

FACT SHEET

Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) North Dakota General Permit No. NDR04-0000

Reissuance

Background

The initial general permit for stormwater discharges from small Municipal Separate Storm Sewer Systems (MS4s) was issued in response to the EPA's Stormwater "Phase II" Final Rule published on December 8, 1999 (64 FR68722). The rule requires the North Dakota Department of Health, as the delegated permitting authority, to issue permits for discharges from certain small MS4s.

The initial permit was scheduled to expire December 31, 2007. The Department administratively extended the permit in November 2007. The extension was advertised by public notice and indicated that the permit was to be extended for a period of approximately one year. The permit coverage for facilities was automatically extended and would remain in effect until the permit is reissued. The extension allowed the Department additional time to consider possible changes to the permit and the opportunity to review similar permits from other states which were renewed during the extension period. The extension also provided additional time for the permittee's to develop their programs.

The primary goal of this permit is to restore and maintain the chemical, physical, and biological integrity of waters of the state to the extent practicable through the implementation of management practices for urban stormwater runoff. This permit reflects the phase II rule in requiring the regulated MS4s to develop management practices to reduce pollutants in stormwater from the MS4. The minimum requirements for controlling pollutants in stormwater are outlined in a Stormwater Management Program (SWMP) which regulated MS4s must develop. The SWMP consists of six minimum control measures. The measures include: public education, public participation, illicit discharge elimination, construction site runoff controls, post-construction stormwater management, and pollution prevention for municipal operations.

The storm sewer systems covered by this permit primarily consist of the systems or portions of systems located within a census defined urbanized area (UA). The systems designated based on UA are referred to as "automatic" designations. Fourteen MS4s in the state were regulated based on the urbanized area criteria. Four additional systems are regulated based on the mandatory review specified in the rules for cities with populations greater than 10,000. Additional information on the designation process for regulation by the permit and possible future designations is provided in the department's policy document titled, Designation Criteria for Small MS4s. The eighteen MS4s currently regulated by this permit are as follows:

Regulated Small MS4s Located in Urbanized Areas

	Fargo/Moorhead	Grand Forks	Bismarck/Mandan
Cities	Fargo West Fargo	Grand Forks	Bismarck Mandan Lincoln
Counties (Parts located in UA or contributing to regulated city)	Cass	Grand Forks	Burleigh Morton
Public Facilities	North Dakota State University	University of North Dakota	Bismarck State College
	ND Department of Transportation		

Regulated Small MS4s Based on Designation Criteria

City	Population (1990)
Minot	36,567
Dickinson	16,010
Jamestown	15,527
Williston	12,512

Permit Changes

The conditions in the proposed permit renewal are mostly the same as those in the expired permit for stormwater discharges from municipal separate storm sewer systems. The proposed permit requires the continuation of programs developed under the previous permit. The new conditions and significant changes made in this permit are discussed in this section.

Conditions were added to the permit to distinguish between requirements for renewal permittees and potential new permittees. The facilities covered under the previous MS4 general permit must submit a permit renewal request as directed by the Department to be covered by this permit. The permittees must continue to implement the Stormwater Management Program as described in the application and other submittals provided in accordance with the previous MS4 general permit, unless proposed modifications or revisions are made in accordance with this permit. For renewal permittees that have not implemented one or more of the minimum control measures, a condition was added to allow for the implementation of a compliance schedule to develop the measures.

The permit outlines the same application requirement as in the previous permit should additional systems be designated for permit coverage. The permit specifies a five year timeline for developing and implementing the stormwater management program for any new MS4s that may be required to obtain permit coverage.

The program name for the required best management practices and stormwater control measures was changed from “Stormwater Pollution Prevention Program” (SWPPP) to “Stormwater Management Program” (SWMP). The change was made to be consistent with the federal regulation and other permits in the region. Facilities may continue to use the title provided in the old permit for their program.

Conditions for small construction activity that were included in the previous permit have not been included in the permit renewal. The entities covered by this permit will need to obtain coverage under a separate general permit for construction activity for construction projects they own or operate regardless of whether the project would meet the criteria for small construction. The reporting requirements for small construction that were included in the expired permit have been removed in the permit renewal as they only pertained to the coverage allowed for small construction.

