



**SANTA FE COUNTY
NATIONAL POLLUTION
DISCHARGE ELIMINATION SYSTEM**

Notice of Intent
MS4 Stormwater Management Plan and
Program Description

July 2009
Revised August 2010
Revised March 2011
Revised March 2013

SANTA FE COUNTY
Building and Development Services Division
P.O. Box 276
102 Grant Avenue
SANTA FE, NEW MEXICO 87504

NOTICE OF INTENT

1. Legal Name of the MS4 Operator: Santa Fe County
Mailing Address: Santa Fe County
Building and Development Services Division
P.O. Box 276
102 Grant Avenue
Santa Fe, New Mexico 87504

Contact Person: Paul Kavanaugh, Engineering Associate, Public Works Dept.

Telephone Number: 505.992.3026
2. Operator is a Federal State Tribal other public entity (check one)
3. The MS4 is located in Santa Fe County; in and the latitude and longitude of the approximate center of the small MS4 is: Lat: 35.636972°N/Long.: -105.919597°W
4. The major receiving water(s) are the Rio Grande, the Santa Fe River, the Estancia Basin, and the Pecos River. Does the MS4 discharge to any waters for which a TMDL applicable to discharges from the MS4 has been approved Yes No N/A? (See Part 1.4.8)
5. The MS4 is is not is partially located on Indian Country lands. If so, the Indian Country Lands include the following: Tesuque Pueblo, Nambe Pueblo, San Ildefonso Pueblo, and Pojoaque Pueblo. (NOTE: MS4s straddling State and Indian Country land boundaries will be issued authorization under all applicable permits and may have additional State or Tribal-specific requirements applicable to different areas of the MS4 - see Part 8.)
6. If the MS4 operator is relying on another governmental entity to satisfy one or more permit obligations (see Part 5.4), the identity of that entity(ies) and the element(s) the entity(ies) will be implementing N/A Required information attached.
7. A description of the storm water management program (SWMP), including best management practices (BMPs) that will be implemented and the measurable goals for each of the storm water minimum control measures specified in Part 5.2 of this permit, the month and year in which the MS4 operator will start and fully implement each of the minimum control measures or the frequency of the action, the name of the person(s) or position(s) responsible for implementing or coordinating the SWMP, and the supporting documentation required by Parts 1.5 and 1.6 is attached.
8. *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility a fine and imprisonment for knowing violations.*

Signed: _____ Date: _____

Printed Name: _____

Attachments

1. Description of the storm water management program (SWMP), including best management practices (BMPs) that will be implemented and the associated measurable goals.
2. Summary of issues raised in any local public comments received by the MS4 Operator on the draft NOIISWMP and MS4 operator's responses.
3. Description of how the Part 1.5 eligibility criteria for listed species and critical habitat have been met (see Part 1.5 and Appendix A).
4. Description of how the Part 1.6 eligibility criteria for historic properties have been met (see Part 1.6 and Appendix B).
5. If the MS4 discharges to a receiving water for which EPA has approved or developed a TMDL, describe how the eligibility requirements of Part 1.4.6 have been met.

MS4 Stormwater Management Plan and Program Description



Table of Contents

| | |
|--|-----------|
| SUMMARY | 1 |
| PART 1 COVERAGE UNDER THIS GENERAL PERMIT | 8 |
| 1.1 Permit Area | 8 |
| 1.2 Eligibility | 8 |
| 1.3 Non-Storm Water Discharges | 9 |
| 1.4 Limitations on Coverage | 10 |
| 1.5 Endangered Species Act (ESA) Eligibility Provisions | 11 |
| 1.6 National Historic Preservation Act (NHPA) Eligibility Provisions | 13 |
| PART 2 AUTHORIZATION UNDER THIS GENERAL PERMIT | 14 |
| 2.1 Obtaining Permit Coverage | 14 |
| 2.2 Terminating Coverage | 14 |
| PART 3 NOTICE OF INTENT REQUIREMENTS | 16 |
| 3.1 Deadlines for Notification | 16 |
| 3.2 Contents of Notice of Intent | 16 |
| 3.3 Where to Submit | 17 |
| 3.4 Co-Permittees Under a Joint SWMP | 17 |
| PART 4 SPECIAL CONDITIONS | 18 |
| 4.1 Compliance with Water Quality Standards | 18 |
| 4.2 Total Daily Maximum Loads (TMDLs) Allocations Established after Permit Issuance | 18 |
| PART 5 STORM WATER MANAGEMENT PROGRAM (SWMP) | 19 |
| 5.1 General Requirements | 19 |
| 5.2 Minimum Control Measures | 19 |
| 5.2.1 Public Education and Outreach on Storm Water Impacts | 19 |
| 5.2.2 Public Involvement/Participation | 20 |
| 5.2.3 Illicit Discharge Detection and Elimination | 21 |
| 5.2.4 Construction Site Storm Water Runoff Control | 22 |
| 5.2.5 Post-Construction Storm Water Management in New Development and Redevelopment | 24 |
| 5.2.6 Pollution Prevention/Good Housekeeping for Municipal Operations | 25 |
| 5.3 Qualifying State, Tribal or Local Program | 26 |
| 5.4 Sharing Responsibility | 26 |
| 5.5 Reviewing and Updating SWMPs | 26 |
| 5.6 Monitoring and Assessment | 28 |
| 5.7 Recordkeeping | 29 |
| 5.8 Annual Reports | 30 |
| PART 6 STANDARD PERMIT CONDITIONS | 32 |
| 6.1 Duty to Comply | 32 |
| 6.2 Duty to Reapply | 33 |
| 6.3 Continuation of the Expired General Permit | 33 |



| | | |
|---|--|-----------|
| 6.4 | Need to Halt or Reduce Activity Not a Defense..... | 34 |
| 6.5 | Duty to Mitigate..... | 34 |
| 6.6 | Duty to Provide Information..... | 34 |
| 6.7 | Other Information..... | 34 |
| 6.8 | Signatory Requirements..... | 34 |
| 6.9 | Property Rights..... | 35 |
| 6.10 | Proper Operation and Maintenance..... | 36 |
| 6.11 | Inspection and Entry..... | 36 |
| 6.12 | Permit Actions..... | 36 |
| 6.13 | Permit Transfers..... | 36 |
| 6.14 | Anticipated Noncompliance..... | 36 |
| 6.15 | State/Tribal Environmental Laws..... | 37 |
| 6.16 | Severability..... | 37 |
| 6.17 | Procedures for Modification or Revocation..... | 37 |
| 6.18 | Requiring an Individual Permit or an Alternative General Permit..... | 37 |
| PART 7 DEFINITIONS..... | | 39 |
| PART 8 PERMIT CONDITIONS APPLICABLE TO SPECIFIC AREAS OR INDIAN COUNTRY LANDS..... | | 43 |

List of Figures

NPDES MS4 Santa Fe County Map (Attached)

List of Tables

| | |
|-------------|---|
| Table 5.2.1 | Public Education and Outreach on Storm Water Impacts |
| Table 5.2.2 | Public Involvement/Participation |
| Table 5.2.3 | Illicit Discharge Detection and Elimination |
| Table 5.2.4 | Construction Site Storm Water Runoff Control |
| Table 5.2.5 | Post-Construction Storm Water Management in New Development and Redevelopment |
| Table 5.2.6 | Pollution Prevention/Good Housekeeping for Municipal Operations |

List of Appendices

| | |
|------------|--|
| Appendix A | Endangered Species Eligibility Procedures |
| Appendix B | Historic Properties Eligibility Procedures |
| Appendix C | Suggested Notice of Intent Format |
| Appendix D | Suggested Annual Report Format |
| Appendix E | Providing Comments or Requesting a Public Hearing on an MS4 Operator's NOI |



SUMMARY

In order to comply with the National Pollution Discharge Elimination System (NPDES) regulations governing small municipal separate storm sewer systems (MS4s), Santa Fe County is submitting a Stormwater “Plan” as a Notice of Intent (NOI) with the United States Environmental Protection Agency (USEPA) to obtain a required permit for the discharge of pollutants/storm-water into a section of the Santa Fe River, including its tributary arroyos. This document must be submitted to the Environmental Protection Agency (EPA). The County has five years to implement the Plan before the permit expires.

As the operator of medium and small separate storm water sewer system (MS4), Santa Fe County, must develop a plan and implement and enforce a stormwater management program to reduce the discharge of pollutants from all sources to the “maximum extent practicable” (MEP) through the use of Best Management Practices (BMPs). Santa Fe County’s system includes the Santa Fe River and tributary arroyos.



Santa Fe River Watershed

The Santa Fe River is a tributary of the Rio Grande in northern New Mexico. The watershed of the Santa Fe River is defined as Hydrologic Unit Area (HUA) #1302020103. It forms the central



one-third of the Rio Grande/Santa Fe watershed and is identified in New Mexico's unified watershed assessment as a Category 1 Watershed---one of the State's watersheds in the most urgent need of restoration.

As stated in the Santa Fe River Watershed, Restoration Action Strategy (Santa Fe Watershed Association 2002), the Santa Fe River watershed is comprised of approximately 285 square miles, with a reach length of some 46 miles. Several perennial springs exist within the Santa Fe River watershed, importantly those that support irrigation in La Cienega and baseflow in the Santa Fe Canyon above the Village of La Bajada. The Santa Fe River and its tributary Cienega Creek are the only regularly flowing streams in the Santa Fe River watershed. Through the urban reach, the Santa Fe River is typically a dry, dewatered channel except during snowmelt and monsoonal storm events. The New Mexico Environment Department (NMED) Surface Water Quality Bureau funded the Santa Fe River Watershed Restoration Action Strategy (See Exhibit A; WRAS).

Water quantity and quality are major issues in the watershed, particularly in urbanized and urbanizing areas. In the Santa Fe County Urban Area of the Santa Fe River Watershed numerous large dry arroyos typify conditions experienced in the Santa Fe River, these arroyos only flow during times of snow melt or during storm events. The larger of these tributaries in the jurisdiction of Santa Fe County include the Arroyo De Los Chamisos, and Arroyo Hondo. These arroyos are within the County's urban area as identified by the map provided by the NMED. Management of these contributing tributaries is essential for establishing a healthy watershed.

The Santa Fe River watershed includes major tributary arroyos as noted. This NPDES plan is based on a systems approach that will address the issues and problems of the Santa Fe River watershed as a whole, and the plan and implementation will examine each of the major tributaries and described herein:

Arroyo Hondo

The Arroyo Hondo is a major tributary of the Santa Fe River which develops in the western foothills of the Sangre de Cristo Mountains in elevations between 6,500 and 8,000 feet. The Arroyo Hondo is ephemeral with no perennial flows, much the same as the Santa Fe River with a drainage area of some 40 square miles. The Cienega River is a tributary to the Arroyo Hondo, and the Cienega River will be managed along with the Arroyo Hondo. The Arroyo Hondo converges with the Santa Fe River near the Traditional Historic Community of La Cienega. Per the 2008 Flood Insurance Study prepared by the Federal Emergency Management Agency the 100-year flow in the Arroyo Hondo at its confluence with the Arroyo de Los Chamisos is 6,710 cubic feet per second. The majority of future growth in Santa Fe County will occur in the Arroyo Hondo watershed, and this growth will be carefully monitored by the Growth



Management Department, both the Planning and Building and Development Services Divisions for compliance to this plan as well as for compliance to the Sustainable Land Development Code upon adoption of these documents.

Arroyo de los Chamisos

The Arroyo De Los Chamisos is a major tributary of the Santa Fe River which develops in the western foothills of the Sangre de Cristo Mountains in elevations between 6,500 and 6,000 feet. The Arroyo De Los Chamisos is ephemeral with no perennial flows, much the same as the Santa Fe River, with a drainage area of some 26 square miles. The Arroyo de Los Chamisos is a tributary to the Arroyo Hondo and converges with the Arroyo Hondo near the State Route 599 and Interstate 25. Per the 2008 Flood Insurance Study prepared by the Federal Emergency Management Agency, the 100-year flow rate in the Arroyo de los Chamisos (at its confluence with the Arroyo Hondo) is 7,080 cubic feet per second. The majority of the Arroyo De Los Chamisos watershed lies within the jurisdiction of the City of Santa Fe; point source discharges below the presumptive City limits are quantified herein and will be monitored by Santa Fe County's Building and Development Services Division as part of the Development Permit Application Process.

Watershed Analysis and Assessment

The County's general analysis and assessment of the urban area of the Santa Fe River watershed and tributary watersheds will be based on the following areas of concern and potential sources of pollution:

- Physical watershed characteristics
- Climate conditions
- Land uses
- Topography
- Population characteristics
- Historic neighborhoods and traditional communities
- Projected growth rates and trends and land uses
- Paved roads
- Existing sand & gravel operations within or along the banks of the Santa Fe River or identified tributaries on private, state and BLM lands
- Litter and illegal dumping within the Santa Fe River Watershed
- Illicit discharge including discharge of specific quantities from water line flushing, landscape irrigation, diverted stream flow, uncontaminated ground water infiltration,



uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensate, irrigation water, springs, individual residential car washing, discharges from riparian habitats and wetlands, de-chlorinated swimming

- Anticipated population growth based on growth management process

This application includes best management practices (BMPs) for each of the six following minimum control measures:

- Public Education and Outreach on Stormwater Impacts Minimum Control Measure
- Public Participation/Involvement Minimum Control Measure
- Illicit Discharge Detection and Elimination Minimum Control Measure
- Construction Site Stormwater Runoff Control Minimum Control Measure
- Post Construction Stormwater Management in New Development/Redevelopment Minimum Control Measure
- Pollution Prevention/Good Housekeeping Minimum Control Measure

The City of Santa Fe, the New Mexico National Guard, the Bureau of Land Management and the New Mexico State Land Office have properties within the County boundaries of the Urban Area Census 2000. Information collected by the Census has been augmented by recent demography being done in association with the preparation of the Growth Management Plan and Sustainable Land Development Code. These federal and state agencies are responsible for complying with NPDES requirements for their own properties. In addition, there is an existing County sewer facility within the area. Stormwater runoff associated with the facility does not make it to the Santa Fe River Watershed, however runoff or emergency overflows (should any occur) are monitored and mitigated by the Santa Fe County Utility Division.

Legal Authority

Santa Fe County is currently revising our Land Use Code, creating a Sustainable Land Use Code which will codify in the form of an ordinance County authority to control the quality of separate stormwater discharge to its stormwater sewer system. This includes runoff discharges into public rights-of-way (streets). The County's authority will address both industrial and municipal discharges. Santa Fe County has both the fiscal authority and legal resources to successfully and fully implement this Stormwater Management Plan.



Mission and Goals

The mission and goal of the Santa Fe County program and as mandated by the Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES) MS4 Stormwater Program is as follows:

- Implement a nationwide stormwater management program to control pollutant discharges from MS4s into the nation's waterways.
- Protect water quality and satisfy the mandates of the Federal Clean Water Act.

Santa Fe County currently uses and intends to maintain a watershed approach when designing and approving projects to meet these goals and at the same time to achieve the following related goals and overall objectives through our individual Stormwater Program:

- Reduce the discharge of pollutants to the County's MS4s "to the maximum extent practicable;"
- Protect surface water quality by infiltrating stormwater runoff; which has the added benefit of groundwater recharge;
- Comply with water quality requirements of the Clean Water Act as measured by the total maximum daily loads (TMDLs) in the Santa Fe River (TMDLs) including sediment and stream thalweg deposits;
- Protect, enhance and restore wildlife habitat and vegetation along the Santa Fe River and tributary arroyos, minimizing any undesirable effects;
- Minimize the threat of flooding and erosion through the 2008 adoption of a No Adverse Impact Floodplain and Stormwater Management Ordinance;
- Use off-site and on-site stormwater discharge and conveyances to create and enhance open space, trails and parks;
- Educate the public to consider stormwater as a utilizable resource; and develop and distribute educational materials to County staff, builders, contractors and land developers;
- Initiate projects with Federal Emergency Management Agency (FEMA) to clarify or correct floodplain boundaries, for sections of the Santa Fe River including requesting Letter of Map Revisions (LOMRS) & Conditional Letter of Map Revisions (CLOMRS) and conduct Flood Insurance Restudies where appropriate;
- Obtain additional open space along the Santa Fe River whenever possible in order to further protect the River habitat;
- Implementation of minimum setback from all watercourses to reduce stormwater pollution potential.



- Improve regulatory process on existing and proposed commercial and industrial development.
- Identify critical riparian areas and protect through ordinance adoption.

Specifics of the Regulations

- As the operator of a regulated MS4 the County must implement a stormwater quality management program which, at a minimum, will address the six minimum control measures as delineated in the NPDES regulations established by the EPA.
- As the operator of a regulated MS4 the County must determine which Best Management Practices (BMPs) are appropriate, goals to be attained, and how the success of the BMP will be evaluated and monitored.
- The County must submit its Plan to the EPA. The County shall have five years to implement the plan, and the County's permit shall expire in five years and will require updates as set forth by the EPA.
- The EPA shall have the authority to require the County implement additional measures if the EPA so determines such additional measures are required.

Monitoring and Compliance Area

The SWMP incorporates all areas within unincorporated Santa Fe County a total area of 1909.19 square miles, of this area some 40 square miles lies within the jurisdictional limits of the City of Santa Fe, and another 13.25 square miles will be annexed by the City by 2012 with City jurisdiction of this entire area becoming effective in August of 2009. Tribal lands encompass some 133 square miles for a total remaining area under County jurisdiction of 1722.95 square miles. This includes: The Village of Agua Fria, The Village of La Cienega, Village of Lamy, Village of Cerrillos, Village of Madrid, and the Village of Galisteo. Santa Fe County has an estimated 143,937 residents, based on census data from 2008 prepared by the U.S. Census bureau.

