



# Small MS4 General Permit Summary

Regulated MS4s<sup>1</sup> must develop and implement a written stormwater management program (SWMP) that describes how the MS4 will reduce the discharge of pollutants from its storm sewer system. The SWMP must meet the performance standards for each of the six minimum control measures (MCMs) listed below.

By April 1 of each year, all regulated MS4s electronically submit an annual report to Ohio EPA, demonstrating their progress over the previous calendar year toward meeting their NPDES<sup>2</sup> permit requirements.

1. **Public Education and Outreach** - MS4s must provide educational outreach to their community about the impacts of stormwater pollution and the steps they can take to reduce it.

### Performance Standards

- ✓ Deliver ≥ 5 themes during the five-year permit term.
- ✓ Target any TMDL<sup>3</sup> pollutants at least once in that watershed.
- ✓ Use >1 delivery mechanism.
- ✓ Reach ≥ 50% of regulated population.

2. **Public Involvement/Participation** – MS4s must involve the public in SWMP development and implementation, as well as comply with state and local public notice requirements.

### Performance Standards

- ✓ Conduct ≥ 5 public involvement activities over the permit term.
- ✓ Target each TMDL identified pollutant at least once in that watershed.



*Detailed requirements are contained in the permit, along with related guidance materials, at [epa.ohio.gov/divisions-and-offices/surface-water/permitting/stormwater-program](https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/stormwater-program)*

<sup>1</sup> MS4, or Municipal Separate Storm Sewer System. A storm sewer system is a conveyance, including pipes, ditches, catch basin, municipal streets, and curbs and gutters. Only publicly owned or operated separate storm sewer systems are MS4s, ex: villages, cities, townships, counties, universities, ODOT, and park districts.

<sup>2</sup> NPDES, or National Pollutant Discharge Elimination System, is a permitting system under the Clean Water Act.

<sup>3</sup> A TMDL, or Total Maximum Daily Load, is a pollutant budget, created to restore an impaired waterbody. Small MS4 general permit Appendix A lists those MS4s with approved TMDLs and their pollutants.

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3. **Illicit Discharge Detection and Elimination (IDDE)** – MS4s must have a proactive program to find and eliminate unauthorized non-stormwater discharges to the storm sewer system. This must include an ordinance/regulatory mechanism that effectively prohibits illicit discharges and grants the MS4 authority to investigate and to eliminate them.

### Performance Standards:

- ✓ Ordinance/regulatory mechanism that prohibits illicit discharges and allows the MS4 to prevent and eliminate them.
- ✓ Develop & annually update a comprehensive MS4 map.
- ✓ Identify home sewage treatment systems (HSTS) that discharge due to design or failure to the MS4.
- ✓ Work with local/state authorities on HSTS elimination, replacement, and permitting.
- ✓ Conduct an initial dry weather screening of all MS4 outfalls.
- ✓ Then, implement a proactive surveillance program.
- ✓ Notify Ohio EPA within 24 hrs. when industrial, commercial, or multi-family illicit sanitary cross connections, or leaking/broken sanitary sewers, discharge to the MS4.
- ✓ Conduct annual employee IDDE training if MS4 is in a nutrient, bacteria, dissolved oxygen, or organic enrichment TMDL area.

4. **Construction Site Stormwater Runoff Control** – MS4s must implement and enforce a program to reduce stormwater pollution (sediment and non-sediment) from construction activities where the cumulative earth disturbance will be an acre or more when considering the larger common plan of development or sale.

### Performance Standards

- ✓ Ordinance/regulatory mechanism that is at least equal to the Ohio EPA NPDES construction general permit's (CGP) technical requirements.
- ✓ Conduct preconstruction stormwater pollution prevention plan (SWP3) reviews and approvals.
- ✓ Conduct an initial compliance inspection with follow-up inspections  $\leq$  31 days.
- ✓ Increase inspection frequency to  $\leq$  14 days when a site in a suspended solids or nutrient TMDL area:
  - does not have an MS4 approved SWP3, or
  - does not have any sediment/erosion controls, or
  - does not have a required sediment basin installed, or
  - has dewatering that causes a turbid discharge.
- ✓ Use an objective tool (ex: checklist) for SWP3 review and the MS4's compliance inspections.



### Record Keeping and Reporting

Record keeping is a key part of an MS4's permit compliance activities. Not only is it a permit requirement, but these documents show EPA inspectors and the public how an MS4 complied with the permit and provide the data for completing an annual report.

