



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

January 13, 2006

Jennifer Paquet
Town Planner
280 Victory Highway
West Greenwich, RI 02817

RE: Phase II Storm Water Management Program Plan

Dear Ms Paquet:

The Rhode Island Department of Environmental Management (RIDEM) has reviewed the Notice of Intent (NOI) and the Storm Water Management Program Plan (SWMPP) submitted to obtain coverage under the General Permit for Storm Water Discharge from Small Municipal Separate Storm Sewer Systems (MS4s) and from Industrial Activity at Eligible Facilities Operated by Regulated small MS4s, herein after the General Permit.

If your municipality received a non-point source bond grant to prepare the SWMPP, the RIDEM has reviewed the SWMPP to ensure that the submittal satisfies the conditions of your grant. The RIDEM has also reviewed the SWMPP to ensure that the submittal satisfies the requirements of the General Permit. The RIDEM has developed a streamlined review process that focused on certain critical aspects of the permit requirements. Presented below are general comments that must be addressed. In addition, specific comments are presented in the attached document entitled "Review Checklist for Municipal Storm Water Management Program Plans". Wherever a check box is not marked as completed, the SWMPP has been found to be deficient and must be amended to meet the requirements of the General Permit. More detailed comments may also be found in the "Comment" sections of the checklist. Please refer to the attached checklist.

General Comments:

Implementation Schedule: The General Permit automatically authorized storm water discharges from your regulated small MS4 upon submittal of the SWMPP. The General Permit required operators to begin implementation of your plan in March 2004. Therefore, if the SWMPP established milestones such as "by the end of year one", the resultant milestone deadline would be December 2004. Please revise the Implementation Schedule accordingly. Please refer to the guidance and examples of Implementation Scheduling that can be found on the RIPDES Phase II Web site at:
<http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/stwater/t4guide/smfact.htm>

Public Education and Outreach: A review of this section was not performed. The General Permit required the development of strategies within the first year but did not mandate specific actions to be taken. The RIDEM is coordinating with other state agencies, higher education institutions, non-profit watershed associations, and small MS4 stakeholders to form an advisory committee to develop a statewide public education campaign and develop model outreach messages and materials. This effort will include a review of all SWMPPs to identify local needs and opportunities to develop model outreach messages and materials that can be tailored to local issues and delivered by small MS4 operators to satisfy the requirements of the General Permit.

Public Involvement: A review of this section was not performed. The General Permit required that all Public Involvement and Participation activities comply with the State and Local public notice requirements but did not mandate a specific process that must be followed during the development of the SWMPP. The majority of MS4 operators met this requirement through public meetings, engaging stakeholders, and making the draft document available for public review. Please be reminded that the Town of West Greenwich failed to submit the Annual Report for calendar year 2004. Part IV.G of the General Permit requires that the operator submit an Annual Report for each year of the permit by March 10th. The Town of West Greenwich must prepare two Annual Reports for calendar years 2004 and 2005. The process of public notice of the two Annual Reports can be combined into a single public notice with the opportunity for public comment and public meeting if requested. The RIPDES Program has developed a standardized reporting format to be used for Annual Reporting. A copy of the Annual Report form can be downloaded from the DEM's Web site at:

www.dem.ri.gov/programs/benviron/water/permits/ripdes/stwater/index.htm
or you can contact Margarita Chatterton at 222-4700 ext. 7605 to obtain a copy.

Illicit Discharge Detection and Elimination (IDDE): A detailed review of this section was performed. On Monday, December 6, 2004, the RIDEM coordinated with the University of Rhode Island's Transportation Center and the Rhode Island Public Works Association to host a workshop on IDDE for municipal officials. At the workshop, the RIDEM provided guidance on mapping requirements, performing dry weather survey's and presented a model IDDE ordinance and a standard format Microsoft Excel Spreadsheet for collecting and reporting locational data on outfalls and dry weather survey information to meet the Reporting requirements in the General Permit. The RIDEM provided two examples of IDDE Manuals as guidance materials. Free copies of a manual produced for the New England States by the New England Interstate Water Pollution Control Commission (NEIWPCC) were distributed. Also RIDEM referenced a web site link to www.cwp.org/idde_verify.htm where a manual produced by the Center for Watershed Protection entitled "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment" can be downloaded for free. These manuals can be utilized to help operators identify IDDE standard operating procedures and techniques that can be incorporated into your SWMPP to meet the General Permit requirements. The Power Point presentations, model ordinance, and the Spreadsheet can be found on DEM's Phase II Storm Water Web site at:

<http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/stwater/index.htm>
or you can obtain copies by contacting Margarita Chatterton at 222-4700 ext. 7605. RIDEM will continue to provide and cosponsor training and make operators aware of training opportunities, as they become available.

