



**State of Mississippi
Mississippi Department of Environmental Quality
Office of Pollution Control**



**SMALL MUNICIPAL SEPARATE
STORM SEWER SYSTEM (MS4) GENERAL PERMIT**

THIS CERTIFIES THAT

MS4s ISSUED A CERTIFICATE OF PERMIT COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM WATER FROM SMALL MUNICIPAL SEPARATE SEWER SYSTEMS INTO STATE WATERS

in accordance with effluent limitations, inspection requirements and other conditions set forth in herein. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

Mississippi Environmental Quality Permit Board

Authorized Signature

Mississippi Department of Environmental Quality

Issued:
Expires:

Permit No.

****OFFICIAL MDEQ DRAFT PERMIT****

Contents

Part 1: Permit Coverage and Applicability.....	1
1.1 Permit Coverage.....	1
1.2 Authorized Discharges.....	1
1.3 MS4 Stormwater Quality Requirements	2
1.4 Non-Authorized Discharges	2
Part 2: MS4 NOI and Obtaining Coverage	4
2.1 NOI Contents.....	4
2.2 Obtaining Permit Authorization.....	4
2.3 Individual or Alternative General Permits.....	4
2.4 Permit Re-coverage	5
2.4.1 Form Submissions	6
2.4.2 Continuation of the Expired Permit	6
2.5 Newly Designated Small MS4s	6
2.6 Obtaining NOI Forms	6
2.7 Joint NOI Submissions.....	6
2.8 Failure to Notify/Submit.....	7
Part 3: Public Notice of the SWMP and the NOI.....	8
3.1 Rationale.....	8
3.2 Specific Public Notice Requirements.....	8
Part 4: Stormwater Management Plan (SWMP) Development.....	11
4.1 SWMP Development.....	11
4.2 MS4 Responsibility/Requirements (General)	12
4.3 Public Education and Outreach.....	12
4.4 Public Involvement and Participation	14
4.5 Illicit Discharge Detection and Elimination (IDDE).....	15
4.6 Construction Site Stormwater Runoff Control	18
4.7 Post-Construction Stormwater Mgmt. in Development and Redevelopment.....	20
4.8 Pollution Prevention and Good Housekeeping for MS4 Operations	22

4.9	Training Program and Requirements	24
4.10	Training Documentation Requirements	24
Part 5: Special Conditions		26
5.1	Reviewing and Updating SWMPs	26
5.2	Annual SWMP Review	26
5.3	Minor SWMP Updates	26
5.4	Major SWMP Updates	26
5.5	SWMP Updates Required by MDEQ	27
5.6	Transfer of Operational Authority or Responsibility for SWMP Implementation ...	28
5.7	MDEQ Responsibility for Construction Minimum Measure	28
5.8	Shared Minimum Measure Responsibility	28
5.9	Qualifying Local Program	29
5.10	Discharge Compliance with Water Quality Standards	29
5.11	Key Strategies for Compliance.....	29
5.12	Impaired Waters and Total Maximum Daily Loads (TMDLs)	29
Part 6: Permit Monitoring, Reporting, and Recordkeeping.....		31
6.1	Failure to Implement	31
6.2	Monitoring	31
6.3	Annual Reporting	31
6.4	Record Retention	32
6.5	Noncompliance Reporting.....	32
Part 7: Standard and General Permit Conditions.....		34
7.1	Duty to Comply	34
7.2	Duty to Mitigate	34
7.3	Duty to Provide Information.....	34
7.4	Signatory Requirements	34
7.5	Changes to Authorization.....	34
7.6	Certification.....	34
7.7	Oil and Hazardous Substances Liability	35

7.8	Property Rights.....	35
7.9	Severability.....	35
7.10	Proper Operation and Maintenance	35
7.11	Bypass Prohibition	35
7.12	Upset Conditions	35
7.13	Inspection and Entry	36
7.14	Permit Actions	36
7.15	Scientific, Technical, and Legal Environmental Assistance	36
7.16	Reopener Clause	37
7.17	Permit Modification	37
	Appendix A: Definitions	38

Acronyms

BMP	Best Management Practice
CWA	Clean Water Act
EPA	U. S. Environmental Protection Agency
ESA	Endangered Species Act
IDDE	Illicit Discharge Detection and Elimination
MCM	Minimum Control Measures
MEP	Maximum Extent Practicable
MDEQ	Mississippi Department of Environmental Quality
MDOT	Mississippi Department of Transportation
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
OMP	Operation and Maintenance Plan (OMP),
SHPO	State Historic Preservation Officer
SWMP	Stormwater Management Program
SWPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
USGS	United States Geological Survey
WLA	Waste Load Allocation

1 **Part 1: Permit Coverage and Applicability**
2

3 This Small Municipal Storm Sewer System (MS4) General Permit authorizes stormwater
4 discharges and allowable non-stormwater discharges outlined in **Part 1** of this permit document.
5 This permit replaces the previous MS4 General Permit that expired on February 28, 2021.

6 **1.1 Permit Coverage**

7 This permit authorizes the discharge of stormwater from MS4s and the operation of MS4s,
8 as defined in 40 CFR 122.26(b)(16)¹ by regulated entities per the terms of this permit.
9 Discharges co-mingled with stormwater, as authorized under separate National Pollutant
10 Discharge Elimination System (NPDES) permits, are authorized under this permit.

11 An MS4 can be covered under this permit for discharges to water bodies with an EPA-
12 approved Total Maximum Daily Load (TMDL) if it incorporates measures consistent with
13 the TMDL's assumptions and requirements. Public facilities within the regulated MS4 must
14 include these measures in their Stormwater Pollution Prevention Plans (SWPPPs) and/or
15 effluent limitations. If a specific Waste Load Allocation (WLA) is established after permit
16 issuance, the facility must take steps to meet it. The MS4 should ensure its Stormwater
17 Management Plan (SWMP) includes sufficient Best Management Practices (BMPs) to
18 achieve the pollutant reductions required by the TMDL.

19 Regulated entities are authorized to discharge under the terms and conditions of this MS4
20 general permit that:

- 21
- 22 • Operate a small MS4 within the State of Mississippi and
 - 23 • Are located fully or partially within an urban area with a population of 50,000 or more
24 as determined by the latest U.S. decennial census and are pursuant to 40 CFR
122.32², or
 - 25 • Are designated by the Mississippi Commission on Environmental Quality
26 (Commission) pursuant to 40 CFR 122.32 (a)(2), 122.32(b), or 123.35(b)(3) or
27 123.35(b)(4)³.

28 For the Mississippi Department of Transportation (MDOT), permit coverage must be
29 obtained, at a minimum, for the entire counties of DeSoto, Forrest, Hancock, Harrison,
30 Hinds, Jackson, Lamar, Madison, and Rankin, including all cities within these counties, as
31 well as any other county containing an urban area with a population of 50,000 or more as
32 determined by the latest U.S. Census Bureau data.

33 **1.2 Authorized Discharges**

34 This permit authorizes the following non-stormwater discharges, provided:
35 a. They do not cause or contribute to a violation of water quality standards (See
36 Definitions),

¹ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.26>

² <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.32>

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-123/subpart-B/section-123.35>

- 1 b. The Commission on Environmental Quality has determined these sources entering
- 2 the MS4 are not a substantial cause or contributor of pollutants entering the MS4
- 3 that may violate applicable state or federal laws, regulations, or criteria.
- 4 c. The regulated entity has determined these sources entering the MS4 are not a
- 5 substantial contributor of pollutants entering the MS4 that may violate applicable
- 6 state or federal laws, regulations, or criteria, and
- 7 d. The regulated entity is implementing the SWMP as outlined in **Part 5** of this permit:
- 8

Authorized Stormwater Discharges	
• Water line flushing	• Landscape irrigation
• Diverted stream flows	• Rising ground waters
• Uncontaminated groundwater infiltration*	• Uncontaminated pumped groundwater
• Discharges from potable water sources	• Foundation drains
• Irrigation water	• Springs
• Water from crawl space pumps	• Footing drains
• Lawn watering runoff	• Water from residential car washing
• Flows from riparian and wetland habitats	• Dechlorinated swimming pool discharges
• Street wash water	• Discharges from firefighting activities
• Fire hydrant flushing	• External building washing absent of detergents
• Air conditioning condensate and coil wash water with no additives	
<i>*Infiltration is defined as water other than wastewater that enters a storm sewer system, including sewer service connections and foundation drains, from the ground through defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.</i>	

9 **1.3 MS4 Stormwater Quality Requirements**

10 Stormwater **must** be free from:

- 11 a) Debris, oil, scum, and other floating materials other than in trace amounts
- 12 b) Eroded soils and other materials that shall settle to form objectionable deposits in
- 13 receiving waters
- 14 c) Suspended solids, turbidity, and color at levels inconsistent with the receiving
- 15 waters
- 16 d) Substances in concentrations that would cause violation of State Water Quality
- 17 Criteria in the receiving waters. [11 Mississippi Admin Code PT. 6, CH. 2]⁴.

18 **1.4 Non-Authorized Discharges**

19 This Permit Does **NOT** Authorize:

- 20 a) Stormwater discharges comingled with non-stormwater unless such non-
- 21 stormwater components are compliant with a separate NPDES permit.
- 22 b) Stormwater discharges that are mixed with non-stormwater discharges that are
- 23 determined to be a substantial contributor of pollutants to waters of the United
- 24 States.

