



**Connecticut Department of  
Energy & Environmental Protection**  
Bureau of Materials Management & Compliance Assurance  
Water Permitting & Enforcement Division



**General Permit for the Discharge of Stormwater from  
Small Municipal Separate Storm Sewer Systems**

**Issued: January 9, 2004**

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**Re-issuance Date: January 9, 2013**

# General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

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## **Section 1. Authority**

This general permit is issued under the authority of Section 22a-430b of the Connecticut General Statutes.

## **Section 2. Definitions**

The definitions of terms used in this general permit shall be the same as the definitions contained in Sections 22a-423 of the Connecticut General Statutes and Section 22a-430-3(a) of the Regulations of Connecticut State Agencies. As used in this general permit, the following definitions shall apply:

*“Authorized activity”* means any activity authorized under this general permit.

*“Best Management Practices (BMP)”* means those practices, which reduce pollution and which have been determined by the Commissioner to be acceptable based on, but not limited to, technical, economic, and institutional feasibility.

*“Coastal area”* means coastal area as defined in Section 22a-94 of the Connecticut General Statutes.

*“Coastal waters”* means coastal waters as defined in Section 22a-93 of the Connecticut General Statutes.

*“Department”* means the Department of Energy & Environmental Protection.

*“Fresh-tidal wetland”* means a tidal wetland with an annual average salinity of less than 0.5 parts per thousand.

*“Guidelines”* means the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, established pursuant to Section 22a-328 of the Connecticut General Statutes.

*“High tide line”* means high tide line as defined in Section 22a-359(c) of the Connecticut General Statutes.

*“Illicit Discharge”* means any unpermitted discharge to waters of the state that does not consist entirely of stormwater or uncontaminated ground water except those discharges identified in Section 3(a)(2) of this general permit when such non-stormwater discharges are approved, in writing, by the Commissioner as discharges that are not significant contributors of pollution to a discharge from an identified MS4.

*“Individual permit”* means a permit issued to a named permittee under Section 22a-430 of the Connecticut General Statutes.

*“Inland wetland”* means wetlands as that term is defined in Section 22a-38 of the Connecticut General Statutes.

*“Municipal separate storm sewer system (MS4)”* means conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains owned or operated by any municipality, State agency or Federal agency and discharging directly to surface waters of the state.

“*Permittee*” means any municipality, that initiates, creates originates or maintains a discharge authorized by this general permit and that has filed a registration pursuant to Section 4 of this permit.

“*Point Source*” means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

“*Registration*” means a registration form filed with the Commissioner pursuant to Section 4 of the general permit.

“*Regulated Small MS4*” means any municipally-owned or municipally-operated Small MS4 (as defined below) authorized by this general permit including all those located partially or entirely within an Urbanized Area and those additional municipally-owned or municipally-operated Small MS4s located outside an Urbanized Area as may be designated by the Commissioner. (Note: A list of municipalities containing Small MS4s is included in Appendix A of this general permit.)

“*Retain or retention*” means to permanently hold stormwater runoff on-site with no subsequent point source release.

“*Small MS4*” means any MS4 that is not already covered by the Phase I MS4 stormwater program including state- and federally-owned systems, such as colleges, universities, prisons, and military bases. (Note: state- and federally-owned MS4s are authorized under separate general permits.)

“*Stormwater*” means waters consisting of precipitation runoff.

“*Tidal wetland*” means a wetland as that term is defined in Section 22a-29(2) of the Connecticut General Statutes.

“*Urbanized Area (UA)*” means the areas of the State of Connecticut so defined by the U.S. Census Bureau for the 2000 census.

“*Total Maximum Daily Load (TMDL)*” means the maximum capacity of a surface water to assimilate a pollutant as established by the Commissioner including pollutants contributed by point and non-point sources and a margin of safety.

### **Section 3. Authorization Under This General Permit**

#### **(a) Eligible Activities**

- (1) The discharge of stormwater from or associated with a Regulated Small MS4 is authorized by this general permit, provided the requirements of subsection (b) of this section are satisfied and the activity is conducted in accordance with the conditions listed in Section 5 of this general permit.
- (2) This permit authorizes the following non-stormwater discharges provided they do not contribute to a violation of water quality standards and such discharges are identified in the Stormwater Management Plan and approved, in writing, by the Commissioner as discharges that are not significant contributors of pollutants to any identified MS4:

- landscape irrigation;
- uncontaminated ground water discharges such as pumped ground water, foundation drains, water from crawl space pumps and footing drains;
- irrigation water;
- lawn watering runoff;
- residual street wash water;
- discharges or flows from fire fighting activities (except training); and
- naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.