Santa Fe County has some 576.04 miles of County maintained roadways, with a variety of surface treatments as follows:

| | |
|--------------------------------|--------------|
| Total Subdivision Roads | 172.07 miles |
| total asphalt | 35.87 miles |
| total basecourse | 73.73 miles |
| total chipseal | 27.11 miles |
| total dirt | 29.76 miles |
| total gravel | 1.31 miles |
| total cold millings | 4.29 miles |



| | |
|-------------------------------|--------------|
| Total Other Roads | 403.97 miles |
| total asphalt | 131.45 miles |
| total basecourse | 25.51 miles |
| total chipseal | 18.05 miles |
| total gravel | 1.38 miles |
| total cold millings | 10.54 miles |
| stabilized dirt | 0.00 miles |
| total dirt | 217.04 miles |
| | |
| Total Maintained Roads | 576.04 miles |

Santa Fe County has limited storm drain outfalls discharging into intermittent water courses (“arroyos”), with potential access to the waters of the United States. All storm drain outfalls are privately owned and operated; the County has neither public storm drain system nor public storm drain facilities. Sanitary sewer operations owned and maintained by Santa Fe County (2) have current Discharge Permits for these facilities are maintained by the Utility Division. (Exhibit L) As public systems are constructed through implementation of the County’s Capital Improvement Program these systems will be required to be designed, constructed and maintained in a manner consistent with NPDES criterion by the Public Works Department. The Sustainable Growth Management Plan, adopted by Resolutions 2010-210 and 2010-225 provides a plan of approach for the development of public stormwater conveyance systems to augment sustainability and reduce stormwater pollution. (Exhibit I, Section 11.4)

Reporting Requirements

Santa Fe County, Building and Development Services Division, will submit the required report annually during the first five year term of the MS4 permit cycle. The report will include the status of compliance with the permit conditions and assessment of the suitability of the BMP’s selected and progress towards achieving the measurable goals for each of the six minimum control measures. A summary of the activities undertaken during the reporting cycle and any changes to this plan or its measurable goals and all relevant data obtained during the reporting period will be contained in this report.



PART 1 COVERAGE UNDER THIS GENERAL PERMIT

1.1 Permit Area

The permit language is structured as if it were a single permit, with State, Indian Country Land or other area-specific conditions contained in Part 8. Permit coverage is actually provided by legally separate and distinctly numbered permits, all of which are contained herein, and which each cover one of the areas listed below. Note: EPA can only provide permit coverage for areas and classes of discharges not within the scope of a State's NPDES authorization. For discharges not described in an area of coverage below, please contact the appropriate State NPDES permitting authority to obtain a permit.

| Permit Number | Areas of Coverage |
|---------------|---|
| OKR04000I | Indian Country Lands within the State of Oklahoma |
| NMR04000I | Indian Country lands within the State of New Mexico, except Navajo Reservation lands and Ute Mountain Reservation lands ¹ and also the Pueblo of Sandia ² . |
| NMR040000 | The State of New Mexico, except Indian Country Lands |

1.2 Eligibility

1.2.1 *Primary Coverage:* This permit authorizes the discharge of storm water from small municipal separate storm sewer systems (MS4s) provided the MS4:

1.2.1.1 Is located fully or partially within an urbanized area as determined by the 2000 Decennial Census. Maps of Census 2000 urbanized areas are available at:

<http://cfpubl.epa.gov/npdes/stormwater/urbanmaps.cfm>, or

1.2.1.2 Is designated as a regulated small MS4 pursuant to 40 CFR 122.32.

1.2.2 *Secondary Coverage:* This permit may also authorize an operator of a MS4 covered by this permit for discharges from areas of a regulated small MS4 located outside an Urbanized Areas or areas designated by the Director provided the permittee complies with all permit conditions in all areas covered under the permit. The permittee must include the boundary of areas covered by the permit in the MS4 map required under Part 5.2.3.2.

1.2.3 *Providing for Public Participation and Access to Documents:* To be eligible for this permit, the operator of the MS4 must:

1.2.3.1 At least sixty (60) days prior to submission of the NOI, provide local public notice of and make available for public review a copy of the complete NOI and attachments (see Part 3.2).

¹ Navajo Reservation lands are administered by EPA Region 9 and Ute Mountain Reservation lands by EPA Region 8.

² The Pueblo of Sandia denied CWA §40 I certification of the general permit. Operators of MS4s discharging within the Pueblo of Sandia must file an individual permit application.



Local public notice may be made by newspaper notice, notice at a council meeting, posting on the internet, or other method consistent with state/tribal/local public notice requirements.

1.2.3.2 Following permit coverage, make copies of the SWMP, and Annual Reports available during normal business hours at the MS4 operator's main office, a local library, posting on the internet and/or other readily accessible location for public inspection and copying consistent with any applicable federal, state, tribal, or local open records requirements. The MS4 operator is also encouraged to make the documents available on the Internet. Upon a showing of significant public interest, the MS4 operator is encouraged to hold a public meeting (or include in the agenda of in a regularly scheduled city council meeting, etc.) on the NOI and Annual Reports. (See Part 5.8.1)

1.2.4 *Responses to Public Comment on the NOI:* To be eligible for this permit, the operator of the MS4 must:

1.2.4.1 Provide the MS4's responses to any unresolved public comments on the NOI received either by the MS4 during local participation and involvement efforts, or by EPA during EPA's public participation process (see Appendix E), to EPA within thirty (30) days of the Director's request. Responses provided by the MS4 will be considered as part of EPA's decision-making process.

1.2.4.2 Modify, or include a schedule to modify, the SWMP as necessary after consideration of the public comments on the NOI or as required by the Director in response to such comments.

1.3 Non-Storm Water Discharges

1.3.1 The permittee must prohibit all types of non-storm water discharges into its MS4 unless the discharges are authorized by a separate NPDES permit, are not required to have a NPDES permit, or are addressed under Part 1.3.2.

1.3.2 The following categories of non-storm water discharges need not be prohibited if the permittee determines that they are not significant contributors of pollutants to the MS4, either because of the nature of the discharge or requirements placed on the discharger as a condition for discharging into the MS4. The permittee's list of "allowable" non-storm water discharges and documentation on their selection must be included in the SWMP, If any of the following categories of discharges are identified as a significant contributor by either the permittee or the Director, the permittee must address the category as an illicit discharge as specified in Part 5.2.3 of this permit:

- Water line flushing,
- Landscape irrigation,
- Diverted stream flows,
- Rising ground waters,
- Uncontaminated ground water infiltration,



-
- Uncontaminated pumped groundwater,
 - Discharges from potable water sources,
 - Foundation drains,
 - Air conditioning condensate,
 - Irrigation water,
 - Springs,
 - Water from crawl space pumps,
 - Footing drains,
 - Lawn watering,
 - Individual residential car washing,
 - Discharges from riparian habitats and wetlands,
 - Dechlorinated swimming pool discharges,
 - Street wash water,
 - Discharges or flows from emergency fire fighting activities (does not include discharges from fire fighting training activities), and
 - Other similar occasional incidental non-storm water discharges (e.g. noncommercial or charity car washes, etc.).

1.4 Limitations on Coverage

This permit does not authorize:

1.4.1 *Non-Storm Water*: Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:

1.4.1.1 In compliance with a separate NPDES permit; or

1.4.1.2 Exempt from permitting under the NPDES program; or

1.4.1.3 Determined not to be a substantial contributor of pollutants to waters of the United States. See Part 1.3.2.

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

1.4.3 *Construction Storm Water*: Storm water discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15).



1.4.4 Currently Permitted Discharges: Storm water discharges currently covered under another NPDES permit.

1.4.5 Discharges Compromising Water Quality: Discharges that EPA, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary in accordance with Part 6.18. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures in your SWMP designed to bring your discharge into compliance with water quality standards.

1.4.6 Discharges Inconsistent with a TMDL: You are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is an applicable total maximum daily load (TMDL) established or approved by EPA unless you incorporate into your SWMP measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, you must incorporate documentation into your SWMP supporting a determination of permit eligibility with regard to waters that have an EPA-established or approved TMDL. If a specific waste load allocation has been established that would apply to your discharge, you must incorporate that allocation into your SWMP and implement necessary steps to meet that allocation.

In a situation where an EPA-approved or established TMDL has specified a general wasteload allocation applicable to municipal storm water discharges, but no specific requirements for such discharges have been identified in the TMDL, you must consult with the State or Federal TMDL authority to confirm that adherence to a SWMP, that meets the requirements of this general permit, will be consistent with the approved TMDL. Where an EPA-approved or established TMDL has not specified a wasteload allocation applicable to municipal storm water discharges, but has not specifically excluded these discharges, adherence to a SWMP that meets the requirements of this general permit will generally be assumed to be consistent with the approved TMDL. If the EPA-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under this general permit.

1.5 Endangered Species Act (ESA) Eligibility Provisions

1.5.1 Coverage under this permit is available only if the MS4 operator's storm water discharges, allowable non-storm water discharges, and discharge-related activities:

- will not jeopardize the continued existence of any species that are listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat")
- will not cause a prohibited "take" of endangered or threatened species (as defined under Section 3 of the Endangered Species Act and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the Endangered Species Act.



By submitting a signed NOI, the operator certifies that it has met all eligibility criteria in this section.

1.5.2 “Discharge-related activities” include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges, including the siting, construction, and operation of best management practices (BMPs) to control, reduce, or prevent storm water pollution.

1.5.3 Eligibility Criteria: Appendix A of this permit establishes a process that must be used to determine permit eligibility related to this provision.

- The applicant must evaluate and document eligibility before the NOI is submitted to EPA and maintain eligibility for the entire term of coverage under the permit.
- The information used to make the eligibility determination must be documented in the SWMP.
- EPA may notify an MS4 operator, either in advance or during the NOI review waiting period (Part 2.1.3), that they must pursue eligibility under a particular criteria, for specific reasons that will be explained in the notification.
- Operators who conduct informal consultation to meet the eligibility requirements of Part 1.5 are automatically designated as non-Federal representatives under this permit. See 50 CFR §402.08. Operators who choose to conduct informal consultation as a non-Federal representative must notify EPA and the appropriate service office in writing of that decision.

1.5.3.1 Criterion A: No endangered or threatened species or critical habitat occur in proximity to the MS4 or the points where authorized discharges reach waters of the United States; or

1.5.3.2 Criterion B: A formal or informal consultation with the Fish and Wildlife Service (FWS) under Section 7 of the ESA has been concluded and that consultation:

- Addressed the effects of the storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat; and
- The consultation resulted in either a no jeopardy opinion or a written concurrence by the FWS on a finding that the storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to adversely affect listed species or critical habitat; and
- The MS4 operator agrees to comply with any measures or controls upon which FWS concurrence was based and incorporates those measures or controls into the SWMP.



1.5.3.3 Criterion C: The activities of the MS4 are authorized under Section 10 of the ESA and that authorization addresses the effects of the storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat; or

1.5.3.4 Criterion D: The storm water discharges, allowable non-storm water discharges, and discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.5 .3 .1 through 1.5.3 .3 which includes the MS4 activities. By certifying eligibility under this Part, the MS4 operator agrees to comply with any measures or controls upon which the other operator's certification was based.

1.6 National Historic Preservation Act (NHPA) Eligibility Provisions

1.6.1 Determining eligibility: In order to be eligible for coverage under this permit, the applicant must be in compliance with the National Historic Preservation Act. Discharges may be authorized under this permit only if:

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

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

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



PART 2 AUTHORIZATION UNDER THIS GENERAL PERMIT

2.1 Obtaining Permit Coverage

2.1.1 An MS4 operator seeking authorization to discharge under this general permit must submit a complete notice of intent (NOI), in accordance with the deadlines in Part 3.1 of this permit. The NOI must include the information and attachments required by Parts 3.2 and 1.4.5 of this permit. By submitting a signed NOI, the applicant certifies that all eligibility criteria for permit coverage have been met.

If EPA notifies a discharger (either directly, by public notice, or by making information available on the Internet) of other NOI options that become available at a later date, such as electronic submission of forms or information, the MS4 operator may take advantage of those options to satisfy the NOI submittal requirements.

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

2.1.3 An MS4 operator who submits a complete NOI and meets the eligibility requirements in Part 1 of this permit is authorized to discharge storm water from the MS4 under the terms and conditions of this general permit only upon written notification by the Director. After review of the NOI and any public comments on the NOI, EPA may condition permit coverage on correcting any deficiencies or on including a schedule to respond to any public comments. (See also Parts 1.2.4.2 and 5.5.3.)

2.1.4 If EPA notifies the MS4 operator of deficiencies or inadequacies in any portion of the NOI (including the SWMP), the MS4 operator must correct the deficient or inadequate portions and submit a written statement to EPA certifying that appropriate changes have been made. The certification must be submitted within the time-frame specified by EPA and must specify how the NOI has been amended to address the identified concerns.

2.2 Terminating Coverage

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

2.2.2 A permittee must submit an NOT to EPA within 30 days after the permittee:

2.2.2.1 Ceases discharging storm water from the MS4,

2.2.2.2 Ceases operations at the MS4, or

2.2.2.3 Transfers ownership of or responsibility for the facility to another operator.

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

2.2.3.1 Name, mailing address, and location of the MS4 for which the notification is submitted;



2.2.3.2 The name, address and telephone number of the operator addressed by the NOT;

2.2.3.3 The NPDES permit number for the MS4;

2.2.3.4 An indication of whether another operator has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the storm water discharges have been eliminated; and

2.2.3.5 The following certification:

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

2.2.3.6 NOTs, signed in accordance with Part 6.8 of this permit, must be sent to the address in Part 3.3.



PART 3 NOTICE OF INTENT REQUIREMENTS

3.1 Deadlines for Notification

3.1.1 *MS4s in Urbanized Areas.* MS4s automatically designated under 40 CFR 122.32(a)(1) are required to submit an NOI by October 1, 2007.³

3.1.2 *Designated MS4s.* MS4s designated under 40 CFR 122.26(a)(9)(i)(C) or (D), are required to submit an NOI within 180 days of notice of designation, unless the notice of designation grants a later date.

3.1.3 *New Operators.* For new operators of all or a part of a permitted MS4 who will take over implementation of the existing SWMP covering those areas, the NOI must be submitted 30 days prior to taking over operational control of the MS4. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI, but must comply with Part 5.5.5.

3.1.4 *Submitting a Late NOI.* MS4 operators are not prohibited from submitting an NOI after the dates provided in Parts 3.1.1, 3.1.2, or 3.1.1. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is effective. The permitting authority reserves the right to take appropriate enforcement actions for any unpermitted discharges.

3.2 Contents of Notice of Intent

An MS4 operator eligible for coverage under this general permit must submit an NOI to discharge under this general permit. The NOI will consist of a letter to EPA containing the following information (see Appendix C for suggested format):

The NOI must be signed in accordance with Part 6.8 of this permit and must include the following information:

3.2.1 The legal name of the MS4 operator and the name of the urbanized area and core municipality (or Indian reservation/pueblo) in which the operator's MS4 is located;

3.2.2 The full facility mailing address and telephone number;

3.2.3 The name and phone number of the person or persons responsible for overall coordination of the SWMP;

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

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

³ MS4s not able to meet the NOI deadline due to delays in determining eligibility should notify EPA of the circumstance and progress to date at the address in Part 3.3 and then proceed with a late NOI under Part 3.1.4.



3.2.6 The latitude and longitude of the approximate center of the MS4;

3.2.7 The name(s) of the waters of the United States that receive discharges from the system;

3.2.8 If the applicant is relying on another entity to satisfy one or more permit obligations (see Part 5.4), the identity of that entity(ies) and the element(s) the entity(ies) will be implementing;

3.2.9 Information on each of the storm water minimum control measures in Part 5.2 of this permit and how the SWMP will reduce pollutants in discharges to the Maximum Extent Practicable. For each minimum control measure, include the following:

- ✓ Description of the best management practices (BMPs) that will be implemented;
- ✓ Measurable goals for each BMP; and
- ✓ Time frames (i.e., month and year) for implementing each BMP;

3.2.10 Based on the requirements of Part 1.5, describe how the eligibility criteria for listed species and critical habitat have been met;

3.2.11 Based on the requirements of Part 1.6, describe how the eligibility criteria for historic properties have been met;

3.2.13 Indicate whether or not the MS4 discharges to a receiving water for which EPA has approved or developed a TMDL. If so, describe how the eligibility requirements of Part 1.4.6 have been met.

3.2.13 Signature and certification by an appropriate official (see Part 6.8). The NOI must include the certification statement from Part 6.8.4.

3.3 Where to Submit

The MS4 operator must submit the signed NOI to EPA at the address below. See Part 8 to determine if a copy must be provided to State or Tribal agencies.

U.S. EPA Region 6
Water Quality Protection Division (6WQ-NP)
Attn: Diane Smith
1445 Ross Ave., Suite 1200
Dallas, TX 75202

3.4 Co-Permittees Under a Joint SWMP

Any small MS4 that meets the requirements of Part 1 of this general permit may choose to partner with another regulated MS4 to develop and implement a SWMP. The partnering MS4s must submit separate NO Is, but need only prepare one joint SWMP. If responsibilities are being shared as provided in Part 5.4 of this permit, the SWMP must describe which permittees are responsible for implementing each of the minimum measures. All small MS4 permittees are subject to the provisions in Part 5.5.



PART 4 SPECIAL CONDITIONS

4.1 Compliance with Water Quality Standards

Where a discharge is already authorized under this general permit and is later determined to cause or contribute to the in-stream exceedance of an applicable water quality standard, EPA will notify the permittee. The permittee must take all necessary actions to ensure that future discharges do not cause or contribute to in-stream exceedance of a surface water quality standard and must document these actions in the SWMP. Monitoring for the pollutant of concern to verify success of the corrective actions may be required under Part 5.6.1.3. If an exceedance remains or recurs, the coverage under this general permit may be terminated by EPA, and EPA may require an application for coverage under an alternative general permit or for an individual permit. Compliance with this requirement does not preclude any enforcement activity for any underlying violations of permit conditions.

