



Draft MS4 Phase II General Permit Overview

MS4 Workshop
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Auburn, Alabama

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Goal of this Presentation

**Provide Overview of the Draft MS4
Phase II General Permit (GP) Requirements**

- Coverage Under This General Permit (GP)
- Notice of Intent (NOI) Requirements
- Storm Water Management Program (SWMP) for Small MS4s
- Special Conditions
- Monitoring, Recordkeeping, and Reporting

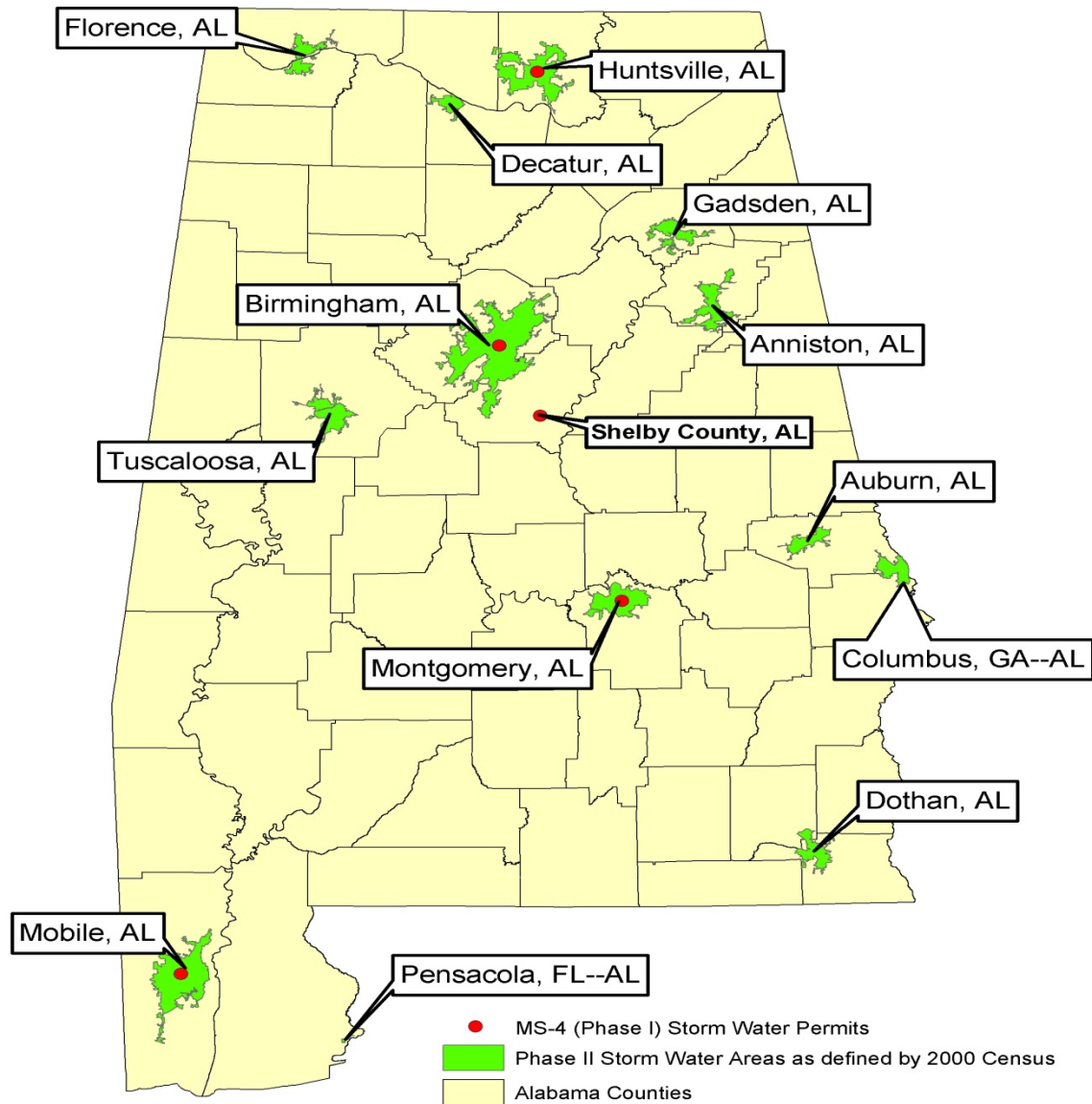


Coverage Under this General Permit (GP)