The permit will continue to allow the stormwater discharges associated with industrial activities operated by the entities covered by this permit. The condition for covering the industrial sites is that a Stormwater Pollution Prevention (SWPP) plan must be developed and implemented for the permittee owned industrial facilities such as: maintenance garages, waste water treatment plants, transfer stations, and other waste handling facilities. The permittee does have the option to cover such activities under the current Industrial Stormwater General Permit. In such cases the conditions under the MS4 permit would not apply. The SWPP plan minimum requirements were moved to a separate section in the permit, Appendix 2. The SWPP plan requirements are the same as those found in the state’s Industrial Stormwater General Permit.

The post-construction control measure section was revised to reference guidelines for post-construction features for pollutant reductions from new development areas. The guidelines are outlined in Appendix 1 of the permit. The guidelines describe the magnitude of storm events and runoff volume for planning a water quality component for post-construction controls. The post-construction water quality controls are intended to provide pollutant reductions for a first flush stormwater runoff volume. The first flush of runoff from storm events is typically shown to contain the highest pollutant concentrations.

The water quality considerations do not replace or substitute for water quantity or flood management requirements implemented on the local level for new developments. The water quality features may be incorporated into the design of structures for flow control or the water quality control may be achieved with separate features. A combination of practices may be used such that the water quality volume is accounted for on a percentage basis for the practices used. For areas or projects where it is impractical to meet the water quality treatment criteria or the lack of right of way precludes the installation of described practices, other treatment such as grassed swales, smaller ponds, or grit chambers; must be provided as an alternative.

The design considerations for treating a water quality volume for common stormwater management methods are as follows:

Method	Water Quality Design Consideration
Wet Detention Ponds	Permanent Pool Volume (V_{pp}) = 1800 cu-ft per acre draining to pond; or the runoff from 2yr-24hr design rainfall event Water Quality Volume (V_{wq}) = 0.5 inches from new impervious area

	The drawdown time for the Vwq should be a minimum of 12 hours
Dry Detention Ponds (w/Extended Detention)	Extended Detention/ Water Quality Volume (Vwqed) = 1800 cu-ft per acre draining to pond; or the runoff from 2yr-24hr design rainfall event The drawdown time for the Vwqed should be a minimum of 24 hours and not more than 72 hours
Infiltration	Water Quality Volume (Vwq) = 0.5 inches from new impervious area The volume captured in rain gardens or passed through biofilters with under drains would be grouped with infiltration for water quality treatment. The Vwq should discharge through the soil or filter media within 48 hours. Additional flows that cannot be infiltrated in 48 hours should be routed to bypass the system through a stabilized outlet.
Flow-Through Treatment Devices	Size devices to treat the first 0.5 inches of runoff from impervious area
Redevelopment / Retrofit	Where site conditions allow, consider incorporating water quality components or reduction in impervious surface area. The goals to consider are: Reducing impervious surface area Implement BMPs or treatment methods to manage a portion of the first 0.5 inches of runoff from the impervious area

Authorization

This permit authorizes stormwater discharges from Small Municipal Separate Storm Sewer Systems as defined in 40 CFR 122.26 (b)(16). The permit may also authorize stormwater discharges from fleet maintenance, wastewater treatment plants and other waste handling facilities which are operated by the municipality.

Limitations on Coverage

This permit does not authorize discharges other than stormwater. Non-stormwater discharges may include: combined sewer overflow, noncontact cooling water, sewage, wash water, scrubber water, spills, oil, hazardous substances, fill, commercial equipment/vehicle cleaning and maintenance wastewater. A separate NPDES permit may be required for these discharges.

This permit does not authorize the discharge of stormwater when a separate NPDES permit is required for an activity. For example, while stormwater from industrial activity or construction activity may be discharged through an MS4, this permit does not replace or satisfy any other permits required for those discharges.

This permit does not authorize discharges from MS4s operated independently by other entities within or connected to the system described in an application such as a university campus within a regulated city. Authorization to discharge under this permit applies only to the storm sewer system (or portions of a system) operated by the permittee and described in the application.

This permit does not authorize new or expanded discharges unless the following conditions are met.

- A new or expanded discharge must be constructed and operated in accordance with the conditions in the permit. A review may be required under the antidegradation procedure outlined in the North Dakota Standards of Water Quality (NDAC 33-16-02.1-2c) for new or expanded sources that would result in significant effects on the quality or use of receiving waters. Unless otherwise directed by the Department a review is not required for new or expanded MS4 sources developed in accordance with this permit.
- This permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), or National Historic Preservation Act (NHPA). The permit includes conditions identifying that the permittee is responsible for compliance with the respective regulatory obligations for new or expanded discharges.