4.2 Total Daily Maximum Loads (TMDLs) Allocations Established after Permit Issuance

If a TMDL is established for any waterbody into which the permittee discharges prior to the date that the MS4 operator submits an NOI, and if that TMDL includes a waste load allocation or load allocation for a parameter likely to be discharged by the MS4, the operator must meet the requirements of the TMDL and/or its associated implementation plan within any timeframes established in the TMDL. If a TMDL is approved for any waterbody into which the permittee discharges after the date that the permittee submits an NOI, EPA may require revisions to the SWMP to ensure that the wasteload allocation, load allocation and/or the TMDL's associated implementation plan will be met within any timeframes established in the TMDL. Monitoring of the discharges may also be required, as appropriate, to ensure compliance with the TMDL.



PART 5 STORM WATER MANAGEMENT PROGRAM (SWMP)

5.1 General Requirements

The permittee must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from a small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy applicable surface water quality standards. The SWMP must include management practices; control techniques; system, design, and engineering methods; and other provisions EPA determines appropriate for the control of pollutants. Information on Minimum Measures, Measurable Goals, and Best Management Practices (BMPs) are available via <http://www.epa.gov/earthlr6/6wg/npdes/sw/ms4/>.

A permittee must fully develop and implement the SWMP, including its measurable goals, no later than five years from the effective date of this permit (except as provided under Part 5.1.2.2 of this permit).

5.2 Minimum Control Measures

5.2.1 Public Education and Outreach on Storm Water Impacts

The permittee must:

Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impact of storm water discharges on waterbodies and the steps that the public can take to reduce pollutants in storm water runoff. For the purposes of this permit:

Traditional municipal entities such as cities, counties and tribes, etc. must address the general public being served by the MS4.

Non-traditional municipalities such as universities, hospital complexes, prisons, special districts, etc. and federal facilities must address the community served by the MS4. For example, at a university it would be the faculty, other staff, students, and visitors, while at a military base, it would include military personnel (and dependents), contractors, employees, tenants, visitors, etc.

Departments of transportation must address the community working on or served by the transportation network within the MS4 including employees, contractors, and the general public.

Include the following information in the SWMP:

A description of the education program and outreach activities.

A description of the methods for disseminating information.

The target audiences and target pollutants and sources that the MS4 operator will address in the program, and how they were selected.

An estimation of the number of people with whom the MS4 operator intends to communicate.



A list of measurable goals for the public education and outreach program.

Dates by which the permittee will achieve specific measurable goals.

The name of the person(s) or position responsible for implementing and coordinating the education activities.

See Table 5.2.1.

5.2.2 Public Involvement/Participation

The permittee must:

Develop and implement a plan to encourage public involvement and participation in the development and implementation of the SWMP.

Develop and implement a process by which public comments to the plan are received and reviewed by the person(s) responsible for the SWMP.

Make the SWMP and NOI available to the public and to the operator of any MS4 or Tribal authority receiving discharges from the small MS4.

Include the following information in the SWMP:

A description of the general plan for informing the public of involvement and participation opportunities.

The types of activities for public involvement that the program will include and the target audiences.

A description of the procedure for receiving and reviewing public comments.

An explanation of how interested parties may access the NOI and the SWMP.

A list of measurable goals for the public involvement/participation program.

Dates by which the permittee will achieve specific measurable goals.

The name of the person(s) or position(s) responsible for implementing and coordinating the public involvement/participation activities.

How the public was involved in the development of the SWMP submitted with the NOI.

The permittee must comply with State, Tribal and local public notice requirements when implementing the public involvement/participation program.

See Table 5.2.2.



5.2.3 Illicit Discharge Detection and Elimination

The permittee must:

Develop, implement, and enforce a program to detect and eliminate illicit discharges into the small MS4.

Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls (interim map may be submitted with NOI, with completion of map included as a SWMP schedule item).

To the extent allowable under State, Tribal or local law, effectively prohibit through ordinance or other regulatory mechanism, non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions (including enforcement escalation procedures for recalcitrant or repeat offenders).

Develop and implement a plan to detect, identify the source of, and address non-storm water discharges, including illegal dumping, to the system.

Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if the small MS4 identifies them as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, spills, street wash water, and discharges from emergency fire fighting activities (however, emergency fire fighting does not include discharges from fire fighting training exercises or facilities, discharges from activities intended to prevent fires or from the testing of firefighting equipment).

The permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). The permittee must document in the SWMP any local controls or conditions placed on the discharges, and include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to the MS4.



Conduct dry weather field screening for non-storm water flows. The screening must include field tests of selected chemical parameters as indicators of discharge sources. Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR 136, provided the manufacturers published detection ranges are adequate for the illicit discharge detection purposes. The permittee must investigate the illicit discharge within 15 days of its detection, and must follow up investigation with an action to further study the source of the discharge and ultimately eliminate the discharge.

Address on-site sewage disposal systems that flow into the storm drainage system.

Include the following information in the SWMP:

A description of detection methods.

A description or citation of the established ordinance or other regulatory mechanism used to prohibit illicit discharges. If the permittee needs to develop this mechanism, describe the plan and a schedule to do so.

A description of enforcement policy and jurisdiction. The program must include procedures for coordination with adjacent municipalities and/or state, tribal, or federal regulatory agencies to address situations where investigations indicate the illicit discharge originates outside the MS4s jurisdiction. Where the permittee lacks legal authority for direct enforcement action, the program must include notification procedures and if an illicit discharger fails to comply with procedures or policies established by the permittee, the permittee may rely on EPA and the state environmental agency for assistance in enforcement of this provision of the permit.

A list of the non-storm water discharges allowed in the small MS4 because they are identified as non-significant contributors of pollutants to the small MS4. This list must also identify any additional categories of discharges (besides those named in the first paragraph of Part 5.2.3.6) that the MS4 intends to address as non-illicit discharges.

The methods for informing/training employees about illicit discharges.

The methods for informing the public of hazards associated with illegal discharges and improper disposal of waste.

A list of measurable goals for the illicit detection and elimination program.

Dates by which the permittee will achieve specific measurable goals.

The name of the person(s) or position(s) responsible for implementing and coordinating illicit discharge detection and elimination activities.

See Table 5.2.3.

5.2.4 Construction Site Storm Water Runoff Control

The permittee must:



Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from small construction activities waived by the Director under 40 CFR 122.26(b)(15)(i)(A) or (B).

Using an ordinance or other regulatory mechanism available under the legal authorities of the small MS4, require construction site operators to practice erosion and sediment control and require construction site operators to control waste and properly dispose of wastes, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

Review all site plans for potential water quality impacts, including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the law, ordinance, or other enforceable mechanism of Part 5.2.4.2. Before ground is broken at the construction site, the small MS4 operator must review the plans and verify that the BMPs proposed for the site are would generally be expected to be appropriate for site conditions if properly installed and maintained. The MS4 Operator is not required to guarantee that BMPs selected by the construction site operator will prove effective in practice. Responsibility for replacing BMPs that prove ineffective in practice remains with the construction site operator.

Develop and implement procedures for site inspection and enforcement of control measures (including enforcement escalation procedures for recalcitrant or repeat offenders). Where the permittee lacks legal authority for direct enforcement action, the program must include notification procedures and if a construction site operator fails to comply with procedures or policies established by the permittee, the permittee may rely on EPA and the state environmental agency for assistance in enforcement of this provision of the permit.

Include the following information in the SWMP:

A description or citation of the established ordinance or other regulatory mechanism used to prohibit erosion and waste on construction sites. If the permittee needs to develop the required regulatory mechanism, describe the plan and a schedule to do so.

A description of the sanctions and enforcement mechanism(s) to ensure compliance (including enforcement escalation procedures for recalcitrant or repeat offenders).

A description of the procedures for site inspection and enforcement of control measures (including enforcement escalation procedures for recalcitrant or repeat offenders), and procedures for site plan reviews.



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

A list of measurable goals for the construction site runoff control program.

Dates by which the permittee will achieve specific measurable goals.

The name of the person(s) or position(s) responsible for overseeing construction site runoff control activities.

See Table 5.2.4.

5.2.5 Post-Construction Storm Water Management in New Development and Redevelopment

The permittee 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 acre, including projects less than one acre that are part of a larger common plan of development or sale, and discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.

Develop and implement strategies that include a combination of structural and/or non-structural BMPs appropriate for the community.

Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under the legal authorities of the small MS4.

Ensure adequate long-term operation and maintenance of BMPs.

Include the following information in the SWMP:

A description of the management practices to reduce post-construction runoff from new development and redevelopment projects within the MS4; address any specific priority areas and tailor to the local community.

A description or citation of the established ordinance or other regulatory mechanism used to address post-construction runoff control. If the permittee needs to develop the required regulatory mechanism, describe the plan and a schedule to do so.

A description of the procedure to ensure compliance with local requirements.

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

An identification of the measurable goals for the post-construction runoff control program.



Dates by which the permittee will achieve specific measurable goals.

The name of the person(s) or position(s) responsible for the development, implementation, and enforcement of post-construction storm water management.

See Table 5.2.5.

5.2.6 Pollution Prevention/Good Housekeeping for Municipal Operations

The permittee must:

Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations due to activities, including but not limited to, park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. The permittee must address the following topics in the program:

Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the small MS4.

Controls to reduce or eliminate the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt and sand storage locations and snow disposal areas.

Procedures to properly dispose of waste removed from the small MS4 and municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.

Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

Include the following information in the SWMP:

A list of the municipal operations impacted by this operation and maintenance program.

A list of industrial facilities (other than large construction activities defined as industrial activity) owned or operated by the permittee that ultimately discharge to the small MS4 and are subject to:

- The Multi-Sector General Permit (MSGP).
- Individual NPDES permit for discharges of storm water associated with industrial activity.

A map showing the industrial facilities owned and operated by the MS4.

The EPA permit authorization number or a MSGP NOI form for each facility.



A description of the training program for municipal employees.

A list of measurable goals for the municipal pollution prevention program.

Dates by which the permittee will achieve specific measurable goals.

The name of the person(s) or position(s) responsible for implementing and coordinating employee training and pollution prevention activities.

Facilities with Discharges of Storm Water Associated with Industrial Activity: Those areas of a permittee's facilities covered under a separate permit for storm water discharges associated with industrial activity (e.g., the Multi-Sector General Permit) are not subject to the requirements of Part 5.2.6. Any areas at a permittee's facilities that are not covered by a separate permit must be addressed under Part 5.2.6. The permittee must document in the SWMP which of its facilities are covered under a separate permit for storm water discharges.

See Table 5.2.6.

5.3 Qualifying State, Tribal or Local Program

The permittee may substitute the BMPs and measurable goals of an existing storm water pollution control program to qualify for compliance with one or more of the minimum control measures if the existing measure meets the requirements of the minimum control measure as established in Part 5.2.

5.4 Sharing Responsibility

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

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

The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement;

The other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is expected. The permittee must maintain this obligation as part of the SWMP description. If the other entity agrees to report on the minimum measure, the permittee must supply the other entity with the reporting requirements in Part 5.8 of this general permit. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure component.

The County works in conjunction with the City of Santa Fe.

5.5 Reviewing and Updating SWMPs

The permittee must annually review the SWMP in conjunction with preparation of the annual report required under Part 5.8.



The permittee may change the SWMP during the life of the permit according to the following procedures:

Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to EPA;

Changes replacing an ineffective or infeasible management practice specifically identified in the SWMP with an alternate management practice may be requested at any time. Unless denied by EPA, changes proposed according to the criteria below are deemed approved and may be implemented 60 days after submitting the request. If the request is denied, EPA will send a written response giving a reason for the decision. Requests for changes must include:

An analysis of why the management practice is ineffective or infeasible (including cost prohibitive), Expectations on the effectiveness of the replacement management practice, and

An analysis of why the replacement management practice is expected to achieve the goals of the management practice to be replaced;

Change requests or notifications must be made in writing and signed in accordance with Part 6.8;

EPA may notify a permittee that changes to the SWMP are necessary:

To address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

To include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements;

To include other conditions deemed necessary by EPA to comply with the surface water quality standards, ESA related requirements, and/or other goals and requirements of the CWA, or

If, at any time, EPA determines that the SWMP does not meet permit requirements.

Within 30 days of receipt of notification as described in Part 5.5.3 above, the permittee must make the required changes to the SWMP and submit to EPA a written statement certifying that the requested changes have been made. EPA will request changes in writing, and offer an opportunity to propose alternative program changes to meet the objective of **the request**.

Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation. The permittee must implement the SWMP on all new areas added to the permittee's portion of the MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing the SWMP on all affected



areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.

Only those portions of the SWMP specifically required as permit conditions will be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP will be considered minor changes to the SWMP and not modifications to the permit.

5.6 Monitoring and Assessment

The permittee must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals.

Monitoring/Assessment Plan: A proposed monitoring/assessment plan must be submitted to the Director as part of the first annual report. A copy of the proposed monitoring /assessment plan must be provided to the State and/or Tribe with jurisdiction over waters receiving discharges from the MS4.

Discharges to Impaired Waters Monitoring: For discharges to waters on the State's CWA 303(d) list of impaired waters or for which a TMDL has been developed or approved by EPA, the Monitoring/ Assessment Plan required by part 5.6.1.2 must include collection of information on the levels of the pollutant of concern (the pollutant/parameter for which the water body is impaired for which the TMDL was developed) in the discharge. Depending on the parameter of concern, collection of data on a surrogate parameter may be appropriate. Information on impaired waters is available online at: <http://cfuub.epa.gov/surf/locate> and from the State/Tribal water quality agency. The monitoring year is from January 1 to December 31.

- TMDL Waters With Specific MS4 Allocations- The Monitoring/Assessment Plan must include collection of analytical data for the pollutant of concern on those discharges from the MS4 for which the TMDL establishes a waste load allocation.
- Impaired Waters Prior to TMDL Development and TMDL Waters Without Specific MS4 Allocations- The Monitoring/Assessment Plan must include collection of analytical data for the pollutant of concern on discharges from the MS4 to impaired waters (i.e., into or within one (1) linear mile upstream of an impaired water). Collection of analytical data may include representative sampling either individually or as part of a group monitoring effort. Use of existing data on MS4 discharges may be a component of the proposed Monitoring/ Assessment Plan.
- TMDLs with Specific Monitoring/ Assessment Requirements or Recommendations - Any monitoring/assessment plan must be consistent with applicable requirements in an applicable TMDL or TMDL implementation plan. Monitoring or assessment recommendations in a TMDL may be used in the proposed monitoring/assessment plan,



even if the recommendations would replace analytical monitoring with alternate assessment methods.

5.6.1.3 *Additional Monitoring Required by EPA:* EPA may provide written notice to the discharger requiring additional discharge monitoring. Any such notice will briefly state the reasons for the monitoring, locations and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

5.6.2 If the permittee conducts analytical monitoring of discharges from the permitted small MS4, the permittee must comply with the following:

5.6.2.1 *Representative monitoring.* Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

5.6.2.2 *Test Procedures.* Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136.

5.6.2.3 *Discharge Monitoring Report.* Monitoring results must be reported on a Discharge Monitoring Report (DMR) with the results on one storm event per DMR. DMRs must be submitted along with the Annual Report required by Part 5.8.

5.6.3 Records of monitoring information must include:

5.6.3.1 The date, exact place, and time of sampling or measurements;

5.6.3.2 The names(s) of the individual(s) who performed the sampling or measurements;

5.6.3.3 The date(s) analyses were performed;

5.6.3.4 The names of the individuals who performed the analyses;

5.6.3.5 The analytical techniques or methods used; and

5.6.3.6 The results of such analyses.

5.7 Recordkeeping

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

5.7.2 The permittee must submit its records to the permitting authority only when specifically asked to do so. The permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. The



permittee must make its records, including the NOI and the description of the SWMP, available to the public if requested to do so in writing.

5.7.3 The permittee must maintain, for the term of the permit, copies of all information and determinations used to document permit eligibility under Parts 1.4.6, 1.5, and 1.6.

5.8 Annual Reports

5.8.1 The permittee must submit annual reports to EPA for each year of the permit term covering the activities of the permittee from July 1st to June 30th.⁴ A suggested format for the report is contained in Appendix D. The first report is due by October 1, 2008, with subsequent reports covering the same periods due annually thereafter (and continuing into any administrative continuance of the permit, should it not be reissued prior to expiration). At least thirty (30) days prior to submission of each Annual Report, the permittee must provide public notice of and make available for public review and comment a draft copy of the Annual Report. All public input must be considered in preparation of the final Annual Reports and any changes to the SWMP. The report must include:

5.8.1.1 The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the Maximum Extent Practicable (MEP), and the measurable goals for each of the minimum control measures;

5.8.1.2 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

5.8.1.3 A summary of the storm water activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule);

5.8.1.4 Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

5.8.1.5 Description and schedule for implementation of additional BMPs that may be necessary, based on new information or monitoring results, to ensure compliance with applicable TMDLs; and

5.8.1.6 Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable).

5.8.1.7 A brief summary of any issues raised by the public on the draft Annual Report and any proposed changes to the SWMP, along with permittee's responses to the public comments.

⁴ The Annual Report may be based on the permittee's actual fiscal year rather than the default July 1 - June 30 period, provided the permittee notifies EPA by the first October 1st following permit authorization that this option will be used and confirms the dates of the permittee's fiscal year. Annual Reports based on fiscal years must be submitted within ninety (90) days following the end of the fiscal year.



5.8.2 Where to Submit. Annual reports and Discharge Monitoring Reports (DMR) must be submitted to EPA at the following address:

**U.S. EPA, Region 6
Compliance Assurance and Enforcement Division
Water Enforcement Branch (6EN-WC)
1445 Ross Avenue
Dallas, Texas 75202-2733**



PART 6 STANDARD PERMIT CONDITIONS

6.1 Duty to Comply

Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

6.1.1 Criminal Violations.

Negligent Violations. The CWA provides that any person who negligently violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. In the case of a second, or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

Knowing Violations. The CWA provides that any person who knowingly violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second, or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or by imprisonment of not more than 6 years, or both.