I have
a copy
of this
manual

Pre- and Post- Construction Storm Water Management: The review of these sections consisted only of a review of the "Required Measurable Goals" established in the General Permit. Please note that the RIDEM is in the process of updating and publishing a revised Rhode Island Storm Water Design Manual. On Wednesday, December 7, 2005, the RIDEM coordinated with the University of Rhode Island's Transportation Center, the Rhode Island Public Works Association and the US Environmental Protection Agency to host a workshop on construction and post-construction for municipal officials. At the workshop, the RIDEM provided guidance on the construction and post-construction requirements. The RIDEM intends to continue to provide training and guidance to municipal officials to assist in developing and implementing local programs.

Ordinances for IDDE and Pre- and Post-Construction Storm Water Management: The General Permit requires that the operator adopt ordinances for these Minimum Measures. If an existing or draft ordinance was included in the SWMPP, the RIDEM review consisted only of an administrative review and did not include a technical review. The absence of comments does not imply approval of the adequacy of the ordinance. The operator must submit a copy of all relevant sections with the SWMPP along with a statement from the Town Solicitor, legal counsel, or an official acting in a comparable capacity, certifying that the mechanism provides the authority to adequately carry out the requirements of the General Permit. Anytime the ordinance is adopted or amended, the operator must submit a copy of the relevant sections and a statement from the Town Solicitor, legal counsel, or an official acting in a comparable capacity, within thirty (30) days of adoption.

Pollution Prevention and Good Housekeeping at Municipal Facilities: A detailed review of this section was performed. If the NOI identified facilities with discharges of storm water associated with industrial activity. Please be reminded that it is the operator's responsibility to review municipally owned and operated facilities to ensure that they have properly identified all facilities that have discharges of storm water associated with industrial activity and have applied for permit coverage. The General Permit allows operators to obtain permit coverage for these facilities and the small MS4 under the same General Permit. However, operators must specifically identify the facilities with discharges of storm water associated with industrial activity in the NOI and the SWMPP must meet the requirements of Part IV.B.6.b.5 of the General Permit. For guidance on identifying facilities that may be considered Industrial Activity, please refer to the enclosed fact sheet entitled "Municipal Public Works Facilities with Industrial Activities" also posted on the RIPDES Phase II Web site at:
<http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/stwater/pdfs/dpwgar.pdf>

Discharges to Water Quality Impaired Waters without a completed Total Maximum Daily Load (TMDL): 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. 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. In the absence of outfall-specific monitoring data, the operator should assume the MS4 discharges pollutants typically found in storm water runoff such as BOD, sediment, pathogens, Oil & Grease, and

metals. 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. The SWMPP should specifically identify BMPs within the Six Minimum Measures that will collectively control the discharge of the pollutants of concern from existing and new sources.

Please address all comments listed above and deficiencies and specific comments identified in the attached review checklist. Amendments to the SWMPP shall be coordinated with the operator's Annual Program Evaluation and Annual Public Involvement and Participation. All amendments shall be submitted to the RIDEM with the 2004 and 2005 Annual Report by March 10th, 2006. Please be aware that at a minimum the Town of West Greenwich is currently in non-compliance with the RIPDES Regulations and the General Permit for failure to submit the 2004 Annual Report. Allowing the submittal of the 2004 Annual Report with the 2005 Annual Report is not an extension of the regulatory deadline. The necessity of formal enforcement action is under review and this matter may be forwarded to RIDEM's Office of Compliance and Inspections for issuance of a formal enforcement action and assessment of administrative penalties.

If you would like to coordinate with the TMDL and RIPDES Programs to discuss this review, or you have any questions or wish to arrange a meeting with the Department please contact me at (401) 222-4700 extension 7202 at your earliest convenience.

