



Date: March 7, 2018

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To: Christy Witters
DEC Stormwater Program

via email: christy.witters@vermont.gov

From: MS4 Subcommittee of CCRPC Clean Water Advisory Committee

Thank you for the opportunity to comment on the draft MS4 General Permit 3-9014. Please consider these comments by the MS4 Subcommittee:

1.1 Purpose

1. Please clarify if the MS4 boundaries are expanding. Also, provide clarity on the fees associated with the MS4 boundary and expanding to the traditional boundary.

2.3 Limitations on Coverage

2. Please spell out the acronym CERCLA.

3.1 Submittal of NOI, Necessary Attachments, and Application Fee

3. When an MS4 submits an amendment or application to the Agency for technical review, what are the fees associated with the review?

3.8 Amendments

4. Please spell out the acronym WQRP.

5.1 Comprehensive Plan for Covered Stormwater Discharges

5. In the second sentence, it states that the SWMP must be signed in accordance with Subpart 9.8 of this permit. It appears that this should refer to Subpart 10.8 Signatory Requirements.

5.2 Reviewing and Updating Stormwater Management Programs (SWMP)

6. The Flow Restoration Plans (FRPs) and Phosphorus Control Plans (PCPs) are living documents and will be updated regularly as the MS4s implement the Plans. Does the Agency require a full submittal of the FRPs and PCPs every time they are updated? Please provide clarity on the extent that MS4s can update their FRPs and PCPs without having to go through the formal review process. What kind of change requires the FRP and PCP to go through the amendment process as outlined under 3.8 Amendments? The

MS4s would prefer to notify the Agency of changes to the FRPs and PCPs with the submittal of their annual reports or have them understood to be living documents that change frequently.

6.2 Minimum Control Measures

7. Please identify what specific changes have been made to the Minimum Control Measures that differ from the 2012 MS4 General Permit 3-9014.

7. Assumption of Responsibility for Previously Permitted Stormwater Systems

8. Please elaborate on the definition of “full legal responsibility.” If an MS4 is going to have “full legal responsibility” of a stormwater system, the MS4 must also have proper infrastructure in place to adequately access the stormwater system in order to maintain it. It is recommended that the language in the permit reflects this point.

8.2 Lake Champlain Phosphorus Control Plan (PCP) Requirements

9. Under 8.2.A.2.d, the permit states that stormwater BMPs installed after 2010 and permitted offset projects installed after 2002 shall be included in the phosphorus reduction calculation. Please clarify the reasoning behind using 2010 as the baseline date for the implementation of BMPs.
10. “After 2010” and “after 2002” is ambiguous and open to interpretation. It is recommended that the specific dates of 1/1/2002 and 1/1/2010 be listed in the permit.
11. The MS4s are responsible for phosphorus reductions on municipally owned or controlled impervious surfaces of three acres or greater and developed lands for which they have assumed full legal responsibility. DEC is releasing a developed lands permit that will target impervious surfaces of three acres or greater. Please clarify whether MS4s will receive credit towards their percent reduction for these properties that fall under DEC’s jurisdiction and lie within the MS4’s boundary.
12. It is recommended that DEC encourages the MS4 communities to work together to develop and implement PCPs similar to the development and implementation of the FRPs and SWMPs.
13. MS4s worked together to create FRPs. Please provide clarity on how DEC will decide how MS4s will receive phosphorus credit on BMPs that are implemented under a joint FRP.

8.3 Municipal Road Requirements

14. The definition of an outfall under the Municipal Roads requirement is inconsistent with MS4s have used under their SWMP. It is recommended that the word “outfall” is replaced with “discharge point” under 8.3.A.1.a.
15. Currently, municipalities are not required to maintain Class 4 roads. MS4s believe that maintenance on Class 4 roads is tied to drainage and erosion. It is recommended that no

permit requirements should be established on Class 4 roads unless and until statute is clarified to specifically require this responsibility.

9.1 Monitoring

16. It is requested that DEC provide a link to the specific Discharge Monitoring Report they'd like MS4s to use.

Appendices

17. Please provide any additional appendices that are associated with this permit.