Knowing Endangerment. The CWA provides that any person who knowingly violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction be subject to a fine not more than \$250,000 or by imprisonment for not more than 15 years, or both. In the case of a second, or subsequent conviction for a knowing endangerment violation, a person shall be subject to criminal penalties of not more than \$500,000 per day of violation, or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

False Statement. The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment



for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See section 309(c)(4) of the Clean Water Act).

6.1.2 *Civil Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

6.1.3 *Administrative Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to an administrative penalty as follows:

Class I penalty. Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.

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

6.2 Duty to Reapply

If a permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

6.3 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

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

6.3.2 Issuance of an individual permit for your discharges; or

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



6.4 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.

6.5 Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.6 Duty to Provide Information

The permittee must furnish to the Director, 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 must also furnish to the Director upon request, copies of records required to be kept by this permit.

6.7 Other Information

If the permittee becomes aware that the permittee has failed to submit any relevant facts in the Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the permitting authority, the permittee must promptly submit such facts or information.

6.8 Signatory Requirements

All Notices of Intent, Notices of Termination, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by the permittee must be signed and certified as follows:

6.8.1 All Notices of Intent must be signed and certified as follows:

6.8.1.1 For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

6.8.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or



6.8.1.3 For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). *NOTE: The examples for federal agencies can be extended to similar situations for State or Local agencies.*

6.8.2 All NOTs, SWPPPs, reports, certifications, or other information required by this permit must be signed by a person described in Part 6.8.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.8.2.1 The authorization is made in writing by a person described in Part 6.8.1;

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

6.8.2.3 The signed and dated written authorization is included in the SWMP. A copy must be submitted to EPA, if requested.

6.8.3 Changes to Authorization. If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of 6.8.2 above must be completed prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.

6.8.4 Any person signing documents under the terms of this permit must make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

6.9 Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, 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.



6.10 Proper Operation and Maintenance

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

6.11 Inspection and Entry

The permittee must allow the permitting authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

6.11.1 Enter the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

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

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

6.11.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

6.12 Permit Actions

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

6.13 Permit Transfers

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

6.14 Anticipated Noncompliance

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



6.15 State/Tribal Environmental Laws

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

6.15.2 No condition of this permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations.

6.16 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.

6.17 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

6.18 Requiring an Individual Permit or an Alternative General Permit

6.18.1 *Request by permitting authority.* The permitting authority may require any person seeking authority under, or authorized by, this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the permitting authority to take action under this paragraph. Where the permitting authority requires the permittee to apply for an individual NPDES permit, the permitting authority will notify the permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the permittee to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications must be submitted to EPA, Region 6. The permitting authority may grant additional time to submit the application upon request of the MS4 operator. If the permittee fails to submit in a timely manner an individual NPDES permit application as required by the permitting authority under this paragraph, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the permitting authority for application submittal. This paragraph does not apply to any person whom the permitting authority determines was never eligible under Part 1.4. The permitting authority may also notify a discharger to file for an individual permit prior to submission of an NOI.

6.18.2 *Request by permittee.* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee must submit an individual application in accordance with the requirements of 40 CFR 122.33(b)(2), with reasons supporting the request, to EPA, Region 6. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.



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



PART 7 DEFINITIONS

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

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

"Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq.

"Discharge" when used without qualification means the "discharge of a pollutant."

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

"Facility" means any NPDES "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

"Illicit Connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

"Indian country" means:

- a. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
- b. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and



- c. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

"Large or Medium Municipal Separate Storm Sewer System" means all municipal separate storm sewers as defined at 40 CFR 122.26(b)(4) or (7).

"MEP" means maximum extent practicable, the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges. A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34. CWA section 402(p)(3)(B)(iii) requires that a municipal permit "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system design, and engineering methods, and other provisions such as the Administrator or the State determines appropriate for the control of such pollutants."

"Measurable Goal" means a quantitative measure of progress in implementing a component of a storm water management program.

"MS4" means municipal separate storm sewer system.

"MS4 Area" refers to:

- The areas within the operator's MS4 where storm water discharges originate and flow toward the point of discharge into the receiving waters and the immediate vicinity.
- The areas where storm water BMPs will be constructed and operated, including any areas where storm water flows to and from BMPs.
- The areas upstream and/or downstream from MS4 discharges into receiving water or wetland that may be affected by the discharges.

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains):

- a. Owned or operated by a state, city, town county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;
- b. Designed or used for collecting or conveying storm water;
- c. That is not a combined sewer; and
- d. That is not part of a publicly owned treatment works.



"NOI" means Notice of Intent to be covered by this permit (see Part 3 of this permit).

"NOT" means Notice of Termination.

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

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

"Permitting Authority" means EPA, Region 6.

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

"Pollutant" is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Significant contributors of pollutants" means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

"Small Municipal Separate Storm Sewer System" all separate storm sewers that are:

1. Owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
2. Not defined as "large" or "medium" municipal separate storm sewer systems in accordance with this permit
3. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.



"Storm Water Management Program (SWMP)" means a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.



PART 8 PERMIT CONDITIONS APPLICABLE TO SPECIFIC AREAS OR INDIAN COUNTRY LANDS

The provisions of Part 8 provide modifications or additions to the applicable conditions of Parts 1 through 7 of this permit to reflect specific additional conditions required as part of the State or Tribal CWA section 401 certification process or as otherwise established by the permitting authority.

8.1 Conditions Applicable to NMR040000 (State of New Mexico)

8.1.1 Signed copies of NOIs, annual reports, Discharge Monitoring Reports, NOTs, and any other documents/reports required to be submitted to the Director must also be submitted to:

Program Manager
Point Source Regulations Section
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502

8.1.2 All MS4s in the Albuquerque Urbanized Area must submit copies of NOIs, annual reports, and information required by submitted to the Director under Parts 5.5.2.1 and 5.5.4 to:

Director, Environment Department
Pueblo of Isleta
Isleta, New Mexico 87022

8.2 Conditions Applicable to NMR040001 (Indian Country within the State of New Mexico)

8.2.1 *Areas Not Covered By Permit:* Coverage under this general permit is not available for discharge to waters of the United States within the following areas.

- Pueblo of Sandia (individual permit would be required)
- Ute Mountain Reservation (contact EPA Region 8)
- Navajo Reservation (contact EPA Region 9)

8.2.2 *Pueblo of Isleta*

8.2.2.1 Copies of NOIs, annual reports, and information required to be submitted to EPA by Part 5.5.2.1 and Part 5.5.4 must be submitted to the Pueblo of Isleta at the following address:

Director, Environment Department
Pueblo of Isleta
Isleta, New Mexico 87022



8.2.3 *Pueblo of Santa Clara*

8.2.3.1 Copies of NOIs and NOTs must be submitted to the Pueblo of Santa Clara at the following address:

Office of the Governor
Pueblo of Santa Clara
P.O. Box 580
Española, New Mexico 87532

8.2.3.2 Copies of SMWPs must be made available to Pueblo of Santa Clara staff upon request.

8.2.4 *Pueblo of Acoma*

8.2.4.1 All MS4s on or bordering the Pueblo of Acoma must either submit copies of NOIs and attachments to the Haaku Water Office at the time they are submitted to EPA or provide written notice that they are filing an NOI and where a copy of the draft NOI is available.

8.2.4.2 Copies of the NOI, SWMP, and Annual Reports must be provided to the Haaku Water Office upon request.

8.2.4.2 Documents sent the Pueblo of Acoma must be sent to:

HAAKU WATER OFFICE
P.O. Box 309
Pueblo of Acoma, New Mexico 87034

FIGURES

TABLES



SANTA FE COUNTY STORM WATER MANAGEMENT PROGRAM (SWMP)

Public Education and Outreach on Storm Water Impacts (5.2.1)

| GENERAL BEST MANAGEMENT PRACTICE (BMP) | DEPT | BMP DESCRIPTION | MEASURABLE GOAL | START DATE | IMPLEMENT BY DATE | COST | CONTACT |
|--|---|---|---|--------------------------------|---------------------|------|--------------------------|
| Development and Distribution of Educational Materials to Constituents within County Buildings | SF County Land Use & Public Works | SF County will develop and distribute public pamphlets and flyers materials for distribution in County Buildings. | Storm water education pamphlets and/or flyer materials developed and reproduced and restocked as needed. Pamphlets will be placed at the Santa Fe Administration, Public Works, Human Resources & Public Safety Buildings. | March 2013 | End of July 2013 | | Paul Kavanaugh (Interim) |
| Development and Distribution of Educational Materials to Constituents within County's Homepage | SF County IT Dept | SF County will develop and implement thru it internet an informational section regarding MS ⁴ Requirements and Ideas for Santa Fe County. | Storm water education materials will be developed and updated as needed. Downloadable files & map will be placed on the County website. | March 2013 | End of July 2013 | | Paul Kavanaugh (Interim) |
| Santa Fe County 4-H Fair | SF County Land Use & Public Works | SF County will develop and distribute public pamphlets and flyers materials for distribution for the duration of one week, each year at the annual Santa Fe County 4-H Fair. | Storm water education pamphlets and/or flyer materials developed and reproduced and restocked as needed. Will facilitate a booth on 3 days. | August 4 – 10, 2013 | August 4 – 10, 2013 | | Paul Kavanaugh (Interim) |
| Toss No Mas "Throw No More" | State of New Mexico | "Throw No More" program has been very successful anti-litter campaign. Pamphlets asking motorists not throw litter on highways are available at the State Fair during September and Through the year at the Office on New Mexico Clean and Beautiful in Santa Fe. | Review existing material for stormwater operations and modify if practical. The ongoing campaign provides the public with anti-litter bumper stickers, leaflet information, and children's coloring books throughout the year and specifically at the New Mexico State Fair in September of every year. | All ready in place and ongoing | Ongoing | | Mia Barela |



SANTA FE COUNTY STORM WATER MANAGEMENT PROGRAM (SWMP)

Public Involvement/Participation (5.2.2)

| GENERAL BEST MANAGEMENT PRACTICE (BMP) | DEPT | BMP DESCRIPTION | MEASURABLE GOAL | START DATE | IMPLEMENT BY | COST | INTERNAL CONTACT |
|---|----------------------------------|--|--|--------------------------------|---------------------------------|------|--------------------------|
| Published in Santa Fe County Area news papers | SF County Land Use | Santa Fe County is in the Process of implementing the Sustainable Land Development Code. Public meetings, community outreach will be conducted throughout Santa Fe County. Meetings will be advertised through area news papers asking for public input / comments on sections of MS ⁴ Program. | Meetings will be documented and public input will be taken and considered. 12 meetings were held and approximately four more meetings will be scheduled. | 9/12/12 | 12/31/2013 | | Paul Kavanaugh (Interim) |
| Adopt A Road | SF County Public Works | Santa Fe County Public Works encourage entities to adopt a section of roadway and clean that segment periodically. | Santa Fe County Public Works continue to offer this program to individuals, private businesses, schools and government agencies. The program has resulted in 61 participants and the cleanup of 59 County Roads. | All ready in place and ongoing | All ready in affect and ongoing | | Mia Barela |
| Great American Spring Clean Up | SF County Public Works | Santa Fe County in conjunction with Keep Santa Fe Beautiful conducts an annual Spring clean up with young and old community volunteers to help clean up County roads, parks and arroyos. | The ongoing campaign uses volunteers to participate in community clean up. Santa Fe County has approx. 50 volunteers which have resulted in 12 miles of cleaned roads & 1 illegal dump. | All ready in place and ongoing | All ready in place and ongoing | | Mia Barela |
| Toss No Mas Fall Clean Up | SF County Public Works | Santa Fe County in conjunction with Keep Santa Fe Beautiful conducts an annual Fall clean up with young and old community volunteers to help clean up County roads, parks and arroyos. | The ongoing campaign uses volunteers to participate in community clean up. Santa Fe County has approximately 60 volunteers which have resulted in 13 miles of cleaned road & 1 illegal dump. | All ready in place and ongoing | All ready in place and ongoing | | Mia Barela |
| HOT LINE PHONE (995-2716) | SF County Land Use | Existing complaint line and direct to Storm water Division. | Respond to calls by next working business day. | Already in Place | Ongoing | | Wayne Dalton |
| NOI & SWMP On Website | SF County CMO | Downloadable information | Respond to emails by next working business day | March 2013 | Ongoing | | Kristine Mihelcic |
| Transfer Station Recycle Stations | SF County Public Works | Provide location at each Transfer Station for recycled materials. | Have each site provide recycling within 1 year. Include list of recycle items. | March 2013 | March 2014 | | Olivar Barela |



SANTA FE COUNTY STORM WATER MANAGEMENT PROGRAM (SWMP)

Illicit Discharge Detection and Elimination (5.2.3)

| GENERAL BEST MANAGEMENT PRACTICE (BMP) | DEPT | BMP DESCRIPTION | MEASURABLE GOAL | START DATE | IMPLEMENT BY | COST | CONTACT |
|---|---|---|---|--------------------------------|----------------------------------|------|----------------------------------|
| Develop a storm sewer system map | S F County GIS and Public Works | A Santa Fe County storm sewer map will be developed and maintained. Maps will include existing storm sewers locations, point sources such as Public Works Facilities and their sub stations, Open Space Equipment Yard which could affect existing water courses. | Santa Fe County storm sewer system maps have been developed and will be updated and maintained on an ongoing basis. | All ready in place and ongoing | ongoing | | Paul Kavanaugh (Interim) |
| Discharge Detection and Elimination Dry Weather Screening Program | SF County Public Works and Land Use | Conduct Dry weather inspections of storm sewers and other point sources, with coordination with field samples of any dry weather flows for pollutants. Compile a file of inspections and their finds and actions taken. | Santa Fe County will set up program to cover County arroyo / storm system w/ once per year dry weather screening. | March 2013 | End of March 2014 & then ongoing | | Joe Martinez |
| Develop List of Acceptable Occasional Non- Stormwater Discharges | SF County Land Use Legal | Include in Ordinance | Have proposed Ordinance written within 1 year and implemented within 2 years. | March 2013 | March 2014 & then ongoing | | Steve Ross & Penny Ellis - Green |
| Citation of Ordinance or Regulation that Prohibits Illicit Discharges & Enforcement Policy and Jurisdiction | SF County Land Use Legal | Work with County Legal to write acceptable ordinance, with enforcement and list of acceptable Discharges. | Have proposed Ordinance written within 1 year and implemented within 2 years. | March 2013 | March 2014 & then ongoing | | Steve Ross & Penny Ellis - Green |



SANTA FE COUNTY STORM WATER MANAGEMENT PROGRAM (SWMP)

Construction Site Storm Water Runoff Control (5.2.4)

| GENERAL BEST MANAGEMENT PRACTICE (BMP) | DEPT | BMP DESCRIPTION | MEASURABLE GOAL | START DATE | IMPLEMENT BY | COST | CONTACT |
|--|---|---|--|------------|--------------|------|-------------------------------|
| National Pollution Discharge Elimination System (NPDES) – Storm Water Construction General Permit (CGP) Compliance and Enforcement throughout Santa Fe County. | SF County Land Use Code Enforcement and Legal | Conduct a review of all construction projects for compliance with NPDES CGP requirements. Use same language as Ordinance BMP | Review new construction projects as required. Maintain an inventory of all active permitted and previously closed construction sites. Document review of SWPPP's & assists contractors as required. | March 2013 | March 2014 | | Vicki Lucero |
| | | Upon Completion of contractor development SWPPP, SF County will review the SWPPP for conformance with CGP Language requirements prior to issuance of Development Permit | | March 2013 | March 2014 | | Vicki Lucero |
| | | SF County will conduct periodic inspections of active CGP covered sites to ensure compliance with site specific SWPPP. | Conduct and document all active CGP covered during active site work. | March 2013 | March 2014 | | Paul Kavanaugh (Interim) |
| | | Deficiencies noted during inspections conducted by SF County Code Enforcement Officers will be identified on an inspection reports for corrective action by contractor. | Document deficiencies and corrective actions taken | March 2013 | March 2014 | | Paul Kavanaugh (Interim) |
| Contractor Training Using EPA & NMED Personal | State of New Mexico or US Government | Area contractors and developers attend a SWPPP training provided by New Mexico Environment Department and/or Environmental Protection Agency personnel. | Provide area contractors with training information each year (training dates, locations, etc.) and have at least 10 county personnel attend training each year. | March 2013 | March 2014 | | Paul Kavanaugh (Interim) |
| Enforcement of Ordinance | SF County Land Use Code Enforcement and Legal | Complaint line response, periodic checks of construction site (method needed for inspection) | Inspect 20% of construction sites in a year at least once. | March 2013 | March 2014 | | Steve Ross/ Penny Ellis-Green |



SANTA FE COUNTY STORM WATER MANAGEMENT PROGRAM (SWMP)

**Post-Construction Storm Water Management in
New Development and Redevelopment (5.2.5)**

| GENERAL BEST MANAGEMENT PRACTICE (BMP) | DEPT | BMP DESCRIPTION | MEASURABLE GOAL | START DATE | IMPLEMENT BY | COST | CONTACT |
|---|---------------------------|---|--|------------|---------------------------|------|--------------------------|
| Sustainable Land Development Code for Long Term Operation and Maintenance of Structural BMP's | SF County Land Use | Santa Fe County Sustainable Land Development Code Promotes/encourages cluster developments; promote/encourages development to reduce impervious surfaces. | The adoption of the Santa Fe County Sustainable Land Development Code to allow for cluster development and the reduction of impervious areas. | March 2013 | March 2014 & then ongoing | | Penny Ellis-Green |
| Post Construction Stabilization – Re-vegetation | SF County Land Use | SF County currently requires that sites disturbed during construction, post a financial guarantee to ensure that sites are re-vegetated with a native seed mix. SF County will continue to enforce this requirement to insure timely vegetative cover to stabilize all disturbed areas. | Conduct and document inspections at all active CGP covered sites. Financial guarantees will be held in reserve for one year after completion of the project. | March 2013 | March 2014 & then ongoing | | Paul Kavanaugh (Interim) |
| Post Construction Inspections | SF County Land Use | SF County will conduct inspections at completed constructions site (previously covered under NPDES CGP) to determine condition of site runoff controls and if maintenance is required. | Conduct and document a minimum of 20% of inspections per year. | March 2013 | March 2014 & then ongoing | | Paul Kavanaugh (Interim) |
| Education Program for Construction and Post Construction Storm Water Practices | SF County Land Use | Partner with City of Santa Fe to hold Education Seminar | Develop a one 2 hour training session and hold 1 training per year. | March 2013 | March 2014 & then ongoing | | Paul Kavanaugh (Interim) |