- Permit Coverage
- Eligibility
- Limitations of Coverage
- Obtaining Authorization
- Implementation

- This permit covers all the areas within the State of Alabama that were designated by the Department and all municipalities named as Permittees for those areas defined as urbanized areas (UAs) by the US Census Bureau in the Permittee(s) MS4 jurisdiction.

Alabama Storm Water Management Areas



- Authorizes discharges of storm water from small municipalities (40 CFR Part 122.26(b)(16))
 - Own or operate a small MS4 within the permit coverage area
 - Not a “large” or “medium” MS4 (40 CFR Part 122.26(b)(4) or (7))
 - Submit a NOI
 - Either:
 - Located fully/partially within UA as determined by latest Decennial Census
 - Designated for permit authorization by the EPA and the Department pursuant to 40 CFR Part 122.32(a)(2)
- Authorizes non-storm water discharges provided:
 - Do not cause or contribute to a violation of water quality standards
 - Not a substantial contributor of pollutants to a particular small MS4 applying for coverage under this GP and the particular small MS4 is implementing the SWMP



Limitations of Coverage

- The following storm water discharges are unauthorized unless the discharges are in compliance with a separate NPDES permit or Department determines not to be significant contributor to State waters:
 - Storm water discharges mixed with sources of non-storm water
 - Storm water discharges associated with industrial activity (40 CFR Part 122.26(b)(14)(i)-(ix) and (xi))
 - Storm water discharges associated with construction activity (40 CFR Part 122.26(b)(14)(x) or 40 CFR 122.26(b)(15) and ADEM Admin Code Chapter 335-6-12
 - Storm water discharges currently covered under another NPDES permit.
- Discharges to Territorial Seas, Contiguous zone, and Oceans not authorized unless in compliance with 40 CFR Part 125, Subpart M
- Discharges that would cause or contribute to instream exceedances of water quality standards are not authorized
- Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been approved by EPA is not authorized unless the discharge is consistent with the TMDL



Obtaining Authorization

- Submit a notice of intent (NOI) or an application, and your SWMP within 90 days prior to permit expiration date
 - Current Phase II Permittees have already submitted NOI for renewal
 - Revised SWMP may be required
- Submit latest NOI form (or photocopy) with signature and date
- No discharge may commence
 - Department acknowledges NOI; and
 - Department's approval of coverage of discharge by the General Permit
- Operator changes, or new operator is added after submittal of NOI
 - New NOI must be submitted within 30 days of change or addition
- Annexation of areas into your MS4 area after coverage under this GP received:
 - first annual report submitted after the annexation must include the updates to your Storm Water Management Plan (SWMP), as appropriate

- MS4s should modify their programs if and when water quality demonstrates that modifications are necessary to reduce pollutant levels in discharges from the MS4 which have reasonable potential to cause or contribute to violations of water quality standards, warranting great attention or prescriptiveness in specific components of the municipal program
- Implement necessary upgrades or enhancement of BMPs
 - If the six minimum control measures are implemented and still a potential contributor to non-attainment of water quality standards
 - Individual permit or alternative GP if instream exceedance of water quality standards may be required
- Implementation Timeframes unless otherwise stated within this Permit:
 - Existing MS4s should implement permit requirements upon the effective date of coverage
 - Newly MS4s should implement permit requirements within 180 days of the effective date of coverage
- Provide and maintain adequate finance, staff, equipment, and support capabilities to implement the SWMP and meet all requirements of this permit.
 - Documented and reported within the annual report