A quick internet search will show many companies that provide report and record keeping services, as well as many free resources, such as those on websites by Ohio EPA, U.S. EPA, and other regulated MS4s.

Ohio EPA encourages MS4s to benchmark and partner with other MS4s. An Excel spreadsheet with worksheets for each MCM or a well-organized three ring binder are also options. Which method(s) an MS4 uses will depend on its budget, program size, and preferences.

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5. **Post-Construction Stormwater Management** – MS4s must implement and enforce a program that addresses water quality impacts from new development and redevelopment projects that disturb an acre or more. This often requires the installation of best management practices (BMPs) designed to treat the water quality volume (WQv).

### Performance Standards

- ✓ Ordinance/regulatory mechanism is at least equal to the CGP's technical requirements.
- ✓ Ordinance/mechanism ensures the long-term operation and maintenance of post construction stormwater BMPs, including when there is a change in ownership.
- ✓ Conduct preconstruction SWP3 reviews and approvals.
- ✓ Initial BMP inspection to verify its installed per approved plans.
- ✓ At least one operation and maintenance inspection of all BMPs during the 5-year permit term.
- ✓ If in a suspended solids or nutrient TMDL area:
  - hold an educational opportunity on CGP Table 4b stormwater infiltration practices for contractors, SWP3 designers, or MS4 employees. AND,
    - retrofit 1 existing peak discharge BMP, or
    - restore ≥ 300 ft channelized stream where natural channel stability and floodplain restoration will reduce stream erosion, or
    - update ordinance/regulatory mechanism to require CGP Table 4b practices where feasible, or
    - install a Table 4a BMP to treat 1 acre of impervious surface developed before 2003.
- ✓ Use an objective tool (ex: checklist) for SWP3 review and to verify initial BMP installation.

6. **Pollution Prevention/Good Housekeeping for Municipal Operations (P2)** – MS4 must implement practices to prevent/reduce pollution from MS4 infrastructure, facilities, and open spaces. Develop and implement an industrial stormwater pollution prevention plan (SWPPP) for municipal vehicle maintenance facilities, bus terminals, composting facilities, impoundment lots, and waste transfer stations. Ensure all materials and wastes are appropriately handled and disposed.

### Performance Standards

- ✓ Conduct annual employee training.
- ✓ Document procedures, controls, and schedules for municipal operations and maintenance activities.
- ✓ Store salt covered and with no run-on and subsequent runoff.
- ✓ All liquid road treatment shall have secondary containment or traffic bollards/barriers.
- ✓ Stabilize soil from municipal ditch/MS4 maintenance within CGP timeframes.
- ✓ If in a suspended solids, nutrient, bacteria, dissolved oxygen, organic enrichment, or metals TMDL area, implement one of the below items:
  - sweep all curbed streets 2/year, or
  - clean all catch basins 1/5 years, or
  - implement a leaf/yard waste collection program, or
  - conduct quarterly inspections of municipal vehicle maintenance facilities, bus terminals, composting facilities, impoundment lots, and waste transfer stations.

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## Legal Authority/Partnerships

The definition of an MS4 covers a wide range of public entities, each granted specific legal authorities under Ohio Revised Code. Ohio Administrative Code (OAC) and the MS4's permit require an MS4 to act "to the extent allowable under State or local law." This means an MS4 must enact the necessary regulations and/or policies to meet its NPDES permit.

If lacking legal authority under state law, the MS4 is expected to use its existing authority and to seek cooperative arrangements<sup>4</sup>. MS4s can contract services or partner with other MS4s or organizations for program efficiency, cost reduction, or to supplement their legal authority. These collaborations must be documented with a memorandum of understanding (MOU) or legal agreement which outlines each party's responsibilities.

The permitted MS4 remains responsible for meeting permit conditions within its legal authority.

## Ohio EPA/U.S. EPA Inspections and Audits

Ohio EPA, and sometimes U.S. EPA, conduct periodic inspections and audits to assess an MS4's compliance with its NPDES permit. Audits cover all six MCMs, including program administration and reporting. An inspection is simply a partial audit. These assessments may include records reviews, staff interviews, municipal facility inspections, and observing MS4 inspectors or staff at work.

To stay compliant and be prepared for an audit, an MS4 contact should be familiar with the NPDES permit, the daily implementation of the SWMP, and have well-organized, easily accessible records.

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<sup>4</sup> See OAC 3745-39-03, Ohio EPA Small MS4 General Permit Part III.A.1.b., and EPA 833 F 00 012, January 2000 (revised December 2005).