



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

January 15, 2019

CERTIFIED MAIL NO: 7018 0360 0000 7112 4701

Ms. Lisa Noble  
United States Department of the Navy, Naval Construction Battalion  
4902 Marvin Shields Blvd.  
Gulfport, MS 39501

Dear Ms. Noble:

Re: US Navy, Naval Construction Battalion Center  
Harrison County  
Small MS4 General Permit Coverage. No. MSRMS4036

Enclosed is a Certificate of Coverage granting US Navy, Naval Construction Battalion Center coverage under Mississippi's Small Municipal Separate Storm Sewer System (MS4) General NPDES permit (copy enclosed). The submitted Storm Water Management Program (SWMP) appears to meet permit requirements and will be reviewed further during compliance inspections and audits. The SWMP must be implemented according to the schedule outlined in the program and be fully implemented within five years from the date of permit issuance. Annual reports summarizing the progress made in implementing the conditions of the permit and elements of the SWMP must be submitted to MDEQ no later than the 28<sup>th</sup> day of January, each year for the term of the permit. The annual reports must address minimum elements identified in ACT 5 of the permit and any modifications to the program must be in accordance with ACT 6, S-1.

This permit coverage is issued in accordance with the provisions of the Mississippi Air and Water Pollution Control Law (Sections 49-17-1, et seq., Mississippi code of 1972), and the regulations and standards adopted and promulgated thereunder and under the authority granted to the Mississippi Environmental Quality Permit Board pursuant to Section 402(b) of the Federal Water Pollution Control Act. Any appeal of this action must be made within the 30-day period provided for in Section 49-17-29(4)(b) Mississippi code of 1972.

Sincerely,

A handwritten signature in blue ink that reads "Montie Hardaway Glenn".

Montie Hardaway Glenn, P.E.  
401/Stormwater Branch

Enclosures

3290 GNP20160001



*State of Mississippi  
Department of Environmental Quality  
Office of Pollution Control*

*Certificate of Permit Coverage*

under Mississippi's Small Municipal Separate Storm Sewer System (MS4) Storm Water General NPDES Permit

Be it known

**United States Department of the Navy, Naval Construction Battalion  
Gulfport, Mississippi**

having submitted an acceptable Small Municipal Separate Storm Sewer System Notice of Intent (MS4 NOI), is hereby granted this Certificate of Permit Coverage in order to discharge storm water from small storm sewer systems owned and operated by

**US Navy, Naval Construction Battalion Center  
Receiving Stream: Long Beach Canal, Turkey Creek, Brickyard Bayou  
Harrison County**

  
Chief, Environmental Permits Division

*Coverage No: MSRMS4036  
Date of Coverage: January 15, 2019  
Date First Annual Report is due January 28, 2020  
Date Coverage Expires: February 28, 2021*



**State of Mississippi  
Mississippi Department of Environmental Quality  
Office of Pollution Control**



**SMALL MUNICIPAL SEPARATE  
STORM SEWER SYSTEM (MS4) GENERAL PERMIT**

**THIS CERTIFIES THAT**

MS4s ISSUED A CERTIFICATE OF PERMIT COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM WATER FROM SMALL MUNICIPAL SEPARATE SEWER SYSTEMS INTO STATE WATERS

in accordance with effluent limitations, inspection requirements and other conditions set forth in herein. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

**Mississippi Environmental Quality Permit Board**

  
Authorized Signature

**Mississippi Department of Environmental Quality**

Issued: **MAR 18 2016**  
Expires: **FEB 28 2021**

Permit No. **MSRMS4**

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## MS4 Phase II General Permit

### **ACT1 (MS4) Introduction:**

#### Narrative Requirements:

Subject to regulation and compliance with the conditions set forth, this Small [Municipal Separate Storm Sewer System \(MS4\)](#) General Permit (this permit) authorizes [stormwater](#) discharges and allowable non-stormwater discharges outlined in [ACT2, \(5\)](#) of this permit. This permit replaces the previous Small Municipal Separate Storm Sewer System (MS4) General Permit that expired on December 31, 2013.

**\*\*Official MDEQ Permit\*\***



## MS4 Phase II General Permit

### **ACT2 (MS4) Permit Applicability and Coverage:**

#### Narrative Requirements:

##### PERMIT AREA:

The permit covers the State of Mississippi.

##### ELIGIBILITY:

##### COVERED AREAS AND DISCHARGES:

(1) The permitting of selected storm sewer systems is required as a result of the U.S. Environmental Protection Agency's Phase II Stormwater Rule. This permit authorizes discharges of stormwater from small Municipal Separate Storm Sewer Systems (MS4s), as defined in [40 CFR 122.26\(b\)\(16\)](#).

MS4s are authorized to discharge under the terms and conditions of this general permit that:

- Operate a small MS4 within the State of Mississippi, and
- Are located fully or partially within an [urbanized area](#) as determined by the latest census by the Bureau of Census and pursuant to 40 CFR 122.32, or
- Are designated by the Mississippi Commission on Environmental Quality (Commission) pursuant to 40 CFR 122.32(a)(2), 122.32(b), or 123.35(b)(3) or (4).

(2) For the Mississippi Department of Transportation (MDOT), at a minimum, permit coverage must be obtained for the entire counties (including cities within) of: DeSoto, Forrest, Hancock, Harrison, Hinds, Jackson, Lamar, Madison and Rankin and any other county containing an urbanized area as determined by the latest census conducted by the U.S. Census Bureau.

(3) The discharges of stormwater commingled with discharges authorized by and in compliance with separate [NPDES](#) permits are authorized under this permit.

(4) An MS4 is eligible for coverage under this permit for discharges of pollutants of concern to water bodies for which there is a [total maximum daily load \(TMDL\)](#) established or approved by EPA if measures and controls are incorporated that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this permit, the facilities within the MS4 must incorporate in their respective SWPPPs and/or effluent limitations and any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of the TMDL. If, after coverage issuance, a specific waste load allocation (WLA) is established that would apply to a facility's discharge, the facility must implement steps necessary to meet that allocation. The MS4 should ensure that the SWMP identifies sufficient BMPs to numerically show through pollutant reduction estimates that the reductions called for by the TMDL will be achieved. See [ACT4, \(5\)](#) for a current list of receiving waters with approved/established TMDLs.

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**ACT2 (MS4) Permit Applicability and Coverage:**

Narrative Requirements:

(5) This permit authorizes the following non-stormwater discharges provided: (1) they do not cause or contribute to a violation of water quality standards, (2) the Executive Director of the Mississippi Department of Environmental Quality (MDEQ) has determined these sources entering the MS4 are not a substantial cause or contributor of pollutants entering the MS4 that may violate applicable state or federal laws, regulations, or criteria, (3) the regulated entity has determined these sources entering the MS4 are not a substantial contributor of pollutants entering the MS4 that may violate applicable state or federal laws, regulations, or criteria, and (4) the regulated entity is implementing the [Storm Water Management Program \(SWMP\)](#) as set forth in [ACT5](#) of this permit:

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a storm sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate and coil wash water with no additives
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering runoff
- Water from individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Street wash water
- Discharges or flows from firefighting activities
- Fire hydrant flushings
- External building wash downs which do not use detergents

**\*\*Official MDEQ Permit\*\***

**ACT2 (MS4) Permit Applicability and Coverage:**

Narrative Requirements:

THIS PERMIT DOES NOT AUTHORIZE:

- (1) Stormwater discharges that are mixed with non-stormwater unless such non-stormwater discharges are in compliance with a separate NPDES permit.
- (2) Stormwater discharges that are mixed with non-stormwater discharges and that are determined to be a substantial contributor of pollutants to waters of the United States.
- (3) Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(i) - (ix) and (xi).
- (4) Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15).
- (5) Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that is listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. Coverage under this permit is available only if the regulated entity's stormwater discharges, allowable non-stormwater discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that is listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed [Notice of Intent \(NOI\)](#) will be deemed to constitute the regulated entity's certification of eligibility.
- (6) Implementation of a Stormwater Management Program (SWMP) which directly and adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the regulated entity is in compliance with requirements of the National Historic Preservation Act and has coordinated any necessary activities to avoid or minimize such direct and adverse impacts with the appropriate State Historic Preservation Officer. Submission of a signed NOI will be deemed to constitute the regulated entity's certification of eligibility.
- (7) Stormwater discharges, which result in violation of State Water Quality Standards. If a discharge authorized under this permit is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, MDEQ will notify the regulated entity of such water quality violation(s) in writing and will provide the public information used by MDEQ to make this determination. The regulated entity must take all necessary actions required by their SWMP to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the SWMP. If such violations remain or re-occur, then additional measures such as the addition of BMPs or the requirement to obtain an individual permit may be required by the [Permit Board](#). Compliance with this requirement does not preclude any enforcement activity as provided by the [Clean Water Act](#) for the underlying violation. [11 Mississippi Admin Code PT. 6, CH. 1]

