STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

November 6, 2009

CERTIFIED MAIL NO: 7008 1300 0000 6221 1425
Captain Ed Brown, Commanding Officer
Naval Construction Battalion Center
4902 Marvin Shields Blvd.
Bldg 1, Command Suite
Gulfport, Mississippi 39501-5001

Dear Captain Brown:

Re: US Navy, Naval Construction Battalion Center
Harrison County, Small MS4 General Permit Coverage.
No. MSRMS4036

Enclosed is a Certificate of Coverage granting the Naval Construction Battalion Center coverage under Mississippi's Small Municipal Separate Storm Sewer System (MS4) General NPDES permit (copy enclosed). The submitted Storm Water Management Program (SWMP) appears to meet permit requirements and will be reviewed further during compliance inspections and audits. The SWMP must be implemented according to the schedule outlined in the program and be fully implemented within five years from the date of permit issuance. Annual reports summarizing the progress made in implementing the conditions of the permit and elements of the SWMP must be submitted to MDEQ no later than the 28th day of January, each year for the term of the permit. The annual reports must address minimum elements identified in ACT 5 of the permit and any modifications to the program must be in accordance with ACT 6, S-1.

This permit coverage is issued in accordance with the provisions of the Mississippi Air and Water Pollution Control Law (Sections 49-17-1, et seq., Mississippi code of 1972), and the regulations and standards adopted and promulgated thereunder and under the authority granted to the Mississippi Environmental Quality Permit Board pursuant to Section 402(b) of the Federal Water Pollution Control Act. Any appeal of this action must be made within the 30-day period provided for in Section 49-17-29(4)(b) Mississippi code of 1972.

Sincerely,

Jim Morris, Chief
General Permits Branch

Enclosures

3290 GNP20090001

State of Mississippi
Department of Environmental Quality
Office of Pollution Control

Certificate of Permit Coverage

under Mississippi's Small Municipal Separate Storm Sewer System (MS4) Storm Water General NPDES Permit

Be it known

United States Department of the Navy
Gulfport, Mississippi

having submitted an acceptable Small Municipal Separate Storm Sewer System Notice of Intent (MS4 NOI), is hereby granted this Certificate of Permit Coverage in order to discharge storm water from small storm sewer systems owned and operated by

Naval Construction Battalion Center, Storm Water Management Program
Receiving Streams: Long Beach Canal, Brickyard Bayou, Long Beach Bayou
Harrison County

Chief, General Permits Branch

Coverage No: MSRMS4036
Date of Coverage: November 6, 2009
Date First Annual Report is due January 28, 2010
Date Coverage Expires: *December 31, 2013*

3290 GNP20090001

STATE OF MISSISSIPPI
SMALL MUNICIPAL SEPARATE
STORM SEWER SYSTEM (MS4) GENERAL PERMIT

FOR CITIES, COUNTIES AND OTHER DESIGNATED ENTITIES

THIS CERTIFIES THAT

MS4s ISSUED A CERTIFICATE OF COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM 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: January 5, 2009

Expires: December 31, 2013

Permit No. MSRMS4

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Table of Contents

ACT1 (MS4) Introduction:
Narrative Requirements
Introduction 1

ACT2 (MS4) Permit Applicability and Coverage:
Narrative Requirements
Permit Area 2
Eligibility 2
This Permit Does Not Authorize 4

ACT3 (MS4) Obtaining Coverage:
Submittal/Action Requirements
Obtain Authorization 5
Requiring an Individual Permit or Alternative General Permit 5
How to Request Subsequent Re-coverage under a Reissued Permit 6

ACT4 (MS4) Notice of Intent (MS4 NOI):
Submittal/Action Requirements
MS4 Notice of Intent Submittal 7
Contents of MS4 NOI 7
Joint MS4 NOI 8
Narrative Requirements
Where to Obtain the MS4 NOI and/or Re-Coverage Forms 8
Where to Submit the MS4 NOI and/or Re-Coverage Forms 8
Failure to Notify 8

ACT5 (MS4) Storm Water Management Program (SWMP) Development and Content:
Submittal/Action Requirements
SWMP Development and Submittal 9
Six Minimum Control Measures 10
Public Education and Outreach on Storm Water Impacts 10
Public Involvement/Participation 11
Illicit Discharge Detection and Elimination 12
Construction Site Storm Water Runoff Control 14
Post Construction Storm Water Management in New Development and Redevelopment 17
Pollution Prevention/Good Housekeeping for Municipal Operations 20

ACT6 (MS4) Storm Water Management Program (SWMP) Implementation Requirements:
Submittal/Action Requirements
Reviewing and Updating SWMP 22
Sharing Minimum Measure Responsibility 24
Failure to Implement SWMP 25

ACT7 (MS4) Monitoring, Reporting and Recordkeeping Requirements:
Submittal/Action Requirements

Table of Contents

Monitoring 26
Annual Reports 26
Where to Send Reports 28
Records Retention 28
Noncompliance Reporting 28

ACT8 (MS4) Storm Water Quality Requirements:
Limitation Requirements
Storm Water Requirements 29

ACT9 (MS4) Standard Requirements Applicable to All Water Permits:
Narrative Requirements
Duty to Comply 30
Continuation of an Expired General Permit 30
Duty to Mitigate 30
Duty to Provide Information 30
Signatory Requirements 30
Duly Authorized Representative 31
Changes in Authorization 31
Certification 31
Oil and Hazardous Substance Liability 31
Property Rights 32
Severability 32
Proper Operation and Maintenance 32
Bypass Prohibition 32
Upset Conditions 33
Inspection and Entry 33
Permit Actions 33
Scientific, Technical and Legal Environmental Assistance 34
Reopener Clause 34
Permit Modification 34

ACT10 (MS4) Definitions: 35

ACT1 (MS4) Introduction:

Narrative Requirements:

Condition No.	Condition
T-1	Subject to regulation and compliance with the conditions set forth, this Small Municipal Separate Storm Sewer System (MS4) General Permit (this permit) authorizes storm water discharges and allowable non-storm water discharges outlined in ACT2, T-4 of this permit. This permit replaces the previous Small Municipal Separate Storm Sewer System (MS4) General Permit that expired on November 30, 2007. [WPC-1]

ACT2 (MS4) Permit Applicability and Coverage:

Narrative Requirements:

Condition No.	Condition
T-1	PERMIT AREA: The permit covers the State of Mississippi. [WPC-1]
T-2	ELIGIBILITY: COVERED AREAS AND DISCHARGES: (1) The permitting of selected storm sewer systems is required as a result of the U.S. Environmental Protection Agency's Phase II Storm Water Rule. This permit authorizes discharges of storm water from small Municipal Separate Storm Sewer Systems (MS4s), as defined in 40 CFR 122.26(b)(16). MS4s are authorized to discharge under the terms and conditions of this general permit that: - Operate a small MS4 within the State of Mississippi, and - Are located fully or partially within an urbanized area as determined by the latest census by the Bureau of Census and pursuant to 40 CFR 122.32, or - Are designated by the Mississippi Commission on Environmental Quality (Commission) pursuant to 40 CFR 122.32(a)(2), 122.32(b), or 123.35(b)(3) or (4). (2) For the Mississippi Department of Transportation (MDOT), at a minimum, permit coverage must be obtained for the entire counties (including cities within) of: DeSoto, Forrest, Hancock, Harrison, Hinds, Jackson, Lamar, Madison and Rankin and any other county containing an urbanized area as determined by the latest census conducted by the U.S. Census Bureau. (3) The discharges of storm water commingled with discharges authorized by and in compliance with separate NPDES permits are authorized under this permit. [WPC-1]
T-3	(4) A MS4 is eligible for coverage under this permit for discharges of pollutants of concern to water bodies for which there is a total maximum daily load (TMDL) established or approved by EPA if measures and controls are incorporated that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this permit, the facility must incorporate in the SWPPP and/or effluent limitation any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of such TMDL. If, after coverage issuance, a specific waste load allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation. [WPC-1]

ACT2 (continued):

Narrative Requirements:

Condition No.	Condition
T-4	(5) This permit authorizes the following non-storm water discharges provided: (1) they do not cause or contribute to a violation of water quality standards, (2) the Executive Director of the Mississippi Department of Environmental Quality (MDEQ) has determined these sources entering the MS4 are not a substantial cause or contributor of pollutants entering the MS4 that may violate applicable state or federal laws, regulations, or criteria, (3) the regulated entity has determined these sources entering the MS4 are not a substantial contributor of pollutants entering the MS4 that may violate applicable state or federal laws, regulations, or criteria, and (4) the regulated entity is implementing the Storm Water Management Program as set forth in ACT5 of this permit: - Water line flushing - Landscape irrigation - Diverted stream flows - Rising ground waters - Uncontaminated ground water infiltration (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 such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.) - Uncontaminated pumped ground water - Discharges from potable water sources - Foundation drains - Air conditioning condensate and coil wash water with no additives - Irrigation water - Springs - Water from crawl space pumps - Footing drains - Lawn watering runoff - Water from individual residential car washing - Flows from riparian habitats and wetlands - Dechlorinated swimming pool discharges - Street wash water - Discharges or flows from fire fighting activities - Fire hydrant flushings - External building wash downs which do not use detergents. [WPC-1]

ACT2 (continued):

Narrative Requirements:

Condition No.	Condition
T-5	THIS PERMIT DOES NOT AUTHORIZE: (1) Storm water discharges that are mixed with non-storm water unless such non-storm water discharges are in compliance with a separate NPDES permit. (2) Storm water discharges that are mixed with non-storm water discharges and that are determined to be a substantial contributor of pollutants to waters of the United States. (3) Storm water discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(i) - (ix) and (xi). (4) Storm water discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15). (5) Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that is listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. Coverage under this permit is available only if the regulated entity's storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that is listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed NOI will be deemed to constitute the regulated entity's certification of eligibility. [WPC-1]
T-6	(6) Implementation of a Storm Water Management Program (SWMP) which directly and adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the regulated entity is in compliance with requirements of the National Historic Preservation Act and has coordinated any necessary activities to avoid or minimize such direct and adverse impacts with the appropriate State Historic Preservation Officer. Submission of a signed NOI will be deemed to constitute the regulated entity's certification of eligibility. (7) Storm water discharges, which result in violation of State Water Quality Standards. If a discharge authorized under this permit is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, MDEQ will notify the regulated entity of such water quality violation(s) in writing and will provide the public information used by MDEQ to make this determination. The regulated entity must take all necessary actions required by their SWMP to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the SWMP. If such violations remain or re-occur, then additional measures such as the addition of BMPs or the requirement to obtain an individual permit may be required by the Permit Board. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act for the underlying violation. [WPC-1]

ACT3 (MS4) Obtaining Coverage:

Submittal/Action Requirements:

Condition No.	Condition
S-1	OBTAINING AUTHORIZATION: (1) The regulated entity must submit a MS4 Notice of Intent (MS4 NOI) and a Storm Water Management Program (SWMP) in accordance with the requirements of ACT4 of this permit. MS4 NOI packages in 3-ring binders will not be accepted due to limited filing space. (2) Upon review of the MS4 NOI and attachments, the staff may require additional information, deny coverage, or require an alternate permit. Staff decisions may be brought before the Mississippi Environmental Quality Permit Board (Permit Board) for review and reconsideration at a regularly scheduled meeting. (3) A regulated entity is authorized to discharge storm water from its MS4 under the terms and conditions of this permit, only upon receipt of written notification of approval of coverage by the Permit Board. Discharge of storm water by a regulated entity without written notification of coverage or issuance of an individual NPDES Storm Water Permit by the Permit Board is a violation of State law. (4) In the event that a regulated entity submits an MS4 NOI in a timely manner and substantially complies with the requirements of the general permit, including development of the Storm Water Management Program, the discharges occurring between the submission of the MS4 NOI and the issuance of notification of coverage shall be considered in compliance with this permit. [WPC-1]
S-2	REQUIRING AN INDIVIDUAL PERMIT OR ALTERNATIVE GENERAL PERMIT: (1) The Permit Board may require the regulated entity to apply for and obtain an individual NPDES permit instead of coverage under this permit. Any interested person may petition the Permit Board to take action under this paragraph in accordance with Section 49-17-29 of the Mississippi Code. The Permit Board may require the regulated entity to apply for an individual NPDES permit only after they have been notified in writing. This notice shall include reasons for this decision, an application form and a filing deadline. The Permit Board may grant additional time upon request. If the regulated entity fails to submit a requested application in a timely manner, coverage under this permit is automatically terminated at the end of the day specified for application submittal. (2) The regulated entity may request to be excluded from permit coverage by applying for an individual permit. The regulated entity shall submit an individual application in accordance with 40 CFR 122.33 (2) (i - iii). (3) Coverage under this permit is automatically terminated on the issuance or coverage date of the respective alternate individual NPDES permit. When an alternate individual NPDES permit is denied, coverage under this permit continues unless terminated on the date of such denial by the Permit Board. [WPC-1]

