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**PART 1. PERMIT COVERAGE AND APPLICABILITY**

This permit is for coverage under this Comprehensive General Permit for Phase II MS4s

- 1.1.A Permit Area:** This Missouri State Operating Permit (permit) covers all areas served by a Municipal Separate Storm Sewer System (MS4) for which the applicant is identified as the Continuing Authority. The Permit Area may change based upon areas incorporated into or removed from the permittee's jurisdictional area during the term of this permit, or expansion of the Urbanized Area. Areas added shall be covered under this permit and noted in the Stormwater Management Plan.
- 1.1.B Applicability:** This permit authorizes discharges of stormwater from regulated MS4s, as defined in 10 CSR 20-6.200(D)24. This permit also authorizes the discharge of stormwater commingled with flows contributed by process wastewater, non-process wastewater, or stormwater associated with industrial activity provided such discharges are authorized under separate National Pollutant Discharge Elimination System (NPDES) permits or no exposure certification as defined in 10 CSR 20-6.200(C). The permittee, or co-permittee, is authorized to discharge under the terms and conditions of this general permit if the permittee:
1. Owns or operates a regulated Small MS4 as defined in 10 CSR 20-6.200 (D)16;
  2. Also is located in the Urbanized Area (UA) as defined by the most recent U.S. Census for which the applicant is identified as the Continuing Authority with a population of at least 1,000;
  3. OR inside the municipal corporate limits of a jurisdiction with a population of at least ten thousand (10,000) and a population density of one thousand (1,000) people per square mile or greater;
  4. OR is inside the service area of a publicly owned separate storm sewer system designated by the Department if it is determined that its discharges from the MS4 have caused, or have the potential to cause, an adverse impact on water quality.
- 1.1.C Categories of Regulated Small MS4s under this comprehensive permit.** This comprehensive permit categorizes MS4s by the following categories, or Groups, based on the population served as determined by the most the recent Decennial Census at the time of permit issuance, the type of Regulated MS4, and the co-permittee situation.

Group A	Group B	Group C
Traditional Small MS4s (cities) that serve a population of less than 10,000 within a UA; OR	Traditional Small MS4s that serve a population of at least 10,000 but less than 40,000; OR	Traditional Small MS4s that serve a population of 40,001 or more; OR
Class 2 counties; Non-traditional such as Universities, Federal facilities.	Class 1 counties	Co-permit Small MS4s

This is the Comprehensive General Permit to cover Group A, B, and C MS4s.

The population of a Small MS4 may change during the permit term. However, the Group designation of a regulated MS4 will not change during the permit term based on population fluctuation.

1. The Group designation of a regulated MS4 is based on the most recent Decennial Census at the time of permit issuance. Results of the national Census held during a permit term will not affect the Group of an MS4 until the next permit renewal unless the permittee joins another MS4 as co-permittee.
2. For the purpose of this section "serve a population" means the residential population within the regulated portion of the Small MS4 based on the most recent Decennial Census.

- 1.1.D Authorized discharges:** The following are types of discharges authorized by this permit:
1. *Stormwater discharges.* This permit authorizes stormwater discharges to waters of the state from the regulated MS4 identified in Section 2.1.A except as excluded in Section 2.1.F of this permit.
  2. *Non-Stormwater discharges.* The permittee is authorized to discharge the following non-stormwater sources provided the permitting authority has not determined these sources to be substantial contributors of pollutants to the permittee's MS4:
    - Water line flushing;
    - Landscape irrigation and lawn watering;
    - Diverted stream flows;
    - Rising ground waters and springs;
    - Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20));
    - Discharges from potable water sources;

- Foundation or footing drains;
- Air conditioning condensation;
- Irrigation water;
- Water from crawl space pumps;
- Individual residential car washing;
- Flows from riparian habitat and wetlands;
- Street and sidewalk wash water, water used to control dust, that does not use detergents;
- Dechlorinated and uncontaminated residential swimming pool discharges; and
- Discharges or flows from emergency firefighting activities. Fire-fighting activities do not include washing of trucks, run-off water from training activities, and similar activities.

**1.1.E** In the event the regulated MS4 has an oil water separator which is used to exclusively treat stormwater; this permit authorizes the operation of oil water separators solely for the treatment of stormwater. The oil water separators must be appropriately operated and sized per manufacturer's or engineering specifications. The specifications and operating records must be made accessible to Department staff upon request. Oil water separator sludge is considered used oil; sludge must be disposed of in accordance with 10 CSR 25-11.279.

## **PART 2. PERMIT RESTRICTIONS AND EXEMPTIONS**

**2.1.A** Limitations on coverage: The permittee, shall prohibit non-stormwater discharges and stormwater discharges that combine with sources of non-stormwater into the MS4, except where:

1. Non-stormwater discharges are in compliance with a separate NPDES permit; and
2. Authorized by Section 1.1.D of this permit.

**2.1.B** This operating permit does not affect, remove, or replace any requirement of the Endangered Species Act; the National Historic Preservation Act; the Comprehensive Environmental Response, Compensation and Liability Act; or the Resource Conservation and Recovery Act. Determination of applicability to the above mentioned acts is the responsibility of the permittee. Additionally, this permit does not establish terms and conditions for runoff resulting from silvicultural activities listed in Section 402(l)(3)(a) of the Clean Water Act.

### **2.1.C Discharge Limitations**

1. The permittee shall implement Best Management Practices (BMPs) via an iterative process to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) into the MS4 for the goal of attainment with Missouri's Water Quality Standards.
2. The permittee shall implement and enforce a Stormwater Management Program per the requirements listed in this operating permit in accordance with section 402(p)(3)(B)(iii) of the CWA, corresponding NPDES regulations, 40 CFR 122.34, 40 CFR 122.28(d)(2), and in accordance with the Missouri Clean Water Law (MCWL) and its implementing regulations under 10 CSR 20-6.200.
3. The permittee shall comply with all provisions and requirements contained in this permit and with their individual Stormwater Management Program including plans, ordinances, and schedules developed in fulfillment of this permit.
4. If the Department determines a regulated MS4 is causing or contributing to instream excursions of Missouri's Water Quality Standards, then the Department may require corrective action(s) or require an application for a site-specific permit to ensure that BMPs are being implemented via an iterative process to reduce pollutants to the MEP.
5. Newly designated regulated MS4s applying for coverage under this general permit and discharging to waterbodies or watersheds subject to an existing EPA approved or established TMDL may be denied coverage under this general permit and required to apply for and obtain a site-specific operating permit for stormwater discharges from their regulated MS4.

## **2.2 Authorization to Discharge and Application Requirements**

**2.2.A** Authorization to discharge stormwater from a regulated MS4 requires each permittee (existing and recently designated regulated MS4s) to submit a complete application for the MS4 general permit. The permittee shall submit their application on the latest version of the application form(s); either Form K, or Form L and Form M.

**2.2.B** The application shall be signed and dated by an authorized signatory.

1. All permit applications shall be signed and certified in accordance with 40 CFR 122.22 and 10 CSR 20-6.010(2) by either a principal executive officer or by an individual having overall responsibility for environmental matters for the permittee.

2. All reports required by this permit, and other information requested by the Department shall be signed by a person described in Section 2.2.B.1 of this permit, or by a duly authorized representative of that person. A person is a duly authorized representative only if the authorization is made in writing by a person designated in Section 2.2.B.1 of this permit.

**2.2.C** Existing regulated permittees seeking renewal of their MS4 permit shall submit a renewal application within 180 days prior to the expiration date of this operating permit unless the permittee has been notified by the Department that an earlier application is required in accordance with 10 CSR 20-6.200 (1)(D)24.B.

**2.2.D** Newly designated regulated MS4s shall submit their permit application within 180 days following notification by the Department that permit coverage is required.

### **PART 3. STORMWATER MANAGEMENT PROGRAM AND PLAN**

#### **3.1 Stormwater Management Program**

**3.1.A** To the extent allowable under state and local law, a Stormwater Management Program must be developed, implemented, and enforced according to the requirements of this general permit. This permit includes specific terms and conditions, which are the requirements needed to meet the MS4 regulatory requirements.

1. **Existing permittees** shall assess program elements that were described in the previous permit, modify as necessary, and/or implement new elements, as necessary.
2. **Newly regulated permittees** shall have the program fully implemented within 5 years of issuance of their permit.

**3.1.B** As part of the Stormwater Management Program, the permittee shall update or develop a document, with appropriate appendices and supplemental attachments explaining the Stormwater Management Program. Permittees shall create and maintain this written Stormwater Management Plan (SWMP) describing schedules, procedures, contacts or other items listed under Part 4 of this permit. This document may be electronic.

1. The SWMP shall be maintained by the MS4 Operator to ensure consistency with the implementation, continuity of the Stormwater Management Program, and iterative reviews of programmatic BMPs and procedures.
2. The SWMP does not go through Department approval and is not incorporated into this permit.
3. The SWMP shall be updated or developed within 90 days after the renewal of the permit.

**3.1.C** The MS4 Operator may add supplemental items to the SWMP. These items include but are not limited to:

- Maps;
- Standard operating procedures (SOPs);
- Inspection forms;
- Sample data;
- Operations and Maintenance Manual;
- Website or social media account tracking;
- Stream Team Activity Reports;
- Tracking and evaluation documents; and
- Documentation of agreements for co-permittees and/or cooperative agreements.

**3.1.D** Permittees shall implement programmatic BMPs consistent with the provisions of this permit to achieve compliance with the standard of reducing pollutants to the maximum extent practicable per 40 CFR 122.34.

**3.1.E** The MS4 Operator may replace or modify ineffective BMPs with effective BMPs. If the name of a MS4 contact changes, that may be updated on the next Stormwater Management Program Report and/or via email to the Department at [MS4@dnr.mo.gov](mailto:MS4@dnr.mo.gov).

