

SC NPDES General Small MS4 Permit Anticipated Changes According to Permit on Public Notice

This document will attempt to briefly identify major changes anticipated in the new NPDES General Small MS4 Permit (hereafter, MS4 Permit) for existing permittees. The new permit is currently on public notice until April 1, 2011.

The existing permit covering small MS4 communities expired on February 28, 2011. Until a new permit is authorized, the existing permit will remain in effect for all currently permitted communities.

Major Changes According to Small MS4 Permit on Public Notice (3/3/11)

- Increased emphasis on a community's Stormwater Management Plan (SWMP) to include processes, procedures and schedules for stormwater management, which become enforceable permit conditions, unless otherwise notified.
- Mandatory groundwater monitoring programs if DHEC deems that stormwater runoff has lead to subsurface contamination.
- Inventory and maintain list of industrial sites/sources permitted by DHEC Industrial NPDES permit that could discharge pollutants in stormwater by 4th permit year.
- *Overall, increased monitoring, record keeping, reporting and prompt SWMP updates as program evolves.*

Addressing TMDLs:

- Within one year of effective permit coverage, MS4s must identify discharges within a TMDL watershed and establish a TMDL Monitoring and Assessment Plan; this plan must seek to measure the pollutant levels discharged from MS4 outfalls to water subject to TMDL. Keep in mind that MS4s may have several TMDLs intersecting urbanized areas. Monitoring for pollutant of concern must be completed on a frequency as to determine statistically significant season pollutant loads for duration of no less than 2 years. Within 18 months of effective permit date, monitoring should be initiated according to >25% of MS4 area, land use, TMDL watershed or combination of these factors. For each outfall or screening point, storm monitoring frequencies and details are prescribed.
- Within 36 months of effective date of coverage, a TMDL Implementation Plan must be submitted to DHEC assessing monitoring data, prioritization schedule for areas targeted for BMP implementation, brief explanation of BMP selected, and a schedule for completion of BMP activities and implementation (as soon as practicable). Proof of improved water quality based on BMP implementation will be necessary. If no water quality improvement is shown, permittees may be required to implement additional measures, make changes to TMDL implementation plan or seek an individual permit. Schedules and plans to implement TMDL Implementation Plan are a part of the re-application process.
- For discharges to impaired waterbodies (303d), SMS4 must determine if stormwater discharges of MS4 contribute to impairment.

Changes to Stormwater Management Plan (SWMP):

- Increased development of legal authority to implement and enforce SWMP within 12 months. MS4 must establish ordinances or other regulatory mechanisms to allow for the following: prohibit and eliminate illicit discharges; prohibit and control spills or other releases; require compliance, installation, implementation and maintenance of BMPs; mandate receipt of

information and ability to react in enforcement, penalties, stop work orders, etc.; enter private property for compliance inspections; respond to violators with prompt cease and desist orders and mandate clean up within specific timeframes provided by DHEC (in the case that the MS4 does the clean up, bill responsible party); levy citations or administrative fines; refer violators to civil or criminal sanctions, such as city or district attorney's office.

- Outline an Enforcement Response Plan that details MS4s potential responses to situations and escalating violations with increased tracking and annual reporting to DHEC including water quality improvements and degradation due to violation and resulting enforcement action.

Minimum Control Measures (MCMs):

- For **public education**, focus more specifically on target audiences and evaluate program effectiveness, annually modifying program activities according to assessment results.
- For **public involvement**, involve public in planning and implementation of all parts of a community's SWMP. Ensure public can easily find information about the SWMP.
- For **illicit discharge detection and elimination (IDDE)**, assign alphanumeric identifier to each outfall, and if possible, GPS and photograph; develop and implement a dry weather field screening and monitoring program for IDDE; in the case of an illicit identified, the source must be identified and eliminated and follow up investigations be conducted; facilitate public reporting of illicit discharges through a central contact point and conduct reactive inspections; training program for all appropriate MS4 field staff who may come in contact with or observe illicit discharges.
- For **construction** sites, require each operator of construction activity to submit a stormwater management/erosion and sediment reduction plan (aka Stormwater Pollution Prevention Plan) with site-specific controls and rationale for selection of controls; SMS4 must demonstrate that stormwater discharges from constructions sites will not contribute or cause exceedance of water quality standards; provide training to construction site operators on proper installation and maintenance of site controls; increased inspections and mandatory timeframes for inspection based on site characteristics; mandated schedule of staff training for site controls and plan review.
- For **post construction**, establish, implement and enforce that sites meeting specified criteria implement control measures that maintain pre-development conditions and protect water quality to maximum extent practicable; require first 1" of rainfall be managed on-site; recommended site performance standards for recharge and treatment that could be adopted; mandate additional controls and requirements as appropriate to prevent surface or groundwater contamination from applicable land use types; develop long-term maintenance plans and verification of responsibilities for BMPs; inspection of each site at least one time in permit cycle and inspection of BMPs within 30 days of completion of construction.
- For **good housekeeping**, develop a comprehensive list (if not already completed) of municipal owned or operated facilities, discharge potential and high priority facilities; high priority facilities must have a site-specific standard operating procedure (SOP) with stormwater management controls identified and an inspection and maintenance schedule; within 18 months of coverage, inspect all facilities, then proceed with annual comprehensive inspections (including stormwater controls) of all high priority facilities and semi-annual visual inspections; develop and implement a prioritized maintenance schedule on all stormwater structures; develop pollution prevention measures for all municipal operations and a schedule for implementation, inspect these every 6 months; with respect to roads, highways and parking lots >5000 sq ft, implement pollution prevention measures before expiration of permit; keep a log of inspections.