**(b) Requirements for Authorization**

This general permit authorizes the activity listed in subsection (a) of this section provided:

(1) Coastal Management Act

Such activity is consistent with all applicable goals and policies in Section 22a-92 of the Connecticut General Statutes, and shall not cause adverse impacts to coastal resources as defined in Section 22a-93(15) of the Connecticut General Statutes.

(2) Endangered and Threatened Species

Such activity shall not threaten the continued existence of any species listed as endangered or threatened pursuant to Section 26-306 of the Connecticut General Statutes and shall not result in the destruction or adverse modification of habitat designated as essential to such species.

(3) National Historic Preservation Act

Stormwater discharges or implementation of the registrant's stormwater management plan shall not adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the registrant is in compliance with requirements of the National Historic Preservation Act and has coordinated with the appropriate State Historic Preservation Officer to avoid or minimize impacts from any necessary activities.

(4) The stormwater is *not* discharged to a Publicly Owned Treatment Works (POTW) or to ground water except for stormwater infiltration through a designed basin or structure.

**(c) Registration**

Pursuant to Section 4 of this permit, any municipality that initiates, creates, originates or maintains any discharge of water from a regulated Small MS4 shall submit a registration using forms prescribed and provided by the Commissioner (or a photocopy thereof).

**(d) Geographic Area**

This general permit applies throughout the State of Connecticut.

**(e) Effective Date and Expiration Date of this General Permit**

This general permit is effective January 9, 2013 and expires on January 8, 2015.

*(f) Effective Date of Authorization*

An activity is authorized by this general permit on the date the general permit becomes effective or on the date the authorized activity is initiated.

*(g) Waiver of Authorization*

A municipality may request a waiver from authorization under this general permit if the population within the Urbanized Area portion of town is less than 1000 people, the discharge from the MS4 within the UA does not exceed a Total Maximum Daily Load (TMDL) allocation or is not otherwise a significant contributor to degradation of water quality and the Commissioner issues such waiver in writing.

**Section 4. Registration Requirements**

*(a) Who Must File a Registration*

Any municipality that initiates, creates, originates or maintains a discharge of stormwater from or associated with a regulated Small MS4 shall file with the Commissioner a two-part registration form that meets the requirements of this section of this general permit. Part A of the registration was to be submitted on or before April 9, 2004. Part B of the registration was to be submitted on or before July 9, 2004.

*(b) Scope of Registration*

A registrant must register on one set of registration forms for all discharges that are operated by the registering municipality. A municipality may not submit more than one registration under this general permit.

*(c) Contents of Registration*

(1) Fees

- (A) The municipal registration fee of \$250.00 was submitted with the Part A registration form. No activity shall be authorized by this general permit until the registration fee has been paid in full.
- (B) The registration fee was paid by check or money order payable to the **Department of Energy & Environmental Protection**.
- (C) The registration fee is non-refundable.

(2) Part A Registration Form

Part A of the registration was filed on forms prescribed and provided by the Commissioner and included the following:

- (A) Name of the municipality and the name, title, address, and telephone number of the chief elected official or principal executive officer.

- (B) Name, address, and telephone number of the primary contact person for the municipality.
  - (C) Name, primary contact, address, and telephone number of any consultant(s) or engineer(s) retained by the municipality to prepare the registration,
  - (D) Name of receiving stream(s), watershed(s) or waterbody(s) to which the MS4 discharges.
- (3) Part B Registration Form

Part B of the registration was filed on forms prescribed and provided by the Commissioner and included the following:

- (A) Name of the municipality and the name, title, address, and telephone number of the chief elected official or principal executive officer.
- (B) For each of the Minimum Control Measures in Section 6(a), the following information was included:
  - (i) each Best Management Practice (BMP) to be implemented;
  - (ii) the person(s) responsible for implementing each BMP;
  - (iii) the date by which each BMP will be implemented;
  - (iv) the measurable goal(s) by which each BMP will be evaluated.
- (C) The signature of the chief elected official or principal executive officer of the municipality or their designee (as specified in RCSA Section 22a-430-3(b)(2)(B) or as acceptable to the Commissioner) and of the individual or individuals responsible for actually preparing the registration, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.