Notice of Intent (NOI) Requirements

- Deadlines for Applications
- Continuation of the Expired General Permit
- Contents of the Notice of Intent (NOI)
- Where to Submit
- Co-Permittees Under a Single Notice of Intent (NOI)



Deadlines for Applications

- Already small MS4
 - Submit an NOI or application for an individual permit and your SWMP within 90 days before the expiration of the GP
- Designated by the Department after the date of permit issuance:
 - Submit NOI or application for an individual permit, and SWMP within 180 days upon notification
- Potential Consequences for Submittal of late Notice of Intent
 - Authorized only for the discharges that occur after the permit coverage is granted
 - Enforcement can be taken on unpermitted discharges
- New small MS4s
 - Submit a storm water management plan (SMWP) within 180 days of the initial issuance of coverage under this permit or by March 31st whichever is later.



Continuation of the Expired General Permit

- The existing NPDES General Permit Expired March 9, 2008
 - Coverage under the GP is administratively extended for all Phase II Permittee's whose NOI was received 90 days prior to the permit expiration date
 - Coverage by the continued permit will remain until the earlier of:
 - Reissuance of this permit
 - Issuance of an individual permit
 - Formal permit decision by the Department not to reissue this general permit or to deny you coverage under this general permit



Contents of the Notice of Intent (NOI)

- Must be signed by Responsible Official
- Required Permittee Information
 - Name of Regulated Entity
 - Contact Person and Responsible Official
 - Mailing Address
 - Telephone Number
 - Email Address (optional)
 - Indicate Federal, State, County, Municipal, or Other Public Entity



Contents of the Notice of Intent (NOI) (cont)

- Municipal Separate Storm Sewer System Information
 - System Location
 - Latitude/Longitude of the center of MS4
 - Organization Name
 - County(ies)
 - City(ies)
 - Town(s)
 - Name of Receiving Waters and Indication If Included Within:
 - Latest 303(d) list;
 - EPA approved TMDL; or
 - Otherwise Designated by Department as impaired
- Storm Water Management Plan which includes:
 - Description of Best Management Practices
 - Measurable Goals for each six minimum measures
 - Timeframe for implementation of BMPs
 - Person(s) Responsible for Implementing or Coordinating SWMP
 - Requirement of Certification SWMP complies with Impaired/TMDL permit requirements.



Where to Submit

Alabama Department of Environmental Management
Municipal Permit Section, Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail:

Alabama Department of Environmental Management
Municipal Permit Section, Water Division
1400 Coliseum Blvd
Montgomery, Alabama 36110-2059



Co-Permittee Under a Single Notice of Intent (NOI)

- Partner with other MS4s
 - Jointly Submit NOI
 - Jointly Develop and Implement SWMP
 - Each Permittee responsibilities must clearly be outlined in SWMP



Storm Water Management Program (SWMP) for Small MS4s

- Requirements
- Minimum Control Measures
 - Public Education and Outreach on Storm Water Impacts—Marla
 - Public Involvement/Participation—Marla
 - Illicit Discharge Detection and Elimination (IDDE)—Marla
 - Construction Site Storm Water Runoff Control--Daphne
 - Post-Construction Storm Water Management in New Development and Re-Development—Daphne
 - Pollution Prevention/Good Housekeeping for Municipal Operations--Daphne



SWMP Requirements

- Develop, Implement, Enforce SWMP
 - Reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) to protect water quality and satisfy water quality requirements of the Clean Water Act
 - BMPs
 - Coordination with other MS4s
 - Measurable goals for BMPs, including deadlines and interim milestones for implementation
 - Person(s) responsible for BMP implementation
- Legal Authority to Control Pollutants into and From MS4 (40 CFR 122.34(b)(3)(ii)(B))
 - Review and Revise ordinances
 - Adopt New Ordinances



SWMP Requirements (cont)