Sincerely,



Eric A. Beck, P.E., Supervising Engineer
Office of Water Resources
Surface Water Protection
RIPDES Program

cc: Kevin A. Breene, West Greenwich Town Administrator (w/o attachments)
Laura Stephenson, RIDEM RIPDES (w/o attachments)
Betsy Dake, RIDEM NPS (w/o attachments)

Attachments: Review Checklist for Municipal Storm Water Management Program Plans
RIDEM Fact Sheet: "Municipal Public Works Facilities with Industrial Activities"



Application Checklist for Municipal Storm Water Management Program Plans (SWMPP)



Owner/Operator Name: West Greenwich

Reviewer: Margarita Chatterton

Date of Review: January, 2006

IV. Illicit Discharge Detection and Elimination (refer to Part IV.B.3 General Permit)

Mapping the MS4 and Tagging Outfalls

- ☒ Description of how a storm sewer map showing the location of all the outfalls and the names and location of all receiving waters has or will be developed. **Required Measurable Goal: Develop outfall map by the third year.**

COMMENT: The Department recommends that protocols used for the collection of outfall location data be consistent with protocols recommended by RIDEM (please refer to information provided during the December 6, 2004, Illicit Discharge Detection and Elimination (IDDE) workshop). During the same workshop the Department distributed field survey forms and excel tables for the collection of outfall location data and the implementation of the required dry weather surveys.

- ☒ A description of the sources of information used for the maps. (5-3, 5-4)
- ☒ Procedures to verify the outfall locations with field surveys and map by GPS or other advanced surveying technology. (5-4)
- ☒ A description of how recording of additional elements for those portions of system investigated (e.g., catch basins, manholes and pipes within the system, and location of identified physical interconnections with other MS4s), will be completed. (5-5)
- ☒ Describe how the system map will be updated on an on-going basis for new MS4 construction project or when any changes are made to the system.
- ☐ Procedures for tagging all accessible outfall pipes (optional if GPS is of sufficient accuracy to allow identification of individual pipes). **Required Measurable Goal: If not already addressed, Development of strategies for tagging by first year**

COMMENT: Not Applicable

Prohibiting Illicit Discharge

- ☐ If an ordinance is already developed and in place, include a copy of the relevant sections with the SWMPP along with a statement from the city solicitor or a municipal official acting in a comparable capacity, that the ordinance or regulatory mechanism provides the authority to adequately carry out the requirements of the permit.

COMMENT: Not Applicable

- ☒ If the regulatory mechanism is not in place, describe in the SWMPP the Process and schedule to develop the regulatory mechanism. **Required Measurable Goal: Introduction of ordinance must be completed within the first year and adoption by the second year.**

COMMENT: The Plan does not contain a discussion on the IDDE ordinance, plans to adopt an IDDE ordinance, a target date for adoption of the ordinance and the person responsible for the process. Please be aware that a draft IDDE ordinance was distributed during December 6, 2004 IDDE workshop.

- ☒ Procedures to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) will be implemented. *enforced?*

Detection and Elimination Program

Implementation Strategy

- ☒ Investigation of complaints.

COMMENT: The Plan does not include a description of how complaints will be investigated.

- ☒ Locating priority areas for inspection, 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.
- ☒ Detecting and addressing non-storm water discharges, including illegal dumping, hazardous waste/material spills and ISDS where applicable.

COMMENT: The Plan must contain a description of how the Town plans to address illegal dumping and hazardous waste/material spills.

Standard Operating Procedures

- ☐ Catch basin and manhole inspections for illicit connections. **Required Measurable Goal: Inspect all catch basins and manholes at least once by fourth year.**

COMMENT: The pollution prevention and good housekeeping minimum measure appears to indicate that all catch basins are inspected and cleaned presently. However, the Plan must contain a measurable goal of inspecting all catch basins and manholes **for illicit connections** at least

once by fourth year of the permit. These inspections should be coordinated with the inspections required under the pollution prevention and good housekeeping minimum measure.

- ☒ Tracing the source of an illicit discharge. (5-7, 5-8, 5-9)
- ☒ Removing the source of the illicit discharge including:
 - ☐ Enforcement process, and
 - ☒ Physical removal of illicit discharges. (5-10)

Dry Weather Surveys

- ☒ Identification of dry weather flows (dry weather surveys must be conducted no less than 72 hours after the last rain fall of 0.10 inches or more).(5-5)
- ☒ Visual observations include: (5-7)
 - ☒ odors,
 - ☒ sheen,
 - stressed vegetation,
 - ☒ coloration/staining,
 - ☒ algae growth,
 - sedimentation and/or scouring in the vicinity of the outfalls

COMMENT: The dry weather surveys should also include observations on sedimentation and/or excessive scouring and stressed vegetation in the vicinity of the outfalls. As indicated earlier the Department provided sample field survey forms and excel tables during the aforementioned IDDE workshop.