I certify that this permit registration is on complete and accurate forms as prescribed by the Commissioner without alteration of the text.

I also certify under penalty of law that I have read and understand all requirements of the General Permit for the Discharge of Stormwater from a Municipal Separate Storm Sewer System issued on January 9, 2004 and that all requirements for authorization under the general permit are met and that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit for the municipality. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly making false statements.” (See CGS § 53a-157b.)

***(d) Availability of Part B Registrations, Annual Reports, and Stormwater Management Plans***

- (1) At least thirty days prior to submission of the Part B Registration to the Department, each municipality made available for public review and comment a draft copy of the complete



Part B Registration. Reasonable efforts to inform the public of this document were undertaken by such municipality. Such draft copies were made available at the municipality's main office or at a local library for public inspection and copying consistent with the federal and state Freedom of Information Acts.

- (2) At least thirty days prior to submission of each Annual Report to the Department, each municipality shall make available for public review and comment a draft copy of the complete Annual Report. Reasonable efforts to inform the public of this document shall be undertaken by such municipality. Such draft copies shall be made available at the municipality's main office or at a local library for public inspection and copying consistent with the federal and state Freedom of Information Acts.
- (3) Draft copies of each Storm Water Management Plan shall be made available upon request.

**(e) *Where to File a Registration***

A registration was filed with the Commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT  
DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

**(f) *Additional Information***

The Commissioner may issue a written request to require a municipality, state agency or federal agency to submit additional information that the Commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit. A response to the Commissioner's request for additional information shall be submitted to the Department within thirty days of the Commissioner's request.

- (1) A copy of the Stormwater Management Plan shall be made available for review by the general public upon request at a designated town office(s) during regular town business hours.
- (2) The permittee shall make a copy of the Stormwater Management Plan available to the following immediately upon request:
  - (A) the Commissioner (see Section 6(e));
  - (B) in the case of a municipality, state or federal agency adjacent to or interconnected with the permittee's storm sewer system, to the owner or operator of that MS4; and
  - (C) in the case of an MS4 stormwater discharge to a water supply watershed, to the public water supply company.

**(g) *Action by Commissioner***

- (1) In the event the Commissioner determines that a Minimum Control Measure or Best Management Practice as identified in the Part B Registration or in the Stormwater Management Plan may not reduce stormwater discharges from a municipal separate storm

sewer system to the maximum extent practicable, the Commissioner may allow or require a municipality to resubmit the Part B Registration prior to the Commissioner issuing a notice to obtain an individual permit for a discharge provided the municipality conducts a timely public hearing, after adequate public notice, to investigate what, if any, additional plans, measures or practices are necessary to reduce stormwater discharges to the maximum extent practicable. Any such request to resubmit a Part B Registration shall be in writing, and may be submitted to the Commissioner by the municipality or by any interested person. Written notice of the Commissioner's decision to allow a municipality to resubmit the Part B Registration shall be provided to the chief elected official or principal executive officer of such municipality and to any other person submitting a written request for such notice.

- (2) The Commissioner may require that a permittee obtain an individual permit for any discharge authorized by this permit in accordance with Section 22a-430b of the Connecticut General Statutes.
- (3) The Commissioner shall disapprove a registration:
  - (A) if the Commissioner finds that the subject activity is ineligible for this general permit, or that the municipality cannot or is unlikely to comply with this general permit; or
  - (B) for any other reason provided by law.
- (4) Disapproval of a registration shall constitute notice to the applicant that the subject activity may not lawfully be conducted or maintained or that the subject activity may not lawfully be conducted or maintained without issuance of an individual permit issued pursuant to Section 22a-430 of the Connecticut General Statutes.
- (5) Disapproval of a registration shall be in writing.

## **Section 5. Requirements of this General Permit**

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a permittee shall ensure that authorized activities are conducted in accordance with the following conditions:

### ***(a) Conditions Applicable for Certain Discharges***

- (1) If the permittee initiates, creates, or originates a discharge of stormwater which is located less than 500 feet from a tidal wetland that is not a fresh-tidal wetland, such discharge shall flow through a system designed to retain the volume of stormwater runoff generated by 1 inch of rainfall on the watershed for that system.
- (2) If the permittee wishes to initiate, create, or originate a discharge of stormwater below the high tide line into coastal, tidal, or navigable waters for which a permit is required under the Structures and Dredging Act in accordance with Section 22a-361(a) of the Connecticut General Statutes or into tidal wetlands for which a permit is required under the Tidal Wetlands Act in accordance with Section 22a-32 of the Connecticut General Statutes, the municipality shall obtain such permit(s) from the Commissioner prior to initiating, creating or originating such discharge.