#### **3.2 Sharing Responsibility**

**3.2.A** Co-permittees agreements.

1. Implementation of one or more of the minimum control measures may be shared with another governmental entity or the governmental entity can assume responsibility for the measure via the co-permittee option if:
  - a) The co-permittee has a MS4 located within or partially within an Urbanized Area (UA) as determined by the most recent Bureau of Census, which can include, but is not limited, to: municipalities, county, military bases, large hospitals, prison complexes, universities, sewer districts, and highway departments;
  - b) The co-permittee, in fact, implements the control measure(s);
  - c) The specific control measure, or component of a control measure, is at least as stringent as the corresponding permit requirements;

- d) The co-permittee agrees to implement the control measure on the other permittee's behalf; and
  - e) Written acceptance of this obligation is required.
2. This co-permittee obligation and written acceptance, shall be described and maintained as part of the SWMP.
  3. If the co-permittee agrees to report on the control measure, the co-permittee shall cooperate with the reporting requirements contained in Section 5.3 of this permit.
  4. If one co-permittee fails to implement the control measures, then that co-permittee shall remain liable for any discharges due to that failure to implement. Additionally, the Department may require corrective actions(s), require an application for a site-specific permit, or require the co-permittee to apply and obtain their own Phase II MS4 general permit.

**3.2.B** Other agency agreements. Implementation of one or more of the minimum control measures or BMPs may be contracted out to another entity or organization, such as a non-profit organization or watershed organization. The MS4 Operator may grant responsibility for the MCM or BMP. The agreement must be described in the SWMP detailing which BMPs are being assumed by the other entity or organization. Written agreements between another entity or organization stipulating arrangements and responsibilities for meeting permit requirements shall be made available to the Department upon request. The permittee is responsible for oversight to ensure compliance with this permit.

### **3.3 Reviewing and Updating the Stormwater Management Program**

**3.3.A** The MS4 Operator shall conduct an annual review of their Stormwater Management Program. This is recommended to be in conjunction with preparation of the MS4 Stormwater Management Program Report required under Section 5.

**3.3.B** Changes to the Stormwater Management Program requested by the Department must be made in writing, set forth a time schedule for the permittee to develop the changes, and offer the permittee opportunities to propose alternative program changes to meet the objective of the requested modification. All changes required by the Department will be made in accordance with 10 CSR 20-6.200. The Department may require changes to the Stormwater Management Program as needed to:

1. Address impacts on receiving water quality caused or affected by discharges from the MS4.
2. Include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements; or
3. Include such other conditions deemed necessary by the Department to comply with the goals and requirements of the MCWL and the federal Clean Water Act (CWA).

**3.3.C** In the event of a transfer of ownership, change in Continuing Authority, or change in responsibility for Stormwater Management Program implementation; the permittee shall implement the Stormwater Management Program on all new areas added to the permittee's portion of the MS4 (or for which the permittee becomes responsible for implementations of stormwater quality controls) as expeditiously as practicable, but not later than one (1) year from the addition of the new areas.

## **PART 4. MINIMUM CONTROL MEASURES**

Entities seeking coverage under this general permit shall develop and implement a Stormwater Program that includes the following six (6) Minimum Control Measures (MCMs).

1. All six MCMs apply to all traditional MS4s (cities and counties) regulated under this permit.
2. For non-traditional MS4s (universities, hospital complexes, prisons, and federal facilities) or MS4s in a co-permit that do not have responsibility over all MCMs. The permittee shall document in the SWMP and on each MS4 Stormwater Management Program Report which MCMs are not applicable. Contact the Department for any questions regarding applicability of MCMs.

### **4.1 MCM 1. Public Education and Outreach on Stormwater Impacts**

The MS4 Operator shall implement a public education program to distribute educational materials to the community and/or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

The public education and outreach program shall, at a minimum include the following:

- 4.1.A** The MS4 Operator shall target specific audiences who are likely to have significant stormwater impacts.
1. Traditional MS4s (cities and counties) shall address the residents being served by the MS4;
  2. Non-traditional MS4s shall address the community served by the MS4 as listed below:
    - a) Universities shall target the faculty, other staff, and students;
    - b) Military bases shall target military personnel (and dependents), and employees (including contractors).
    - c) Prison complexes or other multi-building complexes shall target staff and applicable contractors.

3. Additional audiences within the MS4 service area (such as, but not limited to, those listed in **Table I**) shall be addressed as listed below:

**Group A: No requirement for additional audiences**

**Group B: A minimum of one (1) additional audiences**

**Group C: A minimum of two (2) additional audiences**

The target audiences may remain the same for the entire permit cycle or may change if the tracking and adaptive management reviews show a new target may be better for the MS4. Any changes shall be stated and explained in the MS4 Stormwater Management Program Report.

**Table I -Target Audiences**

- Schools, educational organizations, or youth service and youth groups;
- Businesses, including commercial facilities, home-base and mobile businesses;
- Institutions or formal organizations such as churches, hospitals, service organizations;
- Developers or construction site operators;
- Homeowner or neighborhood associations;
- Industrial facilities;
- Local government;
- Contractors;
- Visitors/ tourist; and
- Other target group, noted in the MS4 Stormwater Management Program Report.

- 4.1.B** The MS4 Operator shall target specific pollutant(s) in the permittee's education program (such as, but not limited to, those listed in **Table II**).

Each MS4 shall have a minimum of one target pollutant for each target audience from Section 4.1.A of this permit. The same pollutant may be used for more than one target audience, the target pollutant(s) may change annually as needed.

**Table II- Pollutants/ sources**

- Grass clippings & leaf litter;
- Fertilizer & pesticides;
- Litter, trash containment, balloon releases;
- Dumping of solid waste;
- Illegal disposal of household hazardous waste;
- Pet waste;
- Failing septic systems;
- Swimming pool discharge, including salt water pools;
- De-icing/ rock salt usage/ storage;
- Oil, grease, fluids from vehicles;
- Sediment runoff from construction/land disturbance;
- Unauthorized discharge of restaurant waste;
- Power washing;
- Unauthorized discharge of industrial waste;
- Vehicle washing; and
- Wash water/ grey water.

- 4.1.C** The MS4 Operator must utilize appropriate educational resources to be used as BMPs (materials, events, activities, etc.) in conjunction with the selected pollutants for the selected target audiences.

The message delivered by these BMPs needs to be applicable to the target audience and relate to the target pollution. The distribution of the BMPs needs to be effective, and when possible associated with the target audience or pollutant (such as a swimming pool water disposal flyer when applying for a swimming pool permit). BMPs which are ongoing throughout the year or permit cycle may be counted as one annual BMP. The permittees SWMP shall explain how each BMP relates to the target pollutant and target audience. The MS4 Operator may change BMPs during the permit cycle if determined appropriate

through tracking and adaptive management reviews show a different BMP may be more effective for the MS4. Any changes shall be reflected in the SWMP and explained in the MS4 Stormwater Management Program Report.

- I. Using **Table III**, over the permit term the MS4 Operator shall implement a minimum of the following, including the tracking and adaptive management processes:

**Group A: Each permit cycle; two (2) education and outreach BMPs from Table III.**

**Group B: Each permit cycle; four (4) education and outreach BMPs from Table III.**

**Group C: Each permit cycle; five (5) education and outreach BMPs from Table III.**

**Table III - Outreach and Education BMPs**

<b>BMPs:</b>	<b>Measurable goals (The quantity or frequency required to count as a full BMP)</b>	<b>Tracking &amp; Adaptive Management</b>
Information on the MS4 Operator's website;	Maintain a webpage with up to date information, & working links. All links shall be checked, and the page shall be updated as necessary at minimum annually. Must be maintained the entire year.	The number of hits shall be tracked. The MS4 Operator shall use this to see which messages get reactions, and if certain messages may need more education.
Social Media posts, social media campaign;	Post a minimum of four (4) times a year, on a minimum of one social media platform. The messages shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. The messages shall be seasonally appropriate. Must be continued for the full year.	The number of views, impressions, and other interactions shall be tracked. The MS4 Operator shall use this to see which messages get reactions, and if certain messages may need more education.
Maintain, or mark storm inlet with "No Dumping – Drains to Stream" or similar message. In addition to, or instead of, permanent wording cast into the structure of the inlet;	Placard, stencil, or paint, a minimum of 10% of all known stormwater inlets in the MS4 area per year.	Number of inlets, the location of the inlets and how they were marked shall be tracked. These areas shall be noted on MCM #3 dry weather screenings, and illicit discharge investigations as a method to determine if the markings are effective or if areas could benefit from the markings.
Require installation of permanent embossed, or precast inlets with "No Dumping-Drains to Stream" or similar message.	Requirement for all new inlets in the MS4 area.	Number of inlets, the location of the inlets shall be tracked. These areas shall be noted on MCM #3 dry weather screenings, and illicit discharge investigations as a method to determine if the markings are effective or if areas could benefit from the markings
Media/ advertising campaign: Billboard; Bus shelter/ bench; radio/ television/ movie theatre/ areas of high visibility.	Develop topics that address activities and/or pollutants of concern. Advertisement must be active for a minimum of three weeks; OR must have an estimated exposure for the duration of the campaign that is 2 times the most recent U.S. Census Bureau decennial population value for the permit area.	To the extent possible, evaluate the pollutant before the advertising campaign, and again after to see if there has been a change. The dates, time, and/or estimated media exposure for each spot broadcast shall be documented. Consider including a mechanism to track active response such as a QR Code, following the social media account(s) or a website to visit. Track those responses