Obtaining Coverage

In order for stormwater discharges from small MS4s to be authorized to discharge under this general permit, an application with a summary of the Stormwater Management Program must be submitted to the Department. The application requirement would apply to any new system designated for permit coverage. The application requirements do not apply to permittees renewing coverage.

The Application must contain the following information:

- The street address and the name of the owner, agency or person with operational control of the MS4;
- The name, address, and telephone number of the person responsible for overall permit compliance;
- A brief description of the location of the MS4;
- The name or general description of the water body(s), or other MS4s, that receive stormwater from the MS4;
- The location of transportation facilities with vehicle maintenance activities, public works maintenance yards and wastewater treatment works with a design flow of 1.0 mgd or greater; and

- The location and description of systems operated by other public entities within the MS4.

A summary of the Stormwater Management Program for implementing the permit must be attached to the application which includes:

- The Best Management Practices (BMPs) that will be implemented for each of the required stormwater minimum control measures;
- The measurable goals for the BMPs that are planned for implementation, including as appropriate, a description of the planned actions, timing and frequency of actions, and milestones;
- Estimated schedule(s) (months, years) in which the discharger will implement each Best Management Practice; and
- Person(s) responsible for implementing and/or coordinating each component of the Phase II Stormwater Program. This should be the person(s) the Department would contact regarding the overall program or the particular components.

A new application may be required when the ownership or operational control of the MS4 changes significantly. This is not intended to require a new application due to the election of new municipal officials. Changes in officials responsible for portions of the program should be updated via the annual reports.

The operators of MS4s that are designated for coverage after the permit effective date must submit a completed application within 180 days of notification unless otherwise specified by the Department. Authorization under the permit will become effective 30 days after the application is submitted unless the department requests additional information during that time. Based on a review of the application, the Department may deny coverage under this permit and require the MS4 to submit an application for an individual NPDES permit.

Renewal Permittees

Permittees covered under the previous MS4 general permit will be authorized to discharge by this permit on the effective date of the permit. The Department may request a renewal application to update permit holder information as part of the reissuance. The permittee must continue to implement the Stormwater Management Program as described in the application and other information provided in accordance with the previous MS4 general permit. Any proposed modifications or revisions to the program must be made in accordance with this permit. Renewal permittees that cannot demonstrate that one or more of the minimum control measures are being implemented in accordance with the permit conditions may be required to submit a compliance schedule for developing and implementing the control measure(s).

Stormwater Management Program

Permittees must develop, implement and enforce a Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from their MS4 to the maximum extent practicable (MEP) to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP will consist of a combination of Best Management Practices (BMPs), including education, maintenance, control techniques, system

design and engineering methods, and such other provisions as determined to be appropriate, to meet the minimum requirements of this permit.

The SWMP must address the six minimum control measures outlined in 40 CFR 122.34. The permit includes the minimum controls identified for the six control measures. The Minimum Control Measures are:

1. Public education and outreach;
2. Public participation/involvement;
3. Illicit discharge detection and elimination;
4. Construction site runoff control;
5. Post-construction runoff control; and
6. Pollution prevention/good housekeeping for municipal operations.

Implementation of one or more of the minimum measures may be shared between entities. The rule provides that a facility may cooperate on all or part of the SWMP developed by another entity (40 CFR 122.35). This option is particularly beneficial for operators that serve low populations, have limited resources, or are adjacent to a regulated MS4. The facility will remain responsible for compliance with the permit within their jurisdiction. The agreement outlining such an arrangement must be maintained as part of the stormwater management program description.

The SWMP must include BMPs that control or reduce pollutants as appropriate for a community. In the development of BMPs for the SWMP, operators must consider the sources of pollutants, the potentially polluting activities being conducted in the watershed, and the sensitivity of the receiving waters. For each minimum control measure, there must be a description of the BMPs for the measure, responsible department in charge, an implementation schedule and measurable goals that will be used to determine the success or benefits of the BMPs.