**(b) Stormwater Management Plan**

The permittee shall develop, implement, and enforce a stormwater management plan designed to reduce the discharge of pollutants from the Small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Under this program, the permittee shall prepare a Stormwater Management Plan pursuant to Section 6 of this general permit, which plan was to be completed, and all Minimum Control Measures implemented, by January 8, 2009. The permittee shall continue to implement the Stormwater Management Plan and all Minimum Control Measures required by this general permit until January 8, 2015 or the next reissuance.

**Section 6. Development of Stormwater Management Plan**

The Stormwater Management Plan (the Plan) shall address the Minimum Control Measures as indicated in this section. Those measures indicated as required within the Urbanized Area portion of the Regulated Small MS4 shall be implemented, at a minimum, within those areas. At the discretion of the permittee, the Minimum Control Measures required within the Urbanized Areas may also be applied to any MS4 outside of the Urbanized Area. Those measures indicated as required throughout the municipality shall be implemented for all areas of the municipality regardless of Urbanized Area.

**(a) Minimum Control Measures**

For each Minimum Control Measure, the permittee shall: define appropriate BMPs; designate a person(s) and job title responsible for each BMP; define a time line for implementation of each BMP; and define measurable goals for each BMP. The Minimum Control Measures in the Stormwater Management Plan include, but are not limited to:

- (1) Public education and outreach on stormwater impacts.
  - (A) Required throughout the municipality:
    - (i) implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on waterbodies and the steps that the public can take to reduce pollutants in stormwater runoff.
- (2) Public Involvement/Participation.
  - (A) Required throughout the municipality:
    - (i) comply with state and local public notice and Freedom of Information requirements when implementing a public involvement/participation program. Where notice requirements are inconsistent, the notice provisions providing for the most notice and opportunity for public comment shall be followed.
    - (ii) develop a public involvement/participation program that includes the public in developing, implementing, and reviewing your stormwater management plan.
- (3) Illicit discharge detection and elimination.
  - (A) Required throughout the municipality:
    - (i) implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater discharges, except as provided in Section 3(a)(2), into the MS4, as well as sanctions to ensure compliance, to the extent allowable under State or local law;

- (ii) inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- (iii) by January 8, 2007, expand the map required by subsection (B)(i) below to identify on such map all outfalls of 15" or greater where such outfalls are located anywhere within each municipality;

(B) Required within the Urbanized Area:

- (i) by January 8, 2006, develop a map or series of maps at a minimum scale of 1"=2000' and maximum scale of 1"=100' showing all stormwater discharges from a pipe or conduit with a diameter of 15" or greater (or equivalent cross-sectional area) owned or operated by the municipality. For each discharge the following information shall be included:
  - a. Type, material, and size of conveyance, outfall or channelized flow (e.g. 24" concrete pipe);
  - b. The name and Surface Water Quality Classification of the immediate surface waterbody or wetland to which the stormwater runoff discharges;
  - c. If the outfall does not discharge directly to a named waterbody, the name of the nearest named waterbody to which the outfall eventually discharges;
  - d. The name of the watershed in which the discharge is located.
- (ii) by January 8, 2008, expand the map required by subsection (B)(i) above to identify on the map all outfalls of 12" or greater that are located within an urbanized area;
- (iii) develop, implement and enforce a program to detect and eliminate existing illicit discharges, as defined in 40CFR 122.26(b)(2), into the MS4; and
- (iv) develop and implement a plan to detect and address future non-stormwater discharges, including illegal dumping, to the MS4.

(4) Construction site stormwater runoff control.