⁴ <https://www.mdeq.ms.gov/wp-content/uploads/2017/06/11-Miss.-Admin.-Code-Pt.-6-Ch.-1.pdf>

- 1 c) Stormwater discharges associated with industrial activities as defined in 40 CFR
2 122.26(b)(14)(i) – (ix) and (xi).
- 3 d) Stormwater discharges associated with construction activities as defined in 40
4 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15).
- 5 e) Discharges or activities likely to jeopardize the existence of any species listed as
6 endangered or threatened under the Endangered Species Act (ESA) or result in
7 the adverse modification or destruction of critical habitat are not allowed.
8 Coverage under this permit is available only if the regulated entity’s discharges
9 and related activities do not jeopardize listed species or critical habitats.
- 10 f) Implementation of a SWMP that directly and adversely affects properties listed or
11 eligible for listing in the National Register of Historic Places, unless the regulated
12 entity is compliant with requirements of the National Historic Preservation Act and
13 has coordinated any necessary activities to avoid or minimize direct and adverse
14 impacts with the appropriate State Historic Preservation Officer (SHPO).
- 15 g) Stormwater discharges that result in violations of State Water Quality Standards
16 are not allowed. If a discharge authorized under this permit is later determined to
17 cause or have the potential to cause or contribute to a violation of an applicable
18 water quality standard, MDEQ shall notify the regulated entity of such water
19 quality violation(s) in writing and shall provide the public with the information used
20 by MDEQ to make this determination. The regulated entity shall take all
21 necessary actions required by its SWMP to ensure future discharges do not cause
22 or contribute to the violation of a water quality standard and document these
23 actions in the SWMP. If such violations remain or recur, then additional measures
24 such as the addition of BMPs or the requirement to obtain an individual permit
25 may be required by the Mississippi Environmental Quality Permit Board (Permit
26 Board). Compliance with this requirement does not preclude any enforcement
27 activity as provided by the Clean Water Act (CWA) for the underlying violation [11
28 Mississippi Admin Code PT. 6 CH. 1].
29

1 **Part 2: MS4 NOI and Obtaining Coverage**

2 A Notice of Intent (NOI) is a formal document submitted by a regulated entity to notify MDEQ of
3 its intention to discharge stormwater under the terms of the MS4 General Permit. This is required
4 for first-time applicants and includes:

- 5 • Information about the MS4 system
- 6 • Proposed stormwater management practices
- 7 • Measures to minimize pollution from runoff

8 A SWMP must be submitted with the NOI per the requirements of **Parts 2, 3, 4** and **5** of this
9 permit.

10 **2.1 NOI Contents**

11 The NOI must be signed according to **Part 7.5: Signatory Requirements** and include:

- 12 • Name, address, phone number, contact person, and Duly Authorized
13 Representative
- 14 • Indication of the type of public entity (Federal, State, County, Municipal, etc.)
- 15 • Urban area with a population of 50,000 or more, organization name, and counties
- 16 • Name(s) of major receiving waterbodies
- 17 • List of receiving waters with approved TMDLs and the 303(d) list
- 18 • Identification of any other regulated entities relied upon to meet permit obligations
- 19 • A complete SWMP outlining minimum control measures per **Part 4**

20 **2.2 Obtaining Permit Authorization**

21 A regulated entity may discharge stormwater only after:

- 22 • Submitting a complete MS4 NOI and SWMP
- 23 • Receiving written approval of coverage from the Permit Board

24 MDEQ staff will review all submissions and may:

- 25 • Request additional information
- 26 • Deny coverage
- 27 • Require an individual or alternative general permit

28 If an NOI substantially complies with permit requirements, interim discharges are
29 considered compliant until official coverage is issued.

30 **2.3 Individual or Alternative General Permits**

31 The Permit Board may require an individual NPDES permit if deemed necessary. Any
32 interested person may petition the Board for such action under Miss. Code §49-17-29.⁵

33 If required, MDEQ will provide:

- 34 • A written notice explaining the decision

⁵ <https://law.justia.com/codes/mississippi/title-49/chapter-17/in-general/section-49-17-29/>

- 1 • An application form
- 2 • A filing deadline (extensions may be granted)

3 Regulated entities may also request to opt out of general permit coverage by applying for
4 an individual permit per 40 CFR 122.33(2) (i–iii).

5 Coverage under the general permit ends upon issuance of an individual permit. If denied,
6 coverage continues unless terminated by the Board.

7 **2.4 Permit Re-coverage**

8 Upon reissuance of the general permit, MDEQ will issue a Letter of Instruction that will
9 include:

- 10 • Deadlines for submitting the Re-Coverage Form and supporting documentation.
- 11 • Instructions for completing and submitting the required forms electronically via
12 MDEQ’s online portal.
- 13 • Clarification of any new or updated requirements in the reissued general permit.
- 14 • Contact information for MDEQ staff who can assist with questions or technical
15 issues.

16 The Letter of Instruction will be posted on the MDEQ website at www.mdeq.ms.gov/MS4
17 and mailed as a courtesy to all current permittees.

18 The Letter of Instruction is a critical compliance document. It ensures that all regulated
19 MS4 entities are aware of their responsibilities under the reissued permit and provides a
20 clear path to maintain coverage without interruption. **Failure to comply with the**
21 **instructions in the Letter of Instruction may result in enforcement action.**

22 Upon receipt of the Letter of Instruction, permittees must:

- 23 1. **Review** the letter carefully and ensure all listed requirements are understood.
- 24 2. **Submit** the Re-Coverage Form and all required attachments by the deadline
25 specified in the letter.
- 26 3. **Maintain records** of all submittals and correspondence with MDEQ.
- 27 4. **Continue to comply** with the existing permit conditions until the new permit
28 becomes effective.

29 All general permits and coverages issued by the Permit Board shall remain in effect until
30 the Permit Board makes a final determination regarding their reissuance, modification, or
31 revocation.

32 Permittees currently authorized to discharge under this MS4 General Permit will be eligible
33 for continued coverage under the reissued general permit upon submission and approval
34 of a completed Re-coverage Form. This re-application must be submitted to MDEQ no
35 later than **180 days following reissuance of the new permit**, unless otherwise specified
36 by MDEQ.

1 **2.4.1 Form Submissions**

2 The EPA's NPDES Electronic Reporting Rule requires electronic submission of all MS4
3 forms and documents.

4 Entities must submit NOIs and requests for re-coverage through the information found at
5 the following MDEQ webpage: www.mdeq.ms.gov/noi_esubmittals/.

6 **2.4.2 Continuation of the Expired Permit**

7 The conditions of this permit, if expired, continue in force under Miss. Code Ann. §49-17-
8 29 until the effective date of a new permit, provided the following conditions are met:

- 9 a) The permittee has submitted a complete and timely NOI for re-coverage in
10 accordance with **Part 2.4** of this permit and MDEQ's instructions.
11 b) MDEQ, through no fault of the permittee, has not issued a new general permit
12 with an effective date prior to the expiration of the current permit.
13 c) If a new general permit is issued and the permittee submits a timely and
14 complete Re-coverage Form but files an appeal of the new permit, coverage
15 under the expired permit may continue until the appeal is resolved, subject to
16 MDEQ approval.
17 d) While, and if the expired permit is continued, Annual Reports shall be due as
18 outlined in **Part 6.3: Annual Reporting**.

19 **2.5 Newly Designated Small MS4s**

20 Newly designated MS4s will receive a designation letter from MDEQ with:

- 21 • Instructions for submitting the NOI and SWMP
22 • A compliance schedule with milestone and deadline dates

23 Compliance with the letter's instructions is mandatory. These MS4s must follow the same
24 submittal and content requirements outlined in **Part 2** of this Permit.

25 **2.6 Obtaining NOI Forms**

26 MS4 NOI forms are available in the MS4 Forms Package and can be obtained from
27 MDEQ at [https://www.mdeq.ms.gov/permits/environmental-permits-division/applications-
28 forms/generalpermits/](https://www.mdeq.ms.gov/permits/environmental-permits-division/applications-forms/generalpermits/).

29 **2.7 Joint NOI Submissions**

30 Multiple MS4s or utility districts may jointly develop and implement a SWMP under
31 applicable laws (e.g., Miss. Code Ann. §51-39-1 et seq.).

32 For joint coverage:

- 33 • Clearly assign responsibility for each minimum control measure
34 • Each co-permittee is individually responsible for compliance in their jurisdiction

35 A Joint MS4 NOI form can be found on the [MDEQ General Permits and NOI Forms
36 webpage](#) as Appendix A of the MS4 NOI Form and must be submitted through MDEQ's
37 online portal at www.mdeq.ms.gov/noi_esubmittals/.

1 **2.8 Failure to Notify/Submit**

2 Failure to submit an NOI or to comply with permit requirements, including unauthorized
3 stormwater discharges, constitutes a violation of State law.

4

1 **Part 3: Public Notice of the SWMP and the NOI**

2 **3.1 Rationale**

3 In 2017, the U.S. Environmental Protection Agency (EPA) changed its regulations
4 governing how small MS4s obtain coverage under NPDES general permits. The change,
5 referred to as the Remand Rule, promotes greater public engagement through clear
6 requirements regarding the opportunities for public participation in the permitting process.
7 The final MS4 General Permit Remand Rule⁶ establishes two approaches that an NPDES
8 permitting authority can use to issue and administer small MS4 permits that address a
9 partial remand of the Phase II stormwater regulation. Both approaches ensure that the
10 permitting authority establishes what is necessary to “reduce the discharge of pollutants
11 from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy
12 the appropriate water quality requirements of the Clean Water Act,” referred to as the “MS4
13 permit standard,” and that the public participation requirements of the CWA are met.

14
15 Through the issuance of the MS4 General Permit, the State of Mississippi has elected to
16 implement **Option 2 – the Procedural Approach**, as defined by EPA’s Remand Rule, to
17 ensure robust public engagement in the permitting process.⁷ Under this approach, MDEQ
18 is required to issue a public notice for the draft general permit itself. This notice must
19 include a 30-day public comment period and may involve a public hearing if there is
20 significant interest. All comments received during this period are considered before the
21 general permit is finalized.

22
23 In addition to the general permit notice, MDEQ must also provide a separate public notice
24 for each individual MS4’s NOI and SWMP when submitted. This process involves
25 reviewing the submission, issuing a public notice specific to that MS4, allowing for public
26 comment and potential hearing, and responding to all comments received. Once this
27 process is complete, the submitted NOI and SWMP become enforceable permit terms for
28 that MS4. This two-step public notice process ensures transparency and compliance with
29 federal requirements for public engagement in stormwater permitting.

30 31 **3.2 Specific Public Notice Requirements**

32 Public notice is required for the initial issuance, renewal, and any modification of coverage
33 under the Mississippi MS4 General Permit. This process ensures transparency and
34 provides meaningful opportunities for public input on stormwater management.

35 Operators of regulated small MS4s are strongly encouraged to actively involve the public
36 in the development, implementation, updates, and review of their SWMPs. Public
37 participation enhances community engagement and program effectiveness. Outreach

⁶ <https://www.govinfo.gov/content/pkg/FR-2016-12-09/pdf/2016-28426.pdf>

⁷ https://www.epa.gov/sites/default/files/2016-11/documents/final_rule_fact_sheet_508.pdf

1 efforts should be inclusive of all economic and ethnic groups, with EPA guidance
2 emphasizing strategies to overcome barriers to involvement.

3 Before issuing a Certificate of Coverage, MDEQ will review each regulated entity's NOI
4 and SWMP and initiate a public notice process in accordance with the Remand Rule
5 (Option 2 – Procedural Approach), 40 CFR 122.28(d)(2), and the public notice provisions
6 in 40 CFR 124.10 and 124.11, as incorporated into the 11 Mississippi Administrative Code,
7 Part 6, Chapter 1.⁸⁹.