- ☐ Dry weather flows from outfalls analyzed for:
 - temperature,
 - conductivity,
 - pH, and
 - bacteria.
 - flow measurements (recommended)

COMMENT: The Plan, page 5-7, states that dry weather flows that cannot be attributed to an obvious source shall be sampled for the above listed parameters. The permit requires that measurements for temperature, conductivity and pH, and analysis of bacteria be conducted on all outfalls where dry weather flows are observed.

- ☐ 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.

COMMENT: The Plan must state that additional sampling and analysis for any other parameters that may be helpful in the identification of the source of the illicit discharge will be performed as warranted. Conducting field tests of other parameters such as ammonia may help in the prioritization for the detection and elimination of illicit discharges and a determination on the source of the discharge.

- ☐ **Required Measurable Goal:** Minimum of two surveys conducted, one between January 1st - April 30th and one between July 1st - October 31st by the fourth year (only July 1st - October 31st survey required for areas served by sanitary sewers).

COMMENT: Although the Plan states that outfalls will be inspected and observed for dry weather flow, in year 1, the plan does not state that two dry weather surveys of all outfalls will be completed by the fourth year of the permit, procedures don't state that these are to be conducted one between January 1st - April 30th and one between July 1st - October 31st

Note: For areas served by sanitary sewers bacteria sampling is only required for the dry weather survey conducted between July 1 and October 31. 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 date, TMDL data, etc.)

Record Keeping

All actions related to the status of investigations and corrective actions required and completed. (A relational database is recommended.)

- ☐ Tracking of complaints and data required for program evaluation and assessment including documenting results and evaluating impact on sewer system subsequent to the removal. **Required Measurable Goal:** If not already addressed, development of procedures to record and track all actions to detect and address illicit discharges.

COMMENT: The Plan has no discussion on the tracking of complaints, as well as evaluation and verification of illicit discharge removal. The Plan must contain a measurable goal for the development of procedures for the tracking of complaints and all actions to detect and address illicit discharges, to be developed in the first year of the program. A copy of these procedures must be submitted with the copy of the 2004 Annual Repot.

Coordination

- ☐ Procedures for coordinating with other physically interconnected MS4s, including State and federal owned or operated MS4s, when illicit discharges are detected or reported. **Required Measurable Goal:** If not already addressed, development of strategies for coordinating with physically interconnected MS4s by first year

COMMENT: The Plan must contain a description of how the Town plans to report and coordinate with other regulated MS4s, such as RIDOT, during the investigation of illicit discharges. Please clarify if the Town has already determined that interconnections with other regulated MS4s do not exist within the regulated areas.

- ✓ ☐ Procedures for referral to RIDEM on non-storm water discharges not authorized which the operator has deemed appropriate to continue discharging to the MS4, for consideration of an appropriate permit. **Required Measurable Goal: If not already addressed, development of strategies for referral to DEM and tracking actions by first year**

COMMENT: A measurable goal of developing in the first year procedures for referral to RIDEM on not authorized non-storm water discharges which the operator has deemed appropriate to continue discharging to the MS4 must be included in the plan. A description of these procedures must have been submitted to the Department in March of 2005. A copy of these procedures must be submitted to the Department with the copy of the 2004 Annual Report.

- ☐ 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. - left CB here - see EPA's website for ideas

COMMENT: The Department recommends that inspections of catch basins required for the detection of illicit discharges be coordinated with the cleaning of catch basins.

Education and Outreach:

- ☒ 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 including a strategy to educate the regulated community on methods to detect and eliminate illicit discharges. Examples of educational methods include, but are not limited to informative brochures, and guidance for specific audiences (e.g., carpet cleaning businesses) and school curricula; publicize and facilitate public reporting of illicit discharges; coordinating volunteers for locating, and visually inspecting, outfalls or stenciling storm drains; and initiating recycling programs for commonly dumped wastes, such as motor oil, antifreeze, and pesticides.

