

MS4 Permit Q&A

1. What is an MS4?

- A Municipal Separate Storm Sewer System is a conveyance or system of conveyances of stormwater (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - Owned or operated by a State, city, or town
 - Designed or used for collecting or conveying stormwater;
 - Which is not a combined sewer; and
 - Which is not part of a publicly owned treatment works.
- VT MS4s include: Burlington, Colchester, Essex, Essex Junction, Milton, Shelburne, South Burlington, Williston, and Winooski, the University of Vermont, the Burlington International Airport and the Vermont Agency of Transportation (VTrans). The VTrans small MS4 includes state highways in the above mentioned municipalities and in the towns of Jericho and Underhill.
 - The newly regulated MS4s are: the City of Rutland, the Town of Rutland, the City of St. Albans, the Town of St. Albans, and the Vermont Agency of Transportation within the geographic boundaries of the municipalities listed above.

2. Why are we issuing the MS4 permit now?

The MS4 permit is a federally required Clean Water Act permit that the State of Vermont has been authorized to administer. The state's previous MS4 permit was issued in 2003 and amended in 2004. The permit is designed as a 5 year permit, but was administratively continued after expiration in 2009. We have developed the new permit to implement the stormwater goals approved by EPA. The Department will work with each municipality to help them comply with the requirements of these permits, using a municipal and watershed specific approach.

3. Why are we designating the Towns and Cities of St. Albans and Rutland?

The Towns and Cities of St. Albans and Rutland are being designated because of their stormwater discharges to the stormwater impaired streams. (Rutland – Moon Brook; St. Albans – Stevens and Rugg Brooks) The Chittenden County municipalities were automatically designated under the previous MS4 permit because they include census defined “urbanized areas” as defined in state and federal law. Vermont has the authority to designate municipalities that are located outside of urbanized areas determined to result in, or have the potential to result in significant water quality impacts.

4. What are the existing MS4 permit requirements?

The MS4 permit requires that MS4s prepare and implement a Stormwater Management Plan (SWMP) that addresses 6 Minimum Control Measures:

- (1) Public Education and Outreach,
- (2) Public Participation/Involvement
- (3) Illicit Discharge Detection and Elimination
- (4) Construction Site Runoff Control
- (5) Post-Construction Runoff Control and
- (6) Pollution Prevention/Good Housekeeping.

5. What are the new MS4 permit requirements?

In addition to the Minimum Control measures listed above, the new MS4 permit requires municipalities that discharge to stormwater impaired streams to develop Flow Restoration Plans (FRPs) to implement the stormwater goals set by the state and approved by EPA. The FRPs must be developed for each impaired watershed within 3 years and must include the following elements:

- 1) an identification of the required controls,
- 2) a design and construction schedule,
- 3) a financial plan,
- 4) a regulatory analysis,
- 5) the identification of regulatory assistance, and
- 6) identification of any third party implementation.

The schedule shall provide for implementation of the required best management practices as soon as possible, but no later than 20 years from the effective date of the permit.

6. What is the impaired waters restoration going to cost?

The total estimated cost to the affected communities for flow restoration in all of the stormwater impaired streams may be as high as \$100 million over the period of plan implementation. This winter, the Department will be working with the Legislature to identify funding options. In addition, stormwater planning, including the development of flow restoration plans, will be prioritized for funding under the State Revolving Fund (SRF) loan program.