



NPDES MS4 Permitting Program

February 2020





Presentation Overview

- ❖ NPDES MS4 Program
- ❖ MS4 Permits
- ❖ Compliance Initiative
- ❖ Tools & Resources





Federal NPDES MS4 Program

❖ National Pollutant Discharge Elimination System (NPDES)

- **Federal Clean Water Act Permitting Program**
- **Wastewater Permits**
- **Stormwater Permits (40 CFR 122)**

❖ Municipal Separate Storm Sewer System (MS4)

- **System of conveyances to collect and transport runoff**
- **Discharges stormwater to surface waters**
- **Owned/operated by a public entity**





North Carolina NPDES MS4 Program

- ❖ EPA Oversight
- ❖ NCDEQ Program Implementation
 - Permitting
 - Customer Support
 - Compliance Audits
 - Enforcement
 - Reporting to EPA





North Carolina NPDES MS4 Program



1990's: 6 PHASE I MS4s + NCDOT

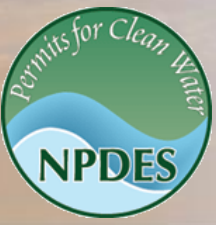
2000's: 115 PHASE II PERMITTEES

2023ish: NEW DESIGNATIONS

Tentative Schedule for Next Designation Cycle

2020	2021	2022	2023	2025
US Census Conducted	Census Data Released	MS4 Candidates Identified	MS4 Designations Issued	MS4s Apply for Permits