GENERAL COMMENTS:

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|---|
| 1. The Plan lacks description of how the permittee plans to accomplish many of the requirements of the permit. |
| 2. The Plan does not clearly identify the person(s) responsible for the implementation of many of the BMPs and measurable goals. |
| 3. The plan does not contain a schedule for the implementation of many of the procedures and/or requirements of the permit. The schedule of implementation presented in the plan must be consistent with the requirements of the general permit. |
| 4. The Department recommends that protocols used for the collection of outfall location data be consistent with protocols recommended by RIDEM (please refer to information provided during the December 6, 2004, IDDE workshop). During the same workshop the Department distributed field survey forms and excel tables for the collection of outfall location data and during the implementation of the required dry weather surveys. Please also be aware that a draft illicit discharge detection and elimination ordinance was distributed during the same workshop. If the Town wishes to obtain copies of any of these forms and/or documents please do not hesitate to contact Margarita Chatterton of the RIPDES staff. |

V. Construction Site Storm Water Runoff Control (refer to Part IV.B.4 General Permit)

Required Measurable Goals for this Minimum Measure:

- ☒ **Develop and introduce mechanism within the first year, and adoption by the second year.** (Pages 6-1, 6-2, 6-3, Ordinance needs to be modified for control of other wastes)

COMMENT: Ordinances must be reviewed by the Town solicitor, legal counsel, or an official acting in a comparable capacity, for a determination that the ordinance provides the authority to adequately carry out the construction requirements of the general permit. Within thirty (30) days of adoption of the ordinance a copy of all relevant sections must then be submitted to the Department along with the certification from the Town Solicitor.

- ☒ **Develop strategies and procedures for issuing and tracking permits, coordination with State programs and procedures for referral to DEM (refer to Part IV.B.4.2, 5, and 8) by the first year.**
- ☒ **Issue permits or implement policies and procedures for all construction projects resulting in land disturbances of one or more acres by the second year.**
- ☒ **Review 100% of plans and SWPPPs for construction projects one or more acres not reviewed by other State Programs (Wetlands, RIPDES, Water Quality Certification, CRMC) by second year.**
- ☒ **Inspect 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.**

VI. Post Construction Storm Water Management in New Development/Redevelopment (refer to Part IV.B.5 GP)

Required Measurable Goals for this Minimum Measure

- ☐ Develop strategies and procedures for program consistency with RI Storm Water Design Manual, pre-application meetings, coordination with existing State programs, referral of new industrial activity discharges, post-construction inspection of BMPs, identifying existing structural BMPs **(refer to Part IV.B.5.b.2, 3, 5, 6, 10, and 12) within the first year.**

COMMENT: The plan does not contain a description of procedures that will ensure that the post-construction program is consistent with the State of Rhode Island Storm Water Design and Installation Manual.

- ☒ Introduce the ordinance within the first year of the program and adoption **by the second year.**

COMMENT: Please be aware that the post-construction ordinance or regulatory mechanism is required to be adopted by the second year of the

permit (2005). Ordinances must be reviewed by the Town solicitor, legal counsel, or an official acting in a comparable capacity, for a determination that the ordinance provides the authority to adequately carry out the post-construction requirements of the permit. Within thirty (30) days of adoption of the ordinance a copy of all relevant sections must then be submitted to the Department along with the certification from the Town Solicitor.

- ☒ Review 100% of plans for development projects one or more acres not reviewed by other State programs (Wetlands, RIPDES, Water Quality Certification, CRMC) **by the second year.**
- ☒ Inspect 100% of all construction projects that discharge or have the potential to discharge to the MS4 in regulated areas regardless of who performs the review **by the second year.**

COMMENT: Please be aware that post-construction inspections are required for verification that BMPs have been installed in accordance with the approved plans.

VII. Pollution Prevention and Good House Keeping in Municipal Operations (refer to Part IV.B.6 GP)

O&M Program for MS4

- ☒ Procedures for identification of structural BMPs owned or operated by the small MS4 operator. **Required Measurable Goals Identify and list location and description of all structural BMPs in the SWPPP at the time of application and update information annually (in the annual report).** (Page 8-1)

COMMENT: The Plan indicates that the Town has identified existing structural BMPs and the Town provides maintenance to a number of these BMPs. Please provide a list of the already identified BMPs along with location and a brief description of the BMP.