(A) Required throughout the municipality:

- (i) develop, implement, and enforce a program, or modify an existing program, to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre shall be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program shall include, but not be limited to, the development and implementation of:
  - a. an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions for non-compliance, to the extent allowable under state or local law;
  - b. procedures for notifying construction site developers and operators of the requirements for registration under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities;
  - c. requirements for construction site operators to implement appropriate erosion and sediment control best management practices in accordance with the Guidelines;
  - d. requirements for construction site operators to control waste at the site such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste that may cause adverse impacts to water quality;
  - e. procedures for site plan review which incorporate consideration of potential water quality impacts;

- f. procedures for receipt and consideration of information submitted by the public;  
and
  - g. procedures for site inspection and enforcement of control measures.
- (5) Post-construction stormwater management in new development and redevelopment.

(A) Required throughout the municipality:

- (i) develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4 or directly to waters of the State. This program shall ensure that controls are implemented to require appropriate infiltration practices, reduction of impervious surface, creation of or conversion to sheet flow, measures and/or structures to reduce sediment discharge and any other innovative measures that will prevent or minimize water quality impacts;
- (ii) develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your municipality;
- (iii) use an ordinance or other regulatory mechanism to address the elements of subsection (i) above regarding post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and
- (iv) ensure adequate long-term operation and maintenance of BMPs.

(6) Pollution prevention/good housekeeping for municipal operations.

(A) Required throughout the municipality:

- (i) develop and implement an operation and maintenance program that includes a training component for municipal employees and contractors and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations;
- (ii) using training materials that are available from the EPA, the State or other organizations, this program shall include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance;
- (iii) develop and implement a program to sweep all streets at least once a year as soon as possible after snowmelt;
- (iv) develop and implement a program to evaluate and, if necessary, clean catch basins and other stormwater structures that accumulate sediment at least once a year, including a provision to identify and prioritize those structures that may require cleaning more than once a year; and
- (v) develop and implement a program to evaluate and, if necessary, prioritize for repairing, retrofitting or upgrading the conveyances, structures and outfalls of the MS4.

(B) Required within the Urbanized Area:

- (i) develop and implement a program to evaluate and prioritize those streets that may require sweeping more than once a year.

**(b) Sharing Responsibility**

(1) Qualifying Local Program

The permittee may satisfy the requirement to implement a BMP for a Minimum Control Measure by having a third party implement the BMP.

When a permittee is relying on a third party to implement one or more BMP(s), the permittee shall note that fact in the registration and annual report required in subsection (i) below. If the third party fails to implement the BMP(s), the permittee remains responsible for its implementation.

(Note: For example, if a local watershed organization performs an annual “river clean-up”, this event may be used to satisfy a BMP for the Public Participation and/or the Pollution Prevention and Good Housekeeping Minimum Control Measure.)

## (2) Qualifying State or Federal Program

If a BMP or Minimum Control Measure is the responsibility of a third party under another NPDES stormwater permit, the permittee is not required to include such BMP or Minimum Control Measure in its stormwater management plan. The permittee shall reference this qualifying program in their Stormwater Management Plan. However, the permittee is not responsible for its implementation if the third party fails to perform. The permittee shall periodically confirm that the third party is still implementing this measure. If the third party fails to implement the measure, the Stormwater Management Plan may be modified to address the measure, if necessary.

In the case of a permitted municipal industrial activity that is covered by the General Permit for the Discharge of Stormwater Associated with Industrial Activity, the permittee may reference the activity’s Stormwater Pollution Prevention Plan to address a portion of the permittee’s Stormwater Management Plan.

(Note: For example, the permittee may reference a regional mall’s requirement to perform sweeping and catch basin cleaning under the General Permit for the Discharge of Stormwater Associated with Commercial Activity. This third party action may be used to address a portion of the permittee’s requirement under the Good Housekeeping and Pollution Prevention Minimum Control Measure.)

## (3) Coordination of Permit Responsibilities

Where a portion of the separate storm sewer system within a municipality is owned or otherwise the responsibility of another municipality, or a state or federal agency the entities shall coordinate the development and implementation of their respective Stormwater Management Plans to address all the elements of Section 6. A description of the respective responsibilities for these elements shall be included in the Stormwater Management Plan for each municipality.

(Note: For example, a storm sewer system within a municipality may be operated and maintained by the DOT. In cases such as these, the two entities shall coordinate their Stormwater Management Plans to address the Minimum Control Measures, particularly at the interface between the two storm sewer systems.)

### (c) *Proper Operation and Maintenance*

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control, including related appurtenances, which are installed or used by the

permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with this permit.