SANTA FE COUNTY STORM WATER MANAGEMENT PROGRAM (SWMP)

Pollution Prevention/Good Housekeeping for Municipal Operations (5.2.6)

| GENERAL BEST MANAGEMENT PRACTICE (BMP) | DEPT | BMP DESCRIPTION | MEASURABLE GOAL | START DATE | IMPLEMENT BY | COST | CONTACT |
|--|---|--|---|--------------------------------|--------------|------|--------------------------|
| Employee Training | SF County Land Use Public Works | S F County will train employees to understand the NPDES Requirements. Santa Fe County employees will attend NPDES training workshops provided in conjunction with EPA , NMED and local seminars, | S F County will train a certain number of employees per year. Certificates or Credits will be documented and kept on file. Within 1 year Santa Fe County will have program defined and have training. | March 2013 | March 2014 | | Paul Kavanaugh (Interim) |
| Parks & Open Space Maintenance | SF County OS&T | SF County Open Space has a maintenance crew which is responsible for patrolling SF County's Parks and Open Space. Maintenance requires that employees inspect parks and Open space parking areas, trash containers, arroyos and channels for debris. | A regular schedule for conducting cleaning of parks and Open Space | All ready in place and ongoing | | | |
| Maintenance of Culverts, Drop Inlets and other Drainage Structures | SF County Public Works | Inspect, clean and maintain the drop inlets and culverts on a regular basis. | Santa Fe County Roads Department will provide a list and schedule within 1 year. | March 2013 | March 2014 | | Diego Gomez |
| Review All New Facility Construction for Stormwater Quality | SF County Land Use | Make certain all new County Facilities have both a construction and operation SWPPP | Add all new County facilities to SWPPP database | March 2013 | March 2014 | | Vicki Lucero |
| Review of all County Facilities to Identify Locations Where a good Housekeeping Plan is Appropriate. List MSGP- NOIs and Document Facilities on Facility Wrap. | SF County Land Use | Keep active file of all County facility SWPPP's plus a list of all County Facilities. | Update Counties file and determine where SWPPP's are needed. Develop SWPPP's where needed. | March 2013 | March 2014 | | Paul Kavanaugh (Interim) |
| Provide Routine Inspections of Listed Facilities for stormwater compliance. Include all County facilities on MS ⁴ Map | SF County Land Use | Work with individual operator to provide appropriate BMP's to their site. | Visit all of the sites within first year. | March 2013 | March 2014 | | Paul Kavanaugh (Interim) |

Appendix A
Endangered Species Eligibility Procedures

Listed and Sensitive Species in Santa Fe County

Number of species: 16

| Common Name | Scientific Name | Group | Status |
|---|---------------------------------------|--------|--|
| Yellow-billed cuckoo | <i>Coccyzus americanus</i> | Bird | Candidate |
| Rio Grande cutthroat trout | <i>Oncorhynchus clarki virginalis</i> | Fish | Candidate |
| New Mexican meadow jumping mouse | <i>Zapus hudsonius luteus</i> | Mammal | Candidate |
| Southwestern willow flycatcher Proposed Critical Habitat | <i>Empidonax traillii extimus</i> | Bird | Endangered |
| Rio Grande silvery minnow ³ | <i>Hybognathus amarus</i> | Fish | Endangered |
| Black-footed ferret ² | <i>Mustela nigripes</i> | Mammal | Endangered |
| Whooping Crane | <i>Grus americana</i> | Bird | Experimental, Non-essential Population |
| Mexican spotted owl Designated Critical Habitat | <i>Strix occidentalis lucida</i> | Bird | Threatened |

Santa Fe County Species of Concern - Species of Concern are included for planning purposes only.

| Common Name | Scientific Name | Group | Status |
|---------------------------|------------------------------------|--------|--------------------|
| American peregrine falcon | <i>Falco peregrinus anatum</i> | Bird | Species of Concern |
| Arctic peregrine falcon | <i>Falco peregrinus tundrius</i> | Bird | Species of Concern |
| Baird's sparrow | <i>Ammodramus bairdii</i> | Bird | Species of Concern |
| Northern goshawk | <i>Accipiter gentilis</i> | Bird | Species of Concern |
| Western burrowing owl | <i>Athene cunicularia hypugaea</i> | Bird | Species of Concern |
| Rio Grande sucker | <i>Catostomus plebeius</i> | Fish | Species of Concern |
| Townsend's big-eared bat | <i>Corynorhinus townsendii</i> | Mammal | Species of Concern |
| Santa Fe cholla | <i>Opuntia viridiflora</i> | Plant | Species of Concern |

Appendix B
Historic Properties Eligibility Procedures

Santa Fe County, New Mexico

**Eligibility Report
National Historic Preservation Act**

**2009 National Pollutant Discharge Elimination System
General Permit for Discharges from Small Municipal
Separate Storm Sewer Systems
(NPDES MS4)**

July 22, 2009

**Prepared for
New Mexico State Historic Preservation Office
United States Environmental Protection Agency**

**Prepared by
John A. Sanchez, CFM
Santa Fe County, New Mexico**

INTRODUCTION

Santa Fe County is the operator of a Small Municipal Separate Storm Sewer System (MS4). This report describes Santa Fe County's stormwater system and its relationship and effects on properties listed in the National Register of Historic Places.

In compliance with the Clean Water Act, this report is part of a larger Notice of Intent (NOI) submitted to the United States Environmental Protection Agency Region 6 by the County of Santa Fe New Mexico. The purpose of the NOI is to gain coverage under General Permit NMR040000. Coverage under this permit provides authorization to discharge pollutants to water of the United States under the National Discharge Elimination System (NPDES).

In order to be eligible for coverage under this permit the County of Santa Fe, New Mexico must be in compliance with the National Historic Preservation Act. According to General Permit NMR040000, Section 1.6.1, discharges may be authorized under this permit based on the following:

Section 1.6.1.1 CRITERION A: stormwater discharges allowable non-stormwater discharges and discharge related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or

Section 1.6.1.2 CRITERION B: the applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Office or Tribal Historic Preservation Officer (or equivalent tribal authority) that outlines all measures the MS4 operator will undertake to mitigate or prevent adverse effect to the historic property.

This report will demonstrate that each of the 25 listed properties in Santa Fe County was closely studied and that compliance with all provisions of the National Historic Preservation Act has been and will continue to be achieved.

METHODOLOGY OF STUDY

Each site was inspected, photographed and evaluated separately. Photos of the facade of the historical buildings were taken when possible.

Using GIS mapping, 2008 aerial photography was produced showing each properties proximity to any Special Flood Hazard Area (SFHA) if present as well as any major drainage areas. The maps also indicate the subject property's current FEMA one percent annual chance floodplain one hundred year flood event status. Also include is a firmette of the firm map of each individual area dated June 17, 2008.

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Roman Abeyta
County Manager

June 26, 2009

Mrs. Michelle Ensey
407 Galisteo Street
Suite 236
Santa Fe, NM 87501

Re: Historic properties located within Santa Fe County for permitting of National Pollution Discharge Elimination System (NPDES)

Dear Mrs. Ensey:

The State of New Mexico Santa Fe County is in the process of applying for their NPDES permit and NOI. I am requesting a review of the historical research conducted by Santa Fe County to ensure accurateness regarding the properties in question.

There are several properties on the historical resister in which were unable to be located these are:

Apache Canyon Railroad Bridge
La Bajada Mesa Agricultural Site
Ortiz Lujan House
Navawi (also known as Laboratory of Anthropology)
Otow Historic District
Pueblo Colorado (North) also known as Tze-man-Tuo
Pueblo She' also known as Pueblo Chey; Pueblo Che'
Route 66 and National Old Trails Road Historic District La Bajada
Ignacio Roybal House

Your assistance these properties would be greatly appreciated. If there are any additional items which I have not addressed please advise me and I will make whatever corrections are necessary.

Thank you for your assistance with this matter.

Sincerely,

John A. Sanchez
Engineering Technician
Santa Fe County Land Use Dept.



BILL RICHARDSON
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

July 6, 2009

John A. Sanchez
Engineering Technician
Santa Fe County Land Use Department
102 Grant Avenue
Santa Fe, NM 87504-0276

Re: NPDES permit

Dear Mr. Sanchez:

Thank you for submitting the information you prepared for Santa Fe County's NPDES permit. The State Historic Preservation Officer (SHPO) has determined that storm water discharges within the County of Santa Fe will not affect properties listed on the National Register of Historic Places.

In your letter, you identified several properties that you were unable to locate. According to our records, the properties are generally located as follows:

1. Apache Canyon Bridge Railroad Bridge - located on the John Bishop Lamy Grant, approximately halfway between Lamy and Canoncito along Galisteo Creek.
2. La Bajada Mesa Agricultural Site and Rt. 66 and Old National Trails Road Historic District at La Bajada - these two properties are north of I-25 and are located near the Sandoval - Santa Fe County line.
3. Ortiz/Lujan House - located in Jaconita.
4. Navawi - located north of White Rock in Mortandad Canyon.
5. Otowi Bridge Historic District- located just west of Otowi Bridge.
6. Pueblo Colorado and Pueblo She - both pueblo archaeological sites are located on the San Cristoval Grant, southeast of the Village of Galiseto.
7. Ignacio Roybal House- located on County Road 84 in Jacona.

With the exception of the two houses, these historic properties are located in areas that are not easily accessible by the general public and are unlikely to be chosen as a site for placement of storm water system improvements.

In addition to considering properties listed on the National Register of Historic Places, the County of Santa Fe must also consult with this office if the County will be constructing new storm water structural controls or BMPs on County owned land or in areas where properties listed on the State Register of Cultural Properties are located. A list of properties on the State Register of Cultural Properties can be found on our web site at www.nmhistoricpreservation.org. If any such construction is anticipated, please contact us so that we may determine if any properties listed on the State Register of Cultural Properties will be affected.

Please do not hesitate to contact me if you have any questions on these comments. I can be reached by telephone at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Ensey', written in a cursive style.

Michelle M. Ensey
Archaeologist

Log: 87126

National Register of Historic Places Listings

Only properties within Santa Fe County were studied. The following properties as listed on the National Register of Historic Places were evaluated:

1. Acequia System of El Rancho de Las Golondrinas
12 mi SE of Santa Fe on Los Pinos Rd
Listing #80002572
2. Apache Canyon Railroad Bridge
3 mi NE of Lamy over Galisteo Creek, Lamy
Listing #79001553
3. Archbishop Lamy's Chapel
Bishop's Lodge Rd
Listing #88000897
4. Davey, Randall House
1800 Upper Canyon Rd, Santa Fe
Listing #700004096
5. El Santuario de Chimayo
Sana Cruz, Chimayo
Listing #70000412
6. JB Jackson House
268 Los Pinos Rd, Santa Fe
Listing #99000598
7. La Bajada Mesa Agricultural Site
La Bajada Village, Santa Fe
Listing #83004178
8. La Iglesia de Santa Cruz
100 Block of Santa Cruz Plaza, Espanola
Listing #73001148
9. Madrid Historic District
25 mi SW of Santa Fe on NM 14, Madrid
Listing #77000928
10. Nuestra Senora de Luz Church and Cemetery
13 mi SE of Santa Fe N of I-25 frontage rd, Canoncito
Listing #95001452

11. Otowi Suspension Bridge
NM 4 over Rio Grande River, San Ildefonso
97000730
12. Pflueger General Merchandise Store and Annex Saloon (The Legal Tender)
NM 41, Lamy
Listing #87000519
13. Pueblo of Nambe
16 mi off NM 4 on SR 503, Santa Fe
Listing #74001208
14. Pueblo of Tesuque
8mi N of Santa Fe on W bank of Tesuque River, Santa Fe
Listing #73001149
15. San Ildefonso Pueblo
SW of Espanola off NM 4, Espanola
Listing #74001206
16. Albert Schmidt House and Studio
1505 A and B Bishop's Lodge Rd, Tesuque
Listing #03000691
17. Seton Village
6 mi S of Santa Fe off US 84, Santa Fe
Listing #66000492

National Register of Historic Places Listings Not Found

1. Apache Canyon Railroad Bridge
3mi. NE of Lamy over Galisteo Creek, Lamy
Listing #79001553
2. La Bajada Mesa Agricultural Site
Address Restricted
Listing #83004178
3. Lujan-Ortiz House
1 mi. from NM 502 on Co. Rd 84, Jacona
Listing #99001680

4. Navawi (also know as Laboratory of Anthropology)
Address Restricted, White Rock
Listing #82001052
5. Pueblo Colorado (North)
Address Restricted, Lamy
Listing #82005963
6. Pueblo She'
Address Restricted, Lamy
Listing #82005064
7. Route 66 and National Old Trails Road Historic District at La Bajada
Approx. 0.5 mi. NE of N terminus of NM 16, La Bajada
Listing #05000633
8. Roybal, Ignacio House
CR 84 W of NM 4 and US 84/285, Jacona
Listing #86000227

PROPERTIES LISTED UNDER SCENARIO 2

Historic properties that are not identified in the path of an MS4's storm water and allowable non-stormwater discharges or where construction activities are planned to install BMP's to control such discharges (e.g., diversion channels or retention ponds).

Listing #73001148
La Iglesia de Santa Cruz
100 Block of Santa Cruz Plaza, Espanola



Currently La Iglesia de Santa Cruz is an active Catholic Church with regular services weekly. Located in Santa Cruz Plaza in Espanola off of NM SR 76 and is located to the East of the nearest river. The building is located outside of the FEMA 100 year floodplain Firm Panel #35049C0135D in Zone X.

This site is not likely to ever be chosen as a suitable location for the placement of storm water system improvements.

This historic property is not in the path of stormwater and allowable non-stormwater discharges and construction activities are not planned to install BMP's to control such discharges here.



Map of Property in Santa Fe County

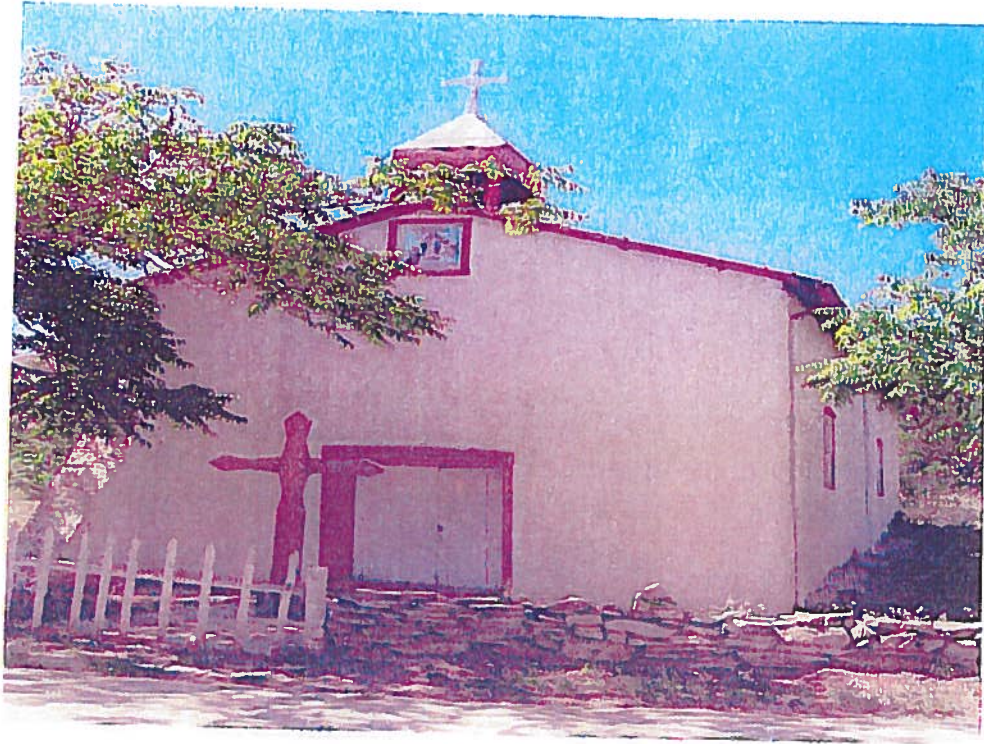
Legend

- Address Point - SDE
- FEMA Firm Panel
- FEMA Flood
- 2008 FEMA Flood - SDE
- 500 Year
- 100 Year
- GP 9 Roads - SDE
- ~ Minor Road
- ~ Major Road
- PLSS Proj Sections - SDE
- Parcels - SDE
- 09/2008_SFC_n.ecw
- RGB
- Red: Band 1
- Green: Band 2
- Blue: Band 3

13.526
NAD83 - 115.841



Listing #95001452
Nuestra Senora de Luz Church and Cemetery
13 mi. NE of Santa Fe N of I-25 frontage Rd, Canoncito



Nuestra Senora de Luz Church and Cemetery is an active Catholic Church with regular services weekly. The site is located in Canoncito to the North East of Santa Fe and South West of Glorieta just off of I-25. The building is located outside of the FEMA 100 year floodplain Firm Panel #35049C0575D in Zone X.

This site is not likely to ever be chosen as a suitable location for the placement of storm water system improvements.

This historic property is not in the path of stormwater and allowable non-stormwater discharges and construction activities are not planned to install BMP's to control such discharges here.