**\*\*Official MDEQ Permit\*\***

## MS4 Phase II General Permit

### **ACT3 (MS4) Obtaining Coverage:**

#### Submittal/Action Requirements:

#### OBTAINING AUTHORIZATION:

- (1) The **regulated entity** must submit a MS4 Notice of Intent (MS4 NOI) and a Stormwater Management Program (SWMP) in accordance with the requirements of **ACT4** of this permit. MS4 NOI packages submitted in 3-ring binders will not be accepted due to limited file space.
- (2) Upon review of the MS4 NOI and attachments, the staff may require additional information, deny coverage, or require an alternate permit. Staff decisions may be brought before the Mississippi Environmental Quality Permit Board (Permit Board) for review and reconsideration at a regularly scheduled meeting.
- (3) A regulated entity is authorized to discharge stormwater from its MS4 under the terms and conditions of this permit, only upon receipt of written notification of approval of coverage by the Permit Board. Discharge of stormwater by a regulated entity without written notification of coverage or issuance of an individual NPDES Stormwater Permit by the Permit Board is a violation of State law.
- (4) In the event that a regulated entity submits an MS4 NOI that substantially complies with the requirements of the general permit, including development of the Stormwater Management Program, the discharges occurring between the submission of the MS4 NOI and the issuance of notification of coverage shall be considered in compliance with this permit.

#### REQUIRING AN INDIVIDUAL PERMIT OR ALTERNATIVE GENERAL PERMIT:

- (1) The Permit Board may require the regulated entity to apply for and obtain an individual NPDES permit instead of coverage under this permit. Any interested person may petition the Permit Board to take action under this paragraph in accordance with Section 49-17-29 of the Mississippi Code. The Permit Board may require the regulated entity to apply for an individual NPDES permit only after they have been notified in writing. This notice shall include reasons for this decision, an application form and a filing deadline. The Permit Board may grant additional time upon request. If the regulated entity fails to submit a requested application, then coverage under this permit is automatically terminated at the end of the day specified for application submittal.
- (2) The regulated entity may request to be excluded from permit coverage by applying for an individual permit. The regulated entity shall submit an individual application in accordance with 40 CFR 122.33 (2)(i - iii).
- (3) Coverage under this permit is automatically terminated on the issuance or coverage date of the respective alternate individual NPDES permit. When an alternate individual NPDES permit is denied, coverage under this permit continues unless terminated on the date of such denial by the Permit Board. [11 Mississippi Admin Code PT. 6, CH. 1]

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**ACT3 (continued):**

Submittal/Action Requirements:

HOW TO REQUEST SUBSEQUENT RE-COVERAGE UNDER A REISSUED PERMIT:

The submittal of the fourth Annual Report (due no later than January 28, 2019) shall be deemed to be a notification of the MS4's intent to be covered by the subsequently issued MS4 General Permit, provided the Annual Report is signed by a principal executive officer or ranking elected official according to [ACT10](#): SIGNATORY REQUIREMENTS of this permit.

Upon reissuance of the general permit, MDEQ will send recoverage packages to each MS4 with instructions on how to continue coverage under the reissued permit. If reissuance of this permit does not occur before its expiration date and the coverage recipient has submitted a timely and complete final Annual Report, continued coverage under this permit will be allowed until the effective date of the reissued general permit coverage.

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**ACT4 (MS4) Small Municipal Separate Storm Sewer System Notice of Intent (MS4 NOI):**

Submittal/Action Requirements:

MS4 NOI Submittal:

A regulated entity desiring coverage for stormwater discharges under this general permit shall submit a MS4 NOI form for initial coverage and a request for recoverage for subsequent coverage. For regulated entities that have been designated by the [Commission](#) pursuant to 40 CFR 122.32(a)(2), the regulated entity is required to submit an MS4 NOI and Storm Water Management Plan (SWMP) within 180 days of permit issuance. For regulated entities covered by a previous Small Municipal Separate Storm Sewer System (MS4) General Permit, re-coverage must be made in accordance with the requirements of the reissued permit.

CONTENTS OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NOTICE OF INTENT (NOI):

The MS4 NOI shall be signed in accordance with [ACT10: SIGNATORY REQUIREMENTS](#) of this permit and shall include the following information:

- (1) The name of the regulated entity, mailing address, and telephone number specifying the contact person.
- (2) An indication of whether the regulated entity is a Federal, State, County, Municipal, or other public entity.
- (3) The urbanized area where your MS4 is located; the name of your organization, and county/counties where your MS4 is located.
- (4) The name of the major (named on a USGS Quad Map) receiving water(s).
- (5) A current list of receiving waters with approved/established TMDLs and the current State of Mississippi 303(d) list of impaired waters are available at [https://www.deq.state.ms.us/MDEQ.nsf/page/TWB\\_Total\\_Maximum\\_Daily\\_Load\\_Section?OpenDocument](https://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section?OpenDocument) and [http://www.deq.state.ms.us/MDEQ.nsf/0/E9EDFB5201D8E99586257D500048F8D6/\\$file/MS\\_2014\\_Section\\_303d\\_List\\_Adopted.pdf?OpenElement](http://www.deq.state.ms.us/MDEQ.nsf/0/E9EDFB5201D8E99586257D500048F8D6/$file/MS_2014_Section_303d_List_Adopted.pdf?OpenElement), respectively.
- (6) If relying on another governmental entity regulated under the stormwater regulations (40 CFR 122.26 & 122.32) to satisfy one or more of the regulated entity's permit obligations, the identity of that entity or entities and the element(s) they will be implementing must be submitted. If the entity that the permitted MS4 operator is relying on to carry out the requirements of the minimum [control measure](#) fails to meet the permit requirements, it is the regulated entity's responsibility to correct these failures to assure compliance.
- (7) As an attachment to the MS4 NOI, a Stormwater Management Program (SWMP) must be submitted that includes the minimum requirements as outlined in [ACT5](#) of this permit. [11 Mississippi Admin Code PT. 6, CH. 1]

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## MS4 Phase II General Permit

### **ACT4 (continued):**

#### Submittal/Action Requirements:

##### JOINT MUNICIPAL SEPARATE STORM SEWER SYSTEM NOTICE OF INTENT (MS4 NOI)

A regulated entity may, pursuant to the Mississippi Stormwater Management District Act, Miss. Code Ann. Section 51-39-1 et. Seq., or under other applicable authority, partner with another regulated entity to develop and/or implement a SWMP. However, each regulated entity remains responsible for the implementation of the SWMP in their MS4. Each regulated entity must complete the joint MS4 NOI form. The SWMP must clearly describe which regulated entity will be implementing each control measure.

#### Narrative Requirements:

##### WHERE TO OBTAIN THE MS4 NOI AND/OR RE-COVERAGE FORMS:

MS4 NOI forms are contained in the MS4 Forms Package or may be obtained from the MDEQ at the address shown below or by calling 601/961-5171. MS4 NOI forms, as well as the general permit, may also be found on the MDEQ web site at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral?OpenDocument](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral?OpenDocument)

##### WHERE TO SUBMIT THE MUNICIPAL SEPARATE STORM SEWER SYSTEM NOTICE OF INTENT (MS4 NOI) AND/OR RE-COVERAGE FORM:

MDEQ encourages electronic submittals due to limited file space. Please submit the MS4 Forms Package, SWMP, and Annual Reports to: [MS4@deq.state.ms.us](mailto:MS4@deq.state.ms.us)

Alternatively, hard copies can be submitted to:

Chief, Environmental Permits Division  
MS Dept. of Environmental Quality,  
Office of Pollution Control P.O. Box 2261  
Jackson, Mississippi 39225.