**(d) *Signature Requirements***

The Plan shall be signed by the chief elected official or principal executive officer, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies. The Plan shall be retained by the chief elected official or principal executive officer and copies retained by town officials or employees responsible for implementation of the Plan.

**(e) *Plan Review Fee***

When submitting a Stormwater Management Plan as requested by the Commissioner in accordance with Section 4(f)(2)(A) each municipal permittee shall submit a plan review fee of \$187.50.

**(f) *Keeping Plans Current***

The permittee shall amend the Plan whenever; (1) there is a change which has the potential to cause pollution of the waters of the state; or (2) the actions required by the Plan fail to ensure or adequately protect against pollution of the waters of the state; or (3) the Commissioner requests modification of the Plan. The amended Plan shall be completed and all actions required by such Plan shall be completed within a time period determined by the Commissioner.

The Commissioner may notify the permittee in writing at any time that the Plan does not meet one or more of the requirements of this general permit. Within 30 days of such notification, unless otherwise specified by the Commissioner in writing, the permittee shall respond to the Commissioner indicating how they plan to modify the Plan to address these requirements. Within 90 days of this response or within 120 days of the original notification, whichever is less, unless otherwise specified by the Commissioner in writing, the permittee shall then revise the Plan, perform all actions required by the revised Plan, and shall certify to the Commissioner that the requested changes have been made and implemented. The permittee shall provide such information as the Commissioner requires to evaluate the Plan and its implementation.

**(g) *Failure to Prepare or Amend Plan***

In no event shall failure to complete or update a Plan in accordance with Sections 5(b) and 6 of this general permit relieve a permittee of responsibility to implement actions required to protect the waters of the state and to comply with all conditions of this general permit.

**(h) *Monitoring Requirements***

**(1) Schedule of Monitoring**

(A) Stormwater monitoring shall be conducted by the Regulated Small MS4 annually starting in 2004. At least two outfalls apiece shall be monitored from areas of primarily industrial development, commercial development and residential development, respectively, for a total of six (6) outfalls monitored. Each monitored outfall shall be

selected based on an evaluation by the MS4 that the drainage area of such outfall is representative of the overall nature of its respective land use type.

- (B) The municipality may submit a request to the Commissioner in writing for implementation of an alternate sampling plan of equivalent or greater scope. The Commissioner will approve or deny such a request in writing.

(2) Parameters to be monitored

The parameters to be monitored for each discharge point shall include:

- pH (SU)
- Hardness (mg/l)
- Conductivity (umhos)
- Oil and grease (mg/l)
- Chemical Oxygen Demand (mg/l)
- Turbidity (NTU)
- Total Suspended Solids (mg/l)
- Total Phosphorous (mg/l)
- Ammonia (mg/l)
- Total Kjeldahl Nitrogen (mg/l)
- Nitrate plus Nitrite Nitrogen (mg/l)
- E. coli (col/100ml)

In addition to this list of parameters, uncontaminated rainfall pH shall be measured at the time the runoff sample is taken.

(3) Stormwater Monitoring Procedures

- (A) Samples shall be collected from discharges resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours after any previous storm event of 0.1 inch or greater. Runoff events resulting from snow or ice melt cannot be used to meet the minimum annual monitoring requirements. Grab samples shall be used for all monitoring. Grab samples shall be collected during the first 6 hours of a storm event discharge. The uncontaminated rainfall pH measurement shall also be taken at this time. Samples for all discharges shall be taken during the same storm event.

(B) Storm Event Information

The following information shall be collected for the storm events monitored:

- (i) The date, temperature, time of the start of the discharge, time of sampling, and magnitude (in inches) of the storm event sampled.
- (ii) The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

(C) Test Procedures

Unless otherwise specified in this permit, all pollutant parameters shall be tested according to methods prescribed in Title 40, CFR, Part 136 (1990).



**(i) Reporting & Record Keeping Requirements**

- (1) The permittee shall keep records required by this permit for at least 5 years following its expiration or longer if requested by the Commissioner in writing. Such records, including the Stormwater Management Plan, shall be available to the public at reasonable times during regular business hours.
- (2) By January 1, 2005 and annually thereafter by January 1, the permittee shall submit an Annual Report to:

STORMWATER PERMIT COORDINATOR  
BUREAU OF MATERIALS MANAGEMENT & COMPLIANCE ASSURANCE  
DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

The report shall include:

- (i) A municipal plan review fee of \$187.50;
- (ii) The status of compliance with this general permit, an assessment of the appropriateness of the identified best management practices and progress towards achieving the implementation dates and measurable goals for each of the Minimum Control Measures;
- (iii) All monitoring data collected and analyzed pursuant to Section 6(g);
- (iv) All other information collected and analyzed, including data collected under Section 6(a)(3), during the reporting period;
- (v) A summary of the stormwater activities the permittee plans to undertake during the next reporting cycle; and
- (vi) A change in any identified measurable goals or implementation dates that apply to the program elements.

