

# Annual Reporting for Small MS4s

by Carrie Buetow

The EPA Phase II regulations require that small MS4s address stormwater discharges from their separate storm sewer systems. On March 10, 2003, New York State issued their Phase II State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Runoff from Municipal Separate Stormwater Sewer Systems (MS4s), GP-02-02. Under the permit, MS4 permittees must submit annual reports to be in compliance with the permit by June 1 of each year.

The permit provides the authority to request information in the annual report. Permitted MS4s must furnish to the New York State Department of Environmental Conservation (NYSDEC) any information that is requested to determine compliance with the permit and any refusal is a violation of the terms of the permit (GP-02-02, Part VI, Section G).

## Who Needs to Report Annually?

All permitted MS4s must submit an annual report. The reporting requirements apply equally to the 447 traditional MS4s (cities, towns, villages, counties) and the 47 non-traditional MS4s (government owned transportation agencies, schools, prison/hospital complexes, etc).

## Why Report Annually?

MS4 permittees need to demonstrate that they are progressing towards having a fully developed and ready-to-implement stormwater management program by the compliance deadline of January 8, 2008. They are required to annually:

- Report on their status of compliance with conditions of the permit
- Document progress towards reducing stormwater pollutant discharges based on goals achieved in a given year
- Assess changes that need to be made to the program

The annual report also provides a record of what has been done to work towards fully developing and implementing the program by the compliance deadline. This record is important because it ensures continuity in program development and implementation. At the municipal level, staff turnover and/or development of the program by a consultant for implementation by municipal staff often results in a loss of institutional knowledge about the program. Permitted MS4s that have their annual reports and supporting documentation available can provide information to familiarize new municipal staff and officials about the program.

In the event of a public inquiry about the program, MS4 permittees will benefit from being able to provide the annual report as a documentation of the program. The risk of third party lawsuits for permit violations also exists. Permitted MS4s can protect themselves by adequately documenting their progress and work done to comply with the permit requirements.

## What Is the Reporting Format?

The DEC and partnering agencies created an annual report that the MS4 permittees complete. The annual report consists of:

- A municipal compliance certification form to certify the compliance status with the permit

- An annual report table where the MS4 permittee describes key components of their stormwater management program

The annual report was updated in 2006 to better assess compliance with the permit. The updated report asks questions specific to the program components that must be in place to have a compliant program. During public review of the draft annual report, MS4 permittees requested additional information to help them complete the annual report. An information packet was created that contains:

- Answers to commonly asked questions
- Information to help complete sections of the annual report
- An example of a completed annual report
- Responses to comments received during the public comment period for the draft annual report

The annual report and information packet are available to MS4 permittees from the DEC. They can be obtained electronically or by hard copy. The DEC is also making the annual report available through its website.

## How Is the Annual Report Completed?

Municipal staff (engineer, clerk, mayor, etc.), volunteers (planning board members, zoning board members, etc.), or private consultants (on behalf of the permitted MS4) can complete the annual report. The annual report is designed to be completed electronically. If a permitted MS4 completes the annual report electronically, it can be updated as needed in subsequent years instead of completing the entire report from scratch. The report also can be completed by hand.

Throughout the state, MS4 permittees in common geographic areas (within the same town, county, watershed) have decided to form coalitions that work together to achieve program goals. Annual reports should reflect coalition activities in which a permitted MS4 participates.

A lead agency or coalition member may prepare an annual report for use by all coalition members. However, the MS4 permittees must report on the program components they specifically perform within their jurisdiction. Typically, individual MS4 permittees prepare their own annual report and refer to the coalition report for pertinent activities or they insert their specific activities into the coalition report.

## What Information Do MS4 Permittees Include in the Annual Report?

The reporting year starts March 10 and ends the following March 9. To complete the annual report, MS4 permittees describe:

- Programs, plans, procedures and other activities that are part of the stormwater management program performed during the reporting year (these items are described in more detail in the Permit Requirements for Small MS4s article and the Stormwater Management Plans for MS4s article)
- Measurable goals and results achieved during the reporting year
- Activities planned for the following year

The annual reports should also reflect coalition activities.

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### What Happens with a Complete Annual Report?

After the MS4 permittee completes a draft annual report, the draft annual report must be:

- Made available to the public for comment
- Presented at a public meeting

If any comments are received, the MS4 permittee must summarize and prepare intended responses to those comments and make the final report available for public inspection.

### Where Do MS4 Permittees Submit Their Annual Reports?

An original and a copy of the annual report (municipal compliance certification form and annual report table) must be submitted, along with responses to comments on the annual report and any other attachments, to the DEC Central Office at 625 Broadway, 4th Floor, Albany, NY 12233-3505, by June 1 of each reporting year.

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