##### FAILURE TO NOTIFY:

Failure to submit a MS4 NOI in accordance with State and Federal Law and Regulations, or as required by this general permit and discharges of stormwater from regulated MS4s to waters of the State without coverage under this permit or an individual NPDES permit are violations of State law.

**\*\*Official MDEQ Permit\*\***

**ACT5 (MS4) Stormwater Management Program (SWMP) Development and Content:**

Submittal/Action Requirements:

SWMP DEVELOPMENT AND SUBMITTAL:

The regulated entity must develop, implement, and enforce a Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from its Municipal Separate Storm Sewer System (MS4) to the maximum extent practicable (MEP) (see [Definitions](#)) to protect water quality and to satisfy applicable water quality requirements of the Clean Water Act. The application of the MEP standard is an iterative process that continually adapts to current conditions and BMP effectiveness in order to improve water quality. Successive iterations of the mix of [BMPs](#) and [measurable goals](#) shall be driven by the objective of assuring maintenance of water quality standards. Given the unique hydrologic and geologic features for each MS4, pollutant reduction strategies may differ. Each regulated entity will determine appropriate BMPs to satisfy each of the six minimum control measures through an evaluative process. Please reference the [Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#) for detailed information on BMP practice description, planning consideration, design criteria and construction, common problems, and maintenance.

If water quality impairment associated with discharges from the MS4 is not mitigated to the desired standard, the regulated entity will need to expand or better tailor its BMPs within the scope of the six minimum control measures in an ongoing, iterative or annual interval.

The MS4 must determine whether stormwater discharges from any part of the MS4 contribute pollutants of concern to an impaired waterbody. For those impaired waters, the MS4 must determine whether or not a TMDL has been established and approved. If an MS4 discharges into a water body with an approved or established TMDL, then the SWMP must include BMPs specifically targeted to achieve the wasteload allocations prescribed by the TMDL. The SWMP shall identify sufficient BMPs to numerically show, through pollution reduction estimates, that load reductions called for in the TMDL will be achieved. The SWMP must include a schedule for installation of such BMPs. A monitoring component to assess the effectiveness of the BMPs in achieving the wasteload allocations must also be included in the SWMP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, or modeling. Upon initial issuance of the coverage and each submittal of an annual report, the MS4 must implement stormwater pollutant reductions consistent with assumptions and requirements of any applicable wasteload allocation(s) in established or approved TMDLs.

MS4s are required to develop a SWMP on a location-by-location basis in order to optimize reductions in stormwater pollutants. This evaluative process will consider factors including, but not limited to: conditions of receiving waters, beneficial uses of receiving waters, MS4 size, climate, hydrology, geology, ability to finance the program, capacity to perform operation and maintenance, specific local concerns (existing and historical), etc.

The SWMP is not required to address discharges into the regulated MS4 that occur outside the jurisdiction (or boundary) of the regulated entity. The SWMP should include management practices, control techniques and system design, engineering methods, and such other provisions necessary for the control of pollutants to satisfy the applicable water quality requirements of the Clean Water Act.

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**ACT5 (continued):**

Submittal/Action Requirements:

A regulated entity's SWMP must include the following six (6) minimum control measures:

- (1) Public Education and Outreach on Stormwater Impacts
- (2) Public Involvement/Participation
- (3) Illicit Discharge Detection and Elimination (IDDE)
- (4) Construction Site Stormwater Runoff Control
- (5) Post-Construction Stormwater Management in New Development and Redevelopment
- (6) Pollution Prevention/Good Housekeeping for Municipal Operations

The SWMP, at a minimum, must be implemented for the entire urbanized area, or if designated separately by the MDEQ Executive Director, the entire designated area. The plan must identify:

- (1) **Best Management Practices (BMPs)** that the regulated entity or partner regulated entity will implement for each of the stormwater minimum control measures.
- (2) Measurable goals for each of the BMPs including, as appropriate, the years in which the regulated entity will undertake required actions, including interim milestones and the frequency of the action.
- (3) Responsible persons for implementing or coordinating the BMPs for the SWMP.
- (4) In addition to the requirements listed above, the regulated entity must:
  - Provide a rationale for how and why the regulated entity selected each of the BMPs and measurable goals for the SWMP
  - Develop and fully implement the regulated entity's program within five (5) years from coverage issuance
  - Implement BMPs and set measurable goals that are targeted to addressing existing water quality problems and preventing new water quality problems.

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**ACT5 (continued):**

Submittal/Action Requirements:

SIX MINIMUM CONTROL MEASURES:

(1) PUBLIC EDUCATION AND OUTREACH ON STORMWATER IMPACTS:

The regulated entity shall develop a program for educating the public on issues impacting stormwater.

The program shall, at a minimum, include the following components:

- (A) Develop, implement, update/revise (as necessary), and enforce a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.
- (B) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. [11 Mississippi Admin Code PT. 6, CH. 1]
- (C) Document the decision process for the development of a stormwater public education and outreach program. The regulated entity's rationale statement must address overall public education program, individual BMPs, measurable goals, and including responsible persons for this program. The rationale statement must include the following information, at a minimum:
  - (i) The regulated entity's plan to inform individuals and households about the steps they can take to reduce stormwater pollution such as proper septic system maintenance, proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protection and restoration of riparian vegetation and proper disposal of household hazardous waste.
  - (ii) The regulated entity's plan to inform individuals and groups on how to become involved in the stormwater program (with activities such as storm drain stenciling/marketing, adopt-a-stream, and-litter clean-up projects, etc.).
  - (iii) The target audiences that are likely to have significant stormwater impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.
  - (iv) The target pollutant sources the public education program is designed to address.
  - (v) The regulated entity's outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, surveys accompanying water/sewer bills, etc.) it will use to reach target audiences and how many people the regulated entity expects by the outreach strategy over the permit term.

**\*\*Official MDEQ Permit\*\***

**ACT5 (continued):**

Submittal/Action Requirements:

(vi) The process to evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected.

(vii) Responsibility for overall management and implementation of the stormwater public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program. [11 Mississippi Admin Code PT. 6, CH. 1]

(2) PUBLIC INVOLVEMENT/PARTICIPATION:

The regulated entity shall develop, implement, update/revise (as necessary), and enforce a program for public involvement and participation that contains the following elements:

(A) At a minimum, notify the public of opportunities to provide input to the process of implementing a SWMP by complying with local public notice requirements.

(B) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. [11 Mississippi Admin Code PT. 6, CH. 1]

(C) Document the decision process for the development of a stormwater public involvement/participation program. The regulated entity's rationale statement must address both the overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum:

(i) A plan for public involvement in the development and implementation of this program.

(ii) Plans to maintain public involvement in the development and submittal of the MS4 NOI and SWMP.

(iii) The target audiences for the public involvement program, including a description of the types of ethnic and economic groups engaged. The regulated entity is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among other interested parties. [11 Mississippi Admin Code PT. 6, CH. 1]

(iv) The types of public involvement events and activities included within the program. Where appropriate, consider the following types of public involvement events and activities:

(a) Citizen representatives on a stormwater management panel

(b) Public hearings

(c) Working with citizen volunteers willing to educate others about the program

(d) Volunteer monitoring or stream/beach clean-up activities

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**ACT5 (continued):**

Submittal/Action Requirements:

(v) The process to evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected.

(vi) Responsibility for the overall management and implementation of the stormwater public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program. [11 Mississippi Admin Code PT. 6, CH. 1]

(3) ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE):

The regulated entity shall develop, implement, update, revise and enforce a program to detect and eliminate illicit discharges, which contains the following components:

(A) Develop, implement and enforce an IDDE program to detect and eliminate illicit discharges (as defined in 40CFR 122.26(b)(2)) into the regulated entity's small MS4.

(B) Develop a storm sewer system map, showing the location of all outfalls along with the names and location of all waters of the United States that receive discharges from those outfalls ([see Definition](#)). Mapping is useful to provide a foundation for outfall screening procedures, including scheduling and prioritizing where field work will take place. In addition, records of outfall screening and field work in an electronic format is useful for compatibility with GIS (geographic information system) and strongly recommended by MDEQ.

(C) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-stormwater discharges into the regulated entity's storm sewer system and implement appropriate enforcement procedures and actions. For compliance review with the SWMP, existing or draft ordinances addressing illicit discharges shall be submitted to MDEQ. Draft ordinances shall be submitted to MDEQ for review 30 days before proposed adoption.