ACT3 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-3	HOW TO REQUEST SUBSEQUENT RE-COVERAGE UNDER A REISSUED PERMIT: The submittal of the fourth Annual Report (due no later than January 28, 2013) shall be deemed to be a notification of the MS4's intent to be covered by the subsequently issued MS4 General Permit, provided the Annual Report is signed by a principal executive officer or ranking elected official according to ACT9, T-5 of this permit. Upon reissuance of the general permit, MDEQ will send recoverage packages to each MS4 with instructions on how to continue coverage under the reissued permit. If reissuance of this permit does not occur before its expiration date and the coverage recipient has submitted a timely and complete final Annual Report, continued coverage under this permit will be allowed until the effective date of the reissued general permit coverage. [WPC-1]

ACT4 (MS4) Small Municipal Separate Storm Sewer System Notice of Intent (MS4 NOI):

Submittal/Action Requirements:

Condition No.	Condition
S-1	MS4 NOI SUBMITTAL: A regulated entity desiring coverage for storm water discharges under this general permit shall submit a MS4 NOI form for initial coverage and a request for recoverage for subsequent coverage. For regulated entities that have been designated by the Commission pursuant to 40 CFR 122.32(a)(2), the regulated entity is required to submit an MS4 NOI and storm water management plan within 180 days of designation by the Commission. For regulated entities covered by a previous Small Municipal Separate Storm Sewer System (MS4) General Permit, re-coverage must be made in accordance with the requirements of the reissued permit. [WPC-1]
S-2	CONTENTS OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NOTICE OF INTENT (NOI): The MS4 NOI shall be signed in accordance with ACT9, T-5 of this permit and shall include the following information: 1. The name of the regulated entity, mailing address, and telephone number specifying the contact person. 2. An indication of whether the regulated entity is a Federal, State, County, Municipal, or other public entity. 3. The urbanized area where your MS4 is located; the name of your organization, and county(ies) where your MS4 is located. 4. The name of the major (named on a USGS Quad Map) receiving water(s). 5. A list of receiving waters that are on the latest State of Mississippi 303(d) list of impaired waters. 6. If relying on another governmental entity regulated under the storm water regulations (40 CFR 122.26 & 122.32) to satisfy one or more of the regulated entity's permit obligations, the identity of that entity or entities and the element(s) they will be implementing must be submitted. If the entity that the permitted MS4 operator is relying on to carry out the requirements of the minimum control measure fails to meet the permit requirements, it is the regulated entity's responsibility to assure compliance. 7. As an attachment to the MS4 NOI, a Storm Water Management Program (SWMP) must be submitted that includes the minimum requirements of as outlined in ACT5 of this permit. [WPC-1]

ACT4 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-3	JOINT MUNICIPAL SEPARATE STORM SEWER SYSTEM NOTICE OF INTENT (MS4 NOI): A regulated entity may, pursuant to the Mississippi Storm Water Management District Act, Miss. Code Ann. Section 51-39-1 et. Seq., or under other applicable authority, partner with another regulated entity to develop and/or implement a SWMP. However, each regulated entity remains responsible for the implementation of the SWMP in their MS4. Each regulated entity must complete the joint MS4 NOI form. The SWMP must clearly describe which regulated entity will be implementing each control measure. [WPC-1]

Narrative Requirements:

Condition No.	Condition
T-1	WHERE TO OBTAIN THE MS4 NOI AND/OR RE-COVERAGE FORMS: MS4 NOI forms are contained in the MS4 Forms Package or may be obtained from the MDEQ at the address shown below or by calling 601/961-5171. MS4 NOI forms, as well as the general permit, may also be found on the MDEQ web site at www.deq.state.ms.us. [WPC-1]
T-2	WHERE TO SUBMIT THE MUNICIPAL SEPARATE STORM SEWER SYSTEM NOTICE OF INTENT (MS4 NOI) AND/OR RE-COVERAGE FORM: Complete and appropriately signed forms must be submitted to: Chief, Environmental Permits Division MS Dept of Environmental Quality, Office of Pollution Control P.O. Box 2261 Jackson, Mississippi 39225. [WPC-1]
T-3	FAILURE TO NOTIFY: Failure to submit a MS4 NOI in accordance with State and Federal Law and Regulations, or as required by this general permit and discharges of storm water from regulated MS4s to waters of the State without coverage under this permit or an individual NPDES permit are violations of State law. [WPC-1]

ACT5 (MS4) Storm Water Management Program (SWMP) Development and Content:

Submittal/Action Requirements:

Condition No.	Condition
S-1	SWMP DEVELOPMENT AND SUBMITTAL:
	The regulated entity must develop, implement, and enforce a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants from its Municipal Separate Storm Sewer System (MS4) to the maximum extent practicable (MEP) to protect water quality and to satisfy applicable water quality requirements of the Clean Water Act. The SWMP is not required to address discharges into the regulated MS4 that occur outside the jurisdiction (or boundary) of the regulated entity. The SWMP should include management practices; control techniques and system design, and engineering methods; and such other provisions necessary for the control of pollutants to satisfy the applicable water quality requirements of the Clean Water Act. A regulated entity's SWMP must include the six minimum control measures described below. The SWMP, at a minimum, must be implemented for the entire urbanized area, or if designated separately by the MDEQ Executive Director, the entire designated area. The plan must identify: (1) Best Management Practices (BMPs) that the regulated entity or partner regulated entity will implement for each of the storm water minimum control measures. (2) Measurable goals for each of the BMPs including, as appropriate, the years in which the regulated entity will undertake required actions, including interim milestones and the frequency of the action. (3) Responsible persons for implementing or coordinating the BMPs for the SWMP. [WPC-1]
S-2	(4) In addition to the requirements listed above, the regulated entity must: - Provide a rationale for how and why the regulated entity selected each of the BMPs and measurable goals for the SWMP - Develop and fully implement the regulated entity's program within five years from coverage issuance - Implement BMPs and set measurable goals that are targeted to addressing existing water quality problems and preventing new water quality problems. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-3	SIX MINIMUM CONTROL MEASURES:
	(1) PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS:
	The regulated entity shall develop a program for educating the public on issues impacting stormwater. The program shall, at a minimum, include the following components.
	(A) Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.
	(B) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. [WPC-1]
S-4	(C) Document the decision process for the development of a storm water public education and outreach program. The regulated entity's rationale statement must address both the overall public education program and the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum:
	(i) How the regulated entity plans to inform individuals and households about the steps they can take to reduce storm water pollution such as proper septic system maintenance, proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation and properly disposing of used motor oil or household hazardous waste.
	(ii) How the regulated entity plans to inform individuals and groups on how to become involved in the storm water program (with activities such as storm drain stenciling/marking, adopt-a-stream, and liter clean-up projects).
	(iii) Who are the target audiences for the education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.
	(iv) What are the target pollutant sources the public education program is designed to address.
	(v) What is the regulated entity's outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) the regulated entity will use to reach target audiences, and how many people the regulated entity expects to reach by the outreach strategy over the permit term. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-5	(vi) How the regulated entity will evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected. (vii) Responsibility for overall management and implementation of the storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program. [WPC-1]
S-6	(2) PUBLIC INVOLVEMENT/PARTICIPATION: The regulated entity shall develop a program for public involvement and participation that contains the following elements. (A) At a minimum, notify the public of opportunities to provide input to the process of implementing a SWMP by complying with local public notice requirements. (B) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. [WPC-1]
S-7	(C) Document the decision process for the development of a storm water public involvement/participation program. The regulated entity's rationale statement must address both the overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum: (i) How the regulated entity has and will continue to involve the public in the development and submittal of the MS4 NOI and SWMP. (ii) What is the plan to involve the public in the development and implementation of this program. (iii) Who are the target audiences for the public involvement program, including a description of the types of ethnic and economic groups engaged. The regulated entity is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-8	(iv) What are the types of public involvement activities included in the program. Where appropriate, consider the following types of pubic involvement activities: (a) Citizen representatives on a storm water management panel (b) Public hearings (c) Working with citizen volunteers willing to educate others about the program (d) Volunteer monitoring or stream/beach clean-up activities (v) How the regulated entity will evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected. (vi) Responsibility for the overall management and implementation of the storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program. [WPC-1]
S-9	(3) ILLICIT DISCHARGE DETECTION AND ELIMINATION: The regulated entity shall develop a program to detect and eliminate illicit discharges, which contains the following components. (A) Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 40CFR 122.26(b)(2)) into the regulated entity's small MS4. (B) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls. (C) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the regulated entity's storm sewer system and implement appropriate enforcement procedures and actions. Existing ordinances addressing illicit discharges shall be submitted to MDEQ for compliance review with the SWMP. Draft ordinances shall be submitted to MDEQ for review 30 days before proposed adoption. (D) Develop and implement a plan to detect and address illicit discharges, including illegal dumping, to the regulated entity's system. (E) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-10	(F) Address the non-storm water discharges or flows identified in ACT2, T-4 of this permit only if the regulated entity or MDEQ identify them as significant contributors of pollutants to the regulated entity's small MS4. The regulated entity may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on available information) to be significant sources of pollutants to the MS4. If a list of incidental non-storm water discharges is developed the regulated entity must: (i) Document in your plan any local controls or conditions placed on the discharges. (ii) Include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to the MS4. (G) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. [WPC-1]
S-11	(H) Document the decision process for the development of a storm water illicit discharge detection and elimination program. The regulated entity's rationale statement must address both the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum: (i) The plan to detect and address illicit discharges to the regulated entity's system, including discharges from illegal dumping and spills. This plan must include dry weather field screening for non-storm water flows. This plan must also address on-site sewage disposal systems that flow into the regulated entity's storm drainage system. This description must address the following, at a minimum: (a) Procedures for locating priority areas which include areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines) (b) Procedures for tracing/locating the source of an illicit discharge, including the use of MDEQ's Complaint Tracking System (c) Procedures for removing the source of the illicit discharge (d) Procedures for program evaluation and assessment. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-12	(ii) How the regulated entity plans to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in the regulated entity's description how this plan will coordinate with the regulated entity's public education minimum measure and the regulated entity's pollution prevention/good housekeeping minimum measure programs. Illicit discharge education actions may include storm drain marking, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials. (iii) How the regulated entity will evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected. (iv) Responsibility for overall management and implementation of the storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program. [WPC-1]
S-13	(4) CONSTRUCTION SITE STORM WATER RUNOFF CONTROL: The regulated entity shall develop a program to control storm water runoff from construction sites, which contains the following elements. (A) Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one (1) acre. Reduction of storm water discharges from construction activity disturbing less than one (1) acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more. The program must include the development and implementation of, at a minimum: (i) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law. Existing ordinances addressing construction site storm water runoff shall be submitted to MDEQ for compliance review with the SWMP. Draft ordinances shall be submitted to MDEQ for review 30 days before proposed adoption. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-14	(ii) Requirements for construction site operators to provide the regulated entity a copy of their Storm Water Pollution Prevention Plan and proof of issuance of applicable MDEQ approvals/permits prior to the issuance of local construction approvals/permits. Examples of MDEQ approvals/permits include: - Small Construction General Permit coverage for land disturbances one (1) acre to less than five (5) acres (less than one acre if part of a larger common plan of development or sale) - Large Construction General Permit coverage for land disturbances five (5) acres and greater (or less if part of a larger common plan of development or sale) - Registration Form for Residential Lot Coverage and Large Construction General Permit coverage number for residential lots in subdivision covered under a Large Construction General Permit. (iii) Requirements for construction site operators to provide the regulated entity a copy of the proper permits or approvals from the Army Corps of Engineers if waters of the United States are being filled, rerouted or dammed. [WPC-1]
S-15	(iv) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices, including verification that operators have received training in proper installation of said controls. (v) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. (vi) Procedures for site plan review which incorporate consideration of potential water quality impacts. (vii) Procedures for receipt and consideration of information submitted by the public. (viii) Procedures for site inspection and enforcement of control measures. (ix) Procedures to ensure implementation of required post-construction controls (see ACT5, S-15). [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-16	(B) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. (C) Document the decision process for the development of a construction site storm water control program. The regulated entity's rationale statement must address the overall construction site storm water control program, the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum: (i) The procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts and consistency with local sediment and erosion control requirements. (ii) The procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the regulated entity's public education program. [WPC-1]
S-17	(iii) The procedures for site inspection and enforcement of control measures, including how the regulated entity will prioritize sites for inspection based on the nature of the construction activity, topography, soil characteristics, and receiving water quality. Some examples of sanctions to ensure compliance include non-monetary penalties, fines, bonding requirements and/or permit denials for non-compliance. (iv) The procedures to provide appropriate educational training measures for construction site operators. (v) How the regulated entity will evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected. (vi) Responsibility for overall management and implementation of the construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-18	(5) POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT: The regulated entity shall develop a program to address post-construction storm water management in new development and redevelopment, including the following elements. (A) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale, that discharge into the regulated entity's small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. (B) Develop and implement strategies, which include a combination of structural and/or non-structural best management practices (BMPs), appropriate for the regulated entity. (C) Use an ordinance or other regulatory mechanism to address post construction runoff from new development and redevelopment projects to the extent allowable under State or local law. The ordinance or regulatory mechanism shall not limit the post-construction minimum measure to a single type of best management practice. Existing ordinances addressing post construction storm water management shall be submitted to MDEQ for compliance review with the SWMP. Draft ordinances shall be submitted to MDEQ for review 30 days before proposed adoption. [WPC-1]
S-19	(D) Ensure adequate long term operation and maintenance of BMPs. The MS4 shall require a maintenance agreement and provide verification of maintenance provisions for post-construction management practices. These agreements shall allow the MS4, or its designee, to conduct inspections of the management practices and also account for transfer of responsibility in leases and/or deed transfers. Verification shall include one or more of the following as applicable: (i) The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or (ii) Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or (iii) Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owners' association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or (iv) Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices. (E) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-20	(F) Document the decision process for the development of a post-construction storm water management program. The regulated entity's rationale statement must address the overall post-construction storm water management program, the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum: (i) The regulated entity's program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program. (ii) How the regulated entity's program will be specifically tailored for the regulated entity, minimize water quality impacts, and attempt to maintain pre-development runoff conditions. (iii) Any non-structural BMPs in the program, including, as appropriate: (a) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation and encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure. (b) Education programs for developers and the public about project designs that minimize water quality impacts. (c) Measures such as minimization of the percentage of impervious area after development, and minimization of directly connected impervious areas. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-21	(iv) Any structural BMPs in the program, including, as appropriate: (a) Storage practices such as wet ponds and extended detention outlet structures. (b) Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips. (c) Infiltration practices such as infiltration basins, infiltration trenches and pervious concrete. (v) Ensure the appropriate implementation of the structural BMPs by considering some or all of the following: (a) Pre-construction review of BMP design (b) Inspections during construction to verify BMPs are built and properly designed (c) Post-construction inspection and maintenance of BMPs (d) Penalty provisions for non-compliance (vi) How the regulated entity will evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected. (vii) Responsibility for overall management and implementation of the regulated entity's post-construction storm water management program and, if different, who is responsible for each of the BMPs identified for this program. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-22	(6) POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS The regulated entity shall develop a pollution prevention/good housekeeping program with the following components. (A) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from the regulated entity's operations. (B) Using training materials that are available from EPA, the State, or other organizations, the regulated entity's program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. (C) Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. [WPC-1]
S-23	(D) Document the decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The regulated entity's rationale statement must address the overall pollution prevention/good housekeeping program, the individual BMPs, measurable goals, and responsible persons for this program. The rationale statement must include the following information, at a minimum: (i) The regulated entity's program must specifically list the municipal operations that are impacted by this operation and maintenance program. The regulated entity must also include a list of industrial facilities that the regulated entity owns or operates which are covered by General Storm Water Permits or have individual NPDES Storm Water Permits. Include the facility's coverage number and/or permit number. (ii) Any employee training program the regulated entity will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials the regulated entity plans to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure. [WPC-1]

