

MS4 Guidance for SWMP Updates due March 26, 2024

The 2023 MS4 GP included changes that will require MS4s to update their Stormwater Management Program (SWMP) plans for the March 26, 2024 submittal deadline. Guidance for how to update the SWMPs is below. Also see the [final MS4 GP 2023](#) or the [Track-changed version of the MS4 GP 2023](#).

1. Required updates to the Minimum Control Measures (MCMs)

MCM 3 – Illicit Discharge Detection and Elimination

The new permit language is in blue. In the SWMP, include a plan and general schedule for these timeframes.

- i. Include dry weather field screening of all MS4 outfalls within the 5-year permit term,*
- ii. Include procedures for locating priority areas likely to have illicit discharges, which include those areas with a higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines),*
- iii. Include dry weather field screening for non-stormwater flows and field tests of selected chemical parameters, as indicators of discharge sources, on all priority outfalls at least once within the 5-year permit term. The MS4 shall list the selected chemical parameters in the SWMP, (see suggestions below)*
- iv. Address on-site sewage disposal systems that flow into the storm drainage system,*
- v. Include procedures, including the specific techniques used, for tracing the source of an illicit discharge,*
- vi. Include procedures for removing the source of the illicit discharge, including the timeframe for eliminating the discharge,*
- vii. Include procedures for program evaluation and assessment, and*
- viii. Require documentation of the results of the program evaluation and assessment.*

Suggested chemical parameters for dry weather field screening, as included in the 2016 DEC Procedure for Detecting and Eliminating Illicit Discharges.

E. coli \geq 235 colonies/100 ml **and at least two of the following:**
Ammonia \geq .25 mg/l
Methylene Blue Active Substance (MBAS) \geq .2 mg/l
Optical Brightener Presence
Any other parameter that the contractor measures and in the best professional judgement of the contractor exceeds a normally expected range.

MCM 4 – Construction Site Stormwater Runoff Control

The MS4 permit now includes requirements for the MS4 to review EPSC site plans (4), accept public comments on EPSC measures (5), and conduct site inspections and enforcement actions.

The new permit language is in blue. In the SWMP, include if the MS4 will meet (4) and (5) by relying on the State's CGP process or if the MS4 will conduct EPSC review and public noticing. Also include measurable goals for site inspections (6).

(4) Develop and implement procedures for site plan review which incorporate consideration of potential water quality impacts. If the MS4's erosion and sediment control requirements are the same as the state's CGP requirements, the MS4 may rely on the State Stormwater Program review of the CGP application. In these cases, the property owner conducting earth disturbance shall provide the MS4 a copy of the CGP authorization.

(5) Develop and implement procedures for receipt and consideration of comments submitted by the public. If the MS4's erosion and sediment control requirements are the same as the state's CGP requirements, the MS4 may rely on the State Stormwater Program public notice of the CGP application. In these cases, the property owner conducting earth disturbance shall provide the MS4 a copy of the CGP authorization.

(6) Develop and implement procedures for site inspection and enforcement of control measures. In the SWMP, the MS4 shall include measurable goals for the number and timing of annual site inspections completed. The MS4 shall list, in the annual report, all construction projects that were inspected and any enforcement actions taken.

2. Required updates to the Flow Restoration Plans (FRPs) and Phosphorus Control Plans (PCPs)

The MS4 shall submit copies of the FRP(s) and PCP with the new SWMP submittal. If nothing has changed since the previous submittal and approval, the MS4 may submit the unchanged document. If an MS4 has updates to the Flow Restoration Plan, the MS4 may submit the proposed changes and associated HydroCAD files and drainage area information with the application.

3. Required updates to Response Plans

Part 4.2.B Discharges to Impaired Waters without an Approved TMDL was not changed in the 2023 MS4 GP, however, the list of impaired waters on the 303(d) list has been updated. Maps and the relevant 303(d) listed impairments in the MS4s are included below. MS4s shall update their SWMPs to include response plans for any impairments on the 303(d) list.

The 303(d) list will be updated again in 2024. MS4s will need to review and update their response plans to address any changes in the impaired listing again at that time.

The language in the permit states:

For any discharge covered by this permit, if the permittee discharges to an impaired water that is without an approved TMDL, but that is listed as impaired on the "State of Vermont 303(d) List of Impaired Waters, Part A – Impaired Surface Waters in Need of TMDL," the permittee shall develop a response plan as part of its SWMP that addresses how any discharges, determined by the Agency to cause or contribute to the impairment, will be controlled to ensure compliance

with the Vermont Water Quality Standards. The permittee may achieve an increased level of control through additional BMPs or enhancement of existing BMPs. The content of the response plan shall reflect the magnitude and complexity of the impairment and the regulated discharge’s potential to contribute to the impairment. Permittees shall report on the implementation of their response plan in their annual reports. Pursuant to Subpart 10.17, the Secretary reserves the right to revoke authorization under this permit and require authorization under an individual permit, as necessary to ensure compliance with water quality standards.

Use the following guidance when developing response plans for these impaired waters.

Listed impairment or problem	Suggested response plan actions
sedimentation/siltation and nutrients	prioritize implementation of the MRGP standards and the PCP
morphological instability	prioritize SW FRP implementation
E. coli	Focus IDDE work along these segments; install dog waste stations
Chloride	Follow December 2023 Chloride Guidance