(D) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

(E) Address the non-stormwater discharges or flows identified in [ACT2](#), (5) of this permit only if the regulated entity or MDEQ identify them as significant contributors of pollutants to the regulated entity's small MS4. The regulated entity may also develop a list of other similar occasional incidental non-stormwater discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-stormwater discharges must not be expected (based on available information) to be significant sources of pollutants to the MS4. If a list of incidental non-stormwater discharges is developed the regulated entity must:

(i) Document in your plan any local controls or conditions placed on the discharges.

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**ACT5 (continued):**

Submittal/Action Requirements:

(ii) Include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

(F) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. Please refer to the [Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#) for guidance in selecting appropriate BMPs.

(G) Document the decision process for the development of a stormwater illicit discharge detection and elimination (IDDE) program. The regulated entity's rationale statement must address the overall IDDE program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale must include the following information, at a minimum:

(i) The plan to detect and address illicit discharges to the regulated entity's system, including discharges from illegal dumping and spills. This plan must include a dry weather field screening ([see Definitions](#)) for non-stormwater flows.

The purpose of developing a dry weather field screening plan is to distinguish illicit discharges from normal rainfall runoff in conveyance systems in the MS4. MDEQ recommends the following tasks for developing a dry weather screening plan:

(1) Define dry weather that is specific to the MS4. To define dry weather for the MS4, the following factors are recommended for consideration:

- (a) A generally accepted definition for dry weather is after a period of 72 hours with less than 0.10 inches of rain.
- (b) Dry weather may be based on a waiting period 48-72 after rainfall events that produce runoff.
- (c) Determine where in your MS4 is experiencing dry weather using local weather/precipitation reports.
- (d) Consider other variables such as soil type, water table level, and drainage lag times.

(2) Define a screening method:

- (a) Visual screening, at minimum, is generally a good initial practice to identify illicit discharges. If a flow is observed, make note of color, odor, floatables, suds, deposits, stains, etc. at the outfall.
- (b) Consider testing water quality at flowing outfalls for parameters such as temperature, pH, ammonia, bacteria, dissolved oxygen, turbidity, conductivity, etc. Choose parameters that are meaningful for the purpose of detecting and eliminating illicit discharges of concern for each area.

(3) Determine criteria for evaluating illicit discharges. Consider the following factors when prioritizing the detection and elimination of target pollutants within the MS4:

- (a) Is there a history of citizen complaints about illicit discharges in a certain area?
- (b) Do the complaints pertaining to the problem area identify any specific pollutant(s)?
- (c) Are any of these impairments caused by pollutants that your IDDE program has the capability to measure during dry screening?
- (d) Do these pollutants appear on an established total maximum daily load (TMDL) for neighboring waters of the state? Can you set a measurable goal of reducing pollutant loads documented in the TMDL study through the elimination of illicit discharges?

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**ACT5 (continued):**

Submittal/Action Requirements:

- (4) Select a method for tracking outfall information. MDEQ recommends the following:
  - (a) Assign each outfall a unique identifier
  - (b) Consider a method for recording outfall screening information which will be used consistently over time.
  - (c) The method should optimally keep track of the identifier, screening information for the outfall, the outfall's history (e.g., previous illicit discharges detected, if or how they were eliminated, etc.)
  - (d) Discharges detected, if or how they were eliminated, etc.)
  - (e) Keep electronic records (e.g., spreadsheets, databases) for compatibility with GIS for convenient tracking purposes.
  
- (5) Define measurable goals for Dry Weather Screening. The achievement of measurable goals should lead to the reductions in the amounts of pollutants entering the stormwater conveyance system.
  - (a) Define measurable goals by setting a schedule of percentages of outfalls to be screened on a prescribed timetable.
  - (b) Interpret screening results in order to identify suspected illicit discharges and determine appropriate follow-up actions.
  - (c) Create an annual goal to eliminate a percentage of identified illicit discharges.
  
- (ii) This plan must also address on-site sewage disposal systems that flow into the regulated entity's storm drainage system. MDEQ requires the plan to include:
  - (a) Procedures for locating priority areas which include areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines) MDEQ employs a Complaint Tracking System (CTS) to log and track reported complaints. Information on the status of inspections/investigations, reports, and the enforcement actions pertaining to complaints is available upon request. Records available through the system can be useful in identifying problem areas and targeting pollutants.
  - (b) If feasible, a plan to consult with entities within the MS4 to share information on water quality (e.g., coordinating with the Wastewater Treatment Facility to coordinate water quality testing and sharing of results).
  - (c) If available, use testing data to identify the pollutant(s) to aid in locating the source of the illicit discharge. Having a certified test result may be necessary to enforce the local illicit discharge ordinance.
  
- (iii) The regulated entity's plans to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in the regulated entity's description how this plan will coordinate with the regulated entity's public education minimum measure and the regulated entity's pollution prevention/good housekeeping minimum measure programs. Illicit discharge education actions may include storm drain marking, a program to promote, publicize, and facilitate public reporting of [illicit connections or discharges](#), and distribution of outreach materials
  
- (iv) The process to evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected.
  
- (v) Responsibility for overall management and implementation of the IDDE program and, if different, who is responsible for each of the BMPs identified for this program.

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**ACT5 (continued):**

Submittal/Action Requirements:

(4) CONSTRUCTION SITE STORMWATER RUNOFF CONTROL:

The regulated entity shall develop, implement, update/revise (as necessary), and enforce a program to control stormwater runoff from construction sites, which contains the following elements.

(A) Develop, implement, update/revise (as necessary), and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one (1) acre. Reduction of stormwater discharges from construction activity disturbing less than one (1) acre must be included in your program if that construction activity is part of a larger common plan of development (See [Definitions](#)) or sale that would disturb one (1) acre or more. The program must include the development and implementation of, at a minimum:

(i) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law. Modified or new (draft) ordinances addressing construction site stormwater runoff shall be submitted to MDEQ for review 30 days before proposed adoption.

(ii) Requirements for construction site operators to provide the regulated entity a copy of their Stormwater Pollution Prevention Plan and proof of issuance of applicable MDEQ approvals/permits prior to the issuance of local construction approvals/permits. Examples of MDEQ approvals/permits include:

(a) Small Construction General Permit coverage for land disturbances one (1) acre to less than five (5) acres (less than one acre if part of a larger common plan of development or sale)

(b) Large Construction General Permit coverage for land disturbances five (5) acres and greater (or less if part of a larger common plan of development or sale)

(c) Registration Form for Residential Lot Coverage and Large Construction General Permit coverage number for residential lots in subdivision covered under a Large Construction General Permit

(iii) Requirements for construction site operators to provide the regulated entity a copy of the proper permits or approvals from the Army Corps of Engineers if waters of the United States are being filled, rerouted or dammed. [11 Mississippi Admin Code PT. 6, CH. 1]

(iv) Requirements for construction site operators to implement appropriate erosion and sediment control best management practice (please refer to [Volume 1 of the Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#) ), including verification that operators have received training in proper installation of said controls (See [ACT9](#), Training Personnel).

(v) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

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**ACT5 (continued):**

Submittal/Action Requirements:

- (vi) Procedures for site plan review which incorporate consideration of potential water quality impacts.
- (vii) Procedures for receipt and consideration of information submitted by the public.
- (viii) Procedures for site inspection and enforcement of control measures.
- (ix) Procedures to ensure implementation of required post-construction controls (see next page).

(B) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. Select BMPs which are most appropriate to achieve measurable goals to reduce and control runoff from active and post-construction sites. MDEQ strongly recommends adopting ordinances to promote and encourage the implementation of non-structural BMPs, including Low Impact Development (LID) and Green Infrastructure (GI). This includes site-design and infiltration techniques such as [green roofs](#), [pervious pavement](#), eliminating curbs and gutters, [grassed swales](#), [rain gardens](#), rain harvesting, low-impact and cluster developments, and disconnection of impervious areas from riparian zones. For guidance in selecting an appropriate BMP, please refer to [Volume 2 of the Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#). MDEQ recommends examining Low Impact Development (LID) options that include Green Infrastructure BMPs such as: [green parking](#) (Vol. 2, Ch. 4, pg. 43), [green roofs](#) (Vol. 2, Ch. 4, pg. 47), [narrower residential streets](#) (Vol. 2, Ch. 4, pg. 55), [riparian/forested buffers](#) (Vol. 2, Ch. 4, pg. 58).