ACT5 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-24	(iii) The regulated entity's program description must specifically address the following areas: (a) Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables (including froth, oil and floating solids) and other pollutants to the MS4. (b) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and waste transfer stations. (c) Procedures for the proper disposal of waste removed from the MS4 and regulated entity's operations, including dredge spoil, accumulated sediments, floatables, and other debris. (d) Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices. (iv) How the regulated entity will evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected. (v) Responsibility for overall management and implementation of the pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program. [WPC-1]

ACT6 (MS4) Storm Water Management Program (SWMP) Implementation Requirements:

Submittal/Action Requirements:

Condition No.	Condition
S-1	REVIEWING AND UPDATING STORM WATER MANAGEMENT PROGRAMS: (1) Storm Water Management Program Review: The regulated entity must conduct an annual review of their Storm Water Management Program in conjunction with preparation of the annual report required under ACT7, S-2 of this permit. (2) Storm Water Management Program Update: The regulated entity may change their Storm Water Management Program during the life of the permit in accordance with the following procedures: (A) Changes adding (but not subtracting or replacing) components, control measures, or requirements to the Storm Water Management Program may be made at any time upon written notification to MDEQ. These changes must be documented in the annual report. (B) Changes subtracting or replacing ineffective or impracticable components, control measures, or requirements, specifically identified in the Storm Water Management Program, with alternate components, controls, or requirements may be requested at any time. Unless denied by the Permit Board, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If request is denied, the Permit Board, or MDEQ acting on behalf of the Permit Board, will respond in writing. The regulated entity's modification requests must include the following: (i) An analysis of why the components, control measures, goals, or requirements are ineffective or impracticable (including cost analyses) (ii) Expectations on the effectiveness of replacement components, control measures, goals, or requirements. (iii) An analysis of why the replacement components, control measures, goals, or requirements are expected to achieve the goals of the components, controls, or requirements to be replaced. (C) Change requests or notifications must be made in writing and signed in accordance with ACT9, T-5 of this permit. [WPC-1]

