

Comparison of Minimum Control Measures and Requirements: Prior MS4 GP (2004) / New MS4 GP (Issued Jan. 20, 2016 – Effective July 1, 2017)



Section	Requirement	Existing MS4 General Permit (Jan 2004)	New MS4 Permit (Jan 2016)	Notes/ Major Differences
Appendix A	Coverage	Only MS4s with urbanized area (2000 Census)	Only MS4s with Urbanized Area (2010 Census)	Only Bethlehem in NV not regulated
3	Authorizations- Stormwater Management Plan	No PE certification required	PE (may be town engineer or other qualified PE) must certify the stormwater management plan.	Original draft called for independent PE.
4	Registration	Paper Registration - \$250 fee	-Online Registration - \$312.50 fee for municipalities (\$625 for non-muni)	More detailed information about receiving waters required
5	Requirements	Stormwater Management Plan (SMP) addressing 6 minimum control measures.	-New discharges from the MS4 system must be done in accordance with the Water Quality Standards Manual. - SMP addressing the 6 minimum control measures (sections 6 (a)(1-6)).	
6(a)	Minimum Control Measures			
6(a)(1)	Public Education and Outreach	Prepare and disseminate public education materials	-Prepare and disseminate public education materials -Must include specific topics (pet waste, fertilizers, pesticides, impervious cover, etc.) -Targeted outreach to problem areas/ populations. -Schedule- implement within 1 year (for Small MS4s already authorized by general permit form 2004). -In MS4s discharging to a waterway with Pollutant of Concern, must target that pollutant with specific education materials. -DEEP will provide some materials	More detailed requirements/ allowable activities. Regional Possibilities – NVCOG currently partnering with Pomperaug River Watershed Coalition to fulfill this requirement for towns with “River Smart” program
6(a)(2)	Public Involvement/ Participation	-Comply with FOIA -Develop a public participation program for input in developing SMP	-Publish public notice of plan development and annual report - (FOIA is mentioned in a different section) -Detailed posting requirements -90 Day comment period for SMP development (section 4 (d)(2)) -45 Day comment period for each Annual Report to DEEP (section 4(d)(3)) (Inconsistency, this section states that is 30 days for both)	More detail, but similar other than comment period
6(a)(3) & Appendix B	Illicit Discharge Detection & Elimination (IDDE)	-Implement Ordinance to prohibit non-stormwater discharges (In Entire Municipality). -Educate staff, businesses and residents of ID hazards. -Map all discharges greater than 12” in urbanized area, 15” in entire municipality. -Develop and implement program to detect and eliminate ID -Develop and implement plan to detect and address future discharges	For Entire Municipality: -Develop a written IDDE program. -Provide the legal authority to prohibit and control discharges of ID, eliminate ID, and assess fines/penalties (within 1 year). -Additional legal authority mentioned in Appendix B: investigate suspect ID, eliminate ID including that from properties not owned/controlled by the MS4 that discharge into the MS4 and implement appropriate enforcement -Develop training program for staff. -Develop a program for citizen reporting of ID. -List and map ALL interconnections with other MS4s and outfalls/stormwater discharges (with attributes) within 2 years. -Inventory all known sanitary sewer overflows (SSO) in last 5 years. -Monitor for, identify, report, and address all SSOs. -Implement outfall screening and ID detection protocol to id, prioritize, investigate catchments for suspect ID -Maintain a record of all ID abatement activities -Develop prioritization strategy to id areas outside of priority areas (below) to be targeted -Begin investigations no later than 15 months -All catchment areas investigated in 10 years	Much more detailed requirements. Legal Authorities – could use help from DEEP/ Model Ordinances Staff training program would be best developed at the State level to ensure consistency, and administered locally or regionally. Mapping entire system in priority areas could be very costly.