		to determine if the advertisement was effective in reaching people.
Publish articles in local newsletter, may be electronic;	Develop topics that are group specific and address activities and or pollutants of concern at a seasonally appropriate time. A minimum of two articles annually shall be published or emailed.	To the extent possible evaluate the pollutant before the article, and again after to see if there has been a change. Consider including a mechanism to track active response such as following the social media account or a website to visit. Track those responses to determine if the article was effective in reaching people.
Permanent Stormwater related signage;	Place signage in a location where the message is relevant, and highly-visible to target audience. Signage will count as an annual BMP for the year it was put in place and for each subsequent year of this permit cycle as long as each of those years tracking is taking place to message effectiveness and to ensure the signage is maintained.	Evaluate the pollutant before the signage, and again after to see if there has been a change. Consider including a mechanism to track active response such as following on social media, a QR Code, or a website to visit. Track those responses to determine if the signage was effective in reaching people.
Promote, host, or develop educational meetings, seminars, or trainings;	The events shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. A minimum of two events shall be held, hosted or promoted annually. These events may address different pollutants/audiences.	Attendance, and any distributed education materials shall be tracked. This shall be used to gauge interest in the topic. Consider using a questionnaire or follow up survey to track if the attendees retained information or found the event beneficial.
Fact sheets/ brochures/ utility bill insert/ door hangers.	The sum of all fact sheets, brochures, bill inserts, handouts, or e-mails distributed in one year shall be at minimum equal to the most recent U.S. Census Bureau decennial housing units value for the permit area.	The applicable U.S. Census housing units value shall be recorded, and the amount of material shall be recorded.  This may be a combination of materials, using a targeted approach to get the appropriate material to the applicable audience.
Paid membership in a regional or watershed group.	The organization must focus on stormwater runoff.	The group may enact BMPs on behalf of all members, the permittee must participate to ensure their MS4 has representation, and receives some of the educational BMPs.
Targeted education campaign, via mail, email, or in person.	Minimum of one annually OR with a specific event.  (Examples: Sediment control with small building permit; leaf litter email during street sweeping season, or education brochure to all businesses conducting certain activity.)	Education material distributed, or amount of people contacted shall be tracked. Follow up on if noticeable behavior has changed.

**4.1.D** The MS4 Operator must create opportunities, or support activities that are coordinated by citizen groups, for residents and others to become involved with the Stormwater Management Program. The activities, (BMPs) must have an effort to impact stormwater runoff by improving water quality.

1. Using **Table IV**, the MS4 Operator shall implement a minimum of the follow including the tracking and adaptive management processes:

**Group A:** Each permit cycle; one (1) involvement BMP from Table IV.

**Group B:** Each permit cycle; two (2) involvement BMPs from Table IV.

**Group C:** Each permit cycle; three (3) involvement BMPs from Table IV.

**Co-permittees:** Each permit cycle; one (1) involvement BMP in the boundaries of each co-permit.

**Table IV Involvement BMPs**

<b>BMPs</b>	<b>Measurable goals (The quantity or frequency required to count as a full BMP)</b>	<b>Tracking &amp; Adaptive Management</b>
Stream/lake or Watershed clean-up events; Litter clean-up events such as Missouri Stream Team, Adopt-A-Spot, Adopt-A-Street, Adopt-A-Stream;	To be considered an event, the land area cleaned must be at minimum 2 acres, or 400 yards of stream/ streambank/ watershed, or 2 miles of road side. (These may be combined such as 1 acre of land and 200 yards of stream.)	Track the area or distance cleaned (by acre, yard or lane miles), the amount of waste removed (by tonnage, cubic yard, or Stream Team bag count) and the attendance. Use the waste measurements to determine if there are priority areas for litter entering stormwater, or areas for illegal dumping.
Habitat improvement; Tree planting; Invasive vegetation removal; Stream restoration.	To be considered an event, the project must be a minimum of .5 acres or 25 yards. These may be a combination. This may take place in streams, parks, areas adjacent to public waterways, and/or other green space.	Track the location(s) along with the amount planted or remove, or miles improved or restored. Analyzing the areas improved upon, the MS4 Operator shall see if there are opportunities to join the improve areas, or work on a watershed basis.
Volunteer water quality monitoring;	To be considered an event, the monitoring must be conducted at minimum once a year.	Record the sites for the volunteers, what parameters were measured/monitored, and the dates of the monitoring.
Hold events to train residents, or work a project for homeowner associations (HOAs), or other public groups. The event or training must cover stormwater related topics such as: building rain barrels; Fertilizer application training; Rain garden/ bio retention creation or maintenance; How to recognize illicit discharge activities and communicate observations to appropriate MS4 staff.	Provide one project or training at minimum annually.	Record the attendance, the topic covered, and any training materials distributed. Use these numbers and interactions during the event to determine if the project or training covered a topic of interest and/or a topic that could be brought to a different or wider audience.
School, public event, etc. educational display/booth; Provide information or displays that work to improve public understanding of issues related to water quality.	Provide one booth or display at minimum annually. The booth or display must be staffed by staff of the MS4 at minimum 50% of the time the event is open to the public.	Record the number of interactions, the overall attendance, or the number of hours the event was staffed. Record the topic covered, and any educational materials distributed. Use these numbers and interactions during the event to determine if the project or training covered a topic of interest and/or a topic that could be brought to a different or wider audience.

Stormwater related speaker series;	Provide a minimum of two sessions a year. These may be different speakers and/or audiences.	Record the attendance, the topic covered, and any training materials distributed. Use these numbers and interactions during the event to determine if the project or training covered a topic of interest and/or a topic that could be brought to a different or wider audience.
Ongoing yard waste collection, designated yard waste collection area, household hazardous waste collection, or street sweeping program.	Provide the service as an annual occurrence or at readily accessible location. For street sweeping, this shall be conducted at minimum twice a year.	Track the amount collected. If educational information is being used in conjunction with this activity track for changes due to the education. Tracking can be used with illicit discharge tracking, to determine if the rate of this type of discharges or dumping were reduced.
MS4 area wide stormwater survey.	A series of public survey to establish a baseline in the first year of the permit and then a minimum of annually throughout the permit cycle.	Use the same or similar questions to evaluate BMPs and/or full program effectiveness. Surveys can be done with utility bills, online, social media, or a combination. All participation should be tracked.

**4.1.E** The MS4 Operator shall create or support the involvement BMP(s) in Section 4.1.D. To be considered support given to the coordinating groups the MS4 Operator shall at minimum conduct the following or similar:

- Plan, or assist with planning, the event or activity;
- Contribute supplies, materials, tools, or equipment;
- Provide assistance from MS4 staff during the activity;
- Provide assistance with recruiting volunteers for events;
- Make a space available for projects, meetings, or events;
- Advertisement for the events;
- Supply disposal services;
- Arrange land or stream access;
- Financial support; and
- In-kind donations such as food.

**4.1.F** Using adaptive management as required in parts 4.1.A.3.d and 4.1.B.1.c, all MS4 Operators shall review their Public Education and Outreach on Stormwater Impacts Program, at minimum, annually and update implementation procedures and/or BMPs as necessary within the requirements of this permit. This may be conducted when preparing the MS4 Stormwater Management Program Report for submittal to the Department.

## **4.2** **MCM 2. Public Participation**

The permittee shall develop and implement a comprehensive public participation program that provides opportunities for public participation in the development and oversight of the permittee's Stormwater Program.

This program must provide opportunities for public participation of the permittee's permit renewal and shall, at a minimum, comply with any state and local public notice requirements. Additionally, the program must provide opportunities for public participation in activities related to developing and implementing the Stormwater Management Program.

The public participation program shall, at a minimum include the following:

**4.2.A** The MS4 Operator shall hold a public notice period for a minimum of thirty (30) days to allow the public to review the draft permit, and description of the MS4s Stormwater Management Program (this may be the SWMP) prior to the submission of the renewal application to the Department.

**4.2.B** As part of the public notice, if the MS4 Operator has a public website, the required items shall be posted on their website with a way to submit comments, along with the standard public notice methods for the MS4.

1. The permittee shall respond to comments received during the comment period.
2. The MS4 Operator shall retain copies of any public comments and records of information submitted by the public received as part of the public notice process. These comments and responses shall be made available to the public or the Department upon request.

- 4.2.C** The MS4 Operator shall hold a public information meeting to provide information on, or describe the contents of, the proposed Stormwater Management Program. This meeting shall be advertised at least thirty (30) days prior to the public meeting.
1. As part of the notice of public meeting, if the MS4 Operator has a public website, the MS4 Operator shall post on that site, along with the standard public notice methods for the MS4. The notice of the public informational meeting, including the date, time and location.
  2. The meeting must be held within the service area of the MS4. Co-permittees shall hold the meeting within the boundaries of each co-permittee.
- 4.2.D** The MS4 Operator shall have a publicly available method to accept public inquiries, or concerns, and to take information provided by the public about stormwater and stormwater related topics.
1. This method, or a combination of method, shall encompass all MCMs of this permit. This method may be a phone number, website comment form, voicemail box, an email address, social media platform, or a combination of these.
  2. All reports shall be tracked, recording the topic, location, and concern. This information can help identify pollutants of concern, priority areas, pollutant sources, educational needs, and other information the MS4 Operator may use to evaluate the Stormwater Management Program.
- 4.2.E** If the MS4 Operator utilizes a stormwater management panel or committee, the MS4 Operator shall provide opportunities for citizen representatives on the panel or committee. The attendance of the meeting shall be recorded.
- 4.2.F** If the permittee has a governing board such as; County Council, City Council, or Board of Curators, a representative of the MS4 Operator, who is familiar with the MS4 Stormwater Program, shall provide an update to the governing board. This shall be conducted at minimum, annually with the status of, or updates on, the Stormwater Management Program, and compliance with the Stormwater Management Program.
- 4.2.G** **Existing permittees:** Shall evaluate their current program to ensure it is in compliance with this permit and promoted to the community. Existing permittees shall modify their program as necessary, and develop and implement elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the maximum extent practicable, following the requirements of Section 4.2 of this permit.
- 4.2.H** **Newly regulated permittees:** Shall develop a stormwater Public Participation program. The Permittees shall have the program fully implemented by the end of this permit term.
- 4.2.I** Tracking mechanisms shall be used for tracking attendance, inquiries or concerns per the requirements of Section 4.2 of this permit. Using adaptive management, all MS4 Operators shall review their Public Participation Program, at minimum, annually and update implementation procedures as necessary within the requirements of this permit. This shall be used to review how to best reach the public, the effectiveness of the mechanisms, the effectiveness of reaching the public and the MS4 Governing board and if the community and MS4 government are working together for water quality. Any additional events and/or BMPs shall be acknowledged in the Stormwater Management Program report.
- 4.3** **MCM 3. Illicit Discharge Detection and Elimination (IDDE)**  
The MS4 Operator shall implement, and enforce a program to detect and eliminate illicit discharges (as defined in 10 CSR 20-6.200 at 40 CFR 122.26(b)(2)) into the regulated MS4.
- The illicit discharge detection and elimination program shall at minimum, include the following:
- 4.3.A** A current storm sewer system map that shall be updated as needed to include features which are added, removed, or changed. This map may be paper or electronic.  
This storm sewer map, must show at a minimum:
1. The location of all MS4 outfalls. The map shall be detailed enough that the outfalls can be accurately located;
  2. The names and locations of all receiving waters of the state that receive discharges from the MS4 outfalls;
  3. The boundary of the regulated MS4 area;
  4. The map shall be readily available and used by field staff as needed; and
  5. The map and any accompanying necessary information shall be made available to the Department upon request.
- 4.3.B** The MS4 Operator must record the sources of information used for the map and track, at minimum:
1. A numbering or naming system of all outfalls;
  2. Dates that the outfall locations were verified/ or last field survey; and
  3. For newly added outfalls, the date that it was added to the storm sewer system.

