass 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 bypass.

3. Prohibition of Bypass.

   a. Bypass is prohibited and enforcement action against the permittee may be taken for the bypass unless:

      i. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

      ii. The permittee submitted notices as required in paragraphs P.1. and P.2. above.

   b. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it will meet the two conditions in paragraph P.3.a. above.

Q. Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for non-compliance with technology based permit limitations if the requirements of paragraph 2. below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review .

2. A permittee who wishes to establish an affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

   a. An upset occurred and the permittee can identify the specific causes(s) of the upset;
   b. The permittee facility was at the time being properly operated;
   c. The permittee submitted notice of the upset as required in Rule 14.08 of the RIPDES Regulations; and
   d. The permittee complied with any remedial measures required under Rule 14.05 of the RIPDES Regulations.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

R. Inspection and Entry. The permittee shall allow the Director, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated activity is 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 equipment, practices, or operations regulated or required under this permit; and
4. Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or R.I. law.

S. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: violation of any terms or conditions of this permit; obtaining this permit by misrepresentation or failure to disclose all relevant facts; or a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge. 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. Requiring an Individual Permit or an Alternative General Permit

1. The Director may require any owner or operator authorized to discharge storm water under this permit to apply for and obtain either an individual or an alternative RIPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may determine at his or her own discretion that an individual or an alternative general permit is required (see RIPDES Rule 32 for reasons why an alternative permit may be required).

2. Any owner or operator authorized to discharge storm water by this permit may request to be excluded from coverage of this permit by applying for coverage under an individual permit or an alternative general permit. The request shall be granted by the issuance of an individual permit only if the reasons cited by the owner or operator are adequate to support the request. The Director shall notify the permittee within a timely fashion as to whether or not the request has been granted.

3. If a facility requests or is required to obtain coverage under an individual or an alternative general permit, then authorization to discharge storm water under this permit shall automatically be terminated on the date of issuance of the individual or the alternative general permit. Until such time as an alternative permit is issued, the existing general permit remains fully in force.

U. Reopener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with a construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part V.T. of this permit or the permit may be modified to include different limitations and/or requirements.

2. Permit modification or revocation will be conducted in accordance with 40 CFR 122.62, 122.63, 122.64 and 124.5.

V. Availability of Reports. Except for data determined to be confidential under Part W below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at RIDEM at 235 Promenade Street, Providence, Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Chapter 46-12-14 of the Rhode Island General Laws.

W. Confidentiality of Information

1. Any information submitted to RIDEM pursuant to these regulations may be claimed as confidential by the submitter, consistent with Rhode Island General Law 38-2-2. Any such claim must be asserted at the time of the submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, RIDEM may make the information available to the public without further notice.

2. Claims of confidentiality for the following information will be denied:

   a. The name and address of any permit application or permittee;
   b. Permit applications, permits and any attachments thereto; and
   c. RIPDES effluent data.

X. Right to Appeal. Within thirty (30) days of receipt of notice of final authorization, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of Rule 49 of the RIPDES Regulations.