**(j) Other Requirements**

- (1) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge. Excluded from this are naturally occurring substances such as leaves and twigs provided no person has placed such substances in or near the discharge.
- (2) The stormwater discharge shall not result in pollution due to acute or chronic toxicity to aquatic and marine life, impair the biological integrity of aquatic or marine ecosystems, or result in an unacceptable risk to human health.

**(k) Total Maximum Daily Load (TMDL) Allocations**

If a TMDL is approved for any waterbody into which the permittee discharges, the permittee shall review its Stormwater Management Plan if the TMDL includes requirements for control of stormwater discharges. If the stormwater discharge(s) do not meet the TMDL allocations, the

permittee shall modify its Stormwater Management Plan to implement the TMDL within four months of the TMDL's approval and notify the Commissioner of this modification.

## **Section 7. Additional Requirements of this General Permit**

### ***(a) Regulations of Connecticut State Agencies Incorporated into this General Permit***

The permittee shall comply with all laws applicable to the subject discharges, including but not limited to, the following Regulations of Connecticut State Agencies which are hereby incorporated into this general permit, as if fully set forth herein:

(1) Section 22a-430-3:

Subsection (b) General - subparagraph (1)(D) and subdivisions (2),(3),(4) and (5)

Subsection (c) Inspection and Entry

Subsection (d) Effect of a Permit - subdivisions (1) and (4)

Subsection (e) Duty to Comply

Subsection (f) Proper Operation and Maintenance

Subsection (g) Sludge Disposal

Subsection (h) Duty to Mitigate

Subsection (i) Facility Modifications, Notification - subdivisions (1) and (4)

Subsection (j) Monitoring, Records and Report Requirements - subdivisions (1), (6), (7), (8), (9) and (11) (except subparagraphs (9) (A) (2) and (9) (c))

Subsection (k) Bypass

Subsection (m) Effluent Limitation Violations

Subsection (n) Enforcement

Subsection (p) Spill Prevention and Control

Subsection (q) Instrumentation, Alarms, Flow Recorders

Subsection (r) Equalization

(2) Section 22a-430-4

Subsection (t) Prohibitions

Subsection (p) Revocation, Denial, Modification

Appendices

### ***(b) Reliance on Registration***

In evaluating the permittee's registration, the Commissioner has relied on information provided by the permittee. If such information proves to be false or incomplete, the permittee's authorization may be suspended or revoked in accordance with law, and the Commissioner may take any other legal action provided by law.

### ***(c) Duty to Correct and Report Violations***

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct and mitigate the results of such violation and prevent further such violation. The permittee shall report in writing such violation and such corrective action to the Commissioner within five (5) days of the permittee's learning of such violation. Such information shall be filed in accordance with the certification requirements prescribed in Section 7(e) of this general permit.

**(d) *Duty to Provide Information***

If the Commissioner requests any information pertinent to the authorized activity or to compliance with this general permit or with the permittee's authorization under this general permit, the permittee shall provide such information within thirty (30) days of such request. Such information shall be filed in accordance with the certification requirements prescribed in Section 7(e) of this general permit.

**(e) *Certification of Documents***

Any document, including but not limited to any notice, information or report, which is submitted to the Commissioner under this general permit shall be signed by the chief elected official or principal executive officer of the municipality, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the Connecticut General Statutes, pursuant to Section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable statute.”

**(f) *Date of Filing***

For purposes of this general permit, the date of filing with the Commissioner of any document is the date such document is received by the Commissioner. The word “day” as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day.

**(g) *False Statements***

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with Section 22a-6, under Section 53a-157b of the Connecticut General Statutes.

**(h) *Correction of Inaccuracies***

Within fifteen days after the date the permittee becomes aware of a change in any information in any material submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, the permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the Commissioner. Such information shall be filed in accordance with the certification requirements prescribed in Section 7(e) of this general permit.