- 4.3.C** The MS4 shall effectively prohibit non-stormwater discharges into the permittee's storm sewer system and implement appropriate enforcement procedures and actions. This prohibition shall be through ordinance or other regulatory mechanism, to the extent allowable under state or local law. This may be accomplished by more than one ordinance or mechanism. This may be done through a "nuisance code" however it must be certain that non-stormwater discharges are covered in this code. Such non-stormwater discharges may include, but are not limited to:

- Litter;
- Household hazardous waste disposal;
- Leaf disposal;
- Use of soaps & detergents with discharge to stormsewer;
- Illegal dumping of solid waste;
- Vehicle fluid disposal;
- Grass clippings;
- Pet waste; and
- Sewage.

- 4.3.D** A dry weather field screening strategy.

1. The MS4 Operator shall conduct (or have conducted on their behalf) outfall field assessments. The screening shall be conducted during dry weather conditions (a minimum of 72 hours after the last precipitation event) to check for the presence of a discharge.

**Existing permittees:**

- a) A minimum of 60% of all outfalls shall be screened during the permit cycle.
- b) Priority areas, such as those listed in 4.3.H, shall be screened each year.

**Newly regulated permittees:**

- a) All outfalls shall be located and screened during the 5 year permit cycle.
- b) Priority areas shall be established.

2. This screening shall include a checklist or other tracking device to ensure a complete inspection of each outfall, enhance consistency, and to track the field screening. This shall be used regardless of the presence of dry weather flow.

When discharge is present, the checklist or tracking device shall note the following general observations and physical characteristics at a minimum:

- Date and time;
- Weather conditions and temperature (air & water);
- Color of discharge;
- Estimate of flow rate (this may be noted qualitatively);
- Odor;
- Surface scum, algal bloom, floatables or oil sheen present;
- Deposits or stains (note the color);
- Turbidity (may be noted qualitatively);
- Stream impact including vegetation, fish, wildlife;
- Length of impacted stream; and
- Notes of an obvious source of flow (such as lawn irrigation, etc.)

- 4.3.E** The MS4 Operator shall maintain diagnostic monitoring procedures to detect and investigate unknown non-stormwater flows as part of the dry weather screening program.

These procedures are for possible illicit discharges, and may be collected, and analyzed by a contracted lab, or similar agreement with another entity who is equipped and experienced in sample collect and analysis.

1. This diagnostic monitoring shall include sampling unknown discharge from MS4 outfalls that are found to be flowing or ponding more than 72 hours after the last precipitation event and considered to be an illicit discharge.
2. The samples shall be analyzed for relevant parameters to determine if a pollutant is involved.
  - a) Relevant parameters will need to be determined on a case by case basis depending on the nature of the discharge and what the potential sources may be.
  - b) The MS4 Operator shall have the ability to sample for and analyze the samples. This may be done through a contract lab or similar agreement.
  - c) Possible parameters sampled for and analyzed when deemed applicable include but are not limited to:
    - pH;
    - Oil and grease;
    - *E.Coli* or fecal coliform;

- Surfactants or fluorescence concentration;
- Specific conductivity;
- Ammonia;
- Chlorine;
- Dissolved oxygen; and
- Fluoride/ hardness.

- 4.3.F** The MS4 Operator shall maintain procedures for tracing the source of an illicit discharge. If initial screening indicates that a dry weather discharge contains pollutants, or if an illicit discharge is suspected from another reporting method, the source shall be traced. These procedures shall include mechanisms to locate and follow stormwater infrastructure. A variety of investigative tools may be used as appropriate for each situation, such as, but not limited to;
- Visually following the flow;
  - Storm sewer system sampling;
  - Full storm sewer map;
  - Closed circuit television;
  - Smoke or dye tracing; and
  - Tunnel entry.
- 4.3.G** The MS4 Operator shall maintain procedures for removing the source of the discharge. After locating the source, the pollutant and source must be removed. While the exact procedure will depend on the source and the circumstances, The MS4 Operator must maintain any necessary contacts with appropriate entities that may be needed for these procedures (such as an environmental cleaning company). This information shall be made available to the responsible staff.
- The MS4 Operator is encouraged to work with the source of the illicit discharge to remedy the situation. Possible remedies shall include:
1. Implement source control or treatment BMPs to prevent reoccurrence of the violation;
  2. Remediation or restoration of affected property.
- 4.3.H** In order to prevent further illicit discharge, the MS4 Operator shall identify priority areas such as, but not limited to:
- Areas with evidence of ongoing illicit discharges;
  - Areas with a past history of illicit discharges;
  - Certain land use influencing stormsewer/ proximity of potential pollutant sources;
  - Areas of higher population density;
  - Neighborhoods with onsite sewage systems;
  - Areas with known litter or dumping issues;
  - Areas with large or increased number of citizen complaints; and
  - Industrial areas
- Annually, the MS4 Operators shall evaluate this priority area list and/or map and update as necessary to reflect changing priorities.
- If a co-permittee, each co-permittee shall identify priority areas within their boundaries.
- 4.3.I** The MS4 Operator shall maintain written procedures for implementing the IDDE Program, including those components described within this section, to ensure program continuity and consistency.
1. This shall include a description of this dry weather field screening strategy and implementation schedule to detect and address non-stormwater discharges, including discharges from illegal dumping and spills, to the permittee's system.
  2. This shall include a description of how the discharge is evaluated and the possible parameters that are tested.
  3. If contracted to another entity, the contact information shall be listed.
- 4.3.J** The MS4 Operator must conduct investigations in response to field screening discoveries, spills, or in response to complaints from the public, municipal staff, or adjacent MS4s. The investigation must work to determine the source of the connection, the nature and volume of discharge through the connection, and the party responsible for the connection. Responses shall meet the following investigation timelines:

1. Immediately respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare, or the environment.
2. Investigate (or refer to the appropriate agency with the authority to act) within five (5) business days, on average, any complaints, reports or monitoring information that indicates a potential illicit discharge which does not constitute a threat to human health, welfare or the environment.
3. If illicit connections or illicit discharges are observed related to, discharging to, or discharging from, an adjacent MS4 Operator's municipal storm sewer system, the MS4 Operator must notify the other MS4's Operator within 24 hours of discovery or as soon as practicable.

- 4.3.K** The MS4 Operator shall have procedures for appropriate enforcement, this may include fines, the ability to collect cleanup and abatement costs, and actions to ensure that the permittee's illicit discharge ordinance (or other regulatory mechanism) is being implemented.
1. The MS4 Operator shall maintain a written description of the enforcement procedure. This shall include a copy of or link to the ordinance and/or other regulatory mechanism that the MS4 Operator will use to enforce the prohibition of illicit discharges into the MS4.
- 4.3.L** The MS4 Operator shall maintain a database, or other centralized system, to track dry weather field screenings, spills, incidents, and investigations.
1. Tracking mechanisms shall be used for incidents, investigations, enforcement and follow up. This data shall be used to continuously evaluate the effectiveness of the IDDE program. This data shall be reviewed to determine if there is a new priority area.  
The MS4 Operator shall record annually at a minimum:
    - a) Number of outfalls screened;
    - b) Number of complaints received and investigated; and
    - c) Number of illicit discharges removed.
  2. The MS4 Operator shall document all investigations to track at a minimum:
    - a) The date(s) the illicit discharge was observed and investigated;
    - b) Summary of procedures used to investigate the illicit discharge;
    - c) The outcome of the investigation including sample results and findings;
    - d) Any follow-up of the investigation including cleanup, enforcement actions, visits to confirm the illicit discharges have been removed; and
    - e) The date the investigation or issue was closed or resolved.
- 4.3.M** The MS4 Operator shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste, this may work with part 4.1 and part 4.6 of this permit (MCM #1 and MCM #6).
- 4.3.N** All MS4 Operators shall review their IDDE Program, at minimum, annually and update implementation procedures as necessary.
- 4.3.O Existing permittees:** Shall evaluate their current program to ensure that it is in compliance with this permit.
1. Any revisions to the ordinance or regulatory mechanism shall be complete in the first year of the permit cycle.
  2. Maintain an updated map with the items listed above. Items not included in the current map must be added within the first 2 years of the permit cycle.
- 4.3.P Newly regulated permittees:** Shall develop an IDDE Program. Newly regulated permittees shall describe the IDDE program in their SWMP. The MS4 Operator shall have the program fully implemented within five (5) years of permit issuance.
1. If the MS4 Operator needs to develop the regulatory mechanism, the ordinance or regulatory mechanism must be adopted within the first 3 years of permit coverage.
  2. Develop or update a map in accordance with Section 4.3.A of this Permit. The MS4 Operator must develop or update a map with the items listed above. All outfalls shall be dry weather field screened within the first five (5) years of permit issuance.
- 4.3.Q** The MS4 Operator must develop and implement or maintain a training program for all municipal field staff, who, as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or illicit connection to the storm sewer system.  
This shall include staff who may handle materials which may become an illicit discharge. This shall include discharges through spills, improper disposal, mismanagement, improper vehicle or equipment washing or rinsing. This training may be conducted with resources online and may be focused for what topics are relevant to their position.
1. Each staff shall take this training at minimum within one year of a new employee being hired.
  2. The applicable staff may include the following; (unless the MS4 Operator does not have the listed department under their jurisdiction). Additional staff or departments shall be included if appropriate;

- Fleet maintenance staff;
- Staff at facilities with fuel, chemicals, washing of vehicles or equipment;
- Road maintenance staff;
- Road salt/de-icing staff; and
- Parks, swimming pool, or golf course staff who encounter spills, equipment or vehicle washing, fueling, chemicals, etc.