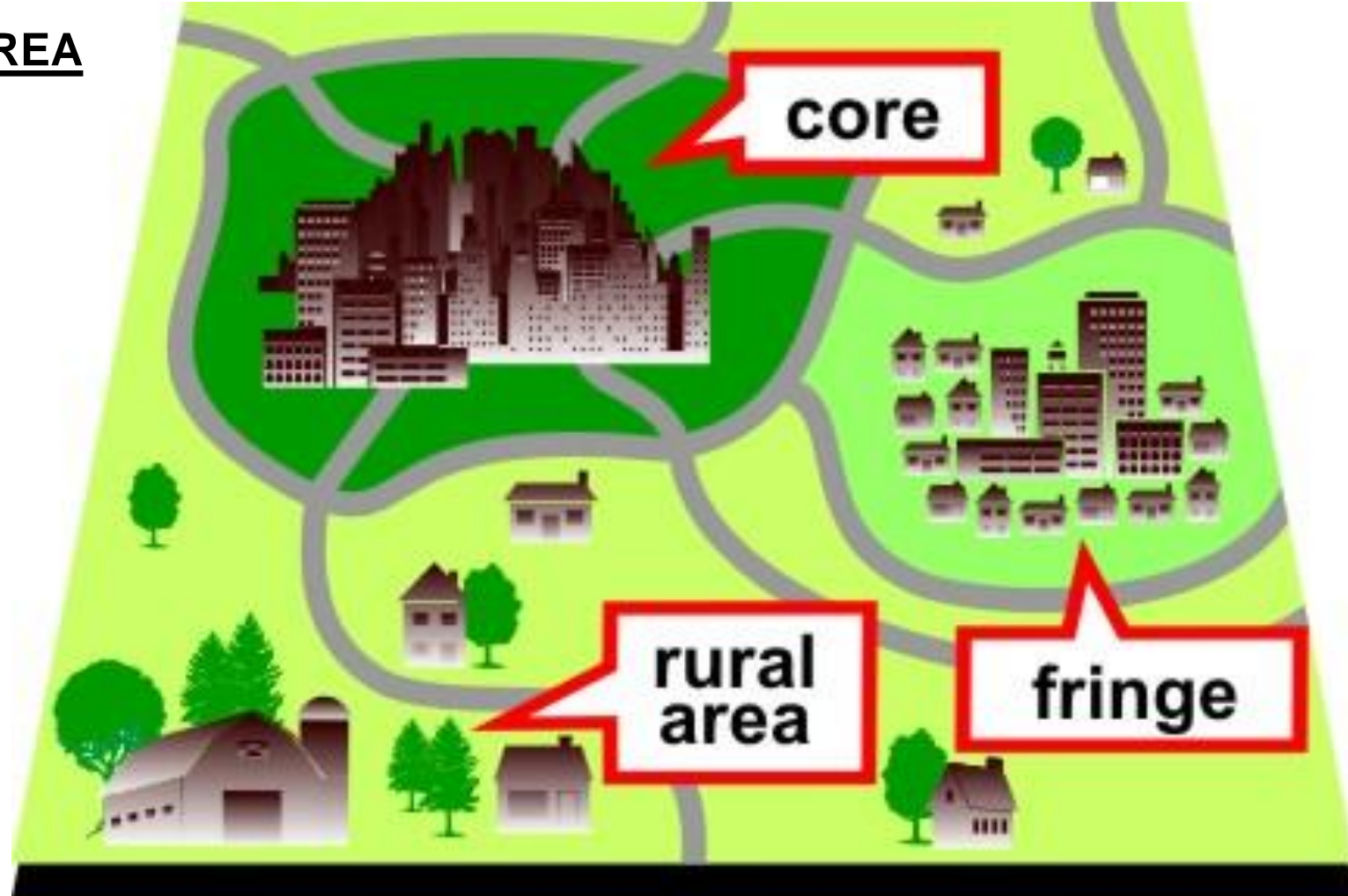


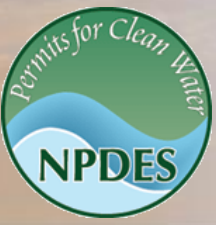
NPDES MS4 Program: New Designations

2020 US CENSUS URBANIZED AREA

- Population $\geq 50,000$
- Cluster of 2,500 – 50,000

Regulated MS4s represent 4% of the US land area and >80% of the population.

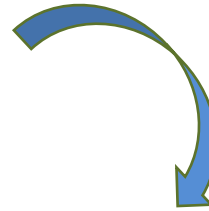




NPDES MS4 Program: New Designations

STATE DESIGNATION (15A NCAC 02H.0151)

- Potential for Adverse Water Quality
- Population/Density/Housing Units
- Petitions



Population \geq 10,000 or \geq 4,000 housing units
AND
Density \geq 1,000 people/sq. mile or $>$ 400 housing units/sq. mile





NPDES MS4 Program: Waivers

- 1. Urbanized Area <1,000 people**
 - **Not contributing pollutant loadings to a regulated MS4**
 - **No WLA under a TMDL**

- 2. Small MS4 <10,000 people**
 - **DEQ has evaluated all your receiving waters**
 - **No WLA under a TMDL**
 - **No potential for significant water quality impacts**





TMDLs & WLAs

A TMDL is the whole pie.

Total Maximum Daily Load

Pollutant of Concern



■ Nitrogen

A WLA is the slices of pie.

Waste Load Allocation

Pollutant Sources



■ Stormwater ■ Wastewater ■ Agriculture ■ Industry



MS4 Permit Requirements

- **Fund the Stormwater Management Program**
- **Implement a Comprehensive Stormwater Management Plan (SWMP)**
- **Document Program Implementation**
- **Report Annually**
- **Obtain a New Permit Every 5 Years**
- **Six Minimum Control Measures**



MS4 Permit Requirements: Six Minimum Measures

1. Public Education & Outreach
2. Public Involvement & Participation
3. Illicit Discharge Detection & Elimination (IDDE)
4. Construction Site Runoff Controls
5. Post-Construction Site Runoff Controls (PC)
6. Pollution Prevention & Good Housekeeping for Municipal Operations (PP/GH)



Image by City of South Portland





MS4 Permit Requirements: #6 PP/GH

Pollution Prevention & Good Housekeeping

- **Municipal “Industrial” Facilities O&M (and maybe a general stormwater permit too)**
- **Spill Response**
- **MS4 (collection system) O&M**
- **Municipal Stormwater Control Measures (SCMs) O&M**
- **Pesticide, Herbicide & Fertilizer Management**
- **Vehicle & Equipment Maintenance**
- **Pavement Management**





MS4 Permit Compliance Initiative

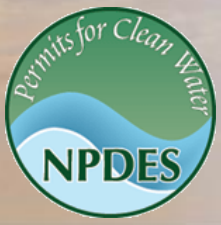


Image by msdresponsibility.com

GOAL 1: AN EFFICIENT & COMPLIANT MS4 PROGRAM




- ✓ Restructured DEQ Program
- ✓ Informative Web Page
- ✓ Standardized Tools & Processes
- ✓ Outreach, Training & Technical Support
- ✓ 5-Year Routine Audit Schedule
- ❑ Compliant MS4s
- ❑ Happy EPA