(C) Document the decision process for the development of a construction site stormwater control program. The regulated entity's rationale statement must address the overall construction site stormwater control program, the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum:

- (i) The procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts and consistency with local sediment and erosion control requirements. For guidance in preparing an Erosion and Sediment Control Plan, please refer to [Volume 1 of the Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#).
- (ii) The procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the regulated entity's public education program. [11 Mississippi Admin Code PT. 6, CH. 1]
- (iii) The procedures for site inspection and enforcement of control measures, including how the regulated entity will prioritize sites for inspection based on the nature of the construction activity, topography, soil characteristics, and receiving water quality. Some examples of sanctions to ensure compliance include non-monetary penalties, fines, bonding requirements and/or permit denials for non-compliance.
- (iv) The procedures to provide appropriate educational training measures for construction site operators (See [ACT9: Training Personnel](#)).

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**ACT5 (continued):**

Submittal/Action Requirements:

(v) The process to evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected. For guidance in selecting an appropriate BMP, please refer to [Volume 2 of the Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#).

(vi) Responsibility for overall management and implementation of the construction site stormwater control program and, if different, who is responsible for each of the BMPs identified for this program. For guidance in Stormwater Management, please refer to [Volume 2 of the Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#).

**(5) POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT:**

The regulated entity shall develop, implement, update/revise (as necessary), and enforce a program to address post-construction stormwater management in new development and redevelopment, including the following elements:

(A) Develop, implement, and enforce a program to address stormwater runoff from publicly-owned and privately-owned new development and redevelopment projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale, that discharge into the regulated entity's small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.

(B) Develop and implement strategies that include a combination of structural and non-structural best management practices (BMPs), appropriate for the regulated entity. For aid in selecting combinations of appropriate structural and non-structural BMPs that best suit the MS4, refer to the Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas ([see Appendix](#)).

(C) Within one year of obtaining permit coverage, the permittee shall review local codes and ordinances. Newly-designated and currently permitted MS4s shall update codes and ordinances, if necessary, within 4 years of coverage under this permit. Currently permitted MS4s shall continue to implement their existing permanent Stormwater Management Programs until the codes and ordinances review and update are completed. The permittee should consider making revisions to policies, codes and ordinances that will achieve the greatest improved protection of receiving waters. Use of an ordinance or other regulatory mechanism to address post construction runoff from publicly-owned and privately-owned new development and redevelopment projects to the extent allowable under State or local law. Existing ordinances and new (draft) ordinances addressing post-construction stormwater management shall be submitted to MDEQ for compliance review with the SWMP. In addition, the regulated entity must develop a regulatory mechanism (e.g. a post-construction ordinance) to allow inspections of post-construction BMPs for private development and redevelopment projects within the MS4. New (draft) ordinances shall be submitted to MDEQ for review 30 days before proposed adoption. The ordinance or regulatory mechanism shall not limit the post-construction minimum measure to a single type of best management practice. MDEQ recommends that post-construction stormwater control and treatment systems be implemented through a treatment train approach ([see Definitions](#)) which would incorporate more than one BMP.

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**ACT5 (continued):**

Submittal/Action Requirements:

(D) The MS4 must implement and enforce permanent stormwater controls that are comprised of runoff reduction and pollutant removal. The permittee must require that stormwater discharges from new development and redevelopment sites be managed such that post-development hydrology does not exceed the pre-development hydrology at the site, in accordance with the performance standards contained in this section. Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures. Runoff reduction is the preferred control practice as it can achieve both volume control and pollutant removal.

(E) Develop site design standards for all new and redevelopment projects and require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum the first inch of every rainfall event preceded by 72 hours of no measurable precipitation. For all new and redevelopment on the private property, the MS4 may opt to have controls installed on that private property, in the public right-of-way, or a combination of both. Post-construction BMPs would include, but are not limited to: [grassed swales](#) (Vol. 1, Ch. 4, pg. 162) for runoff conveyance, [filter strips](#) (Vol. 1, Ch. 4, pg. 261) and [bioretention systems for filtration of sediment](#) ( Vol 2 Ch. 1, pg. 14), runoff control using dry/wet retention/detention basins, and buffer zones for stream protection (Vol. 1, Ch. 4 pg. 25). Please refer to the [Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#) for more information.

- (i) Limitations to the application of runoff reduction requirements include, but are not limited to:
- (a) Where a potential for introducing pollutants into the groundwater exists, unless pre-treatment is provided;
  - (b) Pre-existing soil contamination is present in areas subject to contact with infiltrated runoff; and
  - (c) Sinkholes or other karst features.

(F) Ensure adequate long term operation and maintenance of BMPs. For maintenance considerations, please refer to the [Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#). The MS4 shall require a maintenance agreement and provide verification of maintenance provisions for post-construction management practices. These agreements shall allow the MS4, or its designee, to conduct inspections of the management practices and also account for transfer of responsibility in leases and/or deed transfers. Verification shall include one or more of the following as applicable:

- (i) The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
- (ii) Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
- (iii) Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owners' association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or

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**ACT5 (continued):**

Submittal/Action Requirements:

- (iv) Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.
- (G) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. For guidance in selecting appropriate BMPs, please refer to the [Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#).
- (H) Document the decision process for the development of a post-construction stormwater management program. The regulated entity's rationale statement must address the overall post-construction Stormwater management program, the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum:
- (i) The regulated entity's program to address stormwater runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program. Please refer to the Planning section of Volume 2, Chapter 4 of the Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas for guidance on planning. MDEQ recommends considering the following factors during the planning phase: designating [conservation easements](#) (Vol 2, Ch. 4, pg. 3) and [development districts](#) (Vol 2, Ch. 4, pg. 7), [infrastructure planning](#) (Vol. 2, Ch.4, pg. 12), [open space design](#) (Vol. 2, Ch.4, pg. 12), [protection of natural features](#)(Vol. 2, Ch.4, pg. 18), [street design and patterns](#) (Vol. 2, Ch.4, pg. 27), and [urban forestry](#) (Vol. 2, Ch.4, pg. 32).
- (ii) How the regulated entity's program will be specifically tailored for the regulated entity, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.
- (iii) Any non-structural BMPs in the program, including, as appropriate:
- (a) Policies and ordinances that provide requirements and standards to: direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, minimize disturbance of soils and vegetation, and encourage infill development in higher density urban areas and areas with existing storm sewer infrastructure.
- (b) Education programs for developers and the public about project designs that minimize water quality impacts.
- (c) Measures such as minimization of the percentage of impervious area after development, and minimization of directly connected impervious areas. Please refer to the Planning and Site Design section of Volume 2, Chapter 4, of the Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas. MDEQ recommends examining Low Impact Development (LID) options that include Green Infrastructure BMPs such as: [green parking](#) (Vol. 2, Ch. 4, pg. 43), [green roofs](#) (Vol. 2, Ch. 4, pg. 47), [narrower residential streets](#) (Vol. 2, Ch. 4, pg. 55), [riparian/forested buffers](#) (Vol. 2, Ch. 4, pg. 58). [11 Mississippi Admin Code PT. 6, CH. 1]

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**ACT5 (continued):**

Submittal/Action Requirements:

- (iv) Any structural BMPs in the program, including, as appropriate:
  - (a) Stormwater retention/detention practices (Vol. 2, Ch. 4, pg. 127), such as [constructed wetlands](#) (Vol. 2, Ch. 4, pg. 127), [dry detention ponds](#) (Vol. 2, Ch. 4, pg. 144), [in-line storage](#) (Vol. 2, Ch. 4, pg. 150), and extended detention outlet structures. For detailed information on retention/detention BMP practice description, planning consideration, design criteria and construction, common problems, and maintenance, please refer to [Volume 2, Chapter 4, of the Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas](#).
  - (b) Filtration practices (Vol. 2, Ch. 4, pg. 96) such as [grassed swales](#) (Vol. 2, Ch. 4, pg. 96), [bioretention](#) (Vol. 2, Ch. 4, pg. 96), [catch basin inserts](#) (Vol. 2, Ch. 4, pg. 112), [sand/organic filters](#) (Vol. 2, Ch. 4, pg. 115) and [vegetative filter strips](#) (Vol. 2, Ch. 4, pg. 123). For detailed information on filtration BMP practice description, planning consideration, design criteria and construction, common problems, and maintenance, please refer to Volume 2, Chapter 4, of the Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas.
  - (c) Infiltration practices such as [grassed swales](#) (Vol. 2, Ch. 4, pg. 63), [infiltration basins](#) (Vol. 2, Ch. 4, pg. 72), [infiltration trenches](#) (Vol. 2, Ch. 4, pg. 78), [permeable interlocking concrete pavement](#) (Vol. 2, Ch. 4, pg. 83), [pervious asphalt pavement](#) (Vol. 2, Ch. 4, pg. 87) and [pervious concrete](#) (Vol. 2, Ch. 4, pg. 91). For detailed information on infiltration BMP practice description, planning consideration, design criteria and construction, common problems, and maintenance, please refer to Volume 2, Chapter 4 of the Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas.
  