Map of Property in Santa Fe County

Legend

- o Address Point - SDE
- FEMA Flood Panel
- ~ 5' Slope
- 2008 FEMA Flood - SDE
- 500 Year
- 100 Year
- GPS Roads - SDE
- ~ Minor Roads
- ~ Major Roads
- PLUS Proj Sections - SDE
- Parcels - SDE
- 07/2008_sfcra.ecw
- RGB
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Listing #87000519
Pflueger General Merchandise Store and Annex Saloon
(The Legal Tender)
NM 41 Lamy



Pflueger General Merchandise Store and Annex Saloon had been vacant form many years until recently remodeled to its original stature. The site is located in Lamy South of Santa Fe and South of Eldorado.



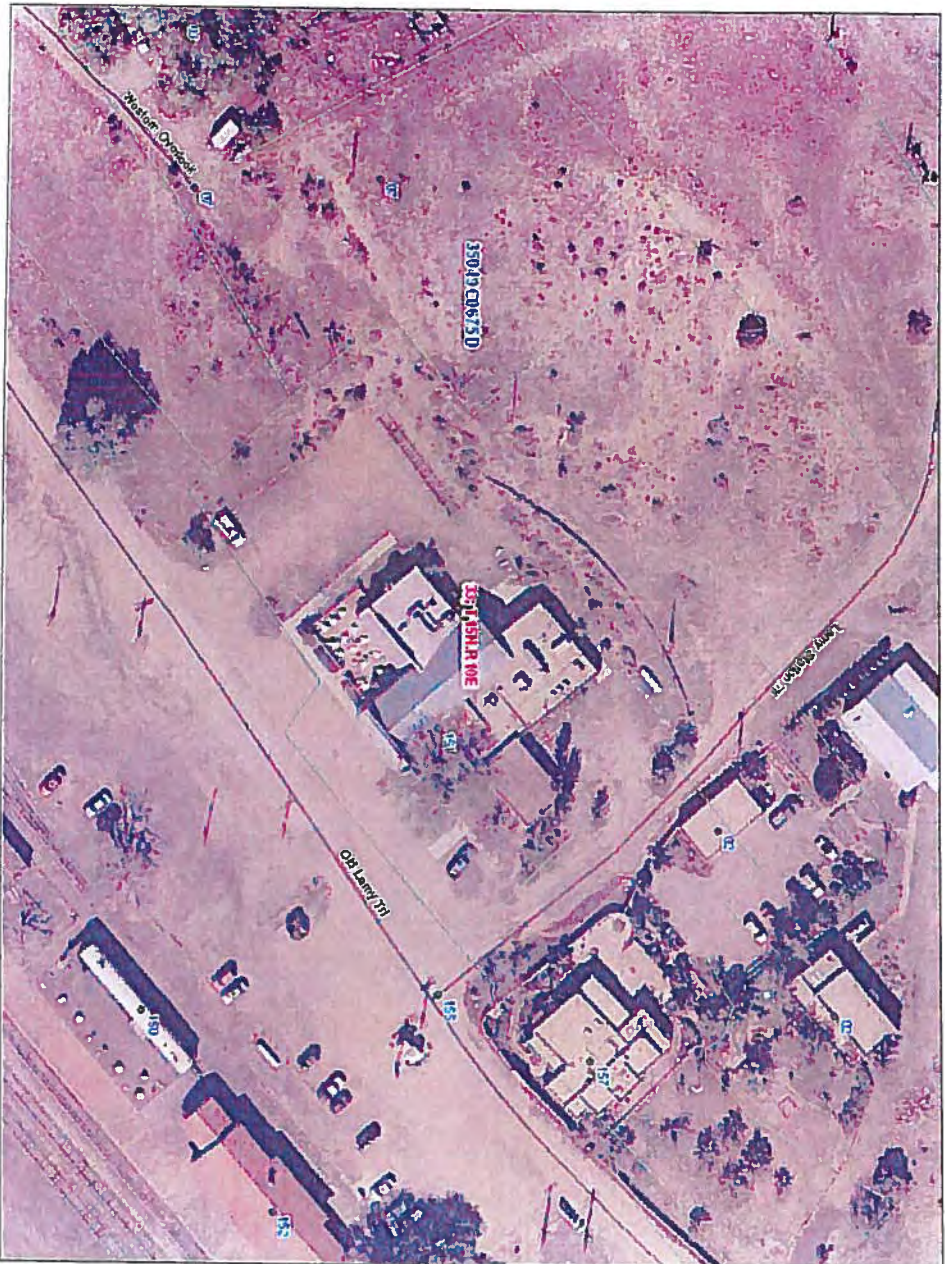
Listing #87000519
Pflueger General Merchandise Store and Annex Saloon
(The Legal Tender)
NM 41 Lamy



Pflueger General Merchandise Store and Annex Saloon are currently a museum and coffee shop. The site is also located just to the North of the Lamy train station and railroad. The building is located outside of the FEMA 100 year floodplain Firm Panel #35049C0675D in Zone X.

This site is not likely to ever be chosen as a suitable location for the placement of storm water system improvements.

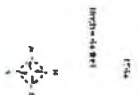
This historic property is not in the path of stormwater and allowable non-stormwater discharges and construction activities are not planned to install BMP's to control such discharges here.



**Map of Property
in Santa Fe County**

Legend

- o Address Point - SDE
- FEMA Firm Panel
- s_Life
- 2008 FEMA Flood - SDE
- 000 Year
- 100 Year
- GPS Roads - SDE
- ~ Minor Roads
- ~ Major Roads
- PLSS Proj Sections - SDE
- Parcels - SDE
- 4p2008_sfc.ecw
- R1:B
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Listing #03000691
Albert Schmidt House and Studio
1505 A and B Bishop's Lodge Rd, Tesuque



Albert Schmidt House and Studio currently serve as a private residence site has been restored to keep historic look of original building.



Detached garage at main house is made of native river rock. This site is located to the North East of the Tesuque River.

Listing #03000691
Albert Schmidt House and Studio
1505 A and B Bishop's Lodge Rd, Tesuque



Albert Schmidt House and Studio, the studio is currently used as a guest house for the main house it sits just up the hill to the East. The house and studio are located in Tesuque to the North of Santa Fe off of Bishops Lode Rd. The buildings are located outside of the FEMA 100 year floodplain Firm Panel #35049C0300D in Zone X.

This site is not likely to ever be chosen as a suitable location for the placement of storm water system improvements.

This historic property is not in the path of stormwater and allowable non-stormwater discharges and construction activities are not planned to install BMP's to control such discharges here.



Map of Property in Santa Fe County

Legend

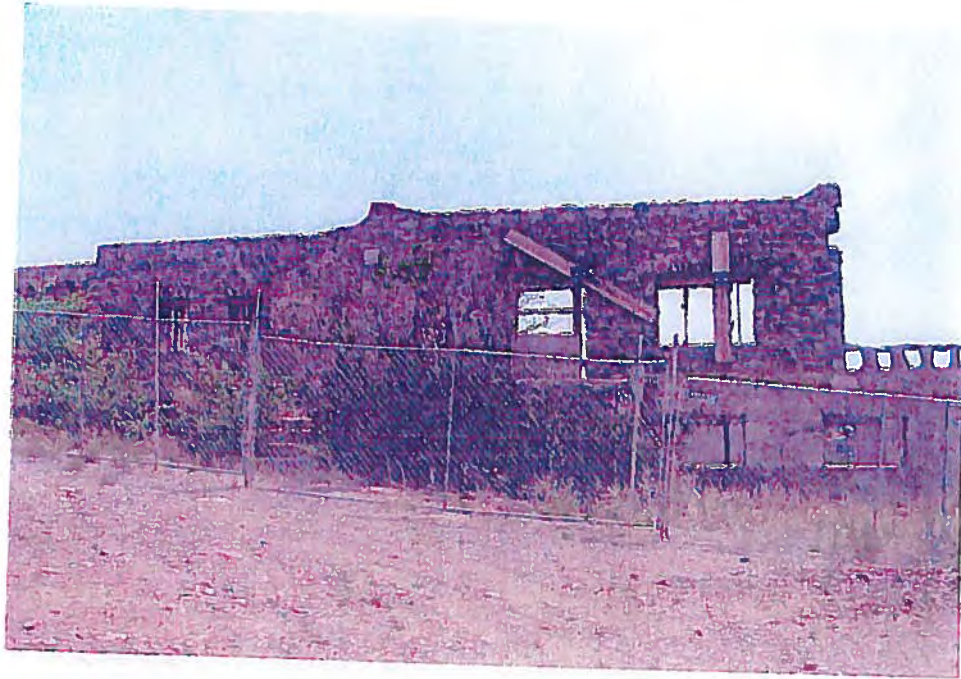
- Address Point - SDE
- FEMA Firm Panels
- ~ 5' Linc
- 2008 FEMA Flood - SDE
- 600 Year
- 400 Year
- GPS Roads - SDE
- ~ Minor Roads
- ~ Major Roads
- PLSS Proj Sections - SDE
- Parcels - SDE
- qj2008_sflca.ecw
- RGB
- Red: Band_1
- Green: Band_2
- Blue: Band_3

1:1,000

North Arrow



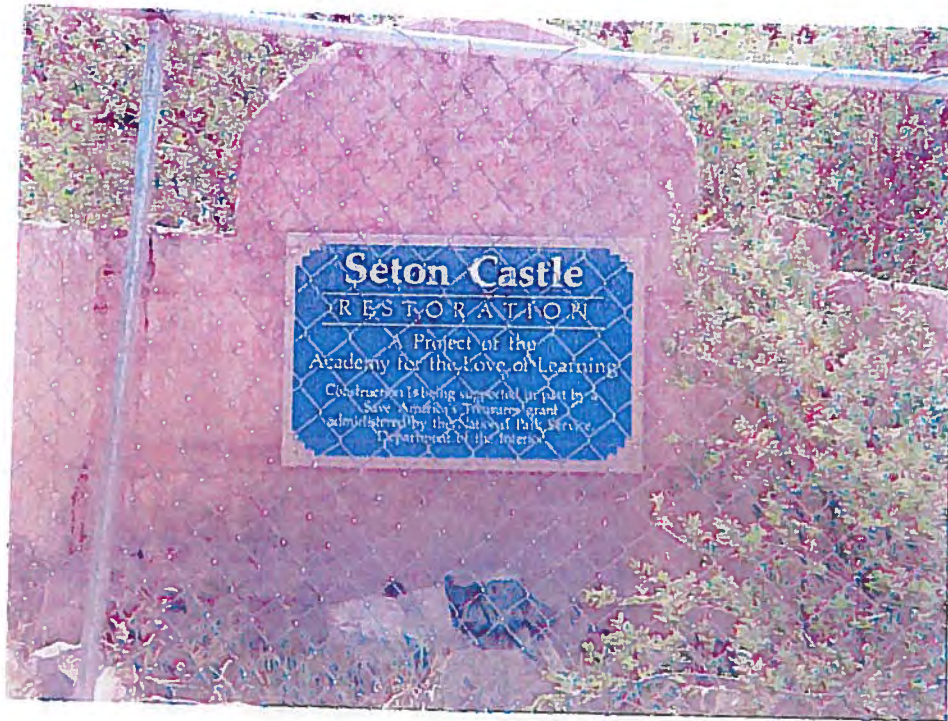
Listing #66000492
Seton Village
6 mi. S of Santa Fe off US 84, Santa Fe



Seton Village Castle is a privately owned property which has been vacant for some time. It has sustained major damage due to a fire during a remodel project.



Listing #66000492
Seton Village
6 mi. S of Santa Fe off US 84, Santa Fe



Seton Castle is located to the East of Santa Fe to the South of I-25. The building is located outside of the FEMA 100 year floodplain Firm Panel #35049C0550D in Zone X.

This site is not likely to ever be chosen as a suitable location for the placement of storm water system improvements.

This historic property is not in the path of stormwater and allowable non-stormwater discharges. Construction activities are planned and do have all BMP's installed to control such discharges on this site.



Map of Property in Santa Fe County

Legend

- ◊ Address Point - SDE
- ◻ FEMA Firm Panels
- ~ 5_Mile
- 2008 FEMA Flood - SDE
- ◻ 500 Year
- ◻ 100 Year
- GPS Roads - SDE
- Minor Road
- Major Road
- Plus Proj Sections - SDE
- Parcel - SDE
- qj2008_sfca.ecw
- RGB
- Red: Band_1
- Green Band_2
- Blue: Band_3

1427

11m7-20 8x1



Listing #77000928
Madrid Historic District
25 mi. SW of Santa Fe on NM 14, Madrid



Madrid Historic District from the North end of town looking South on NM HWY 14.



Madrid Historic District view is in the middle of town looking at various shops along NM HWY 14.

Listing #77000928
Madrid Historic District
25 mi. SW of Santa Fe on NM 14, Madrid

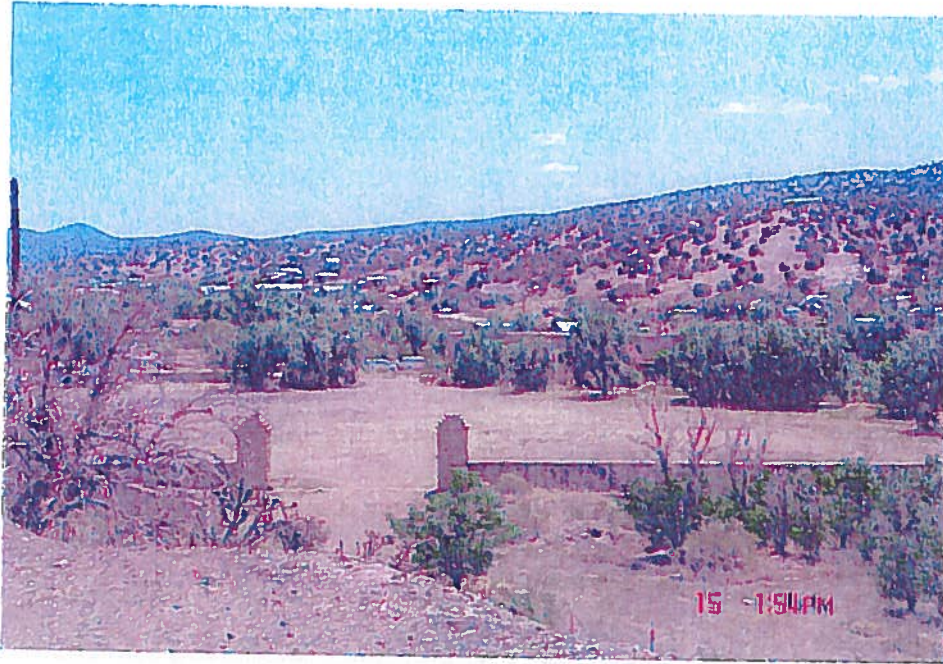


Madrid Historic District old coal mine shaft museum along NM HWY 14.



Madrid Historic District facing at the South end of town looking North.

Listing #77000928
Madrid Historic District
25 mi. SW of Santa Fe on NM 14, Madrid



Madrid Historic District is located in a valley off of NM HWY 14 South of Santa Fe and just South of Cerrillos NM. Madrid was once the site of a booming coal mining town and is now a quiet tourist destination. Madrid is made up of shops, café's and homes. The town is located outside of the FEMA 100 year floodplain Firm Panel #35049C0625D in Zone X.

This site is not likely to ever be chosen as a suitable location for the placement of storm water system improvements.

This historic property is not in the path of stormwater and allowable non-stormwater discharges. Construction activities are planned and do have all BMP's installed to control such discharges on this site.

Listing #88000897
Archbishop Lamy's Chapel
Bishop's Lodge Rd



Archbishop Lamy's Chapel is located in the Bishops Lodge Resort North of Santa Fe and South of Tesuque off Bishops Lodge Rd. The Chapel is a welcome site for travelers that want to reflect and have a bit of peace. The building is located outside of the FEMA 100 year floodplain Firm Panel #35049C0410D in Zone X.

This site is not likely to ever be chosen as a suitable location for the placement of storm water system improvements.

This historic property is not in the path of stormwater and allowable non-stormwater discharges. Construction activities are planned and do have all BMP's installed to control such discharges on this site.



**Map of Property
in Santa Fe County**

Legend

- FEMA Flood Zone
- FEMA Flood - 5 CE
- 350 ac
- 600 ac
- 309 Point - 3CE
- 1700 Point
- 1700 Point
- Point - 3CE
- 012008 - 16000
- R/B
- Red: SANL1
- Green: SANL2
- Blue: SANL3

ISS: 11/20/08
11/20/08 - 7:48:01



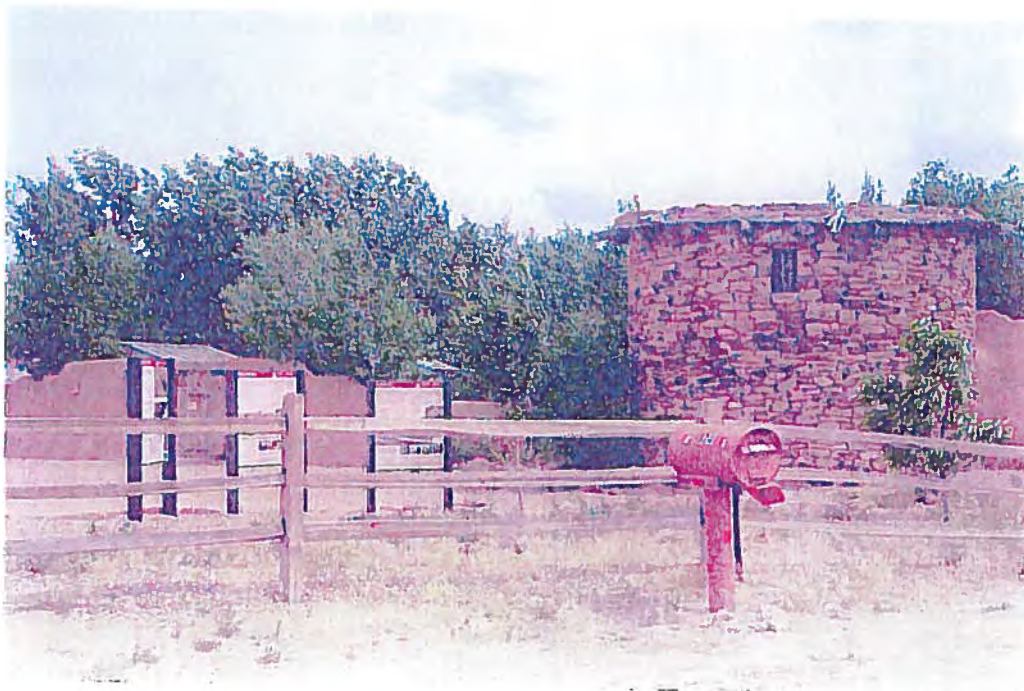
PROPERTIES LISTED UNDER SCENARIO 3

Historic properties are identified in the path of an MS4's storm water and allowable non-storm water discharges or where construction activities are planned to install BMP's to control such discharges, and it is determined that there is the potential to adversely affect the property.

