

Stormwater Program Updates

- MS4 GP 2023
 - Timelines
 - Changes
- Updating the BMPDSS tool for flow modeling
- Street Sweeping Study

Draft MS4 GP 2023

Timelines

- Draft is at EPA for their review
- Early May to early June - 30 day public
- June - Respond to comments
- Early July – Issue permit

- By July 27, 2023 - Submit NOI form
- By Mid January 2024 - Submit updated SWMP and updated PCPs and FRPs
 - PCPs and FRPs must be submitted as part of the MS4 renewal application, and updates are required in two instances:
 - If any projects have changed
 - For any FRP projects that have been completed in the past five years, the final plans, hydrocad files, and any watershed boundary changes shall be added to the FRP

Draft MS4 GP 2023

- Permit Changes
 - MCM #4, Construction review and inspections
 - MS4 partial P credit for shared projects
 - Municipal Road Standards

MCM #4 – Construction Site SW Runoff Control

a) Pursuant to federal regulations at 40 C.F.R. § 122.34(b)(4), the permittee must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the regulated small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must 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.

Because the State of Vermont is approved to implement the federal NPDES Program, the Secretary must regulate stormwater runoff from construction activities that result in a land disturbance of greater than or equal to one acre and stormwater runoff from construction activity disturbing less than one acre that is part of a larger common plan of development or sale. To satisfy this requirement, the Secretary has issued Construction General Permit 3-9020 for Stormwater Runoff from Construction Sites (CGP). If a construction project requiring a permit does not qualify for coverage under the general permit, then an individual permit from the Secretary is required. ~~The requirements of the Agency's construction stormwater program are at least as stringent as the requirements of 40 C.F.R. § 122.34(b)(4). Therefore, the Secretary has determined that the permittee is not required to develop a separate program. However, In conjunction with the State~~ CGP, the permittee shall:

MCM #4 – Construction Site SW Runoff Control

1. Develop and implement procedures to assure that construction activities undertaken by the permittee are properly permitted and implemented in accordance with the terms of their stormwater construction permits.
2. In conjunction with the review required by Subpart 6.2.5, review existing policies; planning, zoning, and subdivision regulations; and ordinances to determine their effectiveness in managing construction-related erosion and sediment and controlling waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality. The permittee shall also review its policies, regulations, and ordinances for their consistency with the requirements of the ~~Secretary's general permits for stormwater runoff from large and small construction sites and construction erosion guidelines for low impact development~~ Construction General Permit. If the permittee's review indicates that its policies are inconsistent with the Secretary's permit, the permittee shall amend its policies to complement, at a minimum, or be more stringent than the requirements of the Secretary.
3. Develop and implement an erosion control ordinance, or zoning or subdivision regulation, or other regulatory mechanism, or if a non-traditional MS4, a policy which requires erosion and sediment controls, as well as sanctions to ensure compliance. at a minimum, regulates development activities not subject to state or federal erosion control requirements. At a minimum, the plan shall require implementation of the measures in the Low Risk Site Handbook for Erosion Prevention and Sediment Control.

MCM #4 – Construction Site SW Runoff Control

ALL NEW LANGUAGE

4. Develop and implement procedures for **site plan review** which incorporate consideration of potential water quality impacts. For construction activities that disturb one or more acres, the MS4 may rely on the State Stormwater Program review of the CGP application. In these cases, the permittee shall provide the MS4 a copy of the CGP authorization.
5. Develop and implement procedures for receipt and consideration of **comments submitted by the public**. For construction activities that disturb one or more acres, the MS4 may rely on the State Stormwater Program public notice of the CGP application. In these cases, the permittee shall provide the MS4 a copy of the CGP authorization.
6. Develop and implement procedures for **site inspection and enforcement of control measures**. The MS4 shall list, in the annual report, all construction projects that were inspected and any enforcement actions taken.

Partial Credit for Shared Projects

Purpose: for projects that include both municipal impervious and 3-acre sites

Current Permitting Options:

1. Site is permitted under General Permit 3-9050 but no PCP credit is assigned.
2. The MS4 rolls the 3-acre site into the MS4 and can get credit for the upgraded practice but must add 35% of the non-municipal load to their PCP target.

Partial Credit for Shared Projects

Proposed MS4 permit change

1. Partial Legal Responsibility by Individual Operational Permit

- An MS4 may assume “partial legal responsibility” for a stormwater system if the system is covered by an individual permit where the MS4 is a co-permittee. The individual permit shall provide coverage for all impervious surface subject to an operational permit; describe the assignment of phosphorus credit to a PCP as described in Subpart 8.2; and describe legal responsibility for maintenance and inspection for each co-permittee.

Municipal Roads Standards

- Submit REI reassessment by April 1, 2028
- Use Survey 123 app to conduct and upload REI data
- Road scoring formulas
 - See [Roads with Closed Drainages](#) and [Roads with Open Drainages](#) REI supplements for examples of REI fields
 - See Explanation of [Segment Scoring](#) for updated scoring formulas
- Minor administrative edits

Stormwater Impaired Waters Modeling

- Current model requires Windows XP and ArcGIS 9.1 to run. MS4s submit information to Stormwater for model runs. The model is currently down due to hardware issues.
- Some \$\$ has become available through the Clean Water Fund for tracking and accounting support.
- Two RFP's
 1. Model option evaluation Request for Information (RFI)
 2. Model set-up (RFP)

Modeling Needs

1st RFI: Evaluate multiple models based on criteria to aid in model selection.

Evaluation Criteria:

1. Allow the MS4s to update their FRPs based on changing designs.
2. Can run and provide time series output at 1-hour intervals or less
3. Output can be converted to flow duration curves
4. Evaluate all data input needs in comparison to what is used in BMPDSS
5. The ability to use previously collected precipitation and flow data to calibrate the model?
6. Ability to model new treatment practice types

Seeking MS4 input – Look for email

Street Sweeping

- Some MS4s received new street sweeping numbers from Jim Pease
- EPA Region 1/UNH Stormwater Center came out with a report of recommendations
 - Revises % removal credit with extra credit in fall
 - Measured organic material credit
 - DEC has not officially adopted any changes yet, but is open based on MS4 interest
- Please send any revised street sweeping numbers to [Emily Schelley](#)