8 The public notice shall contain the following:

- 9 a) The date of posting or publication of the public notice,
10 b) The directions on how to obtain a copy of the MS4 NOI and SWMP during the
11 public notice period,
12 c) The contact information of the primary contact person for the regulated entity, to
13 include at a minimum the physical address and phone number,
14 d) A concise description of the activities identified in the SWMP; and
15 e) The name of the receiving waters identified on a USGS Quad Map affected by the
16 MS4.
17

18 Interested persons may submit written comments on the SWMP within thirty (30) days of
19 the public notice date. The Permit Board may extend the time for public comment if the
20 Board determines that an extension of time is necessary or appropriate to facilitate
21 additional public comments (11 Mississippi Administrative Code, Part 6, Chapter 1). All
22 comments received during the public notice period will be retained and considered by
23 MDEQ in the final review of the SWMP.

24 Any person or entity may petition for a public hearing on the SWMP during the thirty (30)
25 day public comment period. Requests for a public hearing shall be submitted in writing to
26 MDEQ and shall include the following information:

- 27 a) The specific reasons why the public hearing is requested,
28 b) The interest or relationship of the petitioner to the draft permit or an existing or
29 proposed receiving water, and
30 c) An indication of the portions of the SWMP that warrant a public hearing.¹⁰

31 If MDEQ determines that the petition demonstrates sufficient cause or that there is
32 significant public interest, a public hearing may be scheduled. Following the hearing, the
33 Permit Board may modify the SWMP as appropriate and will either issue or deny
34 coverage.

35 Additionally, the Mississippi MS4 General Permit requires that any resubmission of a
36 SWMP for continued coverage, as well as any proposed modifications to the SWMP, be

⁸ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-124/subpart-A/section-124.10>

⁹ <https://www.epa.gov/npdes/npdes-stormwater-final-ms4-general-permit-remand-rule>

¹⁰ <https://www.law.cornell.edu/cfr/text/40/124.11>

1 subject to public notice. This ensures ongoing transparency and public involvement in
2 the evolution of stormwater management strategies.

3

4

1 **Part 4: Stormwater Management Plan (SWMP) Development**

2 **4.1 SWMP Development**

3 The SWMP for Mississippi MS4s is designed to manage water quality in response to
4 increasing urbanization, which leads to greater stormwater runoff from impervious
5 surfaces like roads and buildings. This runoff can carry pollutants that degrade water
6 quality, affecting public health and ecosystems. The SWMP provides a framework for
7 reducing stormwater pollution through compliance with the NPDES and the CWA.

8 To effectively reduce pollutants in discharges from municipal separate storm sewer
9 systems, the SWMP *must* include the following six (6) Minimum Control Measures (MCMs)
10 outlined by the EPA:

- 11 1. **Public Education and Outreach** – Inform citizens about the impacts stormwater
12 runoff can have on water quality.
- 13 2. **Public Involvement and Participation** – Provide opportunities for citizen
14 participation in stormwater program development and implementation.
- 15 3. **Illicit Discharge Detection and Elimination (IDDE)** – Detect and eliminate illegal
16 discharges to the stormwater sewer system.
- 17 4. **Construction Site Stormwater Runoff Control** – Manage stormwater runoff from
18 active construction sites.
- 19 5. **Post-Construction Stormwater Management** – Manage stormwater discharges
20 from new development and redeveloped areas.
- 21 6. **Pollution Prevention/Good Housekeeping for Municipal Operations** –
22 Develop and implement a program to prevent or reduce stormwater runoff from
23 municipal operations.

24 The six MCMs serve as a framework for MS4s, guiding them in the development and
25 implementation of stormwater management programs within their service areas. Each
26 MCM has associated BMPs designed to achieve the MCM's objectives¹¹. These BMPs
27 are tailored to reduce pollutants in stormwater runoff and discharge effectively.

28 The SWMP, at a minimum, *must* be implemented for the entire urban area with a
29 population of 50,000 or more or all areas operated by the city, town, or non-traditional MS4
30 (such as a university). The SWMP *must* include:

- 31 • Rationale statements explaining why and how the regulated entity will address
32 each MCM and identify BMPs for each MCM,
- 33 • Measurable goals¹² for each BMP, including, as appropriate, a timeline for the
34 years in which the regulated entity will undertake required actions, including
35 interim milestones and the frequency of the action,

¹¹ <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

- All responsible individuals and their roles implementing or coordinating each BMP for the SWMP; and
- Timelines for required actions, specifying short-term actions and long-term actions. Each measurable goal will need to include a timeframe.

In addition to the requirements listed above, the regulated entity **must**:

Develop and fully implement the SWMP within (5) five years of coverage issuance, setting measurable goals targeted at addressing existing water quality issues and preventing new ones.

Failure to implement BMPs for any of the previously listed MCMs or meet the measurable goals outlined in this Permit is a violation of the program's requirements and is subject to enforcement actions. The SWMP, developed as a requirement of this permit, is a required implementation element. Failure to fully implement the BMPs and measurable goals outlined in an MDEQ-approved SWMP is also a violation of the program's requirements and is subject to enforcement action. These actions are in place to ensure compliance with the CWA and protect water quality within the MS4 jurisdiction [11 Mississippi Admin Code PT. 6, CH. 1].

4.2 MS4 Responsibility/Requirements (General)

The regulated entity must develop, implement, and enforce a SWMP designed to reduce pollutant discharges from its MS4 to the *Maximum Extent Practicable (MEP)* (see Definitions), protect water quality, and meet CWA requirements. The MEP standard is applied as an iterative process, continuously adapting to current conditions and the effectiveness of BMPs to improve water quality. Successive iterations of BMPs and measurable goals must maintain water quality standards. Pollutant reduction strategies may vary based on each entity's hydrologic and geologic conditions.

Regulated entities must develop their SWMPs on a location-by-location basis to optimize reductions in stormwater pollutants. This evaluative process must consider factors such as the condition of receiving waters, beneficial uses, MS4 population, area, climate, hydrology, geology, financial resources, capacity for operation and maintenance, and specific local concerns (both existing and historical).

If water quality impairment associated with MS4 discharges is not mitigated to the desired standard, the regulated entity must expand or refine its BMPs within the scope of the six MCMs in an ongoing, iterative, and annual process to ensure that water quality is maintained in streams and water bodies receiving MS4 discharges.

4.3 Public Education and Outreach

The regulated entity shall develop, implement, update/revise (as necessary), and enforce a program for educating the public on issues impacting stormwater.

The Public Education and Outreach portion of the SWMP **must**:

- 1 a) Include a rationale statement addressing the overall public education program,
2 individual BMPs, measurable goals, a timeline for each measurable goal, and the
3 person(s) responsible for the Public Education and Outreach Program [11
4 Mississippi Admin Code PT. 6, CH. 1].
- 5 b) Provide educational materials to the community or conduct equivalent outreach
6 activities about the impacts of stormwater discharges on water bodies and the
7 steps the public can take to reduce pollutants in stormwater runoff.
- 8 c) Identify clear, specific, and measurable goals and corresponding BMPs in the
9 Public Education and Outreach Program designed to minimize the discharge of
10 pollutants into the regulated MS4.
- 11 d) Describe how individuals and households will be informed about steps they can
12 take to reduce stormwater pollution.
- 13 e) Describe how individuals and groups will be informed about how they can become
14 involved in the stormwater program.
- 15 f) Identify specific target audiences for the Public Education and Outreach Program
16 who are likely to have significant stormwater impacts (i.e. developers, commercial,
17 industrial, and institutional entities) and why those targeted audiences were
18 selected.
- 19 g) Identify the targeted pollutant sources the MS4's Public Education and Outreach
20 Program is designed to address based on identified water quality impairments
21 within the MS4.
- 22 h) Identify specific outreach strategies, including the mechanisms (i.e. brochures,
23 media, and workshops) to be incorporated to reach identified target audiences,
24 and how many people are expected to be reached through the outreach strategies.
- 25 i) Identify who is responsible for the overall management and implementation of the
26 Public Education and Outreach Program and, if different, who is responsible for
27 each of the BMPs identified in the Public Education and Outreach MCM.
- 28 j) Describe the metrics to be used to evaluate the success of this MCM, including
29 how the measurable goals for each BMP were selected.
- 30 k) Ensure that the Public Education and Outreach Program is tailored to the cultural,
31 economic, and ethnic characteristics that exist within the MS4 by utilizing a mix of
32 suitable local strategies. These may include brochures, fact sheets, public service
33 announcements, and speaking engagements targeting specific audiences and
34 communities. The program must be directed towards targeted groups of
35 commercial, industrial, and institutional entities likely to have significant
36 stormwater impacts.
- 37 l) Report all activities associated with the Public Education and Outreach MCM in
38 accordance with **Part 6.3: Annual Reporting**.

1 The Public Education and Outreach portion of the SWMP **may**:

- 2 a) Utilize stormwater educational materials developed locally or provided by the
3 EPA¹³, environmental groups, public interest organizations, trade organizations, or
4 other MS4s with proper permissions.
- 5 b) Utilize social media outlets or other forms of digital communication, providing that
6 the results of the outreach efforts are measurable, can be documented, and
7 conform to **Part 4.3: Public Education and Outreach** of this document.

8 **4.4 Public Involvement and Participation**

9 The regulated entity shall develop, implement, update/revise (as necessary), and enforce
10 a program for public involvement and participation to seek and consider input on the
11 development, implementation, and revision of the SWMP and the MS4 Program.

12 The Public Involvement and Participation portion of the SWMP **must**:

- 13 a) Include a rationale statement addressing the overall Public Involvement and
14 Participation program, individual BMPs, measurable goals, a timeline for each
15 measurable goal, and identifying the person(s) responsible for the program. [11
16 Mississippi Admin Code PT. 6, CH. 1].
- 17 b) Identify target audiences for the Public Involvement and Participation program that
18 actively involves all potentially affected stakeholder groups. Examples should
19 include commercial and industrial businesses, trade associations, environmental
20 groups, homeowners' associations, and educational organizations [11 Mississippi
21 Admin Code PT. 6 CH. 1].
- 22 c) Comply with Federal, State, Tribal, and local public notice requirements when
23 implementing a public involvement or public participation program. Public
24 notification methods must be designed to effectively reach the target audience.
- 25 d) Identify and describe the types of public involvement activities included in the
26 Public Involvement and Participation program. Consider including the following
27 types of public involvement activities:
 - 28 i. Citizen representatives on a stormwater management panel.
 - 29 ii. Holding public hearings and/or community workshops
 - 30 iii. Working with citizen volunteers willing to educate others about the program.
 - 31 iv. Volunteer monitoring or stream/beach clean-up activities.
- 32 e) Identify who is responsible for the overall management of the Public Involvement
33 and implementation of the Public Involvement and Participation Program and, if

¹³ <https://www.epa.gov/npdes/stormwater-smart-outreach-tools>

1 different, who is responsible for each of the BMPs identified in the Public
2 Involvement and Participation MCM.