- ☐ Develop strategies and procedures for inspections/cleaning and repair of BMPs, storm sewers, and catch basins. **Required Measurable Goals If not already addressed, develop strategies and procedures for inspections and repair within the first year.**
- ☒ Development of a schedule for routine inspection and maintenance of structural BMPs, storm sewers, and catch basins. **Required Measurable Goals If not already addressed, develop a schedule for routine inspections and maintenance within the first year.** (Pages 8-1 and 8-2)
- ☒ Procedures to maintain records on inspections and maintenance performed on structural BMPs, storm sewers, and catch basins. **Required Measurable Goals If not already addressed, develop strategies and procedures to maintain O&M records within the first year.**
- ☒ Procedures for implementation of a regular catch basin inspection and cleaning program to inspect of all catch basins and manholes, document the results of the inspection, and clean structures as necessary. 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. **Required Measurable Goals If not already addressed, develop strategies and procedures for implementation of regular catch basin inspection and**

cleaning within the first year. **Required Measurable Goal** Inspect all catch basins and manholes annually unless request approval for lesser frequency based on at least 2 years of operational data commencing by the third year.

- ☐ Describe coordination of inspection of catch basins for maintenance and inspection for illicit discharge detection. **Required Measurable Goals** If not already addressed, develop strategies and procedures to coordinate maintenance and IDDE inspections within the first year.

COMMENT: It is not clear from the Plan if during the cleaning of catch basins, these structures will be inspected for illicit discharges and whether notes and records of illicit discharges will be tracked and reported to the Town. Please clarify if procedures have been developed and the contractor responsible for the cleaning of the structures has been instructed to look for and report illicit discharges. A more detailed description of this activity must be included in the amended Plan.

- ☐ Description of maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants from the MS4. **Required Measurable Goals** If not already addressed, develop strategies and procedures control of floatables within the first year.

COMMENT: Copies of procedures must be submitted to the Department in the Annual Report for calendar year 2004.

- ☐ Procedures to minimize erosion of road shoulders and roadside ditches by requiring stabilization of those areas. **Required Measurable Goals** If not already addressed, develop strategies and procedures for minimizing erosion of road shoulders and ditches within the first year.

COMMENT: Copies of procedures must be submitted to the Department in the Annual Report for calendar year 2004.

- ☒ 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. This program must include identification of areas that require more frequent sweeping based on complaints received, historical records, high potential for sediment accumulation and the result of catch basin inspection and cleaning. **Required Measurable Goals** If not already addressed, develop strategies and procedures for street sweeping within the first year. Sweeping of all streets and roads within regulated area annually unless a lesser frequency can be justified based on at least 2 consecutive years of data to be fully implemented by third year. (Page 8-3, developed and implemented)
- ☒ Procedures for the proper disposal of waste removed from MS4s and waste from other municipal operations, including accumulated sediments, floatables and other debris. **Required Measurable Goals** If not already addressed, develop strategies and procedures disposal of waste within the first year.
- ☐ Procedures to identify and report 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 continuous source of sediments. **Required Measurable Goals** If not already addressed, develop strategies and procedures to identify and report known discharges causing scouring or excessive sedimentation within the first year. **Required Measurable Goals** Report annually known discharges causing scouring at outfall pipes or outfalls with excessive sedimentation as part of annual report submitted to the Department.

COMMENT: Procedures must be submitted to the Department in the Annual Report for calendar year 2004. Discharges observed as causing scouring or excessive sedimentation must be referred to the Department as part of the Annual Report.

Industrial and Non-Industrial Facilities

- ☒ List the operations, including activities and facilities that have the potential to introduce pollutants into storm water runoff and are covered by this O&M program. **Required Measurable Goals** If not already addressed, list and describe all operations within the first year

COMMENT: Please see comment at the end of this section.

Note: Includes 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.

- ☐ For each facility or activity, a brief narrative description of the facility and activities, including existing conditions and strategies and procedures to reduce or eliminate the discharge of pollutant s and reduce runoff volumes:
- ☐ Assessment of potential pollutants.
 - ☐ Structural controls.
 - ☐ Preventative maintenance.
 - ☐ Inspections of BMPs.
 - ☐ Chemical and material storage practices.
 - ☐ Spill and leak prevention and response procedures.
 - ☐ Vehicle maintenance, fueling, and washing.
 - ☐ Employee training.
 - ☐ Strategies to reduce runoff volumes such as reducing impervious surfaces and infiltration of storm water.

COMMENT: 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. Please be aware that: **for all facilities that 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.

- ☐ **Required Measurable Goals:** The plan must include an evaluation of the existing conditions and identify proposed strategies and procedures to reduce or eliminate the discharge of pollutant s and reduce runoff volumes. The Plan must contain a measurable goal of implementing all the recommended BMPs by the fourth year.