3. The training dates, topics and the attendance shall be recorded.

4. Reviews of the training effectiveness shall be considered after municipal site inspections or after an incident occurs. If a certain department or facility did not perform the way they were trained, or if an issue arises that was not handled properly, the MS4 Operator should consider if the training is enough or is ineffective. The MS4 Operator shall consider ways to survey or test staff to see if the training is effective.

**4.3.R** Using adaptive management the MS4 Operator shall review their IDDE Program, at minimum, annually and update implementation procedures as necessary. This data shall be used to continuously evaluate the effectiveness of each BMP and the implementation of each BMP.

Any additional BMPs shall be acknowledged in the Stormwater Management Program report.

#### **4.4** **MCM 4. Construction Site Stormwater Runoff Control**

The MS4 Operator shall develop, implement and enforce a program to reduce pollutants in any stormwater runoff to their MS4 from construction activities that result in land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre shall be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

**4.4.A** The MS4 Operator shall have a law, ordinance and/or other regulatory mechanism to require construction site runoff control BMPs at construction/land disturbance sites greater than or equal to one (1) acre or less than one acre if the construction activity is part of a larger common plan or development or sale that would disturb one acre or more. The mechanism shall include sanctions which are designed to ensure compliance, to the extent allowable under State, or local law.

**4.4.B** The MS4 Operator shall review pre-construction plans. These reviews at a minimum shall:

1. Incorporate the consideration of potential water quality impacts through procedures for site plan review. The site plan review procedures shall evaluate threats to water quality shall by considering, at minimum, the following factors:

- a) Soil erosion potential;
- b) Site slope;
- c) Project size and type;
- d) Sensitivity of receiving waterbodies;
- e) Discharge flow type (pipe or sheet flow);
- f) Location of discharge point in relation to receiving water;
- g) Proximity of the site to receiving waterbodies; and
- h) Other factors relevant to the MS4 service area.

2. Use a checklist, or other listed criteria, to ensure consistency and completeness.

3. Include requirements for construction site operators to select, install, implement, and maintain appropriate stormwater control measures.

- a) This includes temporary BMPs throughout the life of the land disturbance, and permanent BMPs which remain on site as required by local codes and ordinances.

4. Consider ways to minimize disturbed areas through actions such as, phased construction requirements, temporary seeding or sodding, or erosion mats to exposed areas.

5. Include requirements for construction site operators to control construction-site waste that may cause adverse impacts to water quality.

This shall include at a minimum:

- a) Discarded building materials;
- b) Concrete truck, and mortar mix washout;
- c) Chemicals (such as fertilizer, paint, oils, herbicides, pesticides);
- d) Litter; and
- e) Sanitary waste.

**4.4.C** The MS4 Operator shall establish authority for site inspections and enforcement of control measures. To the extent allowable by state, federal, and local law, all MS4 Operators shall implement procedures for inspecting construction/land disturbance projects.

The construction site runoff control program shall implement at a minimum:

1. Identify priority sites for inspection based on nature of the construction activity, topography, disturbed area, and the characteristics of soils and sensitivity of, or proximity to, receiving water;
2. Construction site inspections shall include assessment of compliance with the MS4 Operator's construction site storm water runoff control ordinance or regulatory mechanism, and other applicable ordinances;
3. The inspections shall evaluate any structure that functions to prevent pollution of stormwater or to remove pollutants from stormwater and use enforcement policies to require BMPs are implemented and effective;
4. Final inspection, upon completion of the land disturbance and prior to final approval of construction project. Ensure all disturbed areas have been stabilized, that all temporary erosion and sediment control measures are removed.
5. The inspections conducted by the MS4 Operator shall be documented with a checklist. The checklist must include structural BMPs and check on the self-inspection which are conducted by the construction site operator. These MS4 Operator checklists may be electronic.

**4.4.D** The construction site runoff control program shall include an established, escalating enforcement policy that clearly describes the action to be taken for violations.

The program shall have written procedures to ensure compliance with the MS4 Operator's construction site runoff control regulatory mechanism. This shall include the sanctions and enforcement mechanisms the permittee will use to ensure compliance and procedures for when certain penalties, injunctions or other measures will be used.

1. The MS4 Operator must have the authority to initiate a range of enforcement actions to address the variability and severity of noncompliance.
2. Enforcement responses to violations must consider the following criteria at minimum:
  - a) Degree and duration of the violation;
  - b) Effect the violation has on the receiving water;
3. Enforcement actions shall be timely in order to ensure the actions are effective. These procedures and actions must be written and available for MS4 staff for consistency and training purposes.
4. The MS4 Operator must have a minimum of two (2) enforcement actions they are able to use. Possible enforcement actions include, but are not limited to:
  - a) Stop Work orders;
  - b) Verbal education or educational materials given to the construction site operator;
  - c) Written warnings or notice of violation;
  - d) Bonding or escrow requirements;
  - e) Fines/ penalties; and
  - f) Denials for previous non-compliance or current non-compliance at other sites.

**4.4.E** The MS4 Operator shall require the construction site operator to conduct inspections at minimum:

1. Every fourteen (14) days, when construction is active.
2. Within 72 hours of any storm event, and within 48 hours after any storm event equal to or greater than a 2-year, 24-hour storm has ceased.

Checklists used for these inspections conducted by construction site operators shall either be submitted to the MS4 Operator, or the MS4 Operator shall verify that these inspections are being conducted by the construction site operator checklists during MS4 Operator inspections.

**4.4.F** The MS4 Operator shall maintain an inventory of active public and private land disturbance sites, as defined in Section 4.4 of this permit. This may be supplemented with records such as a plan review checklist and email correspondence.

The inventory must contain:

1. Relevant contact information for each project (e.g., tracking number, name, address, phone, etc.);
2. Size of the project/ area of disturbance;
3. If the site is a priority site/ how high of priority;

**4.4.G** The MS4 Operator shall track their oversight inspections. This may be done by retaining copies of records such as inspection checklists and email correspondence. The MS4 Operator must make these inventories available to the Department upon request.

The tracking must contain at a minimum:

1. Inspection dates and time;
2. Inspector name;
3. Inspection findings; and,
4. Follow up actions and dates, including corrective actions and enforcement actions.

- 4.4.H Existing permittees:** Review the Stormwater Management Program including ordinances, permitting procedures, review procedures, inspection procedures and enforcement procedures to ensure compliance with these requirements. Any changes necessary to be in compliance with this permit shall be completed within the first year of this permit issuance. The inventory of active sites must be updated as new projects are reviewed and projects are completed. If the MS4 Operator needs to develop this inventory, it shall be completed within one (1) year of this permit issuance.
- 4.4.I Newly regulated permittees:** If the MS4 Operator needs to develop this construction site runoff program, the SWMP shall describe the construction site stormwater plan and scheduled implementation. Development of this program shall be completed within the first three (3) years of the permit issuance. If the MS4 Operator's ordinance or regulatory mechanism is already developed, the permittee shall include a copy of the relevant sections with the SWMP. For new permittees, the inventory must be completed with one (1) year of permit issuance and then updated as new projects are permitted.
- 4.4.J** The Stormwater Management Program must include procedures for the MS4 Operator to receive and consider information submitted by the public about land disturbance sites. This may be in combination with 4.2.D of this permit.
- 4.4.K** The MS4 Operator shall provide, or support access to, construction site runoff control training for MS4 inspectors and plan reviewers at minimum once during this permit cycle. This education shall be tracked or documented.
- 4.4.L** The MS4 Operator must provide written procedures outlining the local inspection and enforcement procedures to their inspectors to ensure consistency among the inspections.
- 4.4.M** Using adaptive management, all MS4 Operators shall review, at minimum annually, their Construction Site Stormwater Runoff Control Program and evaluate the ordinances, review procedures, inspection procedures, enforcement procedures, receipt of public information procedures, and effectiveness of training procedures to ensure compliance with these requirements and determine if changes are needed. This annual review may include but is not limited to:
1. Evaluating the most common violations, how the violations are handled, how many are escalated;
  2. If the education program can assist in reducing violations;
  3. Determining if the site plans match the sites when violations arise or if additional items need to be evaluated at plan review;
  4. Assessing public complaints being addressed in a timely manner; and
  5. Evaluating if the inspections thorough and consistent across different sites.

Any additional BMPs shall be acknowledged in the SWMP.