Listing #80002572
Acequia System of El Rancho de Las Golondrinas
12 mi. SE of Santa Fe on Los Pinos Rd



El Rancho de Las Golondrinas is currently used as an educational complex for people to learn the ways of earlier times.



The site is located in La Cienega which is South West of Santa Fe and lies just North of the Santa Fe River.

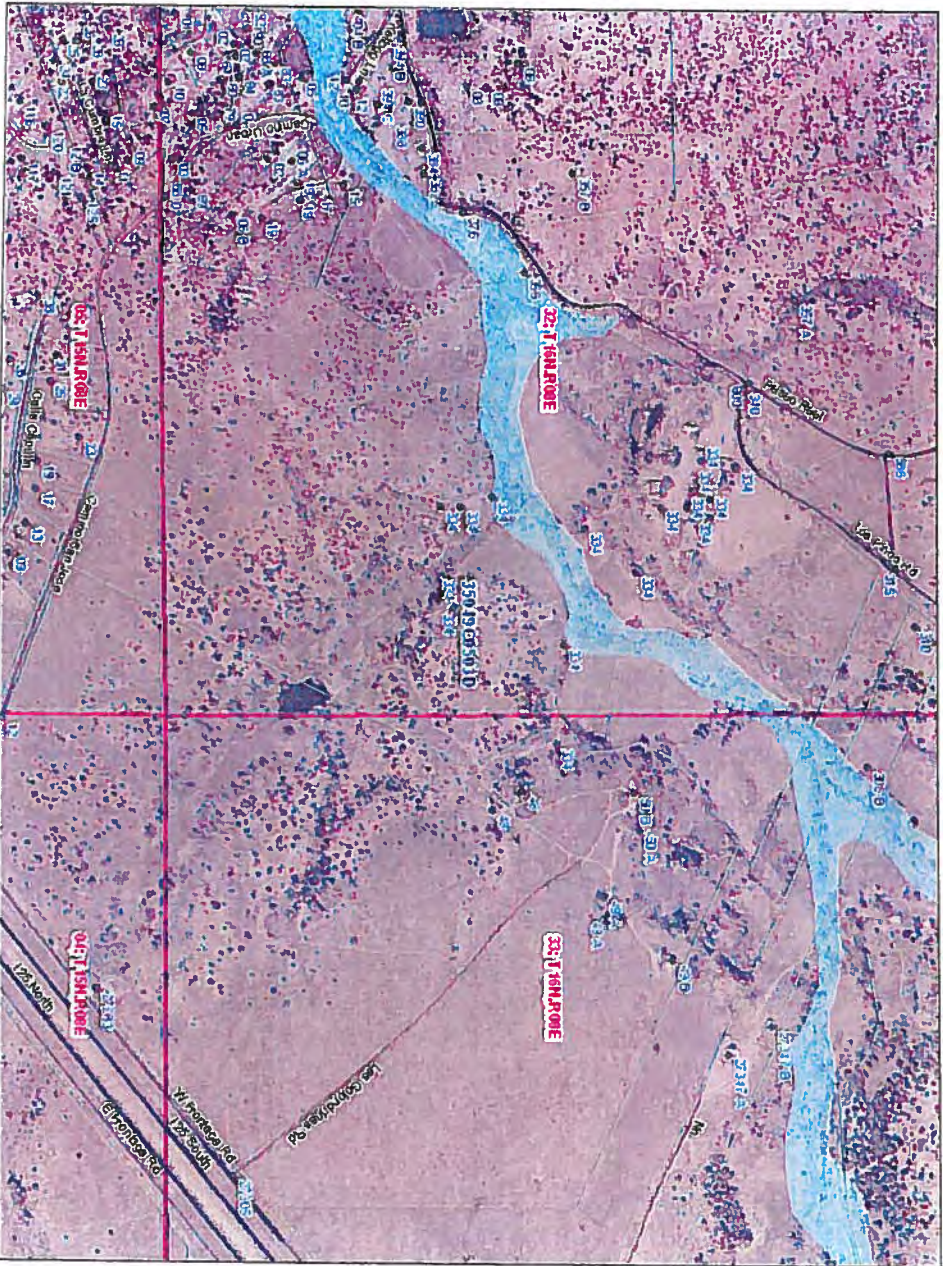
Listing #80002572
Acequia System of El Rancho de Las Golondrinas
12 mi. SE of Santa Fe on Los Pinos Rd



El Rancho de Las Golondrinas is a privately owned complex which educates people throughout the year by teaching farming, woodworking, metal working and other various tasks to accomplish without modern amenities of today. The site lies just North of the Santa Fe River. The main buildings are outside of the FEMA 100 year floodplain Firm Panel #35049C0503D in Zone X. The Santa Fe River runs through the middle of the property 100 year floodplain Zone A.

The site has on site detention ponds for runoff from structures. This site is not likely to ever be chosen as suitable location for the placement of storm water system improvements.

This historic property is in the path of stormwater and allowable non-stormwater discharges based on the FEMA one-percent annual chance flood. Construction activities are not planned to install BMP's to control such discharges here.



Map of Property in Santa Fe County

Legend

- Address Point - SDE
- FEMA Firm Panel
- 2008 FEMA Flood - SDE
- 200 Year
- 400 Year
- GPS Roads - SDE
- Minor Roads
- Major Roads
- PLSS Proj Sections - SDE
- Parcels - SDE
- qp2008_sfcva.ctw
- RGB
- Red: Band 1
- Green: Band 2
- Blue: Band 3

17,700

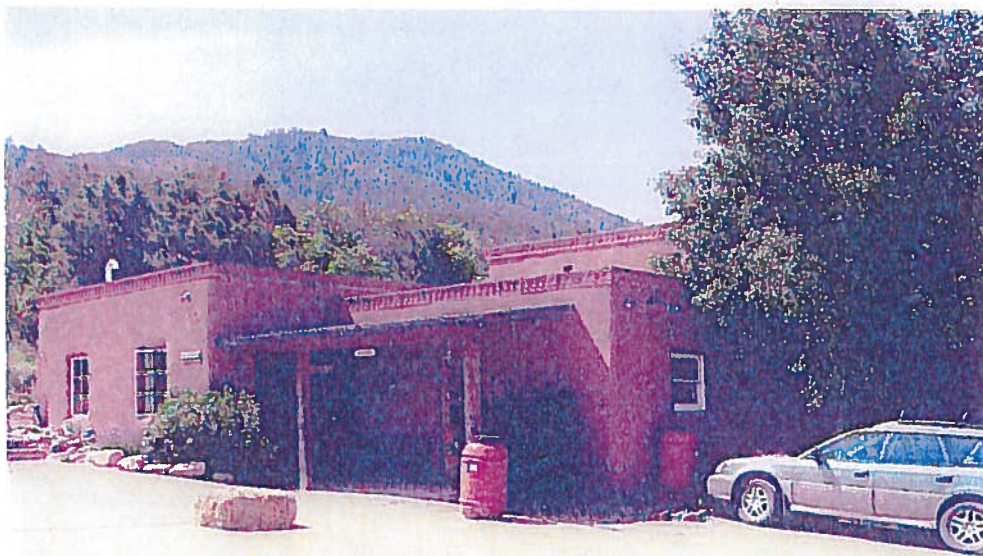
10/31/2011 11:41:41



Listing #70000409
Randall Davey House
1800 Upper Canyon Rd, Santa Fe



The Randall Davey House is currently part of the Randall Davey Audubon Center complex.



The Randall Davey House is just East of the Santa Fe River North of Santa Fe.

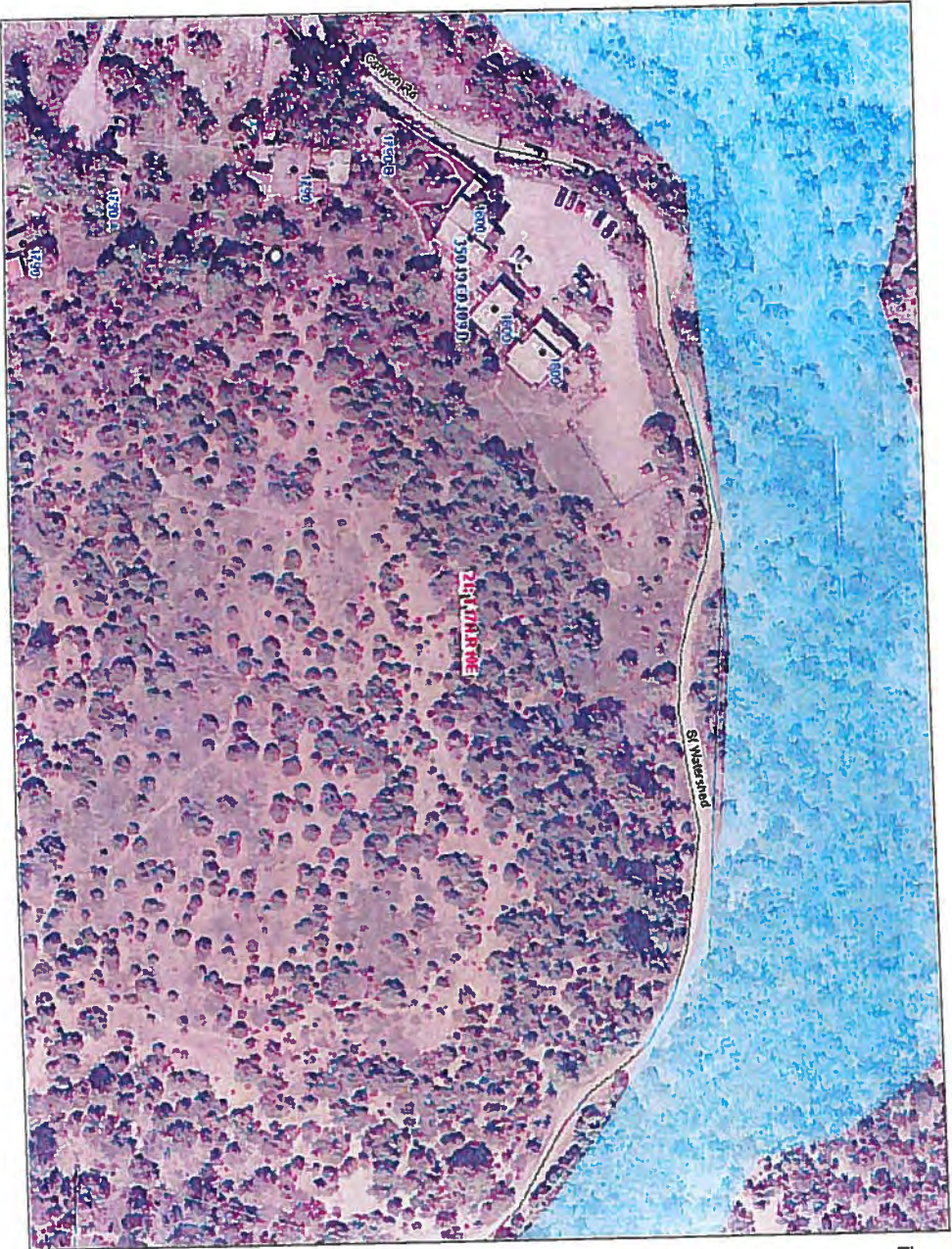
Listing #70000409
Randall Davey House
1800 Upper Canyon Rd, Santa Fe



The Randall Davey House is currently used as an Audubon Center for educational purposes. The Santa Fe River lies to the North of the Randall Davey House, the property is partially located within FEMA 100 year floodplain FIRM panel #35049C0409D the main buildings are in Zone X and the area of floodplain is Zone A.

This site is not likely to ever be chosen as suitable location for the placement of storm water system improvements.

This historic property is in the path of stormwater and allowable non-stormwater discharges based on the FEMA one-percent annual chance flood. Construction activities are not planned to install BMP's to control such discharges here.



**Map of Property
in Santa Fe County**

Legend

- Address Point - SDE
- FEMA Firm Panel
- 5. M
- 2008 FEMA Flood - SDE
- 200 Year
- 100 Year
- GPS Road - SDE
- Major Road
- Minor Road
- Major Road
- PLSS Proj Sections - SDE
- Parcel - SDE
- 09/2008 - s1c-r-cw
- R3B
- Red: Band_1
- Green: Band_2
- Blue: Band_3

131412

North - N49°41'



Listing #70000412
El Santuario de Chimayo
Santa Cruz, Chimayo



El Santuario de Chimayo is currently an active Catholic Church with weekly services. The Santuario is also a site that is visited by many people daily for its religious history of being a place of healing due to the Tierra (dirt) within a small room of the Church. The Santuario is located to the North of Santa Fe in Chimayo. The property is partially located within FEMA 100 year floodplain FIRM panel #35049C0160D the main buildings are in Zone X and the area of floodplain is Zone A.

This site is not likely to ever be chosen as suitable location for the placement of storm water system improvements.

This historic property is in the path of stormwater and allowable non-stormwater discharges based on the FEMA one-percent annual chance flood. Construction activities are not planned to install BMP's to control such discharges here.

Listing #99000598
J.B. Jackson House
268 Los Pinos Rd, Santa Fe

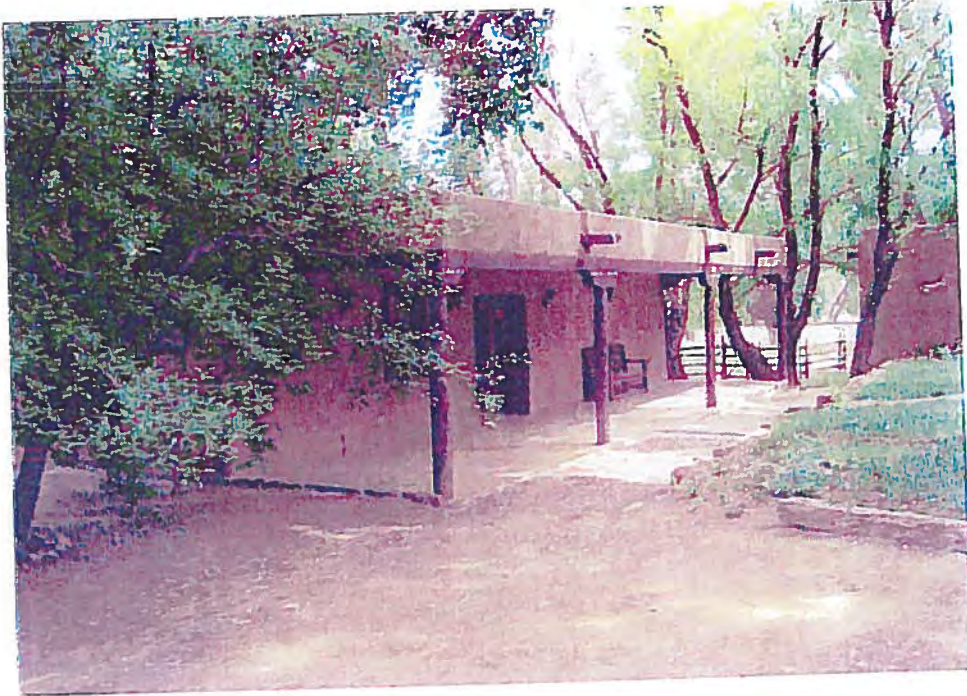


J.B. Jackson House is currently a private owned property with a main residence and a studio site.



The house is located just north of the Santa Fe River in La Cienega South of Santa Fe off of Los Pinos Rd.

Listing #99000598
J.B. Jackson House
268 Los Pinos Rd, Santa Fe



The J.B. Jackson House has been renovated to its original state. The detached studio is currently used for artwork which consists of paintings done by the current owner. The property is partially located within FEMA 100 year floodplain FIRM panel #35049C0503D the main buildings are in Zone X and the area of floodplain is Zone A.

This site is not likely to ever be chosen as a suitable location for the placement of storm water system improvements.

This historic property is in the path of stormwater and allowable non-stormwater discharges based on the FEMA one-percent annual chance flood. Construction activities are not planned to install BMP's to control such discharges here.