ACT6 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-2	(3) Storm Water Management Program Updates Required by MDEQ: (A) The Permit Board shall require Storm Water Management Program updates as part of the re-coverage process for subsequently issued MS4 General Permits. These updates may include, but not be limited to, best management practices, measurable goals, policies, procedures, programs, ordinances, strategies, etc. (B) The Permit Board may require changes to the Storm Water Management Program as needed to: (i) Meet the conditions of this permit. (ii) Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4. (iii) Include additional control measures when a Total Maximum Daily Load (TMDL) has been specified for a receiving waterbody, when a Watershed Management Plan has been adopted for a watershed or if a coverage recipient's SWMP proves to be inadequate in reducing pollutants in storm water runoff. (iv) Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements. (v) Include such other conditions necessary to comply with the requirements of the Clean Water Act. (C) Changes requested by the Permit Board must be made in writing, set forth the time schedule for the regulated entity to develop the changes, and offer the regulated entity the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Permit Board will be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63. (4) Transfer of Operational Authority, or Responsibility for Storm Water Management Program Implementation: The regulated entity must implement the Storm Water Management Program on all new areas added to the regulated entity's portion of the municipal separate storm sewer system (or for which the regulated entity becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately. [WPC-1]

ACT6 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-3	(A) Within 90 days of a transfer of operational authority, or responsibility for storm water management program implementation, the regulated entity must have a plan for implementing the regulated entity's Storm Water Management Program on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the Storm Water Management Program must be included in the annual report. Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the regulated entity(s) and replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the Storm Water Management Program and not modifications to the permit. [WPC-1]
S-4	SHARING MINIMUM MEASURE RESPONSIBILITY: (1) Implementation of one or more of the minimum measures may be shared with another entity, or the other entity may fully take over the measure. A regulated entity may rely on another entity only if: (A) The other entity, in fact, implements the control measure. (B) The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement. (C) The other entity agrees to implement the control measure on the regulated entity's behalf and accepts this obligation in writing. This obligation must be maintained as part of the description of the regulated entity's storm water management program. If the other entity fails to implement the control measure on the regulated entity's behalf, then the regulated entity remains liable for any discharges due to that failure to implement. (2) In the case of the construction minimum measure, MDEQ may agree to assume responsibility, if petitioned by the regulated entity, for the portion of the minimum measure that addresses construction activities five (5) acres and greater (residential subdivisions are specifically excluded). If MDEQ agrees to assume responsibility, the regulated entity is not required to include that portion of the minimum control measure in the SWMP, nor required to address large construction in the annual report. The MS4 General Permit Forms Package contains a petition form for this purpose. (3) Programs that meet or exceed the provisions of this minimum measure and the provisions of Mississippi's construction general permit requirements may, at the request of the regulated entity and at the discretion of MDEQ, be designated as a qualifying local program. Construction sites that meet the requirements of the qualifying local program may be deemed to also satisfy Mississippi's construction general permit requirements. [WPC-1]

ACT6 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-5	FAILURE TO IMPLEMENT STORM WATER MANAGEMENT PROGRAM (SWMP): Any permit noncompliance constitutes a violation of the Mississippi Water Pollution Control Law and is grounds for enforcement action against the MS4. In addition, failure by the MS4 to initiate appropriate enforcement actions as defined in the SWMP may be the basis for State determination that the MS4 has failed to take timely enforcement action. In instances where the State determines that the MS4 has not initiated timely and appropriate enforcement action, the State may proceed with any or all enforcement options against the discharger and MS4 under the Clean Water Act. [WPC-1]

ACT7 (MS4) Monitoring, Reporting and Recordkeeping Requirements:

Submittal/Action Requirements:

Condition No.	Condition
S-1	MONITORING: The coverage recipient must evaluate program compliance, the appropriateness of their identified best management practices, and progress towards achieving their identified measurable goals. Although water quality sampling and analysis may be used by a regulated entity, it is not a requirement of this permit. [WPC-1]
S-2	ANNUAL REPORTS: The coverage recipient must prepare and submit to MDEQ an annual report. The objective of the annual report is to summarize the progress made in implementing the conditions of the permit and elements of the storm water management plan. The submittal of the fourth Annual Report shall be deemed to be a notification of the MS4's intent to be covered by the subsequently issued MS4 General Permit. The annual report shall be in the approved MDEQ format. A template of the approved MDEQ annual report format may be obtained from MDEQ at the address shown below or by calling 601/961-5171. The annual report template, general permit and forms package may also be found on the MDEQ web site at www.deq.state.ms.us. Annual reports in 3-ring binders will not be accepted due to limited filing space. These annual reports must include, at a minimum: (1) The status of compliance with permit conditions, an assessment of the appropriateness of the coverage recipient's identified BMPs and progress towards achieving the coverage recipient's identified measurable goals for each of the minimum control measures. (2) Results of information collected and analyzed, including monitoring data, if any, during the reporting period. (3) A summary of the storm water activities planned during the next reporting cycle. (4) Proposed changes to the storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements. (5) Changes in any identified measurable goals that apply to the program elements. (6) Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable). [WPC-1]

ACT7 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-3	(7) The number of small construction projects receiving approval from the MS4. Small construction projects are land disturbance activities of equal to or greater than one (1) acre and less than five (5) acres or are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility (i.e. an existing ditch, channel, or other similar storm water conveyance, as well as routine grading of existing dirt roads, asphalt overlays of existing roads, and similar maintenance activities). (8) The number of large construction projects receiving approval from the MS4. Large construction projects are land disturbance activities of equal to or greater than five (5) acres or are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than five (5) acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, and similar maintenance activities. (9) The number and type of inspections conducted and enforcement actions taken. (10) The number of illicit discharges detected and the number of illicit discharges eliminated. (11) The number, type (i.e., detention basin, manufactured system, etc.) and location of post-construction management practices installed at new development and redevelopment projects. [WPC-1]
S-4	(12) Documentation that all control measures being planned or implemented that may address Wasteload Allocation (WLA) provisions of a TMDL, if it is found that a MS4 must implement specific WLA provisions of a TMDL. Also, include a schedule of implementation for all planned controls. (13) Certification that the MS4 NOI and SWMP are up to date. The annual report shall be certified according to ACT9, T-5 and T-6 of this permit. [WPC-1]