Section 303(d) listings and Total Maximum Daily Load (TMDL)

If a MS4 discharges to a water of the state that appears on the current USEPA-approved list of impaired waters under Section 303(d) of the Clean Water Act, they must review whether changes may be warranted in the SWMP to reduce the impact of the discharge. If a TMDL(s) has been approved for the water body, the operator must review the adequacy of the SWMP to meet the TMDL's Waste Load Allocation (WLA) set for stormwater sources. If the SWMP is not meeting the applicable requirements, schedules and objectives of the TMDL, the operator must modify the SWMP, as appropriate.

Industrial Activities

Stormwater discharges from industrial activities operated by the permittee may be covered by this permit provided the permittee develops and implements a SWPP plan for each of the industrial facilities. Typical industrial stormwater discharges operated by municipalities are transportation facilities, wastewater treatment facilities with design flows of 1.0 mgd and waste handling facilities. The MS4 permittee may obtain a separate permit for the industrial activities within the area covered by their MS4. If a MS4 does not obtain coverage under a separate permit for industrial stormwater discharges, they must develop SWPP plans as outlined in appendix 2 of the proposed MS4 permit. The SWPP plan requirements are the same as those found in the state's general permit for industrial stormwater discharges.

Designation Criteria - Systems Regulated

A description of regulated MS4s and designation criteria for North Dakota is provided in a separate Department of Health policy document. The policy document is not being changed as part of the permit renewal. The criteria in the document reflect that required by the phase II rule. The rule directs the state to require permits for certain entities located in urbanized areas and develop designation criteria that would be applied to MS4s outside an urbanized area. The rationale for the discretionary parts of the criteria are noted in this fact sheet.

The phase II rule includes four provisions for designating a small MS4 for regulation and thus subject to permit coverage. A system can be designated as a “regulated” small MS4 by any of the following:

1. Automatic designation, small MS4s located within the boundaries of a Census Bureau-defined Urbanized Area based on the latest decennial census;
2. Potential designation by permit authority, small MS4s that are located outside of UAs determined to result in or have the potential to result in significant water quality impacts;
3. Contributes to an interconnected regulated MS4, small MS4s that contribute substantially to pollutant loadings of a physically interconnected MS4 regulated by the NPDES stormwater program; or
4. Petition for designation, small MS4s may be designated following a final determination by the Department on a petition, or request, for designation.

Small MS4s located in a UA are automatically designated at 40 CFR 122.32. The definition for small MS4 includes systems serving state or federal complexes such as colleges and highways in addition to the typical municipal entities such as cities and towns. The definition also indicates that a small MS4 is a system owned by a public body having jurisdiction over the disposal of stormwater and other wastes. A reference list of governmental entities located within an urbanized area is provided in appendix 6 of the preamble to the phase II rule. The list identifies several townships in North Dakota as potentially operating MS4s subject to automatic coverage. The Department is not requiring permits from the townships on the list, or the others that are partly in UAs but were not listed. In North Dakota townships are not normally associated with the organization and operation of sewer systems. While townships normally construct and maintain roads within their boundaries, the North Dakota Century Code (NDCC Chapt. 58-12-05) indicates that township road superintendents are, by virtue of their position, deputies of the county superintendent. The century code chapter pertaining to townships (NDCC Chapt. 58) does not elaborate on any other duties regarding the operation of sewer systems.

The Department did not require permit applications for systems serving state or federal complexes (such as colleges, military facilities, prisons, etc.) in UA's unless it was determined to have population greater than 1000. While the smaller facilities could have piping and other conveyances to drain stormwater, the stormwater is generally routed to a city system. In regard to small public facilities, the preamble to the rule indicated that the permit authority would have to use its best judgment in permitting based on the nature of the facility and its stormwater conveyance system (64 FR 68749). The permit authority should also consider whether the public complex cooperates with its municipality's efforts to implement their stormwater management program. Since the city (or county) is in the best position to identify the extent of

its jurisdiction and cooperation by a public complex, the Department will rely on the city's (or county's) judgment and require permits for facilities that are identified as not cooperating with the local stormwater program.

The Phase II Final Rule requires the Department as the permitting authority to develop a set of designation criteria and apply them to MS4s outside of urbanized areas (40 CFR 123.35[b]). The rule required the evaluation of MS4s serving a population of at least 10,000 and with a population density of at least 1,000 people per square mile prior to December 9, 2002 (40 CFR 123.35[b][2]&[3]). All cities with a population of 10,000 or greater have been designated for coverage.