**4.5 MCM 5. Post-Construction Stormwater Management in New Development and Redevelopment**

The MS4 Operator shall continue or develop, implement, and enforce a program to address the quality of long-term stormwater runoff from new development and redevelopment projects that disturb equal to and greater than one acre, including projects less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more and that discharge into the regulated MS4.

The MS4's program shall ensure that controls are in place that have been designed and implemented to prevent or minimize water quality impacts

- 4.5.A** The MS4 Operator shall maintain and utilize an ordinance(s) or other regulatory mechanism(s) to address post-construction runoff from new development and redevelopment projects to the extent allowable under state or local law for sites equal to or greater than one acre including projects less than one acre that are part of a larger common plan of development or sale. The goal of this approach is to arrive at designs that protect sensitive areas, minimize the creation of stormwater pollution, utilize BMPs that effectively remove stormwater pollution, and attempt to maintain predevelopment runoff conditions.

The MS4's program shall ensure that controls are in place that have been designed and implemented to prevent or minimize water quality impacts from stormwater, after construction.

1. If adopting a set of standards from another MS4 or other established standards, the MS4's ordinance may incorporate by reference, therefore the MS4 does not need to incorporate the entire guidance into their codes.
2. This program may be accomplished through one or multiple ordinances or regulatory mechanisms.

- 4.5.B** The MS4 Operator shall continue or develop a strategy to minimize water quality impacts. This shall include a combination of structural and/or non-structural controls (BMPs) appropriate for the permittee's community.

1. Structural controls include but are not limited to; extended detention basins, grass swales, bio-retention, permeable surfaces, sand filter basins, stormwater planters, proprietary BMPs.

The ordinance or regulatory mechanism for structural post-construction controls, or water quality facilities, shall include:

- a) Adoption or development of numeric or technical performance and/or design standards to control post-construction stormwater discharges.

These post-construction stormwater standards are for designing, installing, implementing, and maintaining stormwater control measures which may include, but are not limited to BMPs that; infiltrate, evapo-transpire, harvest, detain, retain, and/or reuse stormwater.

The MS4 Operator must adopt or maintain local stormwater discharge design standards that consider parameters such as; site discharge volume, rate, duration, and frequency for new development and redevelopment sites with the intent to minimize the impact of stormwater runoff on water quality.

2. Non-structural controls include but are not limited to; stream buffers, no mow zones, preservation of open spaces, tree preservation, impervious cover reduction, land use planning, and low impact development.

The ordinance(s) or regulatory mechanism(s) for non-structural Post-Construction controls, shall include:

- a) Adoption or development of preventative actions that involve management and source controls such as, but not limited to:

- Policies and ordinances that provide requirements and standards to direct development to identified areas;
- Protection of sensitive areas such as wetlands and riparian areas;
- Maintain and/or increase open space (which may include a dedicated funding source for open space acquisition);
- Maintain requirements for buffer zones along water bodies;
- Require minimizing impervious surfaces;
- Require minimizing disturbance of soils and vegetation;
- Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing infrastructure;
- Programs which incentivize the use of green infrastructure;
- Requirements for minimization of directly connected impervious areas; and
- Tree preservation ordinances.

- 4.5.C Pre-construction plan review shall be conducted by the MS4 Operator to assess site characteristics at the beginning of the construction site design phase to ensure adequate planning for stormwater program compliance.

The structural or non-structural controls chosen shall; protect sensitive areas, minimize the creation of stormwater pollution, and effectively reduce stormwater pollution. This can be achieved by reasonably mimicking pre-construction runoff conditions on all affected new development projects, or the permittee may achieve this goal through a method more appropriate for its community.

1. The plan review process shall use a checklist. This may be part of the same plan review in MCM 4.
2. The plan review process shall evaluate non-structural BMP selection first, such as comprehensive plans, zoning ordinances, buffer strips, and/or maximization/preservation of open space. Non-structural BMPs primarily prevent stormwater runoff from a site, which could influence the options for structural BMPs which help mitigate the stormwater related impacts after they have occurred.

- 4.5.D The MS4 Operator shall have ordinances or similar enforcement mechanisms to ensure adequate long-term operation and maintenance (O&M) of the selected BMPs, including, as appropriate, agreements between the MS4 Operator and other parties such as post-development landowners or regional authorities.

1. Long term O&M shall be addressed during the plan review and approval process.
2. Copies of O&M manuals shall be retained by the party responsible for the post-construction BMP, and with the MS4 Operator. This may be done electronically.

- 4.5.E The MS4 Operator shall inspect, or require inspection of, each water quality structural and non-structural water post-construction BMP according to the following at minimum:

1. A minimum of one (1) inspection shall be conducted during construction, and one (1) inspection before the site is finalized, to verify water quality facilities are built as designed and any applicable boundaries or practices for non-structural BMPs are being observed. This may be conducted in combination with MCM 4 inspections.
  - a) The MS4 inspector shall have access to the approved plans to ensure proper installation.
2. A minimum of once in the first three years after the installation by, the MS4 Operator.
3. Annually by the owner or operator of the post-construction BMP, or by the MS4 Operator. If completed by the BMP owner or operator, this inspection report shall be submitted to the MS4 Operator for evaluation and review.
4. The MS4 Operator shall inspect a minimum of 60% of all water quality post-construction BMPs within the five year permit cycle. This must include installations with ongoing or open enforcement issues.

- 4.5.F** The MS4 Operator must maintain a plan designed to ensure compliance with the MS4's post-construction water quality regulatory mechanism. This plan shall include escalating enforcement mechanisms the MS4 Operator will use to ensure compliance.  
The MS4 Operator must have the authority to initiate a range of enforcement actions to address the variability and severity of noncompliance.
1. Enforcement responses to violations must consider at minimum:
    - a) Degree and duration of the violation;
    - b) Effect the violation has on the receiving water;
    - c) Compliance history of the post-construction BMP owner or operator; and
    - d) Cooperation of the owner or operator with compliance efforts.
- 4.5.G** Enforcement actions shall be timely in order to ensure the actions are effective. The MS4 Operator shall begin enforcement actions within thirty (30) days of discovering a violation.  
The MS4 Operator shall maintain a minimum of two possible sanctions. These include, but are not limited to:
1. Education regarding the BMP and verbal warnings;
  2. Written warnings or notice of violation (this includes email notification);
  3. Property lien; and
  4. Fines.
- 4.5.H** The MS4 Operator shall maintain an inventory tracking the water quality post-construction BMPs. This inventory must contain, at a minimum:
1. Relevant contact information for the responsible person(s) or entity (e.g., tracking number, name, address, phone, etc.);
  2. The type of post-construction BMP;
  3. Applicable operations and maintenance documents;
  4. Date the MS4 Operator approved the construction site plan; and,
  5. If the water quality facility is owned or operated by the MS4, the tracking shall also include any maintenance, such as sediment clean-out or replanting.
- 4.5.I** The MS4 Operator shall also track the post-construction BMP inspections. This may be done by retaining copies of records such as inspection checklists and email correspondence. The MS4 Operator must make these inventories available to the Department upon request.  
The MS4 Operator shall track at a minimum:
1. Inspection dates/ times;
  2. Inspector name(s);
  3. Inspection findings; and,
  4. Follow up actions including all enforcement actions.
- 4.5.J Existing permittees:** Evaluate the ordinances, permitting procedures, review procedures, inspection procedures and enforcement procedures to ensure compliance with these requirements and determine if changes are needed. Any changes necessary to be in compliance with this permit shall be completed within the first two (2) years of permit issuance. The inventory of water quality facilities must be updated as new facilities are added and projects are completed. If the MS4 Operator needs to develop this inventory, it shall be completed within two (2) years of this permit issuance.
- 4.5.K Newly regulated permittees:** Shall develop the ordinance or regulatory mechanism. Development of this program shall be completed within the first five (5) years of the permit issuance.  
For new permittees, the inventories of public and private post-construction water quality BMPs must be completed within two (2) years of permit issuance and then updated as new projects are permitted and projects are completed.
- 4.5.L** The MS4 Operator shall provide appropriate training for MS4 inspectors at minimum once every permit cycle. This may include Green Infrastructure training, or specific operation of proprietary post-construction BMPs. The MS4 shall provide overall training to explain the function of both structural and non-structural post-construction water quality BMPs.
- 4.5.M** Using adaptive management, all MS4 Operators shall review, at minimum annually, their Post-Construction Site Stormwater Management in New Development and Redevelopment Program and evaluate effectiveness of the overall program, and determine if changes are needed. This annual review may include but is not limited to:
1. Reviewing the number and types of developments;
  2. How many BMPs were installed/inspected;
  3. The amount of watershed area being treated;
  4. The types of violations found and how frequently; and
  5. How education could improve the effectiveness of the program.

Any additional programmatic BMPs shall be acknowledged in the Stormwater Management Program Report.

**4.6. MCM 6. Pollution Prevention/Good Housekeeping for Municipal Operations**

The permittee shall 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 municipal operations.

