



## FACT SHEET

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

## REISSUANCE WITHOUT MODIFICATIONS

SEPTEMBER 2023

### 1.0 Permit Overview

The Department of Energy and Environmental Protection (“DEEP”) is reissuing and administrating the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 General Permit) under the authority of Section 22a-430b of the Connecticut General Statutes (“CGS”), as amended by Public Act 91-263. DEEP’s stormwater general permit program was developed pursuant to EPA’s Stormwater Rule and Connecticut’s stormwater permits are issued under the authority of the federal National Pollutant Discharge Elimination System (NPDES) Program and Connecticut General Statutes Section 22a-430 and 22a-430b. DEEP first issued the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 General Permit) on January 9, 2004. The general permit was reissued with modifications in 2017.

The purpose of the MS4 General Permit is to protect waters of the state from urban stormwater runoff through municipal separate storm sewer systems. EPA defines a regulated small MS4 as a municipality that owns and operates a storm sewer system in an Urbanized Area (“UA”). Urbanized Areas are defined by the federal Census Bureau and consist of densely populated areas surrounding urban centers. The criteria for designating UAs are developed by the Census Bureau and maps of UAs are published after each decennial census. Changes have been made to the definition of UA in the 2020 census and the United States Environmental Protection Agency (“EPA”) has provided regulatory guidance to permitting authorities on the usage of UA in MS4 permits that DEEP will take into consideration in an upcoming modified version of the MS4 General Permit.

The original maps governing the 2004 MS4 General Permit were based on the 2000 census. The most recent maps reflect the results of the 2010 census. Maps based on the 2020 census have been released by the Census Bureau and will be utilized by DEEP in an upcoming modified version of the MS4 General Permit. The federal Phase II Stormwater Rule also required coverage of state and federal institutions that it called “non-traditional” MS4s. This MS4 General Permit includes these institutions such as state and federal prisons, colleges, hospitals, and military facilities as MS4s covered by the general permit. There are currently 121 municipalities and 12 institutions covered by the most recently effective MS4 General Permit.

The requirements of the current MS4 General Permit include registration to obtain permit coverage, development and implementation of a Stormwater Management Plan, screening and monitoring of stormwater outfalls which discharge into impaired waters and waters subject to a Total Maximum Daily Load (TMDL) within the permittee’s area. The Stormwater Management Plan is the cornerstone of this MS4 General Permit. It is a document prepared by the MS4 that contains information on its stormwater and municipal infrastructure along with Best Management Practices (“BMPs”) to reduce and/or eliminate the discharge of pollutants through the storm sewer system to the Maximum Extent Practicable (“MEP”). MEP is the standard promulgated in EPA’s Phase II rule that MS4s are required to meet. The MS4 General Permit definition of MEP is “to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.”

In its Phase II ruling, EPA states that the MEP standard is intended as an iterative process which should “continually adapt to current conditions and BMP effectiveness and should strive to attain water quality standards.” Permittees are expected to develop a program consistent with permit requirements, implement the program, evaluate the effectiveness of the program, and revise the program when deemed ineffective. This process continues with the goal of protecting water quality and achieving the appropriate water quality requirements of the Clean Water Act.

The BMPs in the Stormwater Management Plan are organized into six categories of Minimum Control Measures: public education and outreach, public participation, illicit discharge detection and elimination (“IDDE”), construction stormwater management, post-construction stormwater management, and pollution prevention and good housekeeping. Each of these categories includes several BMPs to implement the control measure. Certain BMPs are required, but the permit provides for additional BMPs to be implemented, as necessary, to address pollution at the discretion of the MS4.

## **2.0 Reissuance of the General Permit Without Modifications**

The current MS4 General Permit expired on June 30, 2022. In order to provide permit coverage for the regulated community, **the current MS4 General Permit is therefore reissued without modifications for a two (2) year period from the date of issuance by the Commissioner.** DEEP is not requiring existing permittees to submit registration forms as part of this reissuance. Permittees are required to comply with all elements of the MS4 General Permit to ensure their discharge(s) will not cause pollution. The Commissioner intends to issue the MS4 General Permit with modifications prior to or upon expiration of the reissued MS4 General Permit.

## **3.0 Minimum Control Measures**

The MS4 General Permit requires implementation of the six Minimum Control Measures (“Minimum Measure”) throughout the municipality with some additional or alternate measures within the UA portion of the MS4. Many measures are required only within the UA and those areas outside the UA that discharge to impaired waters or from areas with Directly Connected Impervious Area (“DCIA”) exceeding eleven percent (11%). The MS4 General Permit refers to these areas as “priority areas”.

### **3.1 Public Education and Outreach:**

This Minimum Measure specifies outreach targeting pet waste, application of fertilizers, herbicides, and pesticides, impacts of illicit discharges, and improper disposal of waste into the MS4. Outreach materials can be developed or acquired from various sources such as governmental agencies, academia, and/or environmental advocacy organizations; and can be disseminated in numerous ways such as flyers, brochures, door hangers, television public service announcements, and web-based tools. This Minimum Measure provides a timeline for implementation of this program. In addition to these standard requirements, this measure includes additional targeted efforts to address water quality impairments.