ACT7 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-5	WHERE TO SEND REPORTS: The annual reports required in Part ACT7, S-2 of this permit are to be submitted annually postmarked no later than the 28th day of January. The first submission may be for less than a 12-month period. Reports shall be submitted to the MDEQ at the following address: Chief, Environmental Compliance and Enforcement Division Office of Pollution Control, Dept of Environmental Quality P.O. Box 2261 Jackson, Mississippi 39225. [WPC-1]
S-6	RECORDS RETENTION: All records, reports and information resulting from activities required by this permit shall be retained for a period of at least three years from the date of the coverage recipient's MS4 NOI, inspection or report. The coverage recipient must make records required by this permit, including the regulated entity's SWMP, available to the public at reasonable times during regular business hours. (The regulated entity may assess a reasonable charge for copying. The coverage recipient may require a member of the public to provide advance notice, not to exceed two working days.). [WPC-1]
S-7	NONCOMPLIANCE REPORTING: (1) Anticipated Noncompliance. The regulated entity shall give at least 10 days advance notice, if possible, before any planned noncompliance with permit requirements. (2) Unanticipated Noncompliance. The regulated entity shall notify the MDEQ orally within 24 hours from the time he or she becomes aware of unanticipated noncompliance. A written notice shall be provided to the MDEQ within 5 working days of the time he or she becomes aware of the circumstances. The written report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence of the noncompliance and, if the noncompliance has not ceased, the anticipated time for correction. [WPC-1]

ACT8 (MS4) Storm Water Quality Requirements:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1		LIMITATION REQUIREMENTS: Storm water shall be free from: (1) Debris, oil, scum, and other floating materials other than in trace amounts (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters (3) Suspended solids, turbidity and color at levels inconsistent with the receiving waters (4) Substances in concentrations that would cause violation of State Water Quality Criteria in the receiving waters. [WPC-1]

ACT9 (MS4) Standard Requirements Applicable to All Water Permits:

Narrative Requirements:

Condition No.	Condition
T-1	DUTY TO COMPLY: Any permit noncompliance constitutes a violation of the Mississippi Water Pollution Control Law and is grounds for enforcement action or coverage termination and requiring reapplication in accordance with ACT3, S-2 of this permit. [WPC-1]
T-2	CONTINUATION OF AN EXPIRED GENERAL PERMIT: All general permits and coverages issued by the Permit Board shall remain in full force and effect until the Permit Board makes a final determination regarding any reissuance, modification, or revocation of the permits and coverages. [WPC-1]
T-3	DUTY TO MITIGATE: The regulated entity shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that is likely to adversely affect human health or the environment. [WPC-1]
T-4	DUTY TO PROVIDE INFORMATION: The regulated entity shall furnish to the MDEQ, within a reasonable time, any information which the MDEQ may request to determine compliance with this permit. [WPC-1]
T-5	SIGNATORY REQUIREMENTS: All Notice of Intent forms, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by you shall be signed and certified as follows: (1) The MS4 NOI(s) and SWMP(s) submitted to the MDEQ shall be signed by a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA). (2) All reports required by this permit, and other information requested by the Permit Board shall be signed by a person described above or a duly authorized representative (see T-6 below). [WPC-1]

ACT9 (continued):

Narrative Requirements:

Condition No.	Condition
T-6	DULY AUTHORIZED REPRESENTATIVE: A person is a duly authorized to sign submissions to the MDEQ only if: (1) The authorization is made in writing by a person described in T-5 above, and submitted to the MDEQ. (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as manager, operator, superintendent or one having overall environmental responsibility (a duly authorized representative may be a named individual or any individual occupying a named position). [WPC-1]
T-7	CHANGES TO AUTHORIZATION: If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the above requirements must be submitted to the MDEQ prior to or together with any reports, information or applications signed by the representative. [WPC-1]
T-8	CERTIFICATION: Any person signing documents under this section shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. [WPC-1]
T-9	OIL AND HAZARDOUS SUBSTANCE LIABILITY: Nothing in this permit shall relieve the regulated entity from responsibilities, liabilities, or penalties under Section 311 of the Clean Water Act (CWA). [WPC-1]

ACT9 (continued):

Narrative Requirements:

Condition No.	Condition
T-10	PROPERTY RIGHTS: The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. [WPC-1]
T-11	SEVERABILITY: The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby. [WPC-1]
T-12	PROPER OPERATION AND MAINTENANCE: The regulated entity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the regulated entity to achieve compliance with the conditions of this permit including the storm water pollution prevention plan. Proper operation and maintenance includes adequate laboratory controls with appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities when necessary to achieve compliance with permit conditions. [WPC-1]
T-13	BYPASS PROHIBITION: Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against a regulated entity for a bypass, unless: (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This conditions is not satisfied if the regulated entity should, in the exercise of reasonable engineering judgement, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and (3) The regulated entity submitted notices per ACT7, S-7 of this permit. [WPC-1]

ACT9 (continued):

Narrative Requirements:

Condition No.	Condition
T-14	UPSET CONDITIONS: An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a regulated entity shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that: (1) An upset occurred and the regulated entity can identify the specific cause(s) of the upset, (2) The permitted facility was at the time being properly operated, (3) The regulated entity submitted notices per ACT7, S-7 of this permit). The regulated entity took remedial measures as required under ACT9, T-3 of this permit. In any enforcement proceeding, the regulated entity has the burden of proof that an upset occurred. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. [WPC-1]
T-15	INSPECTION AND ENTRY: The regulated entity shall allow MDEQ or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to (1) Enter upon the regulated entity's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit; (2) Have access to and copy at reasonable times any records that must be kept under the conditions of this permit; and (3) Inspect at reasonable times any facilities or equipment. [WPC-1]
T-16	PERMIT ACTIONS: This permit may be modified, revoked and reissued, or terminated for cause. A request by the regulated entity for permit or coverage modification, revocation and reissuance, or termination, or a certification of planned changes or anticipated noncompliance does not stay any permit condition. [WPC-1]

ACT9 (continued):

Narrative Requirements:

Condition No.	Condition
T-17	SCIENTIFIC, TECHNICAL AND LEGAL ENVIRONMENTAL ASSISTANCE: Where a discharge authorized under this permit is determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard or other requirement of a regulation promulgated by the Commission or any of the minimum control measures set forth in its SWMP and required by this permit (referred to herein as "Environmental Requirement"), MDEQ shall, in writing, notify the regulated entity of the actual or potential violation of the Environmental Requirement. After receiving such notification from MDEQ, the regulated entity may request MDEQ assistance in determining the source of the pollutant discharge to the MS4, which is causing the MS4 to violate or have the potential to violate the Environmental Requirement. Such requests are proper where MDEQ's scientific, technical, or other environmental knowledge may assist the regulated entity in isolating and addressing sources of actual or potential violation of the Environmental Requirement which are not readily discoverable by the regulated entity after completing the procedures required by the regulated entity's SWMP. When a regulated entity requests MDEQ assistance, MDEQ will provide to the regulated entity available public information relevant to MDEQ's notification. The Commission shall retain jurisdiction and responsibility to enforce compliance with all applicable Commission regulations and the permit. The regulated entity shall retain jurisdiction and responsibility to enforce compliance with its SWMP, local laws, regulations, and ordinances. MDEQ, as appropriate and able, will provide technical assistance to the regulated entity as it pursues judicial or administrative enforcement procedures. However, the implementation of the SWMP remains the responsibility of the regulated entity. [WPC-1]
T-18	REOPENER CLAUSE: If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the regulated entity may be required to obtain an individual permit or an alternative general permit in accordance with ACT3, S-2 of this permit or the permit may be modified to include different limitations and/or requirements. [WPC-1]
T-19	PERMIT MODIFICATION: Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5. [WPC-1]

ACT10 (MS4) Definitions:

Narrative Requirements:

Condition No.	Condition
T-1	All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence. [WPC-1]
T-2	BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [WPC-1]
T-3	CODES OF FEDERAL REGULATIONS (CFR) are documents containing all finalized regulations. The contents of 40 CFR are all related to the environmental aspects. [WPC-1]
T-4	COMMISSION means the Mississippi Commission on Environmental Quality. [WPC-1]
T-5	CONTROL MEASURE as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State. [WPC-1]
T-6	CLEAN WATER ACT (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq. [WPC-1]
T-7	DISCHARGE-RELATED ACTIVITIES include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution. [WPC-1]
T-8	ILLICIT CONNECTION means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer. [WPC-1]
T-9	ILLICIT DISCHARGE means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and those non-storm water discharges identified in ACT2, T-4 of this permit. [WPC-1]

ACT10 (continued):

Narrative Requirements:

Condition No.	Condition
T-10	LARGER COMMON PLAN OF DEVELOPMENT OR SALE means a contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. [WPC-1]
T-11	MAJOR RECEIVING WATER(s) are those waters of the State that are named on an United States Geological Quadrangle Map. [WPC-1]
T-12	MAXIMUM EXTENT PRACTICABLE "MEP" is the statutory standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve. The CWA requires that NPDES permits for discharges from MS4s "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods." Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard. EPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting. MS4s need the flexibility to optimize reductions in storm water pollutants on a location-by-location basis. EPA envisions that this evaluative process will consider such factors as conditions of receiving waters, specific local concerns, and other aspects included in a comprehensive watershed plan. Other factors may include MS4 size, climate, implementation schedules, current ability to finance the program, beneficial uses of receiving water, hydrology, geology, and capacity to perform operation and maintenance. The pollutant reductions that represent MEP may be different for each small MS4, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each regulated entity will determine appropriate BMPs to satisfy each of the six minimum control measures through an evaluative process. [WPC-1]
T-13	EPA envisions application of the MEP standard as an iterative process. MEP should continually adapt to current conditions and BMP effectiveness and should strive to attain water quality standards. Successive iterations of the mix of BMPs and measurable goals will be driven by the objective of assuring maintenance of water quality standards. If, after implementing the six minimum control measures there is still water quality impairment associated with discharges from the MS4, after successive permit terms the regulated entity will need to expand or better tailor its BMPs within the scope of the six minimum control measures for each subsequent permit. EPA envisions that this process may take two to three permit terms. [WPC-1]
T-14	MEASURABLE GOALS are a municipality's storm water program goals, which are intended to gauge permit compliance and program effectiveness. [WPC-1]
T-15	MUNICIPALITY refers to a city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes. [WPC-1]

ACT10 (continued):

Narrative Requirements:

Condition No.	Condition
T-16	MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium (e.g. "the Jackson MS4"), or Small Municipal Separate Storm Sewer System. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Jackson MS4 includes MS4s operated by the city of Jackson, the Mississippi Department of Transportation (MDOT) - state and interstate highways, their right-of-ways and thoroughfares [including highways, streets, roads, bridges, maintenance facilities, service areas, and rest areas] within the jurisdictional boundary of MDOT, the University Medical Center and others). [WPC-1]
T-17	MUNICIPAL SEPARATE STORM SEWER means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW). [WPC-1]
T-18	NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) refers to Section 402 of the federal Clean Water Act. [WPC-1]
T-19	NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit. [WPC-1]
T-20	PERMIT BOARD means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. Section 49-17-28. [WPC-1]
T-21	PHASE II is the second stage of the State and Federal storm water permit regulations. [WPC-1]
T-22	REGULATED ENTITY , as used within this general permit, is a small MS4 within the State of Mississippi and located fully or partially within an urbanized area as determined by the latest Decennial Census pursuant to 40 CFR 122.32, or designated by MDEQ pursuant to 40 CFR 123.35. [WPC-1]
T-23	SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system (those municipalities with a population of 100,00 or more) . This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. [WPC-1]

ACT10 (continued):

Narrative Requirements:

Condition No.	Condition
T-24	STORM WATER means rainfall runoff, snowmelt runoff, and surface runoff. [WPC-1]
T-25	STORM WATER MANAGEMENT PROGRAM (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. [WPC-1]
T-26	TOTAL MAXIMUM DAILY LOAD (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained. The sum of wasteload allocations (WLAs) and load allocations (LAs) for any given pollutant. [WPC-1]
T-27	URBANIZED AREA (UA) is a land area comprising one or more places {core and fringe} with urban limits defined by a population density of 1,000 people per square mile and its contiguous census tracks of 500 people per square mile - that together have a residential population of at least 50,000. [WPC-1]