- 4.6.A** The MS4 Operator shall maintain and utilize an employee training program for MS4 municipal operations staff. The training shall be given at minimum annually to all MS4 staff who work with material handling, at MS4 owned or operated vehicle/equipment maintenance areas, storage yards, and material storage facilities. This may be broken up into staff units, or by applicable topics.
- 4.6.B** The training shall be used to prevent and reduce stormwater pollution.  
The training shall cover a minimum of the following topics/ activities (if applicable to the MS4):
1. Vehicle and equipment washing;
  2. Fluid disposal and spills;
  3. Fleet, equipment, and building maintenance;
  4. Park and open space maintenance procedures (including fertilizer, herbicide, pesticide application);
  5. New construction, road maintenance, and land disturbances;
  6. Stormwater system maintenance;
  7. MS4 operated salt and de-icing operations;
  8. Fueling;
  9. Solid waste disposal;
  10. Street sweeper operations; and
  11. Illicit Discharges.
- 4.6.C** The MS4 Operator shall:
1. Maintain material to use in the training program, such as those available from the EPA, the state, or other organizations.
  2. Maintain written procedures for the training program. Include a description of how this training will coordinate with all other minimum control measures (such as Illicit Discharge), monitoring and TMDL implementations where applicable.
  3. Maintain a written schedule to offer topic specific training when it is appropriate. Such as, swimming pool discharges in the summer, leaf disposal in the fall, proper salt clean-up and usage in the winter.
- 4.6.D** The MS4 Operator shall maintain a list of all municipal operations/facilities that are impacted by this operation and maintenance program.  
This shall include a minimum of the following if owned and operated by the MS4 and if applicable to the MS4:
1. Maintenance yards;
  2. Fleet or maintenance shops, including parks department;
  3. Storage yards;
  4. Parks, golf courses, swimming pools, and splash pads;
  5. Municipal parking lots;
  6. Salt/sand storage locations;
  7. Snow disposal areas; and
  8. Other locations expected to contribute floatables and/or pollutants.
- 4.6.E** The MS4 Operator shall maintain a list of industrial facilities the MS4 Operator owns or operates which are subject to NPDES permits for discharges of stormwater associated with industrial activity. The list shall include the permit number or a copy of the No Exposure Exemption Certification (if applicable) for each facility.  
This includes Municipal projects with a land disturbance permit, wastewater facilities, airports, etc.  
NPDES permitted facilities not owned or operated by the permittee are not required to be part of the list, however the MS4 Operator should be familiar with all such facilities in their MS4 service area as they may signify a priority area for the IDDE program.
- 4.6.F** The MS4 Operator shall develop or maintain controls for reducing or eliminating the discharge of floatables and pollutants from municipal facilities listed in Section 4.6.D and 4.6.E.  
These controls shall include at a minimum, where applicable:
1. A list of potential pollutant sources at each facility, such as materials used and stored on site;
  2. A minimum of annual inspections of all municipally owned or operated facilities for stormwater issues;
    - a) Records shall be kept for inspections and follow up. This may be a checklist, and may be electronic;

3. Use of structural controls/BMPs to reduce or prevent pollutants from entering waters of the state or into another MS4 where needed.
  - a) A map with descriptions of these BMPs shall be maintained for each facility;
4. All paints, solvents, petroleum products, and petroleum waste products (except fuels) under the control of the permittee shall be stored so these materials are not exposed to stormwater;
5. Sufficient practices of spill prevention, control, and/or management shall be provided to prevent any spill of these pollutants from entering waters of the state;
  - a) This shall include spill kits when liquid product is stored at a facility; and
  - b) Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.
6. Tracking of rock salt/brine or other deicer usage;
7. Maintaining municipal salt storage area(s) after use of rock salt, at minimum:
  - a) Sweep and/or shovel spillage in loading area and storage area, and
  - b) Unload salt hoppers or keep under cover when salt is in the hopper.

**4.6.G** The MS4 Operator shall have procedures for proper disposal of waste removed from the MS4 structures and areas of jurisdiction.

This waste, shall include at minimum, if applicable to the permittee:

1. Street sweeper spoils and washout;
2. Accumulated sediment;
3. Dredged materials;
4. Floatables, trash and litter;
5. Leaves, other organic matter; and
6. Other debris.

**4.6.H** The MS4 Operator shall maintain and utilize the following procedures, at minimum, for the washing of all municipal vehicles and equipment (if applicable to the MS4):

1. Use of any soap or detergent shall only be where there is connection to sanitary sewer or equivalent treatment; and
2. Any wash or rinse water that contains pollutants such as salt, oils, grease, sediment, grass clippings, lawn chemicals, or pesticides shall not be discharged to waters of the state or the MS4 system without appropriate treatment.
3. Any washing or rinsing activities shall be conducted in an appropriate area so the water is treated. This area(s) shall be marked on the map of the facility.

**4.6.I** The MS4 Operator shall maintain written explanation of the controls, procedures, inspection schedules, and explanation of tracking of these controls. Tracking may be done by retaining inspection reports or checklists. Individual Stormwater Pollution Prevention Plans or one overarching Operations and Maintenance Manual for all applicable MS4 facilities may be used to comply with this requirement. If a unified document is used, each individual site shall be familiar with the document, and a copy shall be present on each site referenced in the document or available electronically. Annually, the MS4 Operator shall evaluate the results, controls, and inspection procedures to ensure compliance with these requirements and determine if changes are needed. This evaluation may also aid in finding priority areas or pollutants in relation to MCM 3, or adding more education in relation to MCM 1.

**4.6.J** The MS4 Operator shall maintain procedures to determine if there are impacts to water quality for new flood management projects, if applicable. Any flood management projects shall require the protection of water quality in the standards that are used to plan, design, build, and maintain stormwater infrastructure. Flood management projects are those projects developed or designed to reduce flooding.

**4.6.K Existing permittees:** Shall evaluate the current Stormwater Management Program including training, inspection procedures, and other municipal operation procedures to ensure compliance with these requirements. Any changes necessary to be in compliance with this permit shall be completed within one (1) year of this permit issuance.

**4.6.L Newly regulated permittees:** Shall develop this program. The SWMP shall describe the pollution prevention/ good housekeeping plan and scheduled implementation. Development of this program shall be completed within the first five (5) years of the permit issuance.

**4.6.M** Using adaptive management, all MS4 Operators shall review their Municipal Operations Program, at minimum, annually and update implementation procedures as necessary within the permit requirement. Any additional BMPs shall be acknowledged in the Stormwater Management Program Report.

## **PART 5. MONITORING, RECORDKEEPING, AND REPORTING**

### **5.1 Monitoring**

- 5.1.A** The MS4 Operator shall retain records of any monitoring information used to complete the application for this operating permit, implementation of any part of this operating permit, and implementation for any part of the permittee's Stormwater Management Program for a period of at least three (3) years from the date of the sample, measurement, or analysis. This period may be extended by official written request by the Department at any time. These records may be maintained electronically.

Monitoring data shall include, if applicable, the below information:

1. All calibrations and maintenance records of sample or analytical equipment;
2. All original strip chart recordings for continuous monitoring instrumentation;
3. The date, location, and time of sampling or measurement;
4. Name of the individual(s) who performed the sampling or measurements;
5. The date(s) analyses were performed;
6. Name of the individual(s) who performed the analyses;
7. The analytical techniques or methods used; and
8. The results of such analyses.

- 5.1.B** Any monitoring conducted for the purpose of implementation of any part of this permit shall be conducted in accordance to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR subchapters N or O.

### **5.2 Recordkeeping**

All records required by this permit may be maintained electronically, as long as they are accessible upon request by the Department. If a non-electronic version is kept, the permittee shall retain the most recent versions of the records and shall be accessible to the Department upon request.

- 5.2.A** The permittee shall retain records of all activities requiring recordkeeping by the Stormwater Management Program, a copy of the NPDES permit, a copy of all ordinances, policies, and formal procedures for all six (6) MCMs and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the report or application. This period may be extended by official request of the Department at any time.

- 5.2.B** The permittee shall retain the most recent version of their SWMP at a reasonable location accessible to the Department, this may be done as a publicly available website.

- 5.2.C** If requested in writing by the public, the permittee shall submit the items required under Part 5 of this permit, including a copy of the permit, SWMP, or application.

- 5.2.D** The permittee shall submit the items contained in Part 5 of this permit to the Department upon request.

### **5.3 MS4 Stormwater Management Program Report**

- 5.3.A** A report to the Department on the status of the MS4's program is due annually on or before February 28th. This report shall cover the previous year from January 1<sup>st</sup> to December 31<sup>st</sup>. The report shall be submitted on the Department approved, MS4 Stormwater Management Program Report form. If approved by the Department, permittees may submit the MS4 Stormwater Management Program Report using an alternative report format. The MS4 Operator shall submit the MS4 Stormwater Management Program Report containing, at a minimum:

1. Information regarding progress toward achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable;
2. The status of the MS4's compliance with permit conditions;
3. Assessment(s) of the appropriateness of identified BMPs and corresponding measurable goals for each MCM;
4. A summary of results of information collected and analyzed during the reporting period, including monitoring data or quantifiable values per the MS4's measurable goals;
5. A summary of the TMDL Assumptions and Requirement Attainment Plan (ARAP), if applicable, containing the implementation status of BMPs and measurable goals specific to the TMDL ARAP or progress toward implementing the schedule for implementation of the TMDL ARAP. The summary shall also include any changes to BMPs and corresponding measurable goals;
6. If the permittee is utilizing integrated planning, the permittee shall provide a summary of the status of the integrated plan; and
7. A statement if the permittee is relying on another entity to satisfy some of the permittee's permit obligations. If applicable, the permittee shall supply the name of the entity, the name of the entity's primary contact person, and other relevant contact information.

- 5.3.B** Permittees shall submit the MS4 Stormwater Management Program Report via the Department's Electronic Discharge Monitoring Report (eDMR) Submission System.
1. Per 40 CFR 122.34(c)(3) reports must be submitted electronically by the owner, operator, or the duly authorized representative of the small MS4 to the NPDES permitting authority or initial recipient, as defined in 40 CFR 127.2(b). All general permit covered facilities under this master general permit shall comply with the Department's requirements for electronic reporting.