- (v) Ensure the appropriate implementation of the structural BMPs by considering some or all of the following:
  - (a) Pre-construction review of BMP design
  - (b) Inspections during construction to verify BMPs are built and properly designed
  - (c) Post-construction inspection and maintenance of BMPs
  - (d) Penalty provisions for non-compliance
  
- (vi) How the regulated entity will evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected.
  
- (vii) Responsibility for overall management and implementation of the regulated entity's post-construction Stormwater management program and, if different, who is responsible for each of the BMPs identified for this program.

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**ACT5 (continued):**

Submittal/Action Requirements:

**(6) POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS**

The regulated entity shall develop a pollution prevention/good housekeeping program with the following components.

(A) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from the regulated entity's operations.

(B) Using training materials that are available from EPA, the State, or other organizations, the regulated entity's program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. See [ACT9](#) for personnel training requirements.

(C) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. [11 Mississippi Admin Code PT. 6, CH. 1]

(D) Document the decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The regulated entity's rationale statement must address the overall pollution prevention/good housekeeping program, the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum:

(i) The regulated entity's program must specifically list the municipal operations that are impacted by this operation and maintenance program. The regulated entity must also include a list of industrial facilities that the regulated entity owns or operates which are covered by General Stormwater Permits or have individual NPDES Stormwater Permits. Include the facility's coverage number and/or permit number.

(ii) Any employee training program the regulated entity will use to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. Describe any existing, available materials the regulated entity plans to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure. ACT9 of this permit requires the regulated entity to document all training records for personnel. See [ACT9: Personnel Training Requirements](#) for more information on training program development and documentation requirements.

**ACT5 (continued):**

Submittal/Action Requirements:

- (iii) The regulated entity's program description must specifically address the following areas:
  - (a) Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables (including froth, oil and floating solids) and other pollutants to the MS4.
  - (b) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and waste transfer stations.
  - (c) Procedures for the proper disposal of waste removed from the MS4 and regulated entity's operations, including dredge spoil, accumulated sediments, floatables, and other debris.
  - (d) Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.
- (iv) The process to evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected.
- (v) Responsibility for overall management and implementation of the pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.

**ACT6 (MS4) Storm Water Management Program (SWMP) Implementation Requirements:**

Submittal/Action Requirements:

REVIEWING AND UPDATING STORM WATER MANAGEMENT PROGRAMS:

(1) Storm Water Management Program Review: The regulated entity must conduct an annual review of their Storm Water Management Program in conjunction with preparation of the annual report required under [ACT7](#) of this permit. The annual review is required in order to evaluate the SWMP's effectiveness over the five-year period permit cycle. The Storm Water Management Program is best implemented iteratively; annual reviews are intended to assist in tailoring the storm water management program to be most effective for regulated entities that are eligible for coverage under this permit.

(2) Storm Water Management Program Update: The regulated entity may change their Storm Water Management Program during the life of the permit in accordance with the following procedures:

(A) Changes adding (but not subtracting or replacing) components, control measures, or requirements to the Storm Water Management Program may be made at any time upon written notification to MDEQ. These changes must be documented in the annual report.

(B) Changes subtracting or replacing ineffective or impracticable components, control measures, or requirements, specifically identified in the Storm Water Management Program, with alternate components, controls, or requirements may be requested at any time. Unless denied by the Permit Board, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If request is denied, the Permit Board, or MDEQ acting on behalf of the Permit Board, will respond in writing. The regulated entity's modification requests must include the following:

(i) An analysis of why the components, control measures, goals, or requirements are ineffective or impracticable (including cost analyses)

(ii) Expectations on the effectiveness of replacement components, control measures, goals, or requirements.

(iii) An analysis of why the replacement components, control measures, goals, or requirements are expected to achieve the goals of the components, controls, or requirements to be replaced.

(C) Change requests or notifications must be signed in accordance with the signatory requirements of [ACT10](#): SIGNATORY REQUIREMENTS of this permit. [11 Mississippi Admin Code PT. 6, CH. 1]

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**ACT6 (continued):**

Submittal/Action Requirements:

(3) Storm Water Management Program Updates Required by MDEQ:

(A) The Permit Board shall require Storm Water Management Program updates as part of the re-coverage process for subsequently issued MS4 General Permits. These updates may include, but not be limited to, best management practices, measurable goals, policies, procedures, programs, ordinances, strategies, etc.

(B) The Permit Board may require changes to the Storm Water Management Program as needed to:

(i) Meet the conditions of this permit.

(ii) Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4.

(iii) Include additional control measures or monitoring requirements when a Total Maximum Daily Load (TMDL) has been specified for a receiving waterbody, when a Watershed Management Plan has been adopted for a watershed or if a coverage recipient's SWMP proves to be inadequate in reducing pollutants in storm water runoff. This will include requiring additional and sufficient BMPs in the SWMP to numerically show through pollution reduction estimates that the load reductions called for by the TMDL are being met.

(iv) Include more stringent requirements necessary to comply with new federal statutory or regulatory requirements.

(v) Include such other conditions necessary to comply with the requirements of the Clean Water Act.

(C) Changes requested by the Permit Board must be made in writing, set forth the time schedule for the regulated entity to develop the changes, and offer the regulated entity the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Permit Board will be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.

(4) Transfer of Operational Authority, or Responsibility for Storm Water Management Program Implementation: The regulated entity must implement the Storm Water Management Program on all new areas added to the regulated entity's portion of the municipal separate storm sewer system (or for which the regulated entity becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately. [11 Mississippi Admin Code PT. 6, CH. 1]

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**ACT6 (continued):**

Submittal/Action Requirements:

(A) Within 90 days of a transfer of operational authority, or responsibility for storm water management program implementation, the regulated entity must have a plan for implementing the regulated entity's Storm Water Management Program on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the Storm Water Management Program must be included in the annual report.

Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the regulated entity(s) and replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the Storm Water Management Program and not modifications to the permit. [11 Mississippi Admin Code PT. 6, CH. 1]

**SHARING MINIMUM MEASURE RESPONSIBILITY:**

(1) Implementation of one or more of the minimum measures may be shared with another entity, or the other entity may fully take over the measure. A regulated entity may rely on another entity only if:

(A) The other entity, in fact, implements the control measure.

(B) The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.

(C) The other entity agrees to implement the control measure on the regulated entity's behalf and accepts this obligation in writing. This obligation must be maintained as part of the description of the regulated entity's storm water management program. If the other entity fails to implement the control measure on the regulated entity's behalf, then the regulated entity remains liable for any discharges due to that failure to implement.

(2) In the case of the construction minimum measure, MDEQ may agree to assume responsibility, if petitioned by the regulated entity, for the portion of the minimum measure that addresses construction activities five (5) acres and greater (residential subdivisions are specifically excluded). If MDEQ agrees to assume responsibility, the regulated entity is not required to include that portion of the minimum control measure in the SWMP, nor required to address large construction in the annual report. The MS4 General Permit Forms Package contains a petition form for this purpose.

(3) Programs that meet or exceed the provisions of this minimum measure and the provisions of Mississippi's construction general permit requirements may, at the request of the regulated entity and at the discretion of MDEQ, be designated as a qualifying local program. Construction sites that meet the requirements of the qualifying local program may be deemed to also satisfy Mississippi's construction general permit requirements. [11 Mississippi Admin Code PT. 6, CH. 1]

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**ACT7 (MS4) Monitoring, Reporting, and Recordkeeping Requirements:**

Submittal/Action Requirements:

FAILURE TO IMPLEMENT STORM WATER MANAGEMENT PROGRAM (SWMP):

Any permit noncompliance constitutes a violation of the Mississippi Water Pollution Control Law and is grounds for enforcement action against the MS4. In addition, failure by the MS4 to initiate appropriate enforcement actions as defined in the SWMP may be the basis for State determination that the MS4 has failed to take timely enforcement action. In instances where the State determines that the MS4 has not initiated timely and appropriate enforcement action, the State may proceed with any or all enforcement options against the discharger and MS4 under the Clean Water Act.