- 3 f) Describe the metrics to be used to evaluate the success of this MCM, including
4 how the measurable goals for each BMP were selected.
- 5 g) Ensure that the Public Involvement and Implementation program is tailored to the
6 cultural, economic, and ethnic characteristics that exist within the MS4 by utilizing
7 a mix of suitable local strategies. The program must be directed towards targeted
8 groups of commercial, industrial, and institutional entities likely to have significant
9 stormwater impacts.
- 10 h) Report all activities associated with the Public Involvement and Participation MCM
11 in accordance with **Part 6.3: Annual Reporting**.

12 The Public Involvement and Participation portion of the SWMP **may**:

- 13 a) Utilize stormwater educational materials developed locally or provided by EPA,
14 environmental groups, public interest organizations, trade organizations, or other
15 MS4s with proper permissions.
- 16 b) Utilize social media outlets or other forms of digital communication, providing that
17 the results of the outreach efforts are measurable, can be documented, and
18 conform to **Part 4.3** of this document.

19 **4.5 Illicit Discharge Detection and Elimination (IDDE)**

20 The regulated entity shall develop, implement, update, revise, and enforce a program to
21 **detect and eliminate** illicit discharges to the maximum extent practicable.

22 The regulated entity **must**:

- 23 a. Develop, implement, and enforce an ordinance or other regulatory mechanism that
24 prohibits illicit discharges (as defined in 40 CFR 122.26(b)(2)) into its small MS4.
25 Newly designated regulated entities must implement and enforce this ordinance or
26 regulatory mechanism within twenty-four (24) months of receiving permit
27 coverage.
- 28 b. Develop and maintain a storm sewer system map, showing the location of all
29 outfalls, along with the names and locations of all waters of the State (see
30 Definitions) receiving discharges from stormwater outfalls (see Definition), and any
31 major structural controls (retention basins, detention basins, major infiltration
32 devices, etc.) identified. Regulated entities have the five-year General Permit
33 cycle to complete this required mapping.
- 34 c. Inform public employees, businesses, stakeholders, and the public about the
35 hazards associated with illegal discharges and improper waste disposal.
- 36 d. Develop a mechanism and establish protocols that allow the public to report spills
37 and other discharges into the MS4.

- 1 e. Provide appropriate training for field staff on identifying and reporting illicit
2 connections and discharges to the MS4.
- 3 f. Include, in their SWMP, dry weather field screening (See **Definitions**) for non-
4 stormwater flows. SWMPs must address on-site sewage disposal systems (if
5 applicable) that flow into the regulated entity's storm drainage system. The
6 description must address, at a minimum, the following:
- 7 i. A prioritized schedule of dry-weather field screening activities and rationale
8 for prioritization determined by the permittee based on such criteria as age
9 of the local infrastructure, local land uses, historical illicit discharges, illegal
10 dumping, or cross connections.
- 11 ii. A schedule to screen all outfalls annually if the total number of identified
12 and mapped MS4 outfalls is equal to or less than 50.
- 13 iii. A schedule to screen a minimum of 20% of the identified and mapped MS4
14 outfalls per year if the total number of identified and mapped MS4 outfalls
15 is greater than 50. Each year's scheduled screening shall target a unique
16 set of outfalls and shall not repeat the previous year's locations unless
17 evidence of a discharge warrants a follow-up screening.
- 18 iv. A risk-based approach to dry-weather screening that identifies observation
19 points based on illicit discharge risks upstream of an outfall if needed.
20 Observation points may include points of interconnection, manholes, points
21 of discharge, industrial areas, conveyances, inlets or other areas
22 suspected to have a high likelihood of receiving illicit discharges.
- 23 a) Each observation point screened may be counted as an additional
24 outfall screening activity equivalent and counted towards the
25 requirements of **Section 4.5 (f)(II-III)**.
- 26 v. A checklist or mechanism to track the following information for dry-weather
27 screening events shall be maintained:
- 28 a) The unique identifier for the outfall or observation point.
29 b) Time since the last precipitation event.
30 c) The estimated quantity of the last precipitation event.
31 d) Site description (e.g., conveyance type and dominant watershed land
32 uses).
33 e) Observed indicators of possible illicit discharge events, such as
34 floatables, deposits, stains, and vegetative conditions (e.g., dying or
35 dead vegetation, excessive vegetative growth).
36 f) Whether or not a discharge was observed.
37 g) If a discharge was observed, the estimated discharge rate and visual
38 characteristics of the discharge (e.g., odor, color, clarity) and the
39 physical condition of the outfall.
40

- 1 h) For observation points, the location, downstream outfall unique
2 identifier, and risk factors or rationale for establishing the observation
3 point.
- 4 vi. Procedures for tracing the source of an illicit discharge, including specific
5 techniques to be used to determine the location of the source.
- 6 vii. Procedures for eliminating the source of the illicit discharge, including
7 corrective actions and enforcement mechanisms.
- 8 a) The regulated entity must establish and document a timeframe for
9 eliminating identified illicit discharges. The timeframe must be based on
10 the severity and nature of the discharge, but in no case shall exceed 60
11 days from identification unless justified by site-specific conditions.
12 Justifications for extended timeframes must be documented and
13 included in the Annual Report.
- 14 viii. Procedures for evaluation and assessment of the dry weather screening
15 program.
- 16 ix. Procedures for documentation and reporting of identified and addressed
17 illicit discharges.
- 18 g. Keep records of activities related to this MCM and annually evaluate the program's
19 effectiveness. The Annual Report must document the number of illicit discharges
20 detected and eliminated within the calendar year, as well as compliance with
21 permit requirements.
- 22 h. Document the decision-making process for developing a stormwater IDDE
23 program, addressing the overall program, and identifying the responsible
24 person(s). At a minimum, the IDDE program **must** include:
- 25 i. An appropriate screening method based on factors associated with the MS4.
- 26 ii. A schedule detailing the frequency of outfall screenings, specifying
27 percentages of outfalls to be screened within a prescribed timeframe.
- 28 iii. Prioritization of areas with a higher likelihood of illicit connections or
29 discharges.
- 30 iv. Criteria for evaluating illicit discharges.
- 31 v. Procedures for tracking outfall information.
- 32 vi. Interpretation of screening results to identify suspected illicit discharges and
33 an outline for determining follow-up actions.
- 34 vii. Procedures for evaluating and assessing the IDDE program.
- 35 viii. Report all activities associated with the IDDE MCM in accordance with **Part**
36 **6.3: Annual Reporting.**

1 The Illicit Discharge Detection and Elimination portion of the SWMP **may**:

- 2 a. Include water quality sampling and monitoring at outfall locations. However,
3 sampling is not currently a permit requirement.
- 4 b. Utilize data collected from active citizen volunteer groups such as Water Watch
5 and Adopt-A-Stream to supplement activities as listed above. However, such data
6 should be used in a supplementary and complementary way only and is not
7 intended to replace the regulatory and proactive measures required in this section.

8 **4.6 Construction Site Stormwater Runoff Control**

9 The regulated entity shall develop, implement, update/revise (as necessary), and enforce
10 a program to control stormwater runoff from construction sites.

11 The regulated entity **must**:

- 12 a. Develop, implement, update/revise (as necessary), and enforce ordinance(s) or
13 other regulatory mechanism(s) to require erosion and sediment controls, as well
14 as methods to ensure compliance. This is required under State or local law to
15 reduce pollutants in stormwater runoff from construction activities disturbing one
16 (1) acre or more. Construction activities disturbing less than one (1) acre must also
17 be included if they are part of a larger common plan of development (See
18 Definitions) or sale that disturbs one (1) acre or more. For more information
19 regarding regulations relating to individual lots or parcels within commercial or
20 residential developments referred to as “larger common plans of development,
21 refer to **Act 3, S-4 – S-8** of the MDEQ Large Construction Stormwater General
22 Permit.¹⁴
- 23 b. SWMPs **must** include the development and implementation of:
 - 24 i. Requirements for construction sites to implement an appropriate (SWPPP)
25 that, at a minimum, are as protective as Mississippi’s Construction Storm
26 Water General Permits.
 - 27 ii. Requirements for construction site operators to provide proof of issuance of
28 applicable MDEQ approvals/permits to the regulated entity before local
29 construction approvals/permits are issued.
 - 30 iii. Requirements for construction site operators to provide the regulated entity
31 with the proper permits or approvals from the U.S. Army Corps of Engineers
32 (USACE) if waters of the United States are being filled, rerouted, or dammed.
33 [11 Mississippi Admin Code PT. 6, CH. 1]
 - 34 iv. Requirements for construction site operators to receive training in proper BMP
35 installation as outlined in the SWMP.

¹⁴ <https://www.mdeq.ms.gov/wp-content/uploads/2017/06/Large-Construction-General-Permit-final.pdf>

- 1 v. Requirements for construction site operators to control waste, including
2 discarded building materials, concrete truck washout, chemicals, litter, and
3 sanitary waste, to prevent adverse impacts on water quality.
- 4 vi. Procedures for receiving and considering information submitted by the public.
- 5 vii. Procedures for site inspections and enforcement of control measures.
- 6 viii. Procedures to ensure implementation of required post-construction controls.
- 7 c. The regulated entity **must** develop, implement, and enforce a construction site
8 stormwater control program. This program must include the responsible person(s)
9 and the following information:
- 10 i. Procedures for site plan review, including pre-construction site plans, that
11 consider potential water quality impacts and align with local sediment and
12 erosion control requirements.
- 13 ii. Procedures for receiving and considering information submitted by the public.
- 14 iii. Procedures for site inspections, frequency of inspections, and enforcement of
15 control measures. These should prioritize sites based on the nature of the
16 construction activity, topography, soil characteristics, and receiving water
17 quality.
- 18 iv. Procedures for training staff employed by the regulated entity in the
19 fundamentals of site inspections, erosion prevention, sediment control, and
20 SWPPPs.
- 21 v. Procedures for providing educational training for construction site operators
22 (See **Part 4.9**).
- 23 vi. Responsibility for the overall management and implementation of the
24 construction site stormwater control program.
- 25 d. The regulated entity **must** develop and maintain an inventory of all active
26 construction sites within its jurisdiction that disturb one (1) acre or more, or are part
27 of a larger common plan of development or sale. The inventory must include:
- 28 i. Site name and location
- 29 ii. Operator contact information
- 30 iii. Estimated start and end dates
- 31 iv. Permit status (e.g., MDEQ coverage, local approvals)
- 32 v. Inspection history and enforcement actions (if applicable)
- 33 e. The regulated entity must keep records of activities related to this MCM and
34 annually evaluate the program's effectiveness to document compliance with permit
35 requirements and the completion of the Annual Report. The Annual Report must
36 include the number of construction projects, types and numbers of inspections, and
37 any enforcement actions taken during the calendar year.