## **PART 6. SPECIAL CONDITIONS FOR TOTAL MAXIMUM DAILY LOADS**

### **6.1 MS4s Subject to Total Maximum Daily Loads (TMDL)**

- 6.1.A** Any regulated MS4 identified in an EPA approved or established TMDL with an applicable Wasteload Allocation (WLA) shall implement steps toward the attainment of applicable WLAs in accordance with 40 CFR 122.44(k)(2) and (3).
- 6.1.B** The MS4 Operator shall develop a TMDL ARAP to address the TMDL's assumptions and requirements where applicable.
- 6.1.C** The TMDL ARAP shall be incorporated into the Stormwater Management Program and include, at a minimum:
1. A plan to identify potential sources of the pollutant(s);
  2. A plan to implement BMPs to address the sources within the MS4 service area; and
  3. A schedule, including beginning and ending milestones, which are expressed as month and year to implement planned BMPs.
- The schedule for the implementation of the TMDL ARAP shall be completed as soon as practicable, but is not limited to the five year term of this operating permit as attainment can take years or even multiple permit terms.
- 6.1.D** BMPs shall be developed or designed with a purpose of reducing the pollutant(s) of concern. The ARAP shall list each BMP and shall contain a description of the BMP, the purpose of the BMP, and the expected result of the BMP.
- 6.1.E** Measurable goals shall be established for each BMP or in conjunction with multiple BMPs.
1. Each measurable goal shall contain a statement clearly indicating how it will be established to determine the appropriateness of identified BMPs and progress toward the expected results of the BMP.
  2. Measurable goals shall be quantifiable; however, if it is not feasible to utilize a measurable goal that is quantifiable, then the permittee shall provide justification indicating why the measurable goal cannot be quantifiable.
  3. If applicable, measurable goals shall also utilize interim and completion milestone dates, and a periodic frequency of measurement to document progress. Interim and final milestone dates shall be established with a format of month and year, or as 1st, 2nd, 3rd, 4th, and 5th year of the operating permit cycle.
- 6.1.F** An iterative process shall be utilized by the permittee documenting how each BMP is evaluated and subject to replacement or modification. The permittee shall apply reasonable further progress by replacing or modifying ineffective BMPs with effective BMPs.
- 6.1.G** If the permittee is subject to an approved or established TMDL, the permittee shall draft and submit their TMDL ARAP to the Department as soon as practicable but no later than 30 months after the date the EPA approves or establishes the TMDL or the effective date of their operating permit, whichever is later.
- The initial TMDL ARAP is to be submitted to the Department's Water Protection Program, MS4 Team for review and approval at [MS4@dnr.mo.gov](mailto:MS4@dnr.mo.gov) or Water Protection Program, MS4 Team, P.O. Box 176, Jefferson City, MO 65102. The deadline for the TMDL ARAP may be extended through written request by the permittee and written approval by the Department.
- 6.1.H** The MS4 Operator shall submit annual TMDL ARAP status reports to the Department on February 28th of each year until the TMDL ARAP has been submitted.
- The annual status report shall provide a brief update on the status of completion of the TMDL ARAP to be submitted to the Department. The deadline for the TMDL ARAP status report may be extended through written request by the permittee and with written approval by the Department. The annual status report shall be submitted to the Department's Water Protection Program, MS4 Team at [MS4@dnr.mo.gov](mailto:MS4@dnr.mo.gov) or Water Protection Program, MS4 Team, P.O. Box 176, Jefferson City, MO 65102.
- 6.1.I** If the Department approves the TMDL ARAP, it will be presumed that the TMDL ARAP is affordable by the permittee. If the Department disapproves a submitted TMDL ARAP and requires any additional or different controls or expenses, the Department will conduct an affordability analysis in support of the disapproval unless waived by the permittee. In addition to

the disapproval, the Department shall provide an itemized list of recommendations, discrepancies, and plan corrective action(s) to the permittee in written correspondence, which will also provide deadlines for any corrective action(s).

- 6.1.J** If the TMDL ARAP has been submitted to the Department but has not received approval, the MS4 Operator is not required to implement any actions listed in their TMDL ARAP and shall notify the Department of this in their MS4 Stormwater Management Program Report.
- 6.1.K** If the TMDL ARAP has received Department approval, the permittee shall implement their TMDL ARAP in accordance to schedules established in the TMDL ARAP.  
Implementation of all TMDL ARAP control measures shall be documented and retained by the permittee, and made available to the Department or the EPA upon request.
- 6.1.L** If the MS4 Operator has an approved TMDL ARAP, the permittee shall provide a summary listing the BMPs and the status of the measurable goals in the MS4 Stormwater Management Program Report.
- 6.1.M** If the MS4 Operator is subject to a TMDL, the MS4 Operator may demonstrate no additional controls are needed beyond the successful implementation of the six Minimum Control Measures (MCMs), which includes modifications to the BMPs or measurable goals, for the attainment with the TMDL's assumptions and requirements.  
The demonstration is subject to Department approval. The MS4 Operator shall contact the Water Protection Program's MS4 Team to begin the process.
- 6.1.N** If the permittee has already developed an integrated plan, a separate ARAP is not be required provided the integrated plan meets the requirements outlined in section 6.1 of this permit.  
Review and rating of an Integrated Plan is subject to the same requirements of section 6.1 of this permit. The MS4 Operator shall contact the Water Protection Program's MS4 Team to begin the process.
- 6.1.O** Permittees subject to existing TMDL Assumptions and Requirements shall submit their plan and status of implementation to the Department with the MS4 Stormwater Management Program Report required by this permit. Existing plans shall be subject to the same conditions listed in items 6.1.
- 6.1.P** If the EPA approved or established TMDL indicates that the permittee does not cause or contribute to the impairment, the permittee is not required to develop and implement any action contained in Part 6 of this permit.

## **PART 7. STANDARD PERMIT CONDITIONS**

- 7.1.A** Duty to Comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and the Federal Clean Water Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal.
- 7.1.B** Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- 7.1.C** Proper Operation and Maintenance. The permittee 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 permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance may also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
- 7.1.D** Inspection and Entry. The permittee shall allow the Department or an authorized representative (including an authorized contractor acting as a representative of the Department), upon the presentation of credentials and other documents as may be required by law to:
  1. Enter the permittee's premises where a regulated facility or 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 have the authority to request records be provided electronically in absentia.

3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance or parameters at any location.

**7.1.E** Monitoring Methods. See Part 5.1 of this operating permit.

**7.1.F** Need to Halt or Reduce Activity Not an Excuse. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**7.1.G** Permit Actions. This permit may be modified, revoked, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**7.1.H** Duty to Reapply.

- a. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.
- b. A permittee with a currently effective site-specific permit shall submit an application for renewal at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
- c. A permittees with currently effective general permit shall submit an application for renewal at least 180 days before the existing permit expires, unless the permittee has been notified by the Department that an earlier application must be made. The Department may grant permission for a later submission date. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits are in accordance with 10 CSR 20-6.010(10)(C) and subsequent amendments.

**7.1.I** Administrative Continuation of the Permit. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 10 CSR 20-6.010(10)(C) and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date, and who has applied for renewal at least 180 days prior to the expiration date, will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time the permittee shall comply with the application conditions of the new permit to maintain authorization to discharge;
2. Notice of termination;
3. Issuance of a site-specific permit or alternative general permit for MS4 discharges; or
4. A permit decision by the Director not to reissue this general permit, at which time the permittee shall seek coverage under an alternative general permit or a site-specific permit.

**7.1.J** Permit Transfers. Subject to 10 CSR 20-6.010(11), an operating permit may be transferred upon submission to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the MCWL or the CWA. (See 40 CFR 122.61. In some cases, modification or revocation and reissuance is mandatory.)

**7.1.K** Procedures for Modification or Revocation. If at any time the Department determines that the quality of waters of the state may be better protected by reopening this permit, or revoking this permit and requiring the owner/operator of the permitted site to apply for a site-specific (individual) permit or alternative general permit, the Department may revoke a general permit and require any person to obtain such an operating permit as authorized by 10 CSR 20-6.010(13), 10 CSR 20-6.200(1)(B) or 10 CSR 20-6.200(6).

**7.1.L** If this permit is reopened, modified, or revoked pursuant to this section, the permittee retains all rights under Chapters 536 and 644 Revised Statutes of Missouri upon the Department's reissuance of the permit as well as all other forms of administrative, judicial, and equitable relief available under law.

- 7.1.M** The Department may require the permittee to apply for and obtain a site-specific or alternative general permit if:
1. The permittee is not in compliance with the conditions of this general permit.
  2. The discharge no longer qualifies for this general permit due to changed site conditions and regulations.
  3. The permittee will be notified in writing of the need to apply for a site-specific permit or an alternative general permit. When a site-specific permit or alternative general permit is issued to the authorized permittee, the applicability of this general permit to the permittee will be terminated upon the effective date of the site-specific or alternative general permit, whichever the case may be.
- 7.1.N** Site-Specific Permit or Alternative General Permit. The permittee may apply for a site-specific permit or alternative general permit in lieu of coverage under this general permit. In such cases, the permittee shall submit an application for the alternate permit in accordance with the requirements of 10 CSR 20-6.200 with reasons supporting the request. The request may be granted by issuance of any site-specific permit or an alternative general permit.
- 7.1.O** Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege.
- 7.1.P** Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable amount of time, any information which the Department may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.
- 7.1.Q** Falsification Penalties. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both. Second and successive convictions for violations under this paragraph by any person shall be punished by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both;
- 7.1.R** Reopener Clause. Nothing in this permit shall prevent the Department from re-opening, modifying, or revoking this permit as authorized by law.
- 7.1.S** Signatory Requirements.
1. All permit applications shall be signed and certified in accordance with 40 CFR 122.22 and 10 CSR 20-6.010(2)(B) by either a principal executive officer or by an individual having overall responsibility for environmental matters for the permittee.
  2. All reports required by this permit, and other information requested by the Department shall be signed by a person described in section 2.2.B of this permit, or by a duly authorized representative of that person. A person is a duly authorized representative if:
    - a) The authorization is made in writing by a person designated in Section 2 of this permit;
    - b) The authorization specifies an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of stormwater manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the permittee. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
    - c) The written authorization is submitted to the Director; and
    - d) If an authorization under section 2.2.B is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new, written authorization satisfying the requirements of this paragraph must be submitted to the Director prior to, or together, with any reports, information, or applications signed by an authorized representative.