**(i) *Other Applicable Law***

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(j) ***Other Rights***

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

**Section 8. Commissioner's Powers**

(a) ***Abatement of Violations***

The Commissioner may take any action provided by law to abate a violation of this general permit, including but not limited to penalties of up to \$25,000 per violation per day under Chapter 446k of the Connecticut General Statutes, for such violation. The Commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with Sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the Commissioner by law.

(b) ***General Permit Revocation, Suspension, or Modification***

The Commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) ***Filing of an Individual Application***

If the Commissioner notifies a permittee in writing that such permittee shall obtain an individual permit under Section 22a-430 of the Connecticut General Statutes if he wishes to continue lawfully conducting the authorized activity, the permittee shall file an application for an individual permit within thirty (30) days of receiving the Commissioner's notice, or at such other date as the Commissioner may allow. While such application is pending before the Commissioner, the permittee shall comply with the terms and conditions of this general permit and the subject approval of registration. If the Commissioner issues an individual permit to a permittee under this general permit, this general permit, as it applies to such permittee, shall automatically terminate on the date such individual permit is issued. Nothing herein shall affect the Commissioner's power to revoke a permittee's authorization under this general permit at any time.

**Issued:** January 9, 2013

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Macky McCleary  
Deputy Commissioner

## Appendix A

<b>Connecticut Towns with Urbanized Areas</b>		
Andover*	Ansonia	Avon
Beacon Falls	Berlin	Bethany
Bethel	Bloomfield	Bolton
Bozrah*	Branford	Bridgeport
Bristol	Brookfield	Burlington
Canterbury*	Canton	Cheshire
Chester	Clinton	Coventry*
Cromwell	Danbury	Darien
Deep River	Derby	Durham
East Granby	East Hampton*	East Hartford
East Haven	East Lyme	East Windsor
Easton	Ellington	Enfield
Essex	Fairfield	Farmington
Franklin*	Glastonbury	Granby
Greenwich	Griswold	Groton
Guilford	Haddam*	Hamden
Hartford	Hebron	Killingworth*
Ledyard	Lisbon	Litchfield*
Lyme*	Madison	Manchester
Marlborough	Meriden	Middlebury
Middlefield	Middletown	Milford
Monroe	Montville	Naugatuck
New Britain	New Canaan	New Fairfield
New Hartford*	New Haven	New London
New Milford	Newington	Newtown
North Branford	North Haven	Norwalk
Norwich	Old Lyme	Old Saybrook
Orange	Oxford	Plainfield*
Plainville	Plymouth	Portland
Preston*	Prospect	Putnam
Redding	Ridgefield	Rocky Hill
Salem*	Seymour	Shelton
Sherman*	Simsbury	Somers
South Windsor	Southbury	Southington
Sprague*	Stafford*	Stonington
Stratford	Suffield	Thomaston
Thompson	Tolland	Trumbull
Vernon	Wallingford	Washington*
Waterbury	Waterford	Watertown
West Hartford	West Haven	Westbrook
Weston	Westport	Wethersfield
Wilton	Windsor	Windsor Locks
Wolcott	Woodbridge	Woodbury
Woodstock*		

\*Denotes town with population less than 1,000 in the Urbanized Area.



## **Notice of Renewal of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (without modifications)**

The Department of Energy & Environmental Protection (DEEP) hereby gives notice it has renewed (**without modifications**) the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 general permit).

The current MS4 general permit expires on January 8, 2013. In order to maintain permit coverage for the regulated community, the current MS4 general permit *without modifications* is therefore renewed for the period from January 9, 2013 to January 8, 2015.

No re-registration is required for this renewal *without modifications*. The current permit is available on the DEEP stormwater website at [www.ct.gov/deep/stormwater](http://www.ct.gov/deep/stormwater). Persons unable to access the information on the website may request a paper copy of the permit by calling (860) 424-3018 from 8:30 a.m. - 4:30 p.m., Monday through Friday, by emailing [kevin.sowa@ct.gov](mailto:kevin.sowa@ct.gov) or by writing to Mr. Kevin Sowa; WPED/Bureau of Materials Management and Compliance Assurance, Department of Energy & Environmental Protection, 79 Elm Street, Hartford, CT, 06106-5127.

1/13/2013

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Date

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Macky McCleary  
Deputy Commissioner