1 **4.7 Post-Construction Stormwater Mgmt. in Development and Redevelopment**

2 The regulated entity shall develop, implement, update/revise (as necessary), and enforce
3 a program to address **post-construction** stormwater management in new development
4 and redevelopment.

5
6 The regulated entity **must**

7 a) Develop, implement, and enforce ordinance(s) or other regulatory mechanisms to
8 address post-construction stormwater runoff from publicly and privately owned new
9 development and redevelopment projects that disturb one (1) acre or more, including
10 projects smaller than one (1) acre that are part of a larger common plan of
11 development or sale, which discharge into the small MS4. Newly designated and
12 currently permitted MS4s must update codes and ordinances within four years of
13 permit coverage if necessary. Currently permitted entities must continue
14 implementing their existing permanent program until the regulated entity review and
15 update of codes and ordinances are complete. The ordinance or regulatory
16 mechanism must allow for inspections of post-construction BMPs for private
17 development and redevelopment projects and must not limit the post-construction
18 measures to a single type of BMP.

19 b) Implement and enforce permanent post-construction stormwater controls that
20 address both runoff reduction and pollutant removal. Stormwater discharges from
21 new development and redevelopment sites must be managed so that post-
22 development hydrology does not exceed pre-development hydrology, as per the
23 performance standards in this section. The site's pre-development soil infiltration
24 capacity must be considered when selecting runoff reduction measures, with runoff
25 reduction being the preferred practice as it addresses both volume control and
26 pollutant removal.

27 c) The stormwater management system shall be designed to retain the first 1.0 inch of
28 a 1-year, 24-hour storm event, to the maximum extent practicable. The stormwater
29 management system shall include measures that are designed, built, and
30 maintained to infiltrate, evapotranspire, harvest, and/or use at least the first 1.0
31 inch of a storm event that occurs after 72 hours of no measurable precipitation. If local
32 site conditions or regional conditions do not allow for management of the first 1.0
33 inch of rainfall, controls must be implemented to remove at least 80% of the
34 calculated average annual post-development total suspended solids (TSS) load or
35 equivalent as defined and outlined in the Mississippi Erosion Control, Sediment
36 Control, and Stormwater Management on Construction Sites and Urban Areas
37 Manual^{15,16}

38 d) The performance standards outlined in **Part 4.7(c)** must be applied during the design
39 and implementation of all development and redevelopment projects. However, the

¹⁵ www.mdeq.ms.gov/wp-content/uploads/2017/05/Volume_1-1.pdf

¹⁶ www.mdeq.ms.gov/wp-content/uploads/2017/05/Volume_3.pdf

1 performance standards may be infeasible in certain parts of the state due to soil or
2 geological conditions. In cases where engineering calculations indicate that the
3 design standards required in Part 4.7(c) are infeasible, the permittee may submit
4 engineering calculations and designs that meet equal or greater removal efficiencies
5 as required in Part 4.7(c), subject to local site plan review or MDEQ permit review
6 processes.

7 e) Keep records of activities related to this MCM and annually evaluate the program's
8 effectiveness to document compliance with permit requirements and completion of
9 the Annual Report. The report must record the location and type of new post-
10 construction stormwater management structures, the number of inspections of
11 existing structures, and any enforcement actions taken during the calendar year.

12 f) Ensure the long-term operation and maintenance of BMPs. This includes requiring
13 a maintenance agreement and verifying the provisions for post-construction
14 management practices. These agreements must allow the regulated entity or its
15 designee to inspect the management practices and must account for the transfer of
16 responsibility in leases or deed transfers. Verification may include:

17 (i) A signed statement from the developer accepting maintenance
18 responsibility until it is legally transferred to another party.

19 (ii) Written conditions in the sales or lease agreement requiring the recipient to
20 assume maintenance responsibility.

21 (iii) Written conditions in project covenants, conditions, and restrictions for
22 residential properties that assign maintenance responsibilities to a
23 homeowners' association or another appropriate group.

24 (iv) Any other legally enforceable agreement assigning permanent responsibility
25 for the maintenance of structural or treatment control management
26 practices.

27 g) Develop, implement, and enforce a post-construction stormwater management
28 program. This program must address the responsible person(s) and include:

29 (i) Procedures for the site-plan review and approval process.

30 (ii) Procedures to demonstrate and document that approved post-construction
31 stormwater measures have been installed according to design
32 specifications.

33 (iii) Enforceable procedures for bringing non-compliant projects into
34 compliance.

35 (iv) Procedures for inspecting all existing post-construction stormwater
36 management structures within the five-year General Permit cycle.

1 h) Report all activities associated with the post-construction MCMs in accordance with
2 **Part 6.3: Annual Reporting**, including:

3 (i) Documentation of all inspections conducted, including dates, locations, and
4 findings.

5 (ii) A summary of all enforcement actions taken to address non-compliance
6 issues.

7 (iii) Records of all maintenance activities and repairs performed on public
8 stormwater management structures.

9 (iv) Detailed descriptions of any modifications made to the stormwater
10 management program based on inspection outcomes or enforcement
11 actions.

12 (v) Verification that post-construction stormwater measures have been installed
13 according to design specifications.

14 (vi) Procedures for bringing non-compliant projects into compliance.

15 (vii) Inspection reports for all existing post-construction stormwater management
16 structures within the five-year General Permit cycle.

17 (viii) Developing and maintaining an inventory (spreadsheet or table) of all post-
18 construction stormwater management practices installed within its
19 jurisdiction. The inventory must include:

20 a) Project name and location

21 b) Type of BMP (e.g., detention basin, bioretention, infiltration trench)

22 c) Ownership (public or private)

23 d) Date of installation

24 e) Inspection and maintenance history

25 f) Responsible party for long-term maintenance
26

27 **4.8 Pollution Prevention and Good Housekeeping for MS4 Operations**

28 The regulated entity shall develop, implement, update/revise (as necessary), and enforce
29 a pollution prevention/good housekeeping program.

30 The regulated entity **must**:

- 31 a) Develop and implement a written Operation and Maintenance (O&M) plan (OMP),
32 SWPPP, or comparable plan, which includes staff training to prevent and reduce
33 pollutant runoff from the MS4 entity [11 Mississippi Admin Code PT. 6, CH. 1].

34 The O&M/SWPPP must include training materials available from the EPA, the State,
35 or other organizations. The program should incorporate employee training to
36 prevent and reduce stormwater pollution from activities such as park and green
37 space maintenance, fleet and building maintenance, new construction and land

1 disturbances, and stormwater system maintenance. See **Part 4.10** regarding
2 personnel training requirements.

3 b) The O&M/SWPPP **must** include:

4 (i) A list of municipal facilities included in the O&M/SWPPP that have the
5 potential to contribute to water quality impairment. The list must include the
6 physical address of each site and the name and contact information of the
7 site manager for each facility.

8 (ii) A site location map indicating the location of each facility addressed in the
9 SWPPP.

10 (iii) A basic site diagram of each SWPPP facility indicating the location of
11 structures, parking areas, material storage areas, drainage systems,
12 outfalls, and other elements related to stormwater management and site
13 drainage.

14 (iv) Provision and maintenance of spill prevention kits and associated guidance
15 documents to be placed in an area of the facility that is both accessible to
16 staff and in an area of the facility likely to be susceptible to material spills
17 and leaks.

18 (v) A list of activities, chemicals, or onsite practices that pose a threat to
19 stormwater.

20 a) This includes but is not limited to vehicle maintenance, material
21 storage, waste handling, and landscaping practices.

22 b) The regulated entity must develop and implement procedures
23 (protocol/training) used to ensure the proper application, storage, and
24 disposal of these chemicals.

25 c) Pesticide and fertilizer use must be specifically addressed through site-
26 specific protocols that minimize runoff and stormwater contamination.
27

28 (vi) Maintenance activities, schedules, and long-term inspection procedures for
29 controls to reduce floatables (froth, oil, and floating solids) and other
30 pollutants entering the MS4.

31 (vii) Controls to reduce or eliminate pollutants from streets, roads, highways,
32 municipal parking lots, maintenance and storage yards, waste transfer
33 stations, fleet or maintenance shops with outdoor storage, and salt/sand
34 storage locations.

35 (viii) Procedures for the proper disposal of waste removed from the MS4 and
36 the regulated entity's operations, including dredge spoil, accumulated
37 sediments, floatables, and other debris.

1 (ix) Procedures to assess new flood management projects for water quality
2 impacts and to evaluate existing projects for potential improvements to
3 water quality protection devices or practices.

4 c) The O&M/SWPPP **must** include procedures for facility inspections, with a minimum
5 inspection frequency of once per month.

6 d) The regulated entity **must** keep records of activities related to this MCM and annually
7 evaluate the program's effectiveness. This evaluation will document compliance with
8 permit requirements and support the completion of the Annual Report. The Annual
9 Report must include the location and type of new post-construction stormwater
10 management structures, the number of inspections for existing structures, and any
11 corrective actions taken during the calendar year.

12 **4.9 Training Program and Requirements**

13 The coverage recipient **must** develop and implement a program for initial and periodic
14 refresher training for personnel responsible for implementing and/or complying with the
15 requirements of this permit. Initial training must be conducted for all personnel within
16 twelve (12) months of the issuance of coverage or re-coverage under this permit. Newly
17 hired employees responsible for these duties must receive initial training before
18 performing any responsibilities related to the permit.

