

## Attachment 1: MS4 Certification of Phase II Ordinances

The entity certifying the ordinances shall carefully read the appropriate sections of the small MS4 GP and consult with the appropriate municipal staff responsible for implementing the Phase II Storm Water Program. Special attention shall be given to applicability, prohibitions, permit review and inspection authorities, permit criteria and standards and the adequacy of the enforcement mechanism.

The appropriate/pertinent section(s) of the final adopted ordinance(s) shall be attached and referenced in the cover letter. The attached copies shall indicate the date the ordinance was adopted and recorded.

The cover letter should contain a statement from the City Solicitor, legal counsel, or an official acting in a comparable capacity to the effect:

I \_\_\_\_\_, of \_\_\_\_\_, representing \_\_\_\_\_, hereby certify on behalf of the municipality that I have read the requirements of the *RIPDES General Permit for Storm Water Discharge from small municipal separate storm sewer systems and from Industrial Activity at eligible facilities operated by the regulated small MS4s (small MS4 GP)*, Permit # RIR040000, consulted with the appropriate municipal staff, and determined that the attached ordinance(s) entitled \_\_\_\_\_ and adopted \_\_\_\_\_, provides the authority to adequately carry out the requirements of Part IV.B.3a.&b. Illicit Discharge Detection and Elimination / Part IV.B.4.a.&b. Construction Site Storm Water Runoff Control / IV.B.a&b. Post Construction Storm Water Management in New Development and Redevelopment of the small MS4 GP.

Remember to list and attached all ordinances that alone or in combination are intended to satisfy the permit requirements and that provide the MS4 operator with the legal authority to implement the required programs.

The submittal should clearly indicate when the subject ordinance was adopted and attach a copy of the most current stamped/signed version of the ordinance or amendments indicating that the ordinance has been formally adopted.

## Attachment 2 Excerpts from small MS4 GP #RIR040000

The following requirements applicable to the ordinances can be found under Part IV.B. of the MS4 General Permit.

3. Illicit Discharge Detection and Elimination.
  - a. Permit Requirement. At a minimum, the operator must develop, implement and enforce a program to detect and eliminate illicit discharges or flows into the small MS4 that includes the following:
    1. If not already existing, the operator must develop an outfall map. The map must show the location of all outfalls and the names of all waters that receive discharges from those outfalls. At a minimum recording of additional elements, such as, location of catch basins, manholes, pipes within the system, must be completed for those portions of the system that are associated with the investigation and tracing of illicit discharges detected from the dry weather survey of outfalls, municipal construction activity projects, and catch basin inspections.
    2. To the extent allowable under State law, the operator must effectively prohibit and enforce, through an ordinance or other regulatory mechanism available to the operator, non storm water discharges into the system that are not authorized under Part I.B.3 of this permit or another appropriate RIPDES permit, and must also address pet waste, litter, yard waste, and other waste (such as household hazardous wastes). The mechanism must include sanctions for non-compliance. The ordinance or other regulatory mechanism must provide for appropriate enforcement procedures and actions. If a regulatory mechanism does not exist by the time an application is required, development and adoption of such a mechanism must be included as part of the SWPPP.
    3. The non storm water discharges listed in Part I.B.3. must be addressed if they are identified as being significant contributors of pollutants.
    4. The operator must develop and implement a plan to detect and address non storm water discharges, including illegal dumping, into the system.
    5. The illicit discharge plan must contain procedures to identify and initially target priority areas, locate illicit discharges, locate the source of the discharge, remove illicit discharges, document actions, and evaluate impact on sewer system subsequent to the removal.
    6. The operator must inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper waste disposal. Operators of facilities owned or operated by a State or federal agency must inform public employees, and users of the facility of hazards associated with illegal discharges and improper waste disposal.

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4. Construction Site Storm Water Runoff Control.

a. Permit Requirement. The operator of the regulated small MS4 must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one (1) acre. The operator must include disturbances less than one (1) acre if part of a larger common plan or if controlling such activities in a watershed is required by the Director. At a minimum, the program must be consistent with the requirements of the RIDEM RIPDES General Permit for Storm Water Discharge Associated with Construction Activity. It is recommended that the operator of the MS4 implements a program for review of construction activity throughout their jurisdiction, addressing direct discharges of storm water to waters of the State in addition to the discharges to the MS4. The construction site storm water runoff control program must include the development and implementation of the following:

1. An ordinance or other regulatory mechanism to require sediment and erosion control and control of other wastes at construction sites, as well as sanctions to ensure compliance, to the extent allowable under State or local law. If such an ordinance does not exist at the time a permit application is required, development and adoption of an ordinance must be part of the program upon obtaining legal authority. Sanctions may include either monetary or non-monetary penalties.
2. Requirements for construction site operators to implement a sediment and erosion control program which includes best management practices that are appropriate for the conditions at the construction site and that at a minimum include the requirements of: Rhode Island Soil Erosion and Sediment Control Handbook (as amended).
3. Require control of wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.
4. Requirements for construction site operators to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).
5. Procedures for plan and SWPPP review including procedures which incorporate consideration of potential water quality impacts. The site plan review must include procedures for review of sediment and erosion controls and design of BMPs to minimize water quality impacts.
6. Procedures for receipt and consideration of information submitted by the public.
7. Procedures for inspections and enforcement of control measures at construction sites.
8. Procedures for coordination of local and State construction permits and referrals of enforcement actions.

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

- a. Permit Requirement. The operator must develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale that discharge into the MS4. It is recommended that the operator of the MS4 implements a plan review and inspection post-construction program throughout their jurisdiction, addressing direct discharges of storm water to waters of the State in addition to the discharges to the MS4. The program must ensure that controls are in place to prevent or minimize water quality impacts. The post construction program must include:
1. Development and implementation of strategies which include a combination of structural methods such as detention basins, wet basins, infiltration basins and trenches, dry wells, galleys, vegetated swales and vegetated filter strips and/or non-structural BMPs appropriate for the community.
  2. An ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects, that includes non-structural and structural BMPs, as well as their installation and operations and maintenance (O&M), and sanctions to ensure compliance, to the extent allowable under State and local law. If such an ordinance does not exist, development and adoption of an ordinance must be part of the program.
  3. Procedures for site plan review to ensure that design of controls to address post-construction runoff are consistent with: The State of Rhode Island Stormwater Design and Installation Manual (as amended).
  4. Procedures to ensure adequate long term operation and maintenance of BMPs.
  5. Procedure to develop and implement strategies to reduce runoff volume which may include minimizing impervious surface areas such as roads, parking, paving or other surfaces, encouraging infiltration of non-contaminated runoff, preventing channelization, encouraging sheet flow, and where appropriate, preserving, enhancing or establishing buffers along surface water bodies and tributaries.
  6. Procedures for coordination of local and State post-construction storm water management in new and redevelopment permitting and referrals for enforcement actions.

## ATTACHMENT 3: Solicitor's Letter Example



ExampleSolicitor'sLetter.pdf