MS4 Audit Outcomes – Current Status

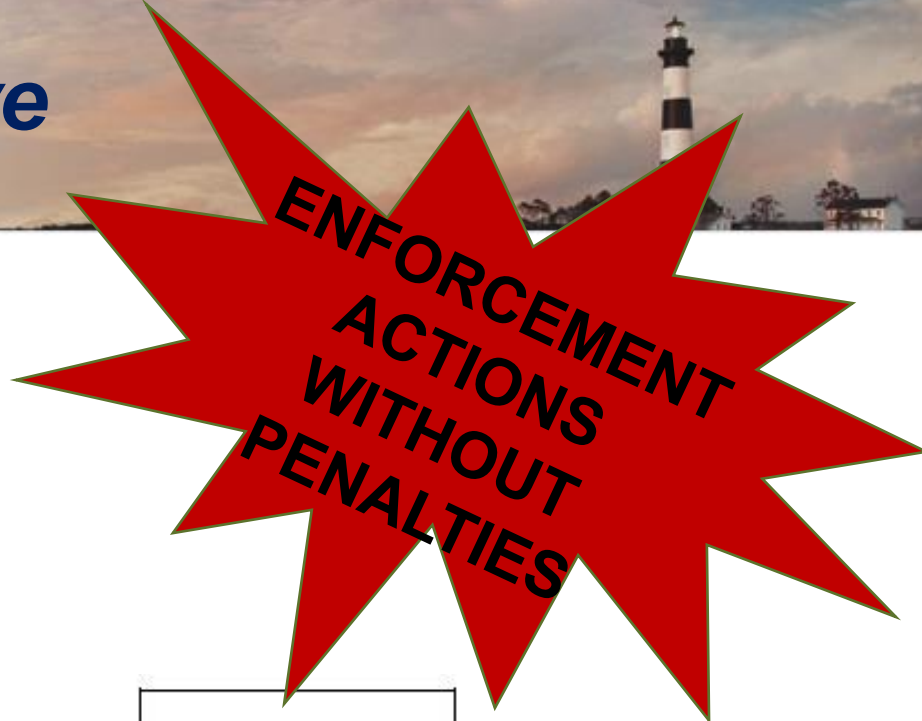


Notice of Compliance (NOC)	Notice of Deficiency (NOD)	Notice of Violation (NOV)
 <p>Got my ducks in a row <small>Image by Redbubble</small></p>	 <p><small>Image by Draw Email</small></p>	 <p><small>Image by drawception.com</small></p>
<p>3</p>	<p>3</p>	<p>23</p>

PLUS 6 PENDING A DECISION ON ACTION



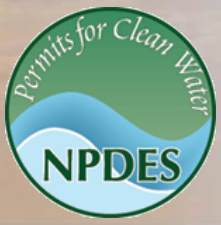
MS4 Permit Compliance Initiative



Maximum civil penalty is \$37,500 per day for each violation.

Maximum criminal penalty is \$25,000 per day of violation and/or 1 year imprisonment.

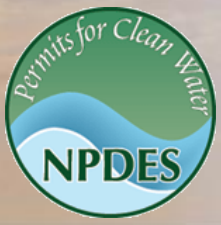




Notice of Compliance (NOC)

The NOC requires the permittee to do 2 things:

- 1. Submit a Draft SWMP (120 days)**
- 2. Submit a permit renewal application once DEQ & MS4 concur on the Draft SWMP (30 days)**



Notice of Deficiency (NOD)

The NOD is a NOC + 2 additional things:

- 1. Submit a written response to the Notice (30 days)**
- 2. Conduct a self-audit (120 days)**
3. Submit a Draft SWMP (120 days)
4. Submit a permit renewal application once DEQ & MS4 concur on the Draft SWMP(30 days)



Notice of Violation (NOV)

The NOV is a NOD + 1 more thing:

1. Submit a written response to the Notice (30 days)
- 2. Adopt a Council Resolution demonstrating support for a compliant stormwater program (60 days)**
3. Conduct a self-audit of the MCMs that weren't audited (120 days)
4. Submit a Draft SWMP (120 days)
5. Submit an NPDES MS4 permit application once DEQ & MS4 concur on the Draft SWMP (30 days)



