



NPDES MS4 Permitting Program Update

November 2020





Presentation Overview

- ❖ MS4 Compliance Initiative Status Update
- ❖ Expanded Pre-Audit Documentation Request
- ❖ Virtual MS4 Compliance Audits
- ❖ New Notice of Violation (NOV) Requirements
- ❖ Tools, Tips & Guidance





2018 MS4 Permit Compliance Initiative

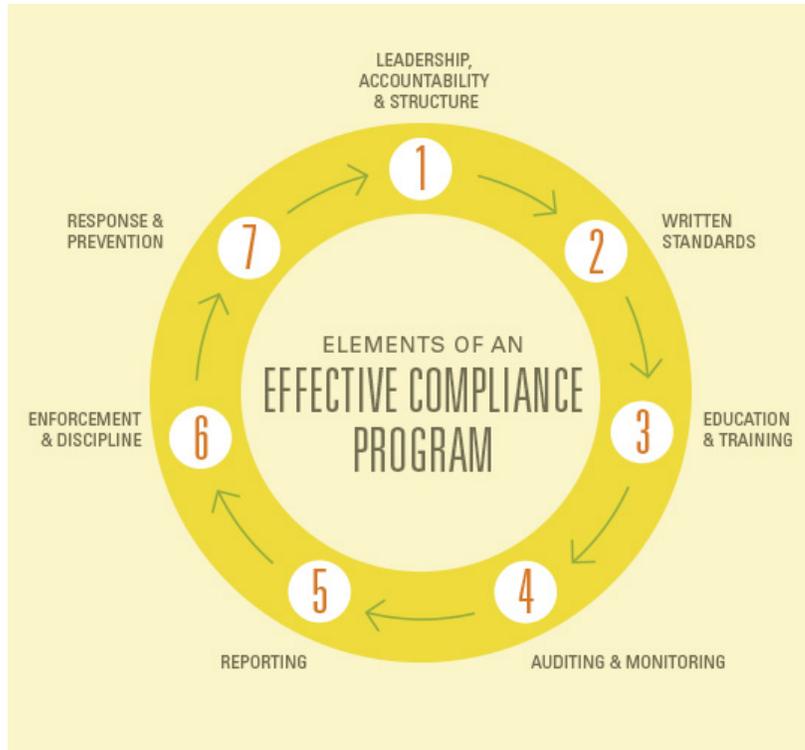


Image by msdresponsibility.com

GOAL 1: AN EFFICIENT & COMPLIANT MS4 PROGRAM

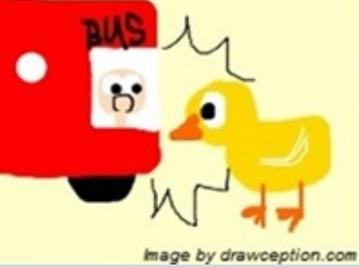
- ✓ Restructured DEQ Program
- ✓ Informative Web Page
- ✓ Standardized Tools & Processes
- ✓ Outreach, Training & Technical Support
- ✓ 5-Year Routine Audit Schedule
- Compliant MS4s
- Improved Water Quality
- Happy EPA, DEQ & Citizens



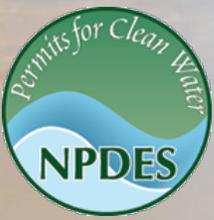


Current MS4 Compliance Audit Results (through 11/02/2020)



Notice of Compliance (NOC)	Notice of Deficiency (NOD)	Notice of Violation (NOV)
 <p>Got my ducks in a row <small>Image by Redbubble</small></p>	 <p><small>Image by Draw Me Mail</small></p>	 <p><small>Image by drawception.com</small></p>
<p>Qty: 5</p>	<p>Qty: 5</p>	<p>Qty: 36</p>

Plus 2 pending a compliance decision



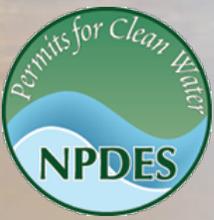
Advanced Enforcement

Notices for Recommendation of Enforcement (NORE) for MS4s who failed to comply with a NOV.