### **3.2 Public Participation**

This Minimum Measure requires the MS4 to publish a public notice of the availability of its Stormwater Management Plan and Annual Report for public review. It recommends locations for the Stormwater Management Plan to be available such as the MS4’s main office, a local library or other central publicly available location and also a URL where the information may be accessed electronically. This Minimum Measure requires a minimum of a 45-day comment period to solicit and receive public comments on the Annual Report. The MS4 is also encouraged to enlist local organizations to help implement the elements of its Stormwater Management Plan.

### **3.3 Illicit Discharge Detection and Elimination**

This section addresses how the MS4 identifies, traces, and eliminates non-stormwater discharges to its storm sewer system from sources such as sanitary sewer cross-connections, illegal dumping, industrial and commercial wastes,

floor drains, animal wastes, lawn management chemicals, and wastes. The MS4 General Permit identifies the legal authorities that are required to implement the IDDE program, the protocol for performing the field work to detect and eliminate illicit discharges, mapping requirements, citizen reporting provisions, and the timeframe for IDDE program completion. The requirements of this measure are mandated only in the priority areas. The MS4 General Permit also contains requirements for record keeping to document the progress of the IDDE program. In addition to these standard requirements, this measure includes additional targeted efforts to address water quality impairments.

### **3.4 Construction Site Stormwater Runoff Control**

This section outlines the legal authorities the MS4 must develop to manage construction site runoff within its jurisdiction. Most of this legal authority will reside within the regulations and policies of the land-use commissions for the MS4. This section requires consistency with the Connecticut Stormwater Quality Manual, as amended, in addition to the Guidelines for Soil Erosion and Sedimentation Control. Detail is provided for permittee review and inspection, notification of requirements of the DEEP Construction Stormwater General Permit, public involvement, and long-term maintenance of stormwater treatment ponds. There is also language requiring the MS4 to develop a plan outlining how all MS4 departments and boards with jurisdiction over land disturbance and development projects will coordinate their functions with one another.

### **3.5 Post-Construction Stormwater Management**

This section requires MS4s to update their land-use regulations to include Low Impact Development (LID) measures, post-construction stormwater retention, and other elements of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“Construction General Permit”) in addressing applications for new development and redevelopment. The MS4 must also develop a program to ensure the inspection and long-term maintenance of existing stormwater facilities under the jurisdiction of the MS4, as well as provide, through its land-use regulations, requirements for long-term maintenance of stormwater management measures in new applications for development. In addition to these standard requirements, this measure includes a requirement for the MS4 to map its DCIA. There are also targeted efforts, including prioritizing the use of retrofits, to address water quality impairments.

### **3.6 Pollution Prevention and Good Housekeeping**

This section of the MS4 General Permit provides details on the maintenance of the MS4’s property and operations including parks and open space, employee training, the management of pet waste and waterfowl, buildings and facilities, vehicles and equipment, parking lots, snow management practices, street sweeping, leaf management, and catch basin cleaning. In addition to these standard requirements, this measure includes a Retrofit Program requiring the reduction of DCIA within the MS4 by retrofits or stormwater retention practices for redevelopment projects. This section also allows and encourages the MS4 to coordinate with other interconnected MS4s and includes targeted efforts to address water quality impairments.

## **4.0 Impaired Waters**

The DEEP is required by Section 303(d) the federal Clean Water Act to assess its water bodies to determine if they are meeting or not meeting their designated uses. Waterbodies that are not meeting their designated uses are commonly referred to as “impaired”. DEEP is required to develop a plan, called a Total Maximum Daily Load plan (TMDL), to identify potential pollutant sources and address the causes of the impairment with a goal to meet instream water quality standards to protect the designated uses. While there are numerous causes for impairments throughout the state, the majority of impairments (with or without TMDLs) for which stormwater is a potential source, are likely caused by phosphorus, nitrogen, and bacteria. In addition to these, sediment is another significant stormwater pollutant as it can impact water resources through sedimentation and carry pollutants such as metals and nutrients bound to sediment. Each of the six Minimum Control Measures includes a section detailing which of the BMPs within the measure should receive particular focus and emphasis to address a given impairment. To

further address how an MS4 deals with impaired waters, there are specific monitoring requirements targeting these waters, as well as additional measures to be implemented for new or increased discharges to the impaired waters.

#### **4.1 Monitoring**

The MS4 General Permit requires representative outfall monitoring of discharges to impaired waters. Outfall monitoring will be conducted during a rainstorm and include analytical sampling for nitrogen, phosphorus, bacteria, or turbidity, depending on the identified cause of the impairment. Outfalls that exceed certain thresholds must be targeted by the MS4 for follow-up investigation and increased or alternate BMPs within the outfall's drainage area.

#### **5.0 State and Federal Institutions**

As mentioned above, the MS4 General Permit also covers state and federal institutions. In general, they are subject to the same requirements as the municipal MS4s. However, in some cases where the BMPs for a particular Minimum Control Measure do not directly or easily apply to an institution, an exemption or alternate BMP is provided within the Minimum Control Measure.

#### **6.0 Fees**

The registration fee for a Small MS4 is \$625 and is submitted with the registration form. The fees for municipalities are half this amount pursuant to section 22a-6(b) of the CGS.