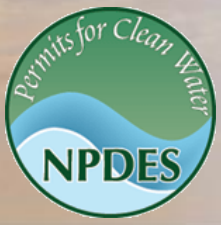


NOV Requires a Council Resolution

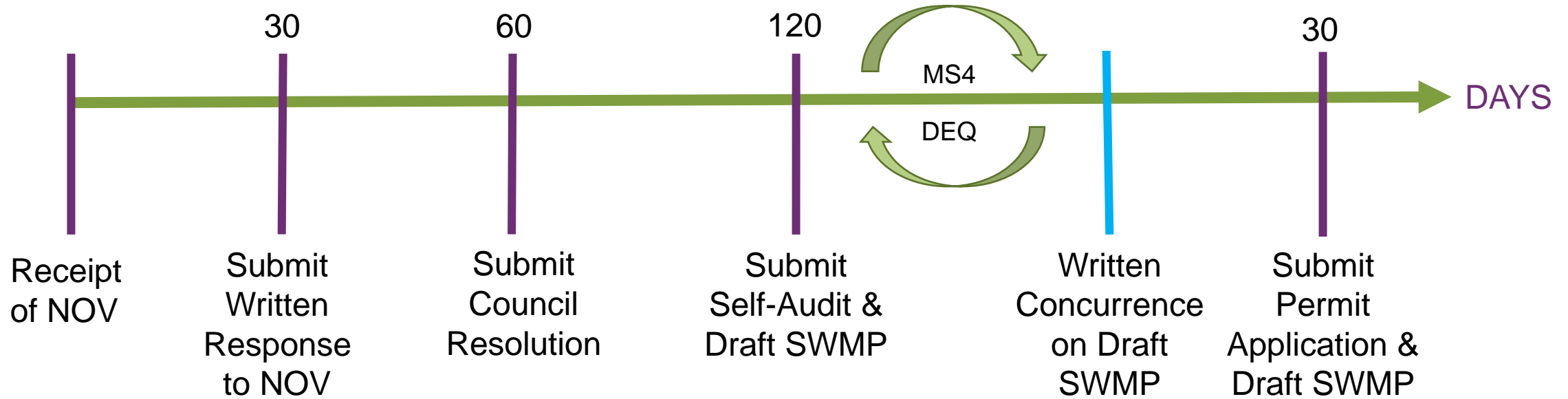
Acknowledgement that the city/town:

- **Received a Notice of Violation (NOV)**
- **Must comply with NOV & permit requirements**
- **Is required to provide adequate funding and staffing**
- **Will receive penalties for not complying with the NOV**
- **Could also be subject to enforcement by EPA**



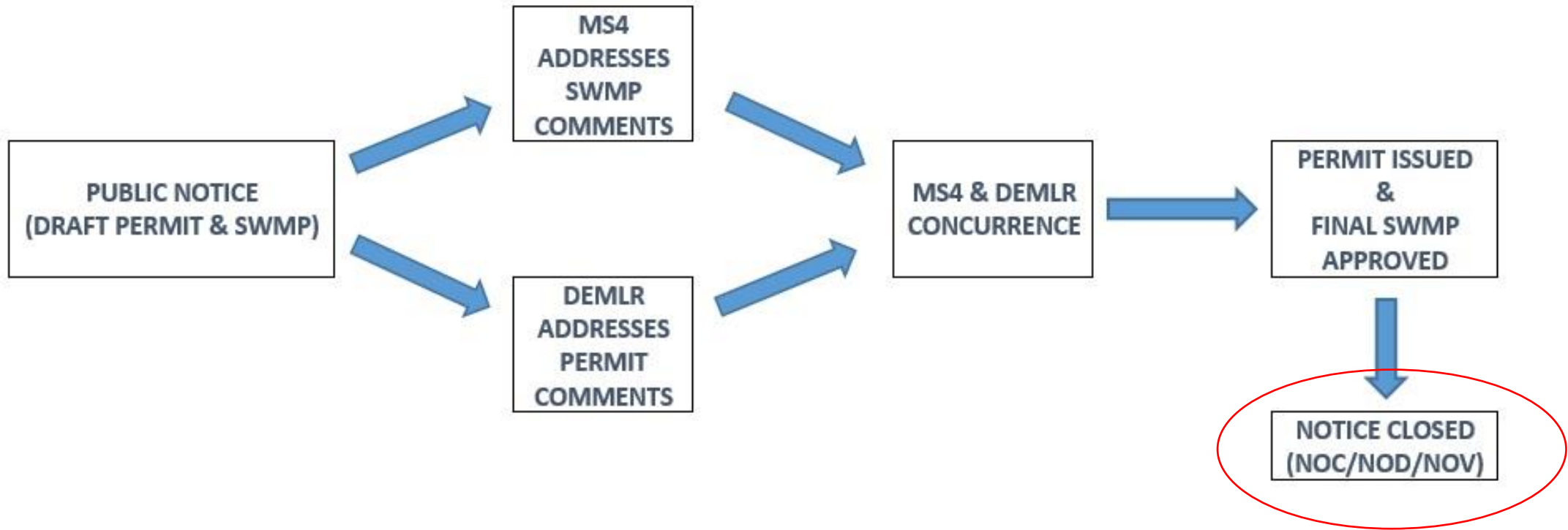


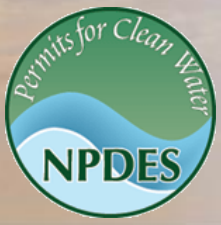
Notice of Violation (NOV) Timeline





MS4 Permit Renewal Process





DEQ MS4 Tools & Resources

DEQ Stormwater Web Page:

www.deq.nc.gov/sw

DEMLR Stormwater Laserfiche Repository:

<https://edocs.deq.nc.gov/WaterResources/>

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