- At a minimum, Legal Authority must authorize Permittee to:
 - Prohibit Non-Storm water discharges (unless authorized)
 - Prohibit Illicit dischargers/connections
 - Prohibit Spills or other releases
 - Require Installation, Implementation, and Maintenance of Control Measures
 - Minimize discharge of pollutants
 - Construction sites
 - Industrial/Commercial Facilities
 - Require Compliance with Permittee's:
 - Ordinances
 - Permits
 - Contracts
 - Orders



SWMP Requirements (cont)

- Receive and Collect Information
 - Copy of ADEM applications
- Inspect
 - Private Property
- Require Response to Violations
 - Cease and Desist discharge
 - Cleanup and Abate a discharge
- Levy Monetary Penalties
 - Levy citations or administrative fines
 - Require recovery and remediation costs



SWMP Requirements (cont)

- Impose Civil/Criminal Penalties
 - More substantial civil or criminal sanctions
 - Escalate corrective responses
- Interagency Agreements
 - Control pollutants from one MS4 to another
- Certification that Necessary Steps to Obtain and Maintain Full Legal Authority Have Been Taken
 - Included within SWMP and Signed by Responsible Official



LID and Green Infrastructure

- Must implement a plan for facilitating and increasing the use of Low Impact Development (LID) and Green Infrastructure where feasible to assist in attaining the six minimum control measures
- Examples
 - Bioretention facilities
 - Rain Gardens
 - Rain Barrels
 - Permeable Pavement

- Public Education and Outreach on Storm Water Impacts
 - Implement public education and outreach
 - Distribute educational materials
 - Steps public can take to reduce pollutants in Storm Water Runoff
 - Documentation of Overall Public Education Program, BMPs, Measurable Goals, and Responsible Person(s)
 - SWMP
 - Annual Report

(1) Public Education and Outreach (cont)

- Documentation shall include, at a minimum:
 - Plan to inform individuals
 - Plan to inform public on how to become involved
 - Selected audience and why selected that audience
 - Outreach Strategy
 - How Information will be provided
 - How many people will be reached?
 - Person(s) Responsible for overall management and implementation
 - How evaluation of overall success of this program will be conducted



(1) Public Education and Outreach

- Education and Outreach Targets:
 - General Public
 - General Public, Businesses
 - Home-Based and Mobile Businesses
 - Homeowners, Landscapers, and Property Managers
 - Yard Care Techniques
 - Pesticide/Fertilizer storage BMPS
 - Auto Maintenance BMPs
 - Storm Water Pond Maintenance
 - Engineers, Contractors, Developers, Review Staff, and Land Use Planners
 - Standards for construction site sediment and erosion control
 - Runoff reduction techniques
 - Pervious pavement

- Public Involvement/Participation
 - Ongoing activities for public involvement
 - Storm drain stenciling
 - Urban Cleanup
 - Volunteer monitoring

(2) Public Involvement/Participation

- Documentation shall include, at a minimum:
 - Public involvement in development of SWMP
 - Actively involve public in development/implementation of plan
 - Target audiences for public involvement
 - Type of public involvements
 - Citizen representative on storm water management panel
 - Public Hearings
 - Citizen volunteers educating others
 - Storm drain marking, volunteer monitoring, or clean ups
 - Person(s) Responsible for overall management of public involvement program
 - How you will evaluate success of program
 - SWMP and annual reports available to public when requested
 - Website
 - Department (electronically)



(3) Illicit Discharge Detection and Elimination (IDDE)

- Illicit Discharge Detection and Elimination (IDDE)
 - Detect and Eliminate illicit discharges
 - Update existing storm sewer map
 - Location of outfalls
 - Name Description
 - Latitude/Longitude
 - Names of receiving waters
 - Prohibit non-storm water discharges
 - Ordinances (40 CFR 122.34(b)(3)(ii)(B))
 - Other Regulatory mechanisms
 - Implement Enforcement procedures and actions



(3) Illicit Discharge Detection and Elimination (IDDE)