The designation criteria takes into consideration the factors outlined in the Phase II rule (40 CFR 123.35[b][1]). The factors to be considered in making designations are the municipality's population, the receiving water sensitivity, proximity to a UA, and potential pollutant contribution to a water body. The Department can apply the criteria to make additional designations, as appropriate, at any time.

The Department granted waivers for several very small MS4's located in the Fargo area. The incorporated towns of Briarwood, Frontier, Prairie Rose and North River were granted waivers for populations well under 1000 people and limited growth potential. The Department intends to renew the waivers as part of the permit renewal. The city of Lincoln located in the Bismarck UA is the smallest city regulated by this permit. Lincoln had a population of 1730 based on the 1990 census and did not meet the criteria for waivers as specified in the rule for places with populations of more than 1000 people.

Monitoring Reports and Expiration Date

An annual report, on the implementation of the SWMP Program shall be submitted by March 31 of each year, or on another date if established by the Department. The reporting period is intended to follow calendar years. However slight adjustments to fit the other obligations of the municipality will be accepted.

The proposed expiration date for this permit is March 31, 2014. The expiration date may be adjusted depending on the actual effective date for the final permit. The permit term will not exceed 5 years.

Public Notification

The Department proposes to publish a 30-day notice of the proposed renewal of this general permit in the Bismarck Tribune, the official newspaper of the capital city and in the newspapers of several other larger cities located regionally throughout the state. The notice will also be mailed to the Department's Public Notice mailing list. Should there be adequate public interest, a public hearing will be scheduled.

3/9/2009

Stormwater Discharges from
Small Municipal Separate Storm Sewer Systems (MS4s)
North Dakota General Permit No. NDR04-0000

2009 Reissuance
Response to Comments

1. *Comment:* EPA applauds the decision to include a numeric post-construction performance standard directly within the small MS4 permit. However, the treatment for water quality of the first 0.5" of rainfall does not prevent significant erosion from newly developed surfaces as the 2-year, 24-hour storm event in North Dakota ranges from 1.9 to 3.1 inches of precipitation. Increasing this design standard to capture more significant storm events or including independent requirements which address erosion would help to reduce instream impacts from erosion;

Response: The newly developed sites would continue to be subject to the construction stormwater permit requirements for erosion control until final stabilization is achieved. Instream channel erosion due to increased flow from paved surfaces is partly addressed through the detention specified in the post-construction guidelines. The permit does specify in Part V.G.5.a that the post-construction program must "... maintain or restore hydrologic conditions at sites to minimize the discharge of pollutants and prevent in-channel impacts associated with increased impervious surface" The last sentence in Part V.G.5.a has been revised to indicate the referenced guidelines pertain water to water quality controls rather than all post-construction considerations. The sentence reads: "The post-construction controls should include a water quality component as outlined in Appendix 1."

The 2-year, 24-hour storm event in North Dakota ranges from approximately 1.9 to 2.3 inches of precipitation per the Weather Bureau, Technical Paper 40, (www.nws.noaa.gov/oh/hdsc/currentpf.htm).

2. *Comment:* As proposed, the Post-Construction Stormwater Management for New Development and Redevelopment minimum measure does not contain a requirement to document the location and maintenance specifications for all newly installed water quality features. Since ownership of these post-construction BMPs changes over time, it is important that MS4s retain documentation related to location, ownership, and maintenance specifications, so that the water quality goals assumed during the initial installation can be maintained over time;

Response: The permit requirement for MS4s to implement procedures to track the location, operation and inspections for long-term BMPs under the post-construction control measure in Part V.G.5.c.2 was revised to read: "Implement procedures to document the location, maintenance specifications and inspections for long-term BMPs ..."

3. *Comment:* Municipalities may not be familiar enough with post-construction controls to create effective programs to comply with the numeric criterion to treat the first flush (0.5") of runoff. Requiring MS4 operators to submit planning review procedures for review by the Division of Water Quality which address how post-construction BMPs are evaluated prior to construction and how they are tracked and maintained would allow for more effective programs and procedures to be developed;

Response: Rather than requiring an additional submittal in the permit we can review the effectiveness of the post-construction program and procedures during permit audits. This would allow the Department the opportunity to better understand the permittee's procedures for evaluating post-construction BMPs prior to construction and their procedures for tracking and maintaining BMPs after construction.