- ☐ 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.
- ☐ For all facilities with discharges of storm water associated with industrial activity, the facility should be identified in the NOI and the SWMPP must contain a site specific SWPPP. **(Refer to SWPPP checklist in Appendix A).**

COMMENT: RIDEM provided municipalities with the option of applying for permit coverage for discharges of storm water associated with industrial activities under the same general permit that would authorize discharges from the MS4. Amongst the facilities that would be RIPDES regulated industrial facilities for their storm water discharges are: wastewater treatment facility, some recycling and disposal facilities, and DPW garages that meet the description for the regulated transportation facilities (please refer to cover letter for guidance on this last category). If the operator of the MS4 determines that a facility meets the definition of a RIPDES regulated industrial facility yet there are no materials or activities exposed to storm water, the operator must complete and submit to the Department a "no exposure" certification for its conditional exclusion from the program.

If the municipality determines that the aforementioned facilities and other facilities do not meet the definition of regulated storm water associated with industrial activities the SWMPP must address these facilities under Part IV.B.6.b.4 of the general permit. **The Plan must include a measurable goal of implementing all recommended O&M and good housekeeping BMPs at non-industrial facilities by the fourth year of the program.**

Employee Training

- ☐ All government employee training programs for:
 - ☐ Park and open space maintenance.
 - ☐ Fleet and building maintenance.
 - ☐ New construction and land disturbances.
 - ☐ 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.

COMMENT: Not addressed.

New Operations

- ☐ Procedures to ensure that design and construction of new elements of the MS4 and repairs of existing elements of the MS4 undertaken by the operator are assessed for potential water quality impacts and incorporation of additional water quality protection devices or practices. **Required Measurable Goals** If not already addressed, develop strategies and procedures for assessment of flow management projects within the first year.

COMMENT: A measurable goal of developing in the first year procedures to ensure that design and construction of new elements of the MS4 and

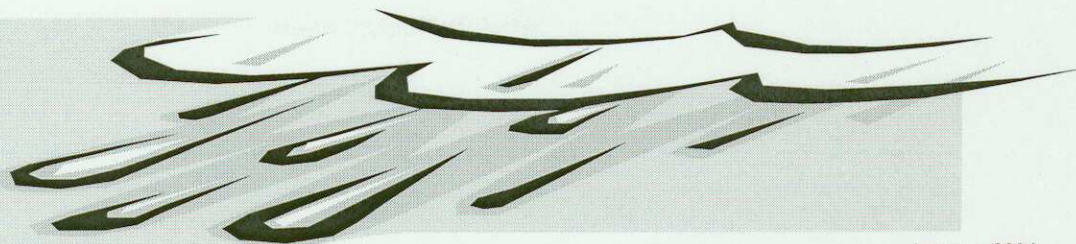
repairs of existing elements of the MS4 undertaken by the operator are assessed for potential water quality impacts and incorporation of additional water quality protection devices or practices must be included in the plan. A description of these procedures must have been submitted to the Department in March of 2005. Copies of these procedures must be submitted to the Department in the Annual Report for calendar year 2004.

- ☐ 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. **Required Measurable Goals If not already addressed, develop strategies and procedures for** implementing proper erosion and sediment and water quality controls for all construction projects **within the first year.**

COMMENT: Copies of these procedures must be submitted to the Department in the Annual Report for calendar year 2004.

X. Implementation Schedule and Annual Reporting

- ☐ Plan has a comprehensive implementation schedule consistent with RIPDES guidance (refer to Appendix B) that includes BMP identification number, BMP description, responsible party, measurable goal and implementation start and completion dates. (See RIDEM Guidance)
- ☐ Plan must identify how records will be kept and the Program will be evaluated annually.
- ☐ Plan must identify that the operator will submit an annual report by March 10th. (see Standard Annual Report Format as guidance)



January 2004



Phase II Storm Water Guidance: Municipal Public Works Facilities with Industrial Activities

The Phase II Storm Water Regulations ended the moratorium contained in the Intermodal Surface Transportation Efficiency Act that exempted municipalities with populations of equal to or less than 100,000 from the requirement to obtain a storm water permit for certain municipally owned/operated facilities. Therefore, all municipally owned industrial facilities which have discharges that meet the definition of "storm water associated with industrial activity" in accordance with RIPDES Rule 31(b)(15)(i)-(ix) and (xi) (and that were not previously regulated, e.g. landfills, power plants, etc.) are now required to seek permit coverage.