Penalty amounts take into account willful noncompliance and the amount saved by the permittee in not complying.

DEQ enforcement action(s) \neq EPA enforcement action(s).
MS4s could be subject to enforcement actions from both agencies.





Expanded Pre-Audit Documentation Request

- Stormwater Management Plan (SWMP)
- Annual Reports
- MS4 Program organizational chart
- MS4 map of outfalls and receiving waters
- Implementation agreements with other entities
- Post-construction ordinance reference(s) or link(s)
- **Illicit Discharge Detection and Elimination Program Plan**
- **MS4 Operation and Maintenance Plan**
- **Municipal SCM Operation and Maintenance Plan**



Image by insperity.com



Virtual MS4 Compliance Audits

DEQ may schedule a virtual audit if the permittee fails to submit all requested documentation or the submittal documents substantial non-compliance.

Virtual Audit = Automatic NOV

- A virtual audit may still include in-person facility and outfall visits.
- Virtually audited MS4s get a live DEQ “check-up” mid permit term under the new permit.
- Audits conducted in person will require appropriate COVI-19 social distancing and PPE.





New* Notice of Violation Requirements

**Effective January 1, 2021*



1. **Response letter confirming intent to comply (30 days)**
2. **Council Resolution supporting compliant Stormwater Program (60 days)**
3. **Submittal of written plans currently required under permit (120 days):**
 - **Illicit Discharge Detection and Elimination Program Plan**
 - **MS4 Operation and Maintenance Plan**
 - **Municipal SCM Operation and Maintenance Plan**
4. **Self-audit of program components not audited by DEQ (120 days)**
5. **Draft Stormwater Management Plan (SWMP) documenting the path to compliance (120 days)**





Summary of 2021 NOV Requirements



30 Days

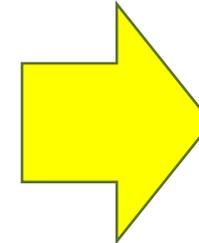
Response Letter

60 Days

Council
Resolution

120 Days

IDDE Plan
MS4 O&M Plan
SCM O&M Plan
Self-Audit
Draft SWMP



**Currently
required! You
should already
have these!**

Maximum civil penalty is \$37,500 per day for each violation.

Maximum criminal penalty is \$25,000 per day of violation and/or 1-year imprisonment.





****NEW** Wow Wednesday Stormwater Webinars**



***Every Third Wednesday from 11am-12pm
Presented by the NCDEQ Stormwater Program***

Free!

PDHs!

You must register to attend!

11/18/20 How to Rock an MS4 Audit

02/17/21 How to Create Clear, Specific, Measurable SWMPs

Contact michelle.evans@ncdenr.gov with any questions.





MS4 Tools & Resources

DEQ Stormwater Web Page: www.deq.nc.gov/sw

- Six Minimum Measure Assessment Modules for Sustainable MS4 Programs
- MS4 Audit Report Template
- SWMP Template, Instructions, and Guidance
- Baseline Phase II MS4 Permit Template
- DEQ Presentations
- EPA Guidance & Tools
- Sample Reports & Checklists



MS4 Tools & Resources

DEQ MS4 Program Emails

- Sent to the entire MS4 email contact list
- Periodic communications include:
 - Answers to MS4-relevant questions
 - MS4 program and compliance guidance
 - Current events & friendly reminders
 - Tips for special circumstances

Email your contact info to jeanette.powell@ncdenr.gov to be added to the distribution list or to submit an MS4 question or topic.



MS4 Tools & Resources

DEMLR Stormwater Laserfiche Repository:

- Link on the Stormwater web page
- Digital files for NPDES MS4, Industrial and Construction Permits
- Includes MS4 audit documents, notices, etc.

<https://edocs.deq.nc.gov/WaterResources/>



MS4 Tools & Resources

DEQ Stormwater Web Page:

www.deq.nc.gov/sw

MS4 Program Contact:

Jeanette Powell

(919) 707-3620

jeanette.powell@ncdenr.gov

DEQ staff are working remotely through at least the end of 2020.

Email is the best way to contact us!