19
20 At a minimum, training **must** cover the following elements:

21 1. **SWMP Goals and Plan Components** as identified in **Part 4** of this permit,
22 including:

23 a) Housekeeping and pollution prevention requirements

24 b) Spill prevention and response procedures

25 c) Installation, maintenance, and inspection of erosion and sediment control
26 BMPs

27 d) Identification and elimination of non-allowed discharges

28 2. **Recordkeeping, Reporting, and Record Retention Requirements:**

29 a) Understanding the record-keeping system

30
31 b) Ability to produce the required permit documentation during an MDEQ on-site
32 inspection

33 **4.10 Training Documentation Requirements**

34 Personnel training **must** be documented. Training records should include the following
35 information:

36 • Employee's name

37 • Worker identification number (if applicable)

- 1 • Date of training
- 2 • Contents of the training
- 3 • Employee's signature confirming receipt of the training

4 All training records must be maintained for at least three (3) years from the date of
5 training.

6

1 **Part 5: Special Conditions**

2 **5.1 Reviewing and Updating SWMPs**

3 The regulated entity may change its SWMP during the life of the permit in accordance with
4 the procedures listed below. Change requests or notifications must be signed in
5 accordance with the signatory requirements of **Part 7.4: Signatory Requirements** of this
6 permit. [11 Mississippi Admin Code PT. 6, CH. 1] See **Part 5.3: Minor SWMP Updates**
7 and **5.4: Major SWMP Updates** for details.

8 All changes or requests to alter the SWMP require the regulated entity to notify MDEQ.

9 **5.2 Annual SWMP Review**

10 The regulated entity must conduct an annual review of its SWMP in conjunction with the
11 preparation of the Annual Report required under **Part 6** of this permit. This annual review
12 is necessary to evaluate the SWMP's effectiveness over the five-year permit cycle. Since
13 the SWMP is best implemented iteratively, these annual reviews are intended to help tailor
14 the program for optimal effectiveness for entities covered under this permit.

15 **5.3 Minor SWMP Updates**

16 Minor SWMP updates are defined as changes that **do not alter the intent or**
17 **effectiveness of the SWMP**. These changes may be made by the regulated entity at any
18 time during the permit term without prior approval from MDEQ, provided they are properly
19 documented.

20 Examples of minor updates include:

- 21 a) Changes that add (but do not subtract or replace) components, control measures,
22 or requirements to the SWMP.
- 23 b) Personnel changes or changes related to clerical errors.

24 Regulated entities must notify MDEQ of any minor updates by submitting a Minor SWMP
25 Update Form with the updated SWMP. This form, along with submittal instructions, is
26 available on the [MDEQ General Permits and NOI Forms webpage](#).

27 **5.4 Major SWMP Updates**

28 Changes that subtract or replace ineffective or impracticable components, control
29 measures, or requirements in the SWMP are considered major updates. The regulated
30 entity may request changes to subtract or replace ineffective or impracticable components,
31 control measures, or requirements in the SWMP. A Major SWMP Update Request Form
32 may be submitted along with the updated SWMP at any time and is available on the [MDEQ](#)
33 [General Permits and NOI Forms webpage](#).

34 Instructions for submitting the request are provided on the form.

35 Unless denied by the Permit Board or MDEQ (acting on its behalf), proposed changes are
36 considered approved and may be implemented 60 days after submission. If the request is
37 denied, a written response will be provided.

1 The regulated entity's modification requests **must** include:

- 2 a) An analysis explaining why the components, control measures, goals, or
3 requirements are ineffective or impracticable, including cost analyses, if
4 applicable.
- 5 b) Expectations and an analysis demonstrating why the replacement components,
6 control measures, goals, or requirements would achieve the intended goals of the
7 original components, controls, or requirements being replaced.
- 8 c) Any changes in the area or footprint of the regulated entity and/or MS4 as
9 identified in the original submittal.
- 10 d) Any major changes to the SWMP must comply with the public notice conditions
11 outlined in **Part 3: Public Notice of the SWMP and the NOI** of this permit.

12 **5.5 SWMP Updates Required by MDEQ**

13 The Permit Board requires updates to the SWMP as part of the re-coverage process for
14 subsequently issued MS4 General Permits. These updates may include, but are not
15 limited to, BMPs, measurable goals, policies, procedures, programs, ordinances, and
16 strategies.

17
18 The Permit Board **may** require changes to the SWMP as needed to:

- 19 a) Meet the conditions of this permit.
- 20 b) Address impacts on receiving water quality caused or contributed to by
21 discharges from the MS4.
- 22 c) Comply with the conditions of a TMDL. The regulated entity must include
23 additional control measures or monitoring requirements when a TMDL has been
24 specified for a receiving waterbody, when a Watershed Management Plan has
25 been adopted for a watershed, or if the SWMP is inadequate in reducing
26 pollutants in stormwater runoff. The SWMP must include sufficient BMPs to
27 numerically demonstrate through pollution reduction estimates that the load
28 reductions required by the TMDL are being met.
- 29 d) Include more stringent requirements necessary to comply with new federal
30 statutory or regulatory requirements.
- 31 e) Include other conditions necessary to comply with the requirements of the CWA.

32 Any changes requested by the Permit Board must be made in writing, outline the schedule
33 for the regulated entity to develop the changes, and allow the regulated entity to propose
34 alternative program changes to meet the objectives of the requested modification. All

1 changes required by the Permit Board must comply with 40 CFR 124.5¹⁷, 40 CFR
2 122.62¹⁸, or, as appropriate, 40 CFR 122.63¹⁹.

3 **5.6 Transfer of Operational Authority or Responsibility for SWMP Implementation**

4 The regulated entity must implement the SWMP in all new areas added to the regulated
5 entity's portion of the MS4 (or for which the entity becomes responsible for implementing
6 stormwater quality controls) as expeditiously as practicable, but no later than one year
7 from the addition of the new areas. Implementation may occur in phases to allow more
8 time for controls that cannot be immediately implemented.

9 Within 90 days of a transfer of operational authority or responsibility for SWMP
10 implementation, the regulated entity must have a plan in place for implementing the SWMP
11 in all affected areas.

12 **5.7 MDEQ Responsibility for Construction Minimum Measure**

13 In the case of the construction minimum measure, MDEQ maintains responsibility for large
14 construction permitting. The regulated entity may petition MDEQ to assume responsibility
15 for the portion addressing construction activities of five (5) acres and greater (excluding
16 residential subdivisions).

17 If an MS4 elects to take on this responsibility, it must develop and implement a Qualifying
18 Local Program (QLP) that meets or exceeds the standards set forth by MDEQ. This
19 program must include robust local ordinances, enforcement mechanisms, and procedures
20 for plan review, inspection, and public education and reporting. The MS4 must
21 demonstrate its capability to manage construction-related stormwater discharges in
22 compliance with state and federal requirements.

23 All MS4s shall continue to retain responsibility for regulating stormwater runoff from
24 individual lot construction, even if the overall subdivision (residential or commercial) is
25 covered under MDEQ's Large Construction Stormwater General Permit.

26 A **Construction Minimum Measure Petition** form can be found on the [MDEQ General](#)
27 [Permits and NOI Forms webpage](#) and must be submitted through MDEQ's online portal
28 at www.mdeq.ms.gov/noi_esubmittals/.

29 **5.8 Shared Minimum Measure Responsibility**

30 A regulated entity may share the implementation of one or more of the minimum measures
31 with another entity, or the other entity may fully take over the measure. The regulated
32 entity can only rely on another entity if:

- 33 a) The other entity implements the control measure.
- 34 b) The control measure, or its component, is at least as stringent as the
35 corresponding permit requirement.

¹⁷ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-124>

¹⁸ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122>

¹⁹ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-D/section-122.63>

1 c) The other entity agrees in writing to implement the control measure on behalf of
2 the regulated entity. This written obligation must be maintained as part of the
3 description of the regulated entity's stormwater management program. If the other
4 entity fails to implement the control measure, the regulated entity remains liable
5 for any discharges resulting from that failure.

6 **5.9 Qualifying Local Program**

7 Programs that meet or exceed the provisions of the construction minimum measure and
8 Mississippi's construction general permit requirements may be designated as a qualifying
9 local program, upon request by the regulated entity and at MDEQ's discretion.
10 Construction sites that comply with the qualifying local program may also be considered
11 to satisfy Mississippi's construction general permit requirements [11 Mississippi Admin
12 Code PT. 6, CH. 1].²⁰

13 **5.10 Discharge Compliance with Water Quality Standards**

14 The Mississippi MS4 program ensures stormwater discharges comply with state Water
15 Quality Standards (WQS) to protect local water bodies and meet CWA requirements. This
16 includes minimizing pollutants to the Maximum Extent Practicable (MEP) (See Definitions)
17 and supporting designated water uses such as recreation, aquatic life, and drinking water.

18 **5.11 Key Strategies for Compliance**

- 19 • **Pollutant Reduction:** Monitor and implement BMPs to reduce pollutants like
20 sediment, nutrients, and bacteria, with a focus on areas with significant runoff.
- 21 • **Impaired Water Bodies:** Prioritize 303(d)-listed water bodies and align BMPs with
22 TMDL goals.
- 23 • **Illicit Discharge Elimination:** Detect and address unauthorized discharges while
24 educating the public on prevention.
- 25 • **Runoff Controls:** Enforce erosion controls at construction sites and implement post-
26 construction BMPs to manage flows and improve water quality.
- 27 • **Maintenance:** Inspect and maintain stormwater infrastructure to ensure pollutant
28 removal efficiency.

29 **5.12 Impaired Waters and Total Maximum Daily Loads (TMDLs)**

30 The regulated entity must determine whether stormwater discharges from any part of the
31 MS4 contribute pollutants of concern to an impaired waterbody. For those impaired
32 waters, the regulated entity must determine whether a TMDL has been approved. If the
33 MS4 discharges into a waterbody with an approved TMDL, the SWMP must include BMPs
34 specifically targeted to achieve the Waste Load Allocation (WLA) prescribed by the TMDL.

35 The SWMP must implement sufficient BMPs to achieve the load reductions required by
36 the TMDL. Additionally, the SWMP must address any requirements in an approved TMDL
37 which may include additional BMPs, monitoring, or limitations. Any monitoring or

²⁰ 11 Mississippi Admin Code PT. 6, CH. 1.

1 limitations of pollutant required by a TMDL must be incorporated in the MS4 Annual
2 Report.

3 The MS4 must comply with the assumptions and requirements of any approved TMDLs.

4

1 **Part 6: Permit Monitoring, Reporting, and Recordkeeping**

2 **6.1 Failure to Implement**

3 Any permit noncompliance violates the Mississippi Water Pollution Control Law and may
4 result in enforcement action against the regulated entity. Failure to initiate appropriate
5 enforcement actions, as outlined in the SWMP, may lead to a State determination of
6 inadequate enforcement. If the State determines that timely action has not been taken, it
7 may pursue enforcement options against both the discharger and the regulated entity
8 under the CWA.