			<p>For Priority Areas (within UA/ impervious>11%/ drains to impaired water):</p> <ul style="list-style-type: none"> -Implement IDDE Program -Highest priority to areas with highest potential to discharge bacteria, phosphorous and nitrogen -Map all features of the MS4 within 3 years (drains, pipes, manholes, interconnections, catch basins, conveyances, sanitary sewers (where available), catchment delineations, etc.). -Written procedure for outfall and interconnection sampling/ screening <ul style="list-style-type: none"> -- For baseline, confirmatory and follow up screenings for ID and SSO --Dry weather sampling of every outfall and interconnection within 3 years. -Written procedure for catchment prioritization and investigation. <ul style="list-style-type: none"> --Delineate catchment areas for each outfall and assess for the likelihood of ID and SSO. --Complete initial assessment and ranking based on existing data in 2 years Update based on catchment delineations and new information -Additional targeted wet and dry outfall monitoring and testing where draining to impaired waterways – Section 6(i) 	
6(a)(4)	Construction Site Runoff	<ul style="list-style-type: none"> -Develop, implement and enforce a program to reduce runoff from construction impacting area >1 acre. -Require erosion and sediment controls. -Procedures for notification about the discharge of stormwater from construction activities. -Requirements for operators to control construction materials on site to prevent impact to waterways. -Procedures for plan review concerning potential impacts. -Procedures for public input. -Procedures for inspection and enforcement. 	<ul style="list-style-type: none"> Develop, implement and enforce a program to control runoff from construction impacting area >1 acre. -Includes legal authority (bylaw, ordinance, regulation) to require developers to comply with DEEP guidance, the town to carry out enforceable inspections, and the inclusion of long term maintenance plans of stormwater features. -Update land use regulations within 2 years to reflect the above. -Develop a plan for interdepartmental coordination. -Site review and inspection of adequacy of stormwater conveyances. -Procedure for public involvement land disturbances and development. -Notification to developers of state construction runoff permit 	<p>New legal authorities.</p> <p>Written Plan for interdepartmental cooperation.</p> <p>New state regulation notification requirement.</p>
6(a)(5)	Post-Construction Stormwater Management	<ul style="list-style-type: none"> -Develop, implement and enforce a program to reduce runoff from recent development or redevelopment impacting area >1 acre. -Develop and implement strategies that include appropriate BMPs. -Use an ordinance to ensure authority -Ensure long-term operation and maintenance of BMPs. 	<ul style="list-style-type: none"> -Establish legal authority to require developers consider LID practices in land use regulations or construction requirements. Within 4 years. -Eliminate barriers to the use of LID (site requirements, land use/zoning/street design regulations, etc.) Within 4 years. -Specific requirements for stormwater retention on property (half storm water quality on parcels > 40% impervious, all storm water quality on parcels < 40% impervious) -Meet or exceed practices in Stormwater Quality Manual. -Calculate and the Directly Connected Impervious Area (DCIA) that contributes to each outfall within 3 years. Track changes in DCIA going forward. -Develop a maintenance plan for all retention/ detention ponds owned by the municipality or for which the muni has a legal authority, designed to prevent from surpassing 50% capacity. -Stormwater treatment structures (Swales, separators, etc.) owned by the municipality or for which the muni has legal authority must be inspected, and cleaned when in excess of 50% capacity. 	<p>New legal authorities.</p> <p>New ordinances and regulations concerning LID.</p> <p>More stringent requirements for on-site stormwater retention.</p> <p>Accurate calculation of DCIA by outfall is not possible with existing data, and would require great expense to comply (data acquisition/ field work).</p>
6(a)(6)	Pollution Protection/ Good Housekeeping	<ul style="list-style-type: none"> -Implement an operation and maintenance program that includes training with goal of reducing runoff pollution. -Street sweeping yearly in spring. Develop program to identify streets that need more frequent sweeping. -Implement program to evaluate and clean out catch basins that accumulate sediment at least once per year 	<ul style="list-style-type: none"> -Staff training program. -Implement a program to repair, retrofit, upgrade and replace conveyances, structures and outfalls. – disconnect or retrofit 2% of DCIA by 5th year of permit (end of permit term). -Annual tracking of DCIA disconnection. -Municipal owned or maintained properties must be maintained in a manner to minimize stormwater pollution into the MS4. 	<p>Staff training can be done regionally, but program should be developed at the state level</p> <p>Relies on DCIA calculations in 6(a)(5)</p>

		-Implement program to evaluate and prioritize structures of the MS4 for repair and upgrades.	-Problem pet and waterfowl waste areas must be identified, and targeted management practices implemented. -Storage and maintenance of vehicles must be done in a manner to prevent stormwater pollution. -Leaf Management procedures shall be implemented to avoid discharge to the MS4 (leaf management plan does not require leaf pick up). -Sweeping of all streets and municipal parking lots in priority area at least yearly in the spring, with procedures to identify those streets requiring more frequent sweeping. Sweeping program statistics will be filed in annual report. -Streets not in priority area must be swept yearly, or an alternate plan must be developed explaining the reasoning for less frequent sweeping. -Routine monitoring and cleaning of catch basins: inspected at least once within 3 years in priority area, once in 5 years outside priority area, and clean out to prevent basins from exceeding 50% capacity. Documented and reported in the annual report. -Snow and ice control measures and material storage shall be done in a manner to minimize stormwater pollution. -Coordinate with interconnected MS4 operators.	Excessive sweeping, catchment basin cleaning and leaf management requirements have been scaled back from the original draft.
6(b)	Sharing Responsibility	-Other qualified programs can be claimed by the municipality to comply with the permit.	-Other qualified programs can be claimed by the municipality to comply with the permit.	Example: the River Smart Program
6(c)	Proper Operation and Maintenance	-Permitee must properly operate and maintain all systems and controls	-Permitee must properly operate and maintain all systems and controls	
6(d)	Signature	Signed by CEO	Signed by CEO	
6(e)	Plan Review Fee	\$187.50	\$375	
6(f)	Keeping Plans Current	Proper notification of changes to plan to commissioner	Proper notification of changes to plan to commissioner	
6(g)	Failure to update	Failure to amend or update does not relieve any responsibility to protect waters of the state	Failure to amend or update does not relieve any responsibility to protect waters of the state	
6(h)	Plan Review Certification		A plan review certification must be maintained with the plan	
6(i)	Monitoring Requirements	-Monitor two outfalls each from commercial, industrial, and residential areas (6 total) during storm events/ wet weather.	For outfalls to impaired waters: -For Nitrogen or Phosphorous impaired waterways: screen ALL outfalls for Phosphorous or Nitrogen (or both depending on pollutant of concern) during wet conditions – all outfalls must be screened at least once in 5 years. -For Bacteria impaired waterways, test all outfalls for bacteria. -Similar requirements for other pollutants of concern. -Follow up investigation in drainage areas where pollutants have been identified. -Implement BMP program in each drainage area identified as contributing to impairment -Once half of the outfalls have been tested, 6 outfalls of concern with maximum pollutant loads must be identified and tested annually.	Much more stringent requirement. Testing in all outfalls to impaired waterbodies would be difficult/ expensive. Very detailed screening program requirements. Once all are screened, ongoing annual testing would be similar to current permit.
6(j)	Reporting	-Annual report must be submitted to DEEP by Jan 1. -\$187.50 submission fee	-Annual report by April 1 -\$187.50 submission fee	
6(k)	Discharges to waters with TMDL	-TMDLs must be adhered to	-Must adhere to TMDLs	