



OVERVIEW and INSTRUCTIONS
for the
MS4 Self-Assessment
Phase I and Phase II
Municipal Separate Storm Sewer System
Stormwater Program

*Revised January 2022 by the
Environmental Protection Agency, Region 8
Water Enforcement Branch
NPDES Enforcement Section Denver, CO*



Welcome to the Municipal Separate Storm Sewer System (MS4) Self-Assessment

The MS4 Self-Assessment asks questions and descriptions about Control Measures that municipalities/facilities permitted under Phase I or Phase II of the MS4 Permit program, agreed to develop into a practical and effective program to reduce pollutants in stormwater discharge, to the Maximum Extent Practicable.

The Environmental Protection Agency appreciates the time that you, the Permittee, take to complete this Assessment and your commitment in carrying out a stormwater program that positively contributes to keeping the highest water quality in our community waters and waters of the United States of America, for today and future generations.



Overview of the Municipal Separate Storm Sewer System Permit Program

The federal Clean Water Act (*Act*), Section 402, authorizes the Environmental Protection Agency (*EPA*) and States, which are delegated the authority by EPA, to regulate point sources that discharge pollutants into waters of the United States through the National Pollutant Discharge Elimination System (*NPDES*) permit program. The NPDES Stormwater Program has been in place since 1990, to regulate discharges from municipal separate storm sewer systems (*MS4s*), construction activities, industrial activities, and those designated by EPA due to water quality impacts.

In 1990, EPA implemented Phase I of the NPDES MS4 Permit Program and based on the total population within specific boundaries, required all *medium* (population of 100,000 to 249,000) and *large* (population of 250,000 or greater) municipalities, and certain counties with populations of 100,000 or more to get MS4 permit coverage.

In 1999, EPA implemented Phase II of the NPDES MS4 Permit Program that required small municipalities (*sMS4s*- minimum residential population of 50,000 and a minimum average density of 1,000 people/square mile) in urbanized areas; 2) small MS4s outside the urbanized areas designated by the permitting authority; and, 3) federally operated systems which were not included in the Phase I large and medium MS4 definitions, and therefore, were not regulated, to get small MS4 permit coverage.

What is the difference between Phase I and Phase II of the NPDES Stormwater Program?

In the Water Quality Act of 1987, Congress mandated that EPA establish a stormwater control program in two phases. Phase I application requirements were published on November 16, 1990, and Phase II regulations were published December 8, 1999.

Phase I regulates stormwater discharges from medium and large MS4s, construction activities of 5 acres or larger (*or less than 5 acres, if part of a common plan of development or sale*), and industrial activities.

Phase II extends the regulations to stormwater discharges from small MS4s, and construction activities that disturb equal to or greater than 1 acre of land (*or less than 1 acre, if part of a common plan of development or sale*). Phase II also revises the original no exposure provision to be a conditional exclusion applicable to all categories of industrial activity (*except construction activity*), when there is no exposure of industrial materials and activities to stormwater.

What is an MS4?

The federal rules (*Title 40 Code of Federal Regulations Part 122.2*) specifically defines “municipal separate storm sewer system.” The term “separate storm sewer system” includes ditches, curbs, gutters, storm sewers, and similar means of collecting or conveying runoff that do not connect with a wastewater collection system or treatment plant.



And to be a "municipal separate storm sewer system" (MS4), the system must be owned or operated by a public agency—for example:

- a city or town;
- a municipal utility district, flood control district, or other special district;
- a county; or,
- a state or federal agency.

The term “MS4” is also used interchangeably to identify a municipality or qualified facility, permitted under an MS4 permit.

The MS4 permit requires the permittee to develop specific Control Measures (*40 Code of Federal Regulations (CFR) §122.26 (large and medium MS4s) and §122.34 (small MS4s)*) into programs, that reduce pollutants in stormwater discharges to the Maximum Extent Practicable (*MEP*), before discharging into the MS4. Each program should be written and must describe pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, operational procedures, staff, training, equipment, inspection and maintenance schedule, public outreach, data logging, and program evaluation as applicable.:-

What is the MS4 Self-Assessment?

There are approximately 858 large/medium MS4s and 6,600 sMS4s that exist nationwide. Following issuance of the first EPA MS4 permit, the agency offered permitted MS4s compliance assistance and a five-year period, to develop and implement a stormwater program, prior to an Assessment.

In February 2014, EPA Region 6 created and piloted its **MS4 Self-Assessment (Assessment)**. The Assessment is a series of questions specific to the Control Measures, that the MS4 permit requires the permittee develop and implement into a program. The questions are similar to the ones asked by EPA in previous audits but more in-depth.

The **MS4 Self-Assessment** is comprised of a:

- 1) Certification Statement to certify that the information submitted is true, correct and complete; and
- 2) Modules (*See list that follows