9 **6.2 Monitoring**

10 The coverage recipient must evaluate program compliance, assess the appropriateness
11 of their identified BMPs, and track progress toward achieving their measurable goals.
12 Inspections are required as part of the monitoring program. While water quality sampling
13 and analysis are not mandated by this permit, MDEQ strongly encourages their adoption
14 to better determine the effectiveness of reducing pollutants in stormwater runoff.

15 **6.3 Annual Reporting**

16 The coverage recipient must prepare and submit an Annual Report to MDEQ. **All Annual**
17 **Reports are due to MDEQ on January 28th of each calendar year following the**
18 **current reporting year.** The purpose of the Annual Report is to summarize the progress
19 made in implementing the permit conditions and the elements of the SWMP. The
20 submission of the fourth Annual Report will serve as notification of the MS4's intent to be
21 covered by the subsequently issued MS4 General Permit. The Annual Report must follow
22 the approved MDEQ format, which can be found, along with the general permit and forms
23 package, on the MDEQ website. The Annual Reports **must** include, at a minimum:

- 24 a) A listing of each BMP and associated measurable goal as outlined in the SWMP,
25 an indication of compliance with the implementation of each BMP according to the
26 established implementation schedule, the date of completion or implementation,
27 and the name or title of the individual responsible for implementation.
- 28 b) The status of compliance with permit conditions, an assessment of the
29 appropriateness of the identified BMPs, and progress toward achieving the
30 measurable goals for each of the minimum control measures.
- 31 c) Results of information collected and analyzed, including any monitoring data
32 during the reporting period.
- 33 d) A summary of stormwater activities planned for the next reporting cycle.
- 34 e) Any additions or changes to the stormwater management program, including
35 changes to BMPs or measurable goals.
- 36 f) Any changes in identified measurable goals that apply to the program elements.
- 37 g) Notice of reliance on another government entity to satisfy some permit obligations
38 (if applicable).

- 1 h) The number of illicit discharges detected, and the number eliminated.
- 2 i) The number of small construction projects receiving approval. Small construction
3 projects include land disturbance activities between one (1) and five (5) acres or
4 projects that are part of a larger plan disturbing between one (1) and five (5) acres.
5 Routine maintenance activities are excluded.
- 6 j) The number of large construction projects receiving approval. Large construction
7 projects involve land disturbances of five (5) acres or more or are part of a larger
8 plan disturbing five (5) acres or more. Routine maintenance activities are excluded.
- 9 k) The number and type of construction stormwater inspections conducted, and
10 enforcement actions taken.
- 11 l) The number, type (e.g., detention basin, manufactured system), and location of
12 post-construction management practices installed at new and redevelopment
13 projects, both publicly and privately owned.
- 14 m) The number of post-construction management structure inspections conducted
15 and enforcement actions.
- 16 n) Documentation of all control measures planned or implemented to address WLA
17 provisions of a TMDL, including a schedule for implementation if specific WLA
18 provisions of a TMDL are required.
- 19 o) Certification that the MS4 NOI and SWMP are up to date. The Annual Report must
20 be certified according to the signatory requirements outlined in **Part 7.4: Signatory**
21 **Requirements** and 11 Mississippi Admin Code PT. 6, CH. 1.

22 An [Annual Report Template](#) can be found on the [MDEQ General Permits and NOI](#)
23 [Forms webpage](#) and must be submitted by following the instructions at the following link:
24 <https://www.mdeq.ms.gov/ms4/>. After December 20, 2025 (or a later date specified by
25 EPA), these forms shall be submitted by the coverage recipient electronically as
26 instructed by MDEQ.

27 **6.4 Record Retention**

28 All records, reports, and information resulting from activities required by this permit must
29 be retained for at least three years from the date of the covered recipient's MS4 NOI,
30 inspection, or report. The coverage recipient must make records required by this permit,
31 including the SWMP, available to the public at reasonable times during regular business
32 hours.

33 **6.5 Noncompliance Reporting**

34 **Anticipated Noncompliance:** The regulated entity must provide at least 10 days'
35 advance notice, if possible, before any planned noncompliance with permit requirements
36 by emailing stormwater-noncompliance@mdeq.ms.gov. After December 20, 2025 (or a
37 later date specified by EPA), these plans must be submitted by the coverage recipient
38 electronically as instructed by MDEQ.

1 **Unanticipated Noncompliance:** The regulated entity must notify MDEQ by emailing
2 stormwater-noncompliance@mdeq.ms.gov within 24 hours of becoming aware of any
3 unanticipated noncompliance. A written notice must be submitted to MDEQ within 5
4 working days of becoming aware of the circumstances. The written report must include
5 the cause, exact dates and times, steps taken or planned to reduce, eliminate, or prevent
6 reoccurrence, and the anticipated time for correction if the noncompliance has not been
7 resolved [11 Mississippi Admin Code PT. 6, CH. 1].

8

1 **Part 7: Standard and General Permit Conditions**

2 **7.1 Duty to Comply**

3 Any permit noncompliance constitutes a violation of the Mississippi Water Pollution
4 Control Law and may result in enforcement action, termination of coverage, or the
5 requirement to reapply in accordance with **Part 2** of this permit [11 Mississippi Admin Code
6 PT. 6, CH. 1].

7 **7.2 Duty to Mitigate**

8 The regulated entity must take all reasonable steps to minimize or prevent any discharge
9 in violation of this permit that could adversely affect human health or the environment.

10 **7.3 Duty to Provide Information**

11 The regulated entity must provide MDEQ with any information requested, within a
12 reasonable time, to determine compliance with this permit [11 Mississippi Admin Code PT.
13 6, CH. 1].

14 **7.4 Signatory Requirements**

15 All NOI forms, reports, certifications, or information submitted to the permitting authority
16 or required by this permit to be maintained must be signed and certified as follows:

17 a) The MS4 NOI(s) and SWMP(s) submitted to MDEQ must be signed by a principal
18 executive officer or ranking elected official. For Federal agencies, a principal
19 executive officer includes:

- 20 (i) the chief executive officer of the agency, or
- 21 (ii) a senior executive officer responsible for the overall operations of a
22 principal geographic unit of the agency (e.g., EPA Regional
23 Administrators).

24 **7.5 Changes to Authorization**

25 If an authorization becomes inaccurate due to a change in the individual or position with
26 permit responsibility, a new authorization meeting the above requirements must be
27 submitted to MDEQ prior to, or along with, any reports, information, or applications signed
28 by the new representative.

29 **7.6 Certification**

30 Any person signing documents under this section must make the following certification:

31 "I certify under penalty of law that this document and all attachments were
32 prepared under my direction or supervision in accordance with a system
33 designed to ensure that qualified personnel properly gathered and
34 evaluated the information submitted. Based on my inquiry of the person(s)
35 who manage the system, or those directly responsible for gathering the
36 information, I believe the submitted information to be true, accurate, and
37 complete to the best of my knowledge and belief. I am aware that there are
38 significant penalties for submitting false information, including fines and
39 imprisonment for knowing violations."

1 **7.7 Oil and Hazardous Substances Liability**

2 Nothing in this permit relieves the regulated entity of its responsibilities, liabilities, or
3 penalties under Section 311 of the CWA.

4 **7.8 Property Rights**

5 The issuance of this permit does not convey any property rights or exclusive privileges,
6 nor does it authorize injury to private property, invasion of personal rights, or infringement
7 of Federal, State, or local laws or regulations.

8 **7.9 Severability**

9 The provisions of this permit are severable. If any provision of this permit, or its application
10 to any circumstance, is deemed invalid, the application of that provision to other
11 circumstances and the remainder of the permit shall remain unaffected.

12 **7.10 Proper Operation and Maintenance**

13 The regulated entity must properly operate and maintain all facilities and systems of
14 treatment and control (and related appurtenances) used to achieve compliance with this
15 permit, including the SWPPP. Proper operation and maintenance include adequate
16 laboratory controls with appropriate quality assurance procedures and the operation of
17 backup or auxiliary facilities when necessary to comply with permit conditions.

18 **7.11 Bypass Prohibition**

19 Bypass (as defined in 40 CFR 122.41(m)) is prohibited, and enforcement action may be
20 taken against a regulated entity for a bypass, unless:

- 21 a) The bypass was unavoidable to prevent loss of life, personal injury, or severe
22 property damage,
- 23 b) There were no feasible alternatives to the bypass, such as using auxiliary
24 treatment facilities, retaining untreated wastes, or conducting maintenance during
25 normal equipment downtime. This condition is not satisfied if the regulated entity,
26 through reasonable engineering judgment, should have installed adequate backup
27 equipment to prevent a bypass during normal equipment downtime or preventive
28 maintenance, and
- 29 c) The regulated entity submitted notices in accordance with **Part 6.5:**
30 **Noncompliance Reporting** of this permit.

31 **7.12 Upset Conditions**

32 An upset (as defined in 40 CFR 122.41(n)) serves as an affirmative defense to an action
33 brought for noncompliance with technology-based permit limitations if the regulated entity
34 can demonstrate, through properly signed contemporaneous operating logs or other
35 relevant evidence, that:

- 36 a) An upset occurred, and the regulated entity can identify the specific cause(s) of
37 the upset.
- 38 b) The permitted facility was being properly operated at the time.

1 c) The regulated entity submitted notices in accordance with **Part 6.5:**
2 **Noncompliance Reporting** of this permit.

3 d) The regulated entity took remedial measures as required under **Part 7.2: Duty To**
4 **Mitigate** of this permit.
5

6 In any enforcement proceeding, the regulated entity bears the burden of proof to
7 demonstrate that an upset occurred. No determination made during administrative review
8 of claims that noncompliance was caused by an upset, prior to enforcement action, is
9 considered final administrative action subject to judicial review.

10 **7.13 Inspection and Entry**

11 The regulated entity must allow MDEQ or an authorized representative, upon presentation
12 of credentials and any required legal documents, to:

13 a) Enter the regulated entity's premises where a regulated activity is located or
14 conducted, or where records required by this permit are kept;

15 b) Access and copy any records required by this permit at reasonable times; and

16 c) Inspect any facilities or equipment at reasonable times.

17 **7.14 Permit Actions**

18 This permit may be modified, revoked, reissued, or terminated for cause. A request by the
19 regulated entity for permit or coverage modification, revocation, reissuance, or
20 termination, or a certification of planned changes or anticipated noncompliance, does not
21 stay any permit condition.

