



Fact Sheet

Phase II Small Municipal Separate Storm Sewer System (Small MS4) General Permit

The State Water Board renewed this Permit February 5, 2013 with an effective date of July 1, 2013.

Significant Changes to Permit Include:

- **New and re-development (post-construction) standards focus efforts on low impact development practices that emphasize landscape-based site design features.**
- **Targeted requirements for discharges to high priority water bodies including, coastal Areas of Special Biological Significance and inland water bodies listed for Total Maximum Daily Loads.**
- **Prioritized monitoring requirements based on population size and discharges to high priority water bodies.**
- **Cost-effective approaches to water quality protection, including prioritized efforts based on local water quality issues and implementation of low impact development.**

History of Storm Water Regulation

For nearly two decades, the State Water Resources Control Board (State Water Board) has regulated runoff and treatment of storm water from industrial and municipal sources in California. Storm water is runoff from rain or snow melt that runs off surfaces such as rooftops, paved streets, highways or parking lots and can carry with it pollutants such as: oil, pesticides, herbicides, sediment, trash, bacteria and metals. The runoff can then drain directly into a local stream, lake or bay. The State Water Board bases permits on the National Pollutant Discharge Elimination System (NPDES) storm water regulations adopted by the US Environmental Protection Agency (US EPA) in 1990 and 2000. Both the US EPA and the Water Boards have determined that storm water and urban run off are significant sources of water pollution that can threaten aquatic life and public health.

Phase II Small Municipal Separate Storm Sewer System (Small MS4) General Permit Renewal

The Small MS4 permit regulates storm water discharges from municipalities that serve populations of less than 100,000 persons. An MS4 is defined in the Code of Federal Regulations as “a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)...” The permit provides coverage for about 250 traditional (municipal government) and about 185 non-traditional (e.g., state and federal facilities, universities, military bases) Small MS4s.



Background of the Small MS4 Permit

In 1999, the US EPA established regulations requiring that Small MS4s be regulated pursuant to a NPDES permit. The regulations also specified six minimum control measures including Public Education and Outreach, Public Participation/Involvement, Illicit Discharge Detection and Elimination, Construction Site Run-off Control, Post-Construction Run-off, and Pollution Prevention/Good Housekeeping that were to be included in the permits. As adopted in 2003, the first generation permit contained the six control measures but only in very broad terms. The permit required the Permittees to develop storm water management plans (SWMPs) with time frames for accomplishing the tasks described.

Goals and Focus of the Small MS4 Permit

In California, urban storm water is listed as the primary source of impairment for ten percent of all rivers, ten percent of all lakes and reservoirs, and 17 percent of all estuaries (2010 Integrated Report). Although these numbers may seem low, urban areas cover just six percent of the land mass of California, and so their influence is disproportionately large. This permit aims to prevent and reduce the impacts of urbanization through an emphasis on low impact development and prioritization of efforts based on local water quality issues and concerns.

Permit Renewal Changes

The State and Regional Boards have learned, through audits and other means, that programs having more specific permit requirements were generally more comprehensive and effective in controlling storm water pollution. The specificity of the provisions enabled the permitting authorities to enforce the MS4 permits and improve the water quality of storm water discharges.

The 2013 Small MS4 permit specifies actions necessary to reduce the discharge of pollutants in storm water to the Maximum Extent Practicable (MEP). This level of specificity was included in order to clearly define Water Board expectations for control of storm water runoff from Phase II dischargers and address concerns raised by the federal courts about whether submittal of the SWMP was allowing the Permittee to write its own permit without benefit of public review and comment. It also eliminates the need for the municipality to prepare a SWMP.

Significant Provisions of Phase II Small MS4 General Permit

- **Implementation of Low Impact Development (LID) Principles** – Includes LID requirements that emphasize landscape-based site design features and provide multiple benefits in addition to storm water runoff and pollutant load reduction (e.g., shading from trees, wildlife habitat from stream setbacks, reduced need for pesticides and irrigation from soil quality improvement).
- **Areas of Special Biological Significance (ASBS)** – Incorporates the Special Protections for discharges of storm water to ASBS that were recently adopted by the State Water Board. These Special Protections will ensure that natural water quality in the ASBS will be maintained. ASBS are those areas designated by the State Water Board as ocean areas requiring protection

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of species or biological communities to the extent that alteration of natural water quality is undesirable.

- **Total Maximum Daily Load (TMDL) Implementation Requirements** – Incorporates implementation requirements for adopted TMDLs and the associated waste load allocations and load allocations. TMDLs set a limit for the amount and types of pollution allowed to enter receiving waters that storm water may drain into.
- **Specific Management Measures** – Includes specific management measures and describes the associated tasks and implementation levels that municipalities must meet.
- **Elimination of Submission of SWMP** – Eliminates the requirement to submit a SWMP for review and approval by the Regional Water Boards.
- **Designation Criteria & Waiver Certification** – Describes the criteria used for designation and provides for some communities to “opt out” of the permit if specific waiver criteria are met.
- **Program Management** – Requires that the storm water program is actively managed and a specific point person responsible for permit administration and compliance.
- **Storm Water Multi-Application Reporting and Tracking System (SMARTS)** – Requires that Notices of Intent and Annual Reports be submitted electronically using the SMARTS system, an online database maintained by the State Water Board.
- **Water Quality Monitoring** – Prioritizes monitoring for ASBS, TMDLs and 303(d) listed waterbodies. Permittees having a population of 50,000 or more are required to choose from a number of monitoring options. While Regional collaboration among jurisdictions is encouraged, the permit provides options for conducting the monitoring program.
- **Program Effectiveness Assessments** – Requires Permittees to assess their programs to ensure that efforts to control pollutants and debris are effective. The MS4 programs should be able to demonstrate the link between program activities and water quality improvements.

For more information on this program, please visit:

<http://www.waterboards.ca.gov/phaseIIpermit>