- Review and/or update IDDE ordinance
 - Priority areas
 - Older infrastructure
 - Industrial, commercial or mixed use areas
 - History of past illicit discharges
 - Onsite sewage disposal systems
 - Older sewer lines
 - Field Assessment activities
 - Upstream of sensitive waterbodies
 - 303(d)
 - EPA approved TMDL



(3) Illicit Discharge Detection and Elimination (IDDE)

- Inform of hazards associated with illegal dumping
- Address non-storm discharges
- Address occasional incidental non-storm water discharges (charity car washes)
- IDDE Documentation shall include, at a minimum:
 - Map development
 - Mechanism used to prohibit illicit discharges
 - Ensure illicit discharge ordinance is implemented
 - Plan to detect and address illicit discharges
 - Inform of hazards associated with illegal discharges
 - Person(s) Responsible for overall management and implementation of IDDE
 - How will you evaluate success of program?
 - Ongoing training program

- Sharing Minimum Measure Responsibility and Coordination Between MS4s
- Reviewing and Updating Storm Water Management Programs
- Discharge Compliance With Water Quality Standards
- Discharge to Impaired Waters
- Requiring an Individual Permit



Sharing Minimum Measure Responsibility and Coordination Between MS4s

- Relying on another MS4 or Department to satisfy permit obligations
 - Other entity must implement control measure
 - Stringent as corresponding NPDES regulatory requirements
 - Agree to implement on your behalf
 - Agreement between two parties must be documented in writing and included in SWMP
 - Agreement retained by the Permittee for duration of permit
 - Other entity (including Department) fails to implement permit requirement
 - Permittee is responsible for compliance of permit
 - Subject to Enforcement Actions



Sharing Minimum Measure Responsibility and Coordination Between MS4s (cont)

- Coordination among entities to comply with certain conditions of SWMP
 - Coordination mechanism
 - Encourage coordinated storm water related policies, programs, and projects
 - Specify roles and responsibilities for the control of pollutants between MS4
 - Coordinate storm water management activities
 - Must be Included in SWMP to address coordination among departments within each Permittee to eliminate barriers to permit compliance



Reviewing and Updating Storm Water Management Programs

- Annual review of SWMP in conjunction with preparation of annual report
- SWMP may be updated during the permit life
 - Addition of components, controls or requirements
 - Written notification to the Department
 - Changes documented in annual report
 - Changes replacing an ineffective component, control measure or requirement
 - Unless notified by the Department, these changes shall be deemed approved and may be implemented 60 days from submittal of request
 - All reflected, ADEM approved changes, and modifications must be reported in annual report



Reviewing and Updating Storm Water Management Programs (cont)

- Department required SWMP updates
 - Recoverage process for subsequently issued MS4 permits
 - Meet the conditions of permit
 - Address impacts on receiving waters
 - Comply with new Federal statutory or regulatory requirements
 - Comply with goals and requirements of Clean Water Act
 - Addition of control measures for 303(d) and/or EPA approved TMDL
 - Changes requested by the Department must be made in writing, schedule to develop changes, and opportunity to propose alternative program changes

- Transfer of Ownership, Operational Authority or Responsibility for SWMP Implementation
 - Within 90 days of transfer, must have plan to implement SWMP in all affected areas
 - Only those portions of the SWMPs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR Part 124.5



Discharge Compliance with Water Quality Standards

- Develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants to the MEP.
 - Full implementation of BMPS, using all known, available, and reasonable methods of prevention, control and treatment to prevent and control pollution from entering waters of the State of Alabama is considered an acceptable effort to reduce pollutants from the municipal storm drain system to the MEP

- 303(d) list
 - Determine if MS4 discharge contributes directly or indirectly to a 303(d) listed waterbody
 - Most current 303(d) list may be found on ADEM's website www.adem.state.al.us
 - MS4s that discharge to a 303(d) waterbody
 - Within 6 months of Final 303(d) list approval, document in SWMP
 - BMPs used to control the pollutants of concern discharge
 - Ensure no increase of the pollutants of concern
 - MS4s that discharge to a waterbody with an EPA approved TMDL
 - Within 6 months of TMDL approval date
 - Notify the Department
 - » Modify the SWMP to include BMPs targeted to achieve Wasteload Allocations prescribed in TMDL
 - » Include a monitoring component in SWMP to assess effectiveness of BMPs