22 **7.15 Scientific, Technical, and Legal Environmental Assistance**

23 If a discharge authorized under this permit is determined to cause, or has the potential to
24 cause, a violation of an applicable water quality standard, regulation, or any of the
25 minimum control measures outlined in the SWMP required by this permit (referred to as
26 an "Environmental Requirement"), MDEQ will notify the regulated entity in writing of the
27 actual or potential violation.

28 Upon notification, the regulated entity may request MDEQ's assistance in identifying the
29 pollutant source causing or potentially causing the violation. Such requests are
30 appropriate when MDEQ's expertise can help isolate and address sources not easily
31 discovered through SWMP procedures. If assistance is requested, MDEQ will provide
32 relevant public information related to the notification.

33 The Commission retains jurisdiction and responsibility for enforcing compliance with all
34 applicable regulations and the permit. The regulated entity is responsible for enforcing
35 compliance with its SWMP, local laws, regulations, and ordinances. MDEQ will provide
36 technical assistance, when appropriate, as the regulated entity pursues enforcement.
37 However, the responsibility for implementing the SWMP remains with the regulated entity.

1 **7.16 Reopener Clause**

2 If there is evidence indicating potential or realized impacts on water quality due to
3 stormwater discharge covered by this permit, the regulated entity may be required to
4 obtain an individual permit or an alternative general permit in accordance with **Part III** of
5 this permit or the permit may be modified to include different limitations and/or
6 requirements.

7 **7.17 Permit Modification**

8 Permit modification or revocation shall be conducted according to 40 CFR 122.62, 122.63,
9 122.64 and 124.

1 **Appendix A: Definitions**

2 All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and
3 are incorporated herein by reference. For convenience, simplified explanations of some
4 regulatory/statutory definitions have been provided, but in the event of a conflict, the definition
5 found in the Statute or Regulation takes precedence.

6 **Best Management Practices (BMPs)** - schedules of activities, practices (and prohibitions of
7 practices), structures, vegetation, maintenance procedures, and other management practices to
8 prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include
9 treatment requirements, operating procedures, and practices to control plant site runoff, spillage
10 or leaks, sludge or waste disposal, or drainage from raw material storage.

11 **Commission** - the Mississippi Commission on Environmental Quality.

12 **Construction Activity** - the disturbance of soils associated with clearing, grading, excavating,
13 filling of land, or other similar activities which may result in soil erosion.

14 **Control Measure** - refers to any BMP or other method (including effluent limitations) used to
15 prevent or reduce the discharge of pollutants to waters of the State.

16 **Clean Water Act (CWA)** - the Federal Clean Water Act (formerly known as the Federal Water
17 Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972), as
18 amended.

19 **Dry Weather Field Screening** – visual or more detailed methods of screening outfalls during dry
20 weather to find illicit discharges. Most rainfall events (wet weather) carry pollutants to stormwater
21 conveyances, but it is difficult to track and eliminate specific pollutant sources during wet weather
22 without intensive monitoring and investigation. The best opportunity to find an illicit discharge is
23 during dry weather, when rainfall runoff is not running through the conveyance system(s) within
24 the MS4. During dry weather, any flow in the conveyance system is potentially an illicit discharge
25 because it is something other than rainfall runoff. All dry weather screening activities should be
26 conducted after 72-hours of continuous dry conditions following at least 0.10-inch of rainfall. All
27 outfalls within the regulated entity's jurisdiction must be screened at least once during the five-
28 year period of permit coverage.

29 **Illicit Discharge** - any discharge to a municipal separate storm sewer that is not composed
30 entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES
31 permit for discharges from the municipal separate storm sewer) and those non-storm water
32 discharges identified in **Part 1** of this permit.

33 **Maximum Extent Practicable "MEP"** - the statutory standard that establishes the level of
34 pollutant reductions that operators of regulated MS4s shall achieve. The CWA requires that
35 NPDES permits for discharges from MS4s "shall require controls to reduce the discharge of
36 pollutants to the maximum extent practicable, including management practices, control
37 techniques and system, design and engineering methods." Compliance with the conditions of the
38 general permit and the series of steps associated with identification and implementation of the

1 minimum control measures shall satisfy the MEP standard. EPA has intentionally not provided a
2 precise definition of MEP to allow maximum flexibility in MS4 permitting.

3 **Municipality** - a city, town, county, district, association, or other public body created by or under
4 State law and having jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

5 **Municipal Separate Storm Sewer** - a conveyance or system of conveyances (including roads
6 with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade
7 channels, or storm drains):

- 8 a. Owned or operated by a State, city, town, borough, county, parish, district, association, or
9 other public body (created by or pursuant to State law) having jurisdiction over disposal
10 of sewage, industrial wastes, stormwater, or other wastes, including special districts
11 under State law such as a sewer district, flood control district or drainage district, or
12 similar entity, or an Indian tribe or an authorized Indian tribal organization, or a
13 designated and approved management agency under section 208 of the CWA that
14 discharges to waters of the United States;
- 15 b. Designed or used for collecting or conveying stormwater,
- 16 c. Which is not a combined sewer, and
- 17 d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR
18 122.2.

19 **Municipal Separate Storm Sewer System (MS4)** – refers to either a Large, Medium (e.g. "the
20 Jackson MS4"), or Small Municipal Separate Storm Sewer System. The term is used to refer to
21 either the system operated by a single entity or a group of systems within an area that are
22 operated by multiple entities (e.g., the Jackson MS4 includes MS4s operated by the city of
23 Jackson, the Mississippi Department of Transportation (MDOT) - state and interstate highways,
24 their rights-of-way and thoroughfares [including highways, streets, roads, bridges, maintenance
25 facilities, service areas, and rest areas] within the jurisdictional boundary of MDOT, the University
26 Medical Center and others).

27 **National Pollutant Discharge Elimination System (NPDES)** - the program for issuing,
28 modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing
29 and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean
30 Water Act.

31 **Notice of Intent (NOI)** is a formal document submitted by an operator of an MS4 to notify MDEQ
32 of its intention to discharge stormwater under the terms of an NPDES permit. The NOI includes
33 detailed information about the MS4 system, proposed stormwater management practices, and
34 measures the operator will implement to minimize pollution from stormwater runoff. Submitting an
35 NOI is a necessary step to obtain coverage under a general MS4 permit, and it typically outlines
36 compliance strategies for meeting permit requirements, such as public education, construction
37 runoff controls, and pollution prevention measures.

38 **Notice of Violation (NOV)** - A formal written notification issued by a regulatory authority (such as
39 a state environmental agency or local MS4 program administrator) to inform a permittee or
40 responsible party that they are in non-compliance with one or more provisions of the MS4 permit

1 or applicable stormwater regulations. An NOV typically outlines the nature of the violation,
2 references the specific permit or ordinance provisions that have been violated, and provides a
3 timeline for corrective action. It may also include potential enforcement actions or penalties if
4 compliance is not achieved within the specified timeframe.

5 **Outfall**, as used within this general permit, is defined by 40 CFR 122.26.

6 **Permit Board** - the Mississippi Environmental Quality Permit Board established pursuant to Miss.
7 Code Ann. Section 49-17-28.

8 **Phase II** - the second stage of the State and Federal stormwater permit regulations.

9 **Point source** - any discernible, confined, and discrete conveyance, including but not limited to
10 any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock,
11 concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating
12 craft from which pollutants are or may be discharged. This term does not include return flows from
13 irrigated agriculture or agricultural stormwater runoff.

14 **Pollutant** - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage,
15 sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except
16 those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded
17 equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into
18 water.

19 **Regulated Entity** - used within this general permit, a small MS4 within the State of Mississippi and
20 located fully or partially within an urban area with a population of 50,000 or more as determined by
21 the latest Decennial Census pursuant to 40 CFR 122.32, or designated by MDEQ pursuant to 40
22 CFR 123.35.

23 **Small Municipal Separate Storm Sewer System** - all separate storm sewers that are owned or
24 operated by the United States, a State, city, town, borough, county, parish, district, association, or
25 other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage,
26 industrial wastes, storm water, or other wastes, including special districts under State law such as
27 a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an
28 authorized Indian tribal organization, or a designated and approved management agency under
29 section 208 of the CWA that discharges to waters of the United States, but is not defined as "large"
30 or "medium" municipal separate storm sewer system (those municipalities with a population of
31 100,000 or more) . This term includes systems similar to separate storm sewer systems in
32 municipalities, such as systems at military bases, large hospital or prison complexes, and highways
33 and other thoroughfares. The term does not include separate storm sewers in very discrete areas,
34 such as individual buildings.

35 **Stormwater** - rainfall runoff, snowmelt runoff, and surface runoff and drainage

36 **Storm Water Management Program (SWMP)** - a comprehensive program to manage the quality
37 of stormwater discharged from the municipal separate storm sewer system.

1 **Total Maximum Daily Loads (TMDLs)** - a calculation of the maximum amount of a pollutant that
2 a waterbody can receive and still meet water quality standards, and an allocation of that amount
3 to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source (See
4 Definitions) discharges; load allocations (LAs) for nonpoint sources and/or natural background,
5 and must include a margin of safety (MOS) and account for seasonal variations. (See section
6 303(d) of the Clean Water Act and 40 CFR §130.2 and §130.7).

7 **Urban Area (UA)** - a land area comprising one or more places (core and fringe) with urban
8 limits defined by a population density of 1,000 people per square mile and its contiguous census
9 tracts of 500 people per square mile - that together have a residential population of at least
10 50,000. Note that the Census Bureau announced with the 2020 Census that they would no
11 longer identify 'urbanized areas.' In 2023, EPA clarified this in the NPDES Small MS4 Area
12 Clarification by defining 'urban areas with a population of 50,000 or more people.'"

13 **Waters of the State** - all waters within the jurisdiction of this state, including all streams, lakes,
14 ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation
15 systems, drainage systems and all other bodies or accumulations of water, surface and
16 underground, natural or artificial, situated wholly or partly within or bordering upon the state, and
17 such coastal waters as are within the jurisdiction of the state, except lakes, ponds or other surface
18 waters which are wholly landlocked and privately owned (See Mississippi Code Section 21-27-
19 203).

20 **Water Quality Standards** - A water quality standard defines the water quality goals of a water
21 body, or portion thereof, by designating the use or uses to be made of the water and by setting
22 criteria necessary to protect the uses. States and EPA adopt WQS to protect public health or
23 welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA
24 sections 101(a)2 and 303(c)).