Map of Property in Santa Fe County

Legend

- Address Point - SDE
- FEMA Firm Panel
- ~ 2.5ft
- 2008 FEMA Flood - SDE
- 200 Year
- 500 Year
- GPS Roads - SDE
- ~ Minor Roads
- ~ Major Roads
- PLSS Prod Sections - SDE
- Parcels - SDE
- qp2008_sfc.ecw
- R6B
- Red_Band_1
- Green_Band_2
- Blue_Band_3

12370

inches=1:12941



Listing #97000730
Otowi Suspension Bridge
NM 4 over Rio Grande River, San Ildefonso

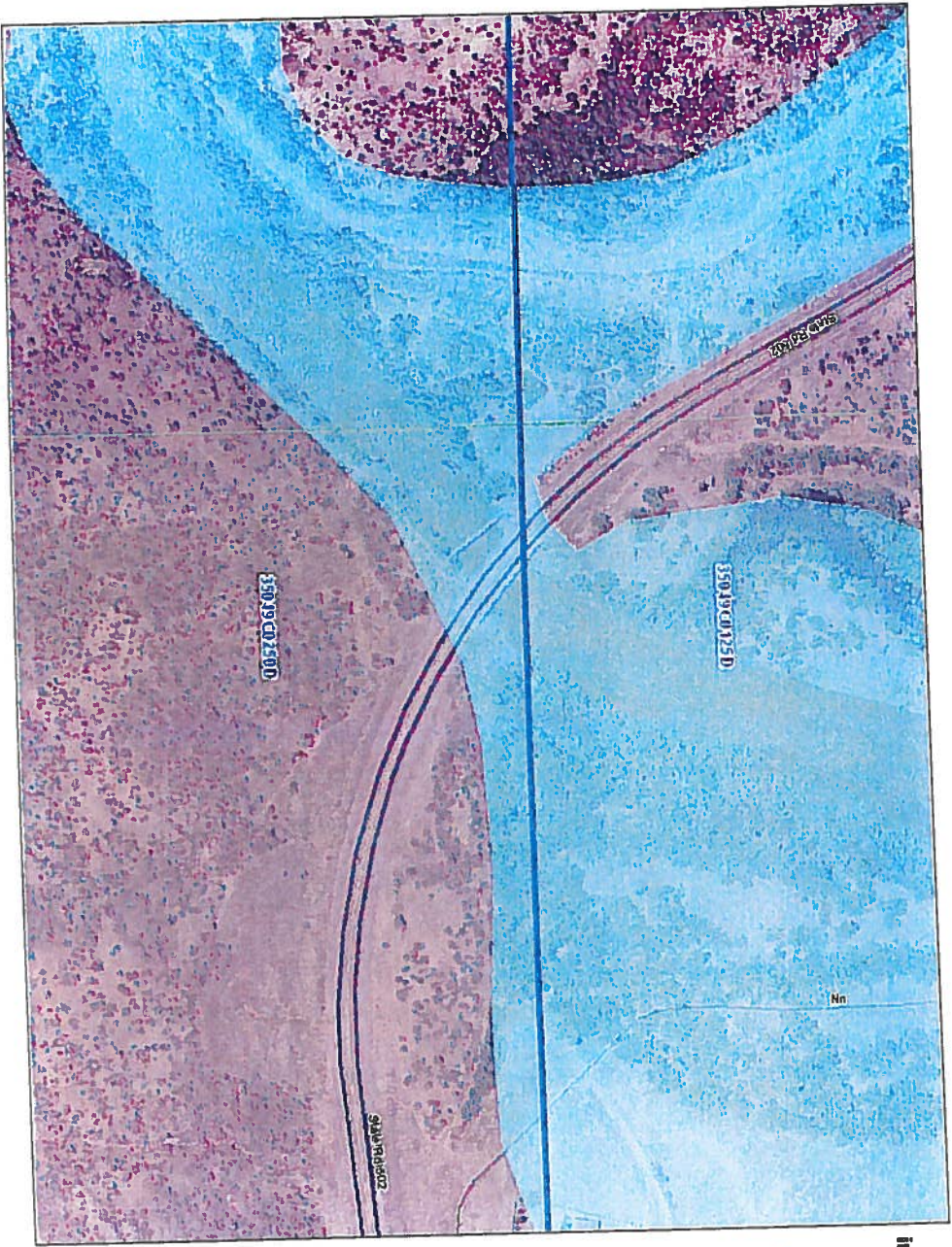


The Otowi Suspension Bridge is located off of NM SR 502 West of Pojoaque and East of Los Alamos. The bridge is no longer in use and stands as a landmark for the old road over the Rio Grand River. The bridge is located within FEMA 100 year floodplain FIRM panel #35049C0125D and panel #35049C0250D the bridge is located in Zone A.

This site is not likely to ever be chosen as suitable location for the placement of storm water system improvements.

This historic property is in the path of stormwater and allowable non-stormwater discharges based on the FEMA one-percent annual chance flood. Construction activities are not planned to install BMP's to control such discharges here.

Map of Property in Santa Fe County



Legend
 FEMA Firm Panel
 2008 FEMA Flood - SDE

- 500 Year
- 100 Year
- GPS Roads - SDE
- Minor Roads
- Major Roads
- Parcel - SDE
- qv/2008_sfc.n.ecw
- RGB
- Red: Band_1
- Green: Band_2
- Blue: Band_3

1:21,250

INCH=203.941



Listing #74001208
Pueblo of Nambe
16 mi. off NM 4 on SR 503, Santa Fe

The property is partially located within FEMA 100 year floodplain FIRM panel #35049C0175D the main buildings are in Zone X and the area of floodplain is Zone A.














This site is not likely to ever be chosen as suitable location for the placement of storm water system improvements.

This historic property is in the path of stormwater and allowable non-stormwater discharges based on the FEMA one-percent annual chance flood. Construction activities are not planned to install BMP's to control such discharges here.

Map of Property in Santa Fe County



Legend

-  500 Year
-  100 Year
-  500 Year - SDE
-  Major Roads - SDE
-  Minor Roads
-  Major Roads
-  Parcels - SDE
-  500 Year - SDE
-  100 Year - SDE
-  500 Year - SDE
-  Red: Band 1
-  Green: Band 2
-  Blue: Band 3

1:48,777
1 inch = 148.8 ft



Listing #73001149

Pueblo of Tesuque

8 mi. N of Santa Fe on W bank of Tesuque River, Santa Fe

The property is partially located within FEMA 100 year floodplain FIRM panel #35049C0300D the main buildings are in Zone X and the area of floodplain is Zone A.














This site is not likely to ever be chosen as suitable location for the placement of storm water system improvements.

This historic property is in the path of stormwater and allowable non-stormwater discharges based on the FEMA one-percent annual chance flood. Construction activities are not planned to install BMP's to control such discharges here.

Map of Property in Santa Fe County



Legend

-  FEMA Firm Panels
-  2008 FEMA Flood - SDE
-  500 Year
-  100 Year
-  GPS Roads - SDE
-  Minor Roads
-  Major Roads
-  Parcel - SDE
-  qn2008_slcra.ecw
-  R08
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

LEGEND

DATE: 07-04-11



Listing #74001206
San Ildefonso Pueblo
SW of Espanola of NM 4, Espanola

The property is partially located within FEMA 100 year floodplain FIRM panel #35049C0150D the main buildings are in Zone X and the area of floodplain is Zone A.

This site is not likely to ever be chosen as suitable location for the placement of storm water system improvements.

This historic property is in the path of stormwater and allowable non-stormwater discharges based on the FEMA one-percent annual chance flood. Construction activities are not planned to install BMP's to control such discharges here.

Map of Property in Santa Fe County



Legend

- FEMA Firm Panels
- 2008 FEMA Flood - SDE

- 900 Year
- 100 Year
- GPS Roads - SDE
- Minor Roads
- Major Roads
- Parcels - SDE
- 04/2008_sific.ecw

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3



12/20/08
10:17:12 AM



Appendix C
Suggested Notice of Intent Format

Appendix C: Suggested Notice of Intent Format

EPA suggests using the following format as an attachment to a cover letter to submit the Notice of Intent information required under Part 3.2 of the permit.

- 1. Legal Name of the MS4 Operator: _____
Mailing address: _____

Contact Person _____
Telephone Number _____

- 2. Operator is a ___ Federal ___ State ___ Tribal ___ other public entity (check one)

- 3. The MS4 is located in the _____ urbanized area or _____ core municipality or Indian reservation/pueblo (if not located in an urbanized area);
in _____ county(ies),
and the latitude and longitude of the approximate center of the small MS4 is _____

- 4. The major receiving water(s) are _____.
Does the MS4 discharge to any waters for which an TMDL applicable to discharges from the MS4 has been approved ___ Yes ___ No ___ N/A? (See Part 1.4.8)

- 5. The MS4 ___ is ___ is not ___ is partially located on Indian Country lands. If so, the Indian Country Lands include the following _____
(NOTE: MS4s straddling State and Indian Country land boundaries will be issued authorization under all applicable permits and may have additional State or Tribal-specific requirements applicable to different areas of the MS4 - see Part 8)

- 6. If the MS4 operator is relying on another governmental entity to satisfy one or more permit obligations (see Part 5.4), the identity of that entity(ies) and the element(s) the entity(ies) will be implementing ___ N/A ___ Required information attached

- 7. A description of the storm water management program (SWMP), including best management practices (BMPs) that will be implemented and the measurable goals for each of the storm water minimum control measures specified in Part 5.2 of this permit, the month and year in which the MS4 operator will start and fully implement each of the minimum control measures or the frequency of the action, the name of the person(s) or position(s) responsible for implementing or coordinating the SWMP, and the supporting documentation required by Parts 1.5 and 1.6. is attached.

8. *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Signed: _____ Date: _____
Printed Name _____

Note: Collection of Notice of Intent information required under 40 CFR 122.33(b)(1) is covered under Paperwork Reduction Act Information Collection Request # 1820.03, OMB NO.: 2040-0211, Expiration Date: 06/30/2006

Attachments

1. Description of the storm water management program (SWMP), including best management practices (BMPs) that will be implemented and the associated measurable goals.
2. Summary of issues raised in any local public comments received by the MS4 Operator on the draft NOI/SWMP and MS4 operator's responses.
3. Description of how the Part 1.5 eligibility criteria for listed species and critical habitat have been met (see Part 1.5 and Appendix A)
4. Description of how the Part 1.6 eligibility criteria for historic properties have been met (see Part 1.6 and Appendix B).
5. If the MS4 discharges to a receiving water for which EPA has approved or developed a TMDL, describe how the eligibility requirements of Part 1.4.6 have been met.

Appendix D
Suggested Annual Report Format

Appendix D: Suggested Annual Report Format

EPA suggests using the following format to submit the Notice of Intent information required under Part 5.8 of the permit.

MS4 ANNUAL REPORT

Check box if this is a new name, address, etc.

A. PERMITTEE INFORMATION

Permit Number: _____

Permittee: _____

Mailing Address: _____

City, State and Zip Code: _____

Phone Number: _____

Have any areas been added to the MS4 due to annexation or other legal means? YES NO
If YES, include updated map.

B. REPORTING PERIOD _____ to _____

C. PROGRAM AREAS (ATTACHMENTS)

As an attachment, address each of the following items for **each** of the six program areas (public education, public participation/involvement, illicit discharge detection and elimination, construction, post-construction, and good housekeeping for municipal operations). The status of each program area must be addressed, even if the program area was completed and fully implemented in a previous reporting year. *Help on the items is included in italics.*

If another entity does not have its own permit but is instead covered under your permit, the Annual Report information under Section C must also be provided for each such entity. (Depending on the size of the MS4 and the complexity of the programs, the attachments for this section will likely comprise 1 to 5 pages per program area.)

1. Implementation status.

a. General summary

b. Program elements changed or refined since previous report or permit application.
Include a summary of any changes made in accordance with Part 5.5 of the permit.

c. Status of Measurable Goals

Provide:

- i. The completion date for any measurable goals completed during the reporting period.*
- ii. An explanation for any measurable goals scheduled for completion during the reporting period that were not completed. (Any modified goals/deadline should be listed in Item 5, below.)*

2. Overall compliance with permit conditions.

a. Assessment of the appropriateness of the identified BMPs.

Factors to consider in determining appropriateness include, but are not limited to, effectiveness for local population, pollution sources, receiving water concerns, and integration with local management procedures.

b. Progress towards achieving the statutory goal of reducing the discharge of pollutants to the Maximum Extent Practicable (MEP).

Include a general discussion on your assessment of the overall program effectiveness at protecting water quality.

3. Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP.

Discharge monitoring is not a requirement under the permit. However, if you did collect any monitoring data for stormwater discharges within your jurisdiction, or if any program element included data collection of some sort, you must submit a short summary of the information and any analysis completed. Examples of data sources include survey/polling results, miles of riverbank cleaned up, number of hits on a website before and after a public education campaign, etc. (Data recorded under Item 1.c, Measurable Goals, does not need to be repeated here.)

4. Brief summary of storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule).

Provide a short summary based on your existing Storm Water Management Program implementation schedule. If any changes are planned from the original descriptions provided in the application or previous reports, they should be summarized in Item 5.

5. Proposed changes to the program area.

a. Changes to BMPs

b. Changes to Measurable Goals

Provide a summary of proposed changes and/or additions to information previously submitted in reports or the permit application. Significant changes that involve replacing or deleting an ineffective or unfeasible BMP may require EPA review as outlined in Part 5.5 of the permit.

6. Statement, if not included in previous reports or application, that you are relying on another government entity to satisfy some of your permit obligations (if applicable).

Another entity may be relied on to perform requirements of your MS4 permit. However, as the permittee, you remain liable for compliance with the terms of the permit if the requirements are not fulfilled. You must complete this Annual Report for the geographic areas covered under your permit, for all program areas, even if one or more program elements is being performed by another entity. (However, if you are performing a program element for another permittee, you do not need to include that activity in this report.)

7. A summary of the number and nature of inspections and formal enforcement actions performed.

Site-specific information may also be included, but is not required. (Information recorded under Item 1.c, Measurable Goals, does not need to be repeated here.)

8. Documentation on compliance with public access, review, and comment provision of Part 1.3 of the permit.

Describe when and how the public had the opportunity to review and comment on the Annual Report and Storm Water Management Program. Summarize any public comments and your response to those comments.

D. CERTIFICATION

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Signature of Permittee (legally responsible person)

Date Signed

Name & Title(printed)

Note: Collection of Annual Report information required under 40 CFR 122.34(g)(3) is covered under Paperwork Reduction Act Information Collection Request # 1820.03, OMB NO.: 2040-0211, Expiration Date: 06/30/2006

Appendix E
Providing Comments or Requesting a Public Hearing on an
MS4 Operator's NOI

NOTICE

Santa Fe County National Pollution Discharge Elimination System

Santa Fe County is developing a stormwater management program to reduce the discharge of pollutants being introduced into the MS4, channels, water courses, water, or waters of the US within Santa Fe County in order to obtain a permit as required by the Environmental Protection Agency.

A draft of the Notice of Intent for the MS4 Stormwater Management Plan and Program is available on the Santa Fe County Web site at the following link:

http://www.santafecountynm.gov/news_detail/1727

Public comments can be submitted to:
Santa Fe County Public Works Department
Attn: Paul Kavanaugh
P.O. Box 276
Santa Fe, New Mexico
87504-0276

E m a i l :
pkavanau@santafecountynm.gov
Phone: (505) 992-3026

Legal#95013
Published in the Santa Fe New Mexican
on: March 27, 2013

Appendix E: Providing Comments or Requesting a Public Hearing on an MS4 Operator's NOI

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

Any interested person may provide comments or request a public hearing on a Notice of Intent (NOI) submitted under this general permit. EPA would like to point out that the permit itself has already done through the NPDES notice and comment public participation process required by 40 CFR 124.10 and is not being reopened.

A. How Will I Know A MS4 is Filing an NOI and How Can I Get a Copy?

The permittee is required to provide a local public notice that they are filing an NOI and make a copy of the draft NOI submittal available locally. EPA will put basic information from all NOIs received on the Internet at:

<http://www.epa.gov/region6/6wq/npdes/sw/sms4/index.htm> . You may contact the listed MS4 representative for local access to the NOI. You may also request a copy from EPA by contacting **Ms. Dorothy Brown** at 214-665-8141 or brown.dorothy@epa.gov or via mail at the Address in Item D below, attention Dorothy Brown.

B. When Can I File Comments or a Hearing Request?

You can file comments and/or request a hearing as soon as a NOI is filed, but your request must be postmarked or physically received by EPA within thirty (30) calendar days of the date the NOI is posted on the web site in Section A.

C. How Do I File Comments or Make My Hearing Request?

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

D. Where Do I Send Copies of My Comments or Hearing Request?

Electronic Format: Submit one copy of your comments or hearing request via e-mail to Ms. Diane Smith at smith.diane@epa.gov and copy the Operator of the MS4 at the address on the NOI (send hard copy to MS4 Operator if no e-mail address provided). You may also submit via compact disk or diskette formatted for PCs to addresses for hard copy below.

Hard Copy: You must send an original and one copy of your comments or hearing request to EPA at the address below and a copy to the Operator of the MS4 at the address provided on the NOI.

U.S. EPA Region 6
Water Quality Protection Division (6WQ-NP)
Attn: Diane Smith
1445 Ross Ave., Suite 1200
Dallas, TX 75202

E. How Will EPA Determine Whether or Not To Hold a Public Hearing?

EPA will evaluate all hearing requests received on an NOI to determine if a significant degree of public interest exists and whether issues raised may warrant clarification of the MS4 Operator's NOI submittal. EPA will hold a public hearing if a significant amount of public interest is evident. EPA may also, at the Agency's discretion, hold either a public hearing or an informal public meeting to clarify issues related to the NOI submittal.

EPA may hold a single public hearing or public meeting covering more than one MS4 (e.g., for all MS4s in an Urbanized Area, etc.).

Since the general permit went through the NPDES publication participation process as it was issued, a hearing request will only be granted for issues related to the MS4 Operator's NOI submittal and not on the permit itself.

F. How Will EPA Announce a Public Hearing or Public Meeting?

EPA will provide public notice of the time and place for any public hearing or public meeting in a major newspaper with local distribution and via the Internet at <http://www.epa.gov/region6/6wq/npdes/sw/sms4/index.htm>.

G. What Will EPA Do With Comments on an NOI?

EPA will take all comments made directly or in the course of a public hearing or public meeting into consideration in determining whether or not the MS4 that submitted the NOI is appropriately covered under the general permit. The MS4 operator will have the opportunity to provide input on issues raised. The Director may require the MS4 operator to supplement or amend the NOI submittal in order to be authorized under the general permit or may direct the MS4 Operator to submit an individual permit application. A summary of issues raised and EPA's responses will be made available online at <http://www.epa.gov/region6/6wq/npdes/sw/sms4/index.htm>. A hard copy may also be requested by contacting Ms. Diane Smith (see paragraph D).