Discharge to Impaired Waters (cont)

- Discharging into Waters with EPA-approved TMDLs
 - Determine if TMDL pollutant is found within the MS4 storm water discharge
 - List of currently EPA-Approved TMDLs may be found on ADEM's website at www.adem.state.al.us
 - Determine if TMDL include MS4 pollutant allocation
 - Determine if TMDL includes a flow regime likely to occur during storm water discharge
 - If the MS4 has specific allocations with TMDL
 - Are allocations currently met with existing BMPs?
 - Are additional controls measures necessary?
 - Involve the public if in compliance with TMDL or not
 - Document
 - Current control measures
 - Planned control measures
 - Schedule of implementation of planned control measures
 - Calculations that show TMDL allocations will be met
 - Monitoring plan to assess the effectiveness of the control measures

Discharge to Impaired Waters (cont)

- MS4s Within EPA-Approved TMDLs

TMDL	Pollutants of concern	TMDL Approval Date	Permits with TMDL
Hurricane Creek Watershed		11/1/2004	ALR040021; ALR040001
*Hurricane Creek	Metals (Al, Fe); Pathogens; Turbidity	11/1/2004	ALR040021; ALR040001
*Little Hurricane Creek	Metals (Al, Fe, Cu); Pathogens	11/1/2004	ALR040021; ALR040001
*North Fork Hurricane Creek	Metals (Al, Fe)	11/1/2004	ALR040021; ALR040001
Flint Creek Watershed	OE/DO; Nutrients; Pathogens	9/30/2003	ALR040006
Sougahtatchee Creek Watershed	Nutrients; OE/DO	4/8/2008	ALR040003; ALR040018
Coosa River TMDL	Nutrients	10/28/2008	ALR040009

- Department may require apply/obtain an individual NPDES permit
 - Department will notify in writing if individual permit is required
 - Include reasons of decision
 - Application form
 - Deadline for Permittee to file application



Monitoring, Recordkeeping, and Reporting

- Monitoring
 - Required if designated by the Department, discharge to either a 303(d) waterbody and/or a waterbody with EPA-approved TMDL
 - Submit monitoring plan 6 months from date of permit coverage
 - Annually, thereafter, concurrent with SWMP and Annual Report submittals
 - Representative monitoring
 - Test Procedures
 - Approved by EPA under 40 CFR Part 136
 - Approved by the Director or his designee if EPA approved test procedure for analysis of pollutant does not exist
 - Monitoring information
 - Date, location, time of sampling
 - Name of samplers
 - Date of analysis
 - Name of individuals who performed analysis
 - Analytical techniques or methods used
 - Results of analysis
 - Monitoring results must be reported with the SWMP and Annual Report

- Retain all required monitoring information for a period of three years from date of sample, measurement, report or application, or for the term of this permit, whichever is longer.
- Retain SWMP required by this permit at a location accessible to the Department.

- Annual Reports due to the Department **March 31st**
 - Status of compliance with permit conditions
 - Results of information collected and analyzed
 - Storm water activities plan to undertake for next reporting cycle
 - Changes to SWMP
 - Notice if relying on another MS4 entity (or Department)
 - Monitoring results collected during previous year
 - Number of small construction projects receiving approval
 - Number of large construction sites receiving approval (5 acres or greater)
 - Number and type of inspections conducted and enforcement actions taken
 - Number of illicit discharges detected/eliminated
 - Number, type, and location of post-construction management practices installed
 - All control measures being planned or implemented that address WLA provisions of TMDL
 - Certification that the MS4 NOI and SWMP are up to date
 - Public involvement program, at a minimum, number of storm drain marked
 - Public education and outreach, at a minimum, number of brochures distributed, training sessions, etc.



adem.alabama.gov

Conclusion

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