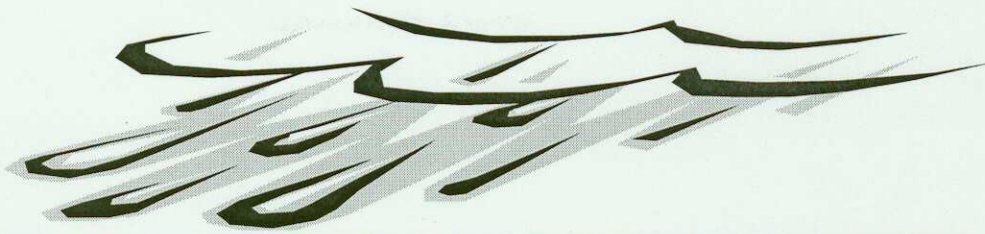
The Rhode Island Department of Environmental Management (RIDEM) issued the Rhode Island Pollutant Discharge Elimination System (RIPDES) General Permit for Storm Water Discharges from Small MS4s and from Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s. The general permit allows a regulated small MS4 to obtain permit coverage for discharges of storm water from the MS4 and from municipally-owned/operated facilities engaged in regulated industrial activities. The general permit requires the operator to develop and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP). In accordance with Part I.C.2.a. of the general permit, the SWPPP must be submitted with the Small MS4 Storm Water Management Program Plan (SWMPP) by March 18, 2004.

To determine if a facility has activities that would require a storm water permit, the operator must first identify if the facility meets one of the eleven (11) industrial categories of facilities considered to be engaged in industrial activity as defined in RIPDES Rule 31(b)(15)(i)-(ix) and (xi). Some of the industrial categories such as "Transportation Facilities" are further defined through Standard Industrial Classification (SIC) codes. The operator of the facility must evaluate all activities at the facility to determine the primary activity of the facility and the associated SIC code that best describes the primary activity. If the facility is primarily engaged in activities defined by SIC codes that are included in the industrial category, the facility is considered to be engaged in a regulated industrial activity and will require permit coverage.

Rhode Island Department of Environmental Management

Office of Water Resources - RIPDES Storm Water Program
235 Promenade Street, Providence, RI 02908-5767 TDD 401-831-5508

www.state.ri.us/dem/programs/benviron/water/permits/ripdes/stwater/index.htm



The evaluation of a facility is site-specific and must be done on a case-by-case basis. At a minimum, the operator of a municipally owned or operated public works facility should review the descriptions of SIC codes 16, 421, and 423. Comprehensive descriptions can be found at <http://www.osha.gov/cgi-bin/sic/sicser5>. Some municipal public works facilities, such as maintenance garages, are most likely primarily engaged in activities such as general trucking, debris removal, refuse collection and hauling; and facilities storing and maintaining highway-type property carrying vehicles as described under industry groups 421 and 423. This regulated industrial category is described in RIPDES Rule 31(b)(15)(viii) as: *"transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under paragraphs (b)(15)(i)-(vii) or (ix)-(xi) of this section are associated with industrial activity."*

It is important to note that vehicle maintenance is described as follows: "Vehicle and equipment fluid changes, mechanical repairs, parts cleaning, sanding, refinishing, painting, fueling, locomotive sanding (loading sand for traction), storage of vehicles and equipment waiting for repair or maintenance, and storage of related materials and waste materials such as oil, fuel, batteries, tires, or oil filters." Equipment cleaning includes "...vehicle exterior wash down, interior trailer washouts, tank wash outs, and rinsing of transfer equipment."

There may be garages that are primarily engaged in heavy construction meeting the description of establishments under major group 16. These garages may house paving, construction and excavation equipment as well as construction materials and may be dedicated to the construction of highways, streets, bridges, tunnels, elevated highways, water, sewer, pipelines, etc. Specialized activities that are covered here include grading for highways and airport runways; guardrail construction; installation of highway signs; trenching; underwater rock removal; and asphalt and concrete construction of roads, highways, streets and public sidewalks. This major industrial group is not regulated under the RIPDES Program and facilities under this group are not required to seek permit coverage for their storm water discharges. However, in most instances, public works maintenance garages are not primarily engaged in heavy construction. While the facility may service paving, construction, and excavation equipment, it is most likely that the facility is primarily engaged in servicing snow plows, street sanders, street sweepers, vac-trucks and other vehicles that are used to haul materials or equipment to maintain roads and other public facilities maintenance on a routine basis.

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