4. *Comment:* The Post-Construction Stormwater Management for New Development and Redevelopment minimum measure could be expanded to include preferred design specifications for different development types as this would help developers and contractors in utilizing or selecting designs which more effectively treat water quality. Developments for which preferred design specifications could be developed include:

- a. Industrial parks;
- b. Commercial strip malls;
- c. Retail gasoline outlets;
- d. Restaurants;
- e. Parking lots;
- f. Automotive service facilities;
- g. Street and road construction; and
- h. Projects located in, adjacent to, or discharging to environmentally sensitive areas.

Response: We do not have preferred design specifications for the different development types at this time. The development of preferred design specifications may be considered in future permits or permit guidance. If a specific design for a development type is found to be particularly beneficial and workable for North Dakota, the permit could be modified to include the design specifications for the development type. The post-construction guidelines in Appendix 1 of the permit provide for a minimum level of control from the different development types.

5. *Comment:* The Public Education and Outreach minimum measure could be expanded to include an employee training component specifically related to low impact development, green infrastructure, and post-construction stormwater runoff controls. Example permit language is as follows: "Provide and document training to engineers; developers, development review staff, land use planners, and other parties as applicable to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the specific requirements for post-construction control". The fiscal burden of complying with this requirement would be minimal, since educational materials are readily available from sources like EPA's webcast series;

Response: We agree that training on low impact development and green infrastructure would be beneficial. The low impact development and green infrastructure techniques may be ways to meet the post-construction control requirement. The permittees may choose to use available training on low impact development based on the benefit they see for managing stormwater from new development in their municipality. To encourage permittees to consider low impact development the following was added to Appendix 1: "Low impact development practices and green infrastructure practices may be used to provide post-construction stormwater runoff control."

6. *Comment:* The Illicit Discharge Detection and Elimination minimum measure should include a timeframe upon which illicit discharges detected through screening are addressed to ensure that illicit discharges are not documented without follow-up to eliminate the source(s). Example language is as follows: "The permittee shall investigate any illicit discharge within fifteen (15)

days of its detection, and shall take action to eliminate the source of the discharge within forty-five (45) days of its detection";

Response: Added language to Part V.G.3.c : "The permittee should investigate any illicit discharge within fifteen (15) days of its detection, and should take action to eliminate the source of the discharge within forty-five (45) days of its detection."

7. *Comment:* The Illicit Discharge Detection and Elimination minimum measure could be amended to include a requirement to maintain a georeferenced illicit discharge detection and elimination database;

Response: The method for tracking illicit discharge detection and elimination data will be left to the permittee to determine based on the municipality's needs and data systems.

8. *Comment:* The Illicit Discharge Detection and Elimination minimum measure does not address Sanitary Sewer Overflows (SSOs). SSOs are often caused by infiltration of stormwater into sanitary sewer lines during heavy rainfall and represent a significant illicit discharge. Where SSOs discharge into an MS4, they should be documented and the events should be reported either to the Division of Water Quality, or directly to the appropriate wastewater treatment plant operator for further investigation;

Response: The permits issued for domestic wastewater treatment plants in the state require documentation and reporting for sanitary sewer overflows (SSOs). We do not believe that a duplicate requirement is necessary in the MS4 permit at this time.

9. *Comment:* The Illicit Discharge Detection and Elimination minimum measure should include a requirement to promote and provide services for the collection of household hazardous wastes to prevent these from getting improperly disposed of in storm drains;

Response: We agree that a household hazardous waste collection programs are beneficial and may prevent some improper dumping into the storm drains. However it may not be practical for all MS4s covered by this general permit to maintain such a program. We will work with municipalities to encourage the promotion or development of household hazardous waste services.

10. *Comment:* Opportunities for protection of outstanding natural resources are abundant within the municipal stormwater program. The ecological significance of waters such as Lake Sakakawea and Lake Oahe could be compromised by poor planning and development practices. It could be advantageous to utilize residual designation authority to designate smaller cities such as Hazen, Pick City, and Beulah for coverage under this permit, or an alternative general permit. This would help ensure that runoff from municipalities and associated new development and planning procedures do not negatively impact water quality.

Response: The general permit does allow for the addition of MS4 permittees during the permit term. Additional MS4s could be designated based on the need to protect a water body as outlined in the state's designation criteria document.