MONITORING:

The coverage recipient must evaluate program compliance, the appropriateness of their identified best management practices, and progress towards achieving their identified measurable goals. Inspections will be required as part of the monitoring program. Although water quality sampling and analysis is not required by this permit, MDEQ strongly encourages the adoption of water quality sampling and analysis to determine the effectiveness of reducing pollutants in storm water runoff.

ANNUAL REPORTS:

The coverage recipient must prepare and submit to MDEQ an annual report. The objective of the annual report is to summarize the progress made in implementing the conditions of the permit and elements of the SWMP. The submittal of the fourth Annual Report shall be deemed to be a notification of the MS4's intent to be covered by the subsequently issued MS4 General Permit. The annual report shall be in the approved MDEQ format. A template of the approved MDEQ annual report format may be obtained from MDEQ at the address shown below or by calling 601-961-5171. The annual report template, general permit and forms package may also be found on the MDEQ web site at [www.deq.state.ms.us](http://www.deq.state.ms.us). Annual reports in 3-ring binders will not be accepted due to limited filing space. These annual reports must include, at a minimum:

- (1) The status of compliance with permit conditions, an assessment of the appropriateness of the coverage recipient's identified BMPs and progress towards achieving the coverage recipient's identified measurable goals for each of the minimum control measures.
- (2) Results of information collected and analyzed, including monitoring data, if any, during the reporting period.
- (3) A summary of the storm water activities planned during the next reporting cycle.
- (4) Proposed changes to the storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements.

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MS4 Phase II General Permit

**ACT7 (continued):**

Submittal/Action Requirements:

- (5) Changes in any identified measurable goals that apply to the program elements.
- (6) Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable). [11 Mississippi Admin Code PT. 6, CH. 1]
- (7) The number of small construction projects receiving approval from the MS4. Small construction projects are land disturbance activities of equal to or greater than one (1) acre and less than five (5) acres or are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility (i.e. an existing ditch, channel, or other similar storm water conveyance, as well as routine grading of existing dirt roads, asphalt overlays of existing roads, and similar maintenance activities).
- (8) The number of large construction projects receiving approval from the MS4. Large construction projects are land disturbance activities of equal to or greater than five (5) acres or are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than five (5) acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, and similar maintenance activities.
- (9) The number and type of inspections conducted and enforcement actions taken.
- (10) The number of illicit discharges detected and the number of illicit discharges eliminated.
- (11) The number, type (i.e., detention basin, manufactured system, etc.) and location of post-construction management practices installed at new development and redevelopment projects. Both publicly-owned and privately-owned projects apply. [11 Mississippi Admin Code PT. 6, CH. 1]
- (12) Documentation that all control measures being planned or implemented that may address Wasteload Allocation (WLA) provisions of a TMDL, if it is found that a MS4 must implement specific WLA provisions of a TMDL. Also, include a schedule of implementation for all planned controls.
- (13) Certification that the MS4 NOI and SWMP are up to date. The annual report shall be certified according to [ACT10: SIGNATORY REQUIREMENTS](#) and [ACT10: DULY AUTHORIZED REPRESENTATIVES](#) of this permit. [11 Mississippi Admin Code PT. 6, CH. 1]

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## MS4 Phase II General Permit

### **ACT7 (continued):**

#### Submittal/Action Requirements:

#### WHERE TO SEND REPORTS:

The annual reports required in **ACT7** of this permit are to be submitted annually postmarked no later than the 28th day of January. The first submission may be for less than a 12-month period. Failure to submit a complete annual report and/or meet goals established by the SWMP, as required by this ACT, is a violation of this permit and subject to enforcement action.

Please address electronic submittals to [MS4@deq.state.ms.us](mailto:MS4@deq.state.ms.us)

Alternatively, hard copies of Annual Reports can be submitted to MDEQ at the following address:

Chief, Environmental Compliance and Enforcement Division  
Office of Pollution Control  
Dept. of Environmental Quality  
P.O. Box 2261  
Jackson, Mississippi 39225

#### RECORDS RETENTION:

All records, reports and information resulting from activities required by this permit shall be retained for a period of at least three years from the date of the coverage recipient's MS4 NOI, inspection or report. The coverage recipient must make records required by this permit, including the regulated entity's SWMP, available to the public at reasonable times during regular business hours. (The regulated entity may assess a reasonable charge for copying. The coverage recipient may require a member of the public to provide advance notice, not to exceed two working days).

#### NONCOMPLIANCE REPORTING:

- (1) Anticipated Noncompliance. The regulated entity shall give at least 10 days advance notice, if possible, before any planned noncompliance with permit requirements.
- (2) Unanticipated Noncompliance. The regulated entity shall notify the MDEQ orally within 24 hours from the time he or she becomes aware of unanticipated noncompliance. A written notice shall be provided to the MDEQ within 5 working days of the time he or she becomes aware of the circumstances. The written report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence of the noncompliance and, if the noncompliance has not ceased, the anticipated time for correction. [11 Mississippi Admin Code PT. 6, CH. 1]

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**ACT8 (MS4) Storm Water Quality Requirements:**

Limitation Requirements:

Storm water shall be free from:

- (1) Debris, oil, scum, and other floating materials other than in trace amounts
- (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters
- (3) Suspended solids, turbidity and color at levels inconsistent with the receiving waters
- (4) Substances in concentrations that would cause violation of State Water Quality Criteria in the receiving waters. [11 Mississippi Admin Code PT. 6, CH. 2]

**ACT9 (MS4) Personnel Training Requirements:**

Submittal/Action Requirements:

TRAINING DOCUMENTATION:

Personnel training conducted to meet the requirements of this ACT shall be documented. Training records shall include employee's name, worker identification number, date of training, contents of training, and the employee's signature acknowledging that training was received. All training records shall be maintained for at least three (3) years from the date of training.

TRAINING PROGRAM REQUIREMENTS:

The coverage recipient shall develop and implement a program for initial and periodic refresher training of personnel that are responsible for implementing and/or complying with the requirements of this permit. Initial training for all personnel that are responsible for implementing and/or complying with the requirements of this permit shall be performed within twelve (12) months of issuance of coverage or recoverage under this permit. Newly hired employees responsible for implementing and/or complying with the requirements of this permit shall receive initial training prior to performing such responsibilities.

Training shall at a minimum address, but not be limited to, the following elements:

(1) SWMP goals and plan components identified in ACTs 5 through 9 of this permit, including:

(A) Housekeeping and pollution prevention requirements,

(B) Spill prevention and response procedures,

(C) Installation, maintenance and inspection of erosion and sediment controls Best Management Practices (BMPs).

(2) Recordkeeping, reporting and record retention requirements (includes understanding the records filing system and being able to produce the required permit documentation during an MDEQ on-site inspection).

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**ACT10 (MS4) Standard Requirements Applicable to All Water Permits:**

Narrative Requirements:

**DUTY TO COMPLY:**

Any permit noncompliance constitutes a violation of the Mississippi Water Pollution Control Law and is grounds for enforcement action or coverage termination and requiring reapplication in accordance with [ACT3](#) (2) of this permit. [11 Mississippi Admin Code PT. 6, CH. 1]

**CONTINUATION OF AN EXPIRED GENERAL PERMIT:**

All general permits and coverages issued by the Permit Board shall remain in full force and effect until the Permit Board makes a final determination regarding any reissuance, modification, or revocation of the permits and coverages.

**DUTY TO MITIGATE:**

The regulated entity shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that is likely to adversely affect human health or the environment.

**DUTY TO PROVIDE INFORMATION:**

The regulated entity shall furnish to the MDEQ, within a reasonable time, any information which the MDEQ may request to determine compliance with this permit. [11 Mississippi Admin Code PT. 6, CH. 1]

**SIGNATORY REQUIREMENTS:**

All Notice of Intent forms, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by you shall be signed and certified as follows:

- (1) The MS4 NOI(s) and SWMP(s) submitted to the MDEQ shall be signed by a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA). Electronic submittals are highly encouraged and can be sent to: [MS4@deq.state.ms.us](mailto:MS4@deq.state.ms.us)

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**ACT10 (continued):**

Narrative Requirements:

DULY AUTHORIZED REPRESENTATIVE:

A person is a duly authorized to sign submissions to the MDEQ only if:

- (1) The authorization is made in writing by a person described in SIGNATORY REQUIREMENTS above, and submitted to MDEQ.
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as manager, operator, superintendent or one having overall environmental responsibility (a duly authorized representative may be a named individual or any individual occupying a named position).

CHANGES TO AUTHORIZATION:

If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the above requirements must be submitted to the MDEQ prior to or together with any reports, information or applications signed by the representative.

CERTIFICATION:

Any person signing documents under this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

OIL AND HAZARDOUS SUBSTANCE LIABILITY:

Nothing in this permit shall relieve the regulated entity from responsibilities, liabilities, or penalties under Section 311 of the Clean Water Act (CWA).

PROPERTY RIGHTS:

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

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**ACT10 (continued):**

Narrative Requirements:

SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

PROPER OPERATION AND MAINTENANCE:

The regulated entity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the regulated entity to achieve compliance with the conditions of this permit including the storm water pollution prevention plan. Proper operation and maintenance includes adequate laboratory controls with appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities when necessary to achieve compliance with permit conditions.

BYPASS PROHIBITION:

Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against a regulated entity for a bypass, unless: (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This conditions is not satisfied if the regulated entity should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and (3) The regulated entity submitted notices per [ACT7: NONCOMPLIANCE REPORTING](#) of this permit.

UPSET CONDITIONS:

An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a regulated entity shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that: (1) An upset occurred and the regulated entity can identify the specific cause(s) of the upset, (2) The permitted facility was at the time being properly operated, (3) The regulated entity submitted notices per [ACT7: NONCOMPLIANCE REPORTING](#) of this permit. The regulated entity took remedial measures as required under [ACT10, DUTY TO MITIGATE](#) of this permit. In any enforcement proceeding, the regulated entity has the burden of proof that an upset occurred. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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## MS4 Phase II General Permit

### **ACT10 (continued):**

#### Narrative Requirements:

##### INSPECTION AND ENTRY:

The regulated entity shall allow MDEQ or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to

- (1) Enter upon the regulated entity's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;
- (2) Have access to and copy at reasonable times any records that must be kept under the conditions of this permit; and
- (3) Inspect at reasonable times any facilities or equipment.

##### PERMIT ACTIONS:

This permit may be modified, revoked and reissued, or terminated for cause. A request by the regulated entity for permit or coverage modification, revocation and reissuance, or termination, or a certification of planned changes or anticipated noncompliance does not stay any permit condition.

##### SCIENTIFIC, TECHNICAL AND LEGAL ENVIRONMENTAL ASSISTANCE:

Where a discharge authorized under this permit is determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard or other requirement of a regulation promulgated by the Commission or any of the minimum control measures set forth in its SWMP and required by this permit (referred to herein as "Environmental Requirement"), MDEQ shall, in writing, notify the regulated entity of the actual or potential violation of the Environmental Requirement. After receiving such notification from MDEQ, the regulated entity may request MDEQ assistance in determining the source of the pollutant discharge to the MS4, which is causing the MS4 to violate or have the potential to violate the Environmental Requirement. Such requests are proper where MDEQ's scientific, technical, or other environmental knowledge may assist the regulated entity in isolating and addressing sources of actual or potential violation of the Environmental Requirement which are not readily discoverable by the regulated entity after completing the procedures required by the regulated entity's SWMP. When a regulated entity requests MDEQ assistance, MDEQ will provide to the regulated entity available public information relevant to MDEQ's notification.

The Commission shall retain jurisdiction and responsibility to enforce compliance with all applicable Commission regulations and the permit. The regulated entity shall retain jurisdiction and responsibility to enforce compliance with its SWMP, local laws, regulations, and ordinances. MDEQ, as appropriate and able, will provide technical assistance to the regulated entity as it pursues judicial or administrative enforcement procedures. However, the implementation of the SWMP remains the responsibility of the regulated entity.

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MS4 Phase II General Permit

**ACT10 (continued):**

Narrative Requirements:

REOPENER CLAUSE:

If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the regulated entity may be required to obtain an individual permit or an alternative general permit in accordance with [ACT3](#), (2) of this permit or the permit may be modified to include different limitations and/or requirements.

PERMIT MODIFICATION:

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5

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## MS4 Phase II General Permit

### **ACT11 (Definitions):**

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

**BEST MANAGEMENT PRACTICES (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**CODES OF FEDERAL REGULATIONS (CFR)** are documents containing all finalized regulations. The contents of 40 CFR are all related to the environmental aspects.

**COMMISSION** means the Mississippi Commission on Environmental Quality.

**CONTROL MEASURE** as used in this permit refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.

**CLEAN WATER ACT (CWA)** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

**DISCHARGE-RELATED ACTIVITIES** include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

**DRY WEATHER FIELD SCREENING** means screening outfalls during dry weather to find illicit discharges. Most rainfall events (wet weather) carry pollutants to stormwater conveyances, but it is difficult to track and eliminate specific pollutant sources during wet weather without intensive monitoring and investigation. The best opportunity to find an illicit discharge is during dry weather, when rainfall runoff is not running through the conveyance system(s) within the MS4. During dry weather, any flow in the conveyance system is potentially an illicit discharge because it is something other than rainfall runoff.

**ILLICIT CONNECTION** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

**ILLICIT DISCHARGE** means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and those non-storm water discharges identified in [ACT2](#), (5) of this permit.

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## MS4 Phase II General Permit

### **ACT11 (Definitions):**

LARGER COMMON PLAN OF DEVELOPMENT OR SALE means a contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

MAJOR RECEIVING WATER(s) are those waters of the State that are named on an United States Geological Quadrangle Map.

MAXIMUM EXTENT PRACTICABLE "MEP" is the statutory standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve. The CWA requires that NPDES permits for discharges from MS4s "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods." Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard. EPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting.

MEASURABLE GOALS are a municipality's storm water program goals, which are intended to gauge permit compliance and program effectiveness.

MUNICIPALITY refers to a city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium (e.g. "the Jackson MS4"), or Small Municipal Separate Storm Sewer System. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Jackson MS4 includes MS4s operated by the city of Jackson, the Mississippi Department of Transportation (MDOT) - state and interstate highways, their right-of-ways and thoroughfares [including highways, streets, roads, bridges, maintenance facilities, service areas, and rest areas] within the jurisdictional boundary of MDOT, the University Medical Center and others).

MUNICIPAL SEPARATE STORM SEWER means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) refers to Section 402 of the federal Clean Water Act.

NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

OUTFALL, as used within this general permit, is defined by 40 CFR 122.26

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## MS4 Phase II General Permit

### **ACT11 (Definitions):**

PERMIT BOARD means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. Section 49-17-28.

PHASE II is the second stage of the State and Federal storm water permit regulations.

REGULATED ENTITY , as used within this general permit, is a small MS4 within the State of Mississippi and located fully or partially within an urbanized area as determined by the latest Decennial Census pursuant to 40 CFR 122.32, or designated by MDEQ pursuant to 40 CFR 123.35.

SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system (those municipalities with a population of 100,00 or more) . This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

STORM WATER means rainfall runoff, snowmelt runoff, and surface runoff.

STORM WATER MANAGEMENT PROGRAM (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

TOTAL MAXIMUM DAILY LOAD (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained. The sum of wasteload allocations (WLAs) and load allocations (LAs) for any given pollutant.

TREATMENT TRAIN APPROACH is the use of multiple BMPs in series to effectively manage stormwater runoff in addition to controlling sediment and erosion. For instance, the use grassed swales for water conveyance to a retention/detention basin is an example of a treatment train approach. In this example, a grass swale is not only useful for water conveyance, but provides treatment via vegetative filtration and infiltration as the stormwater flows through the channel and the retention/detention basin provides a means for runoff control.

URBANIZED AREA (UA) is a land area comprising one or more places {core and fringe} with urban limits defined by a population density of 1,000 people per square mile and its contiguous census tracts of 500 people per square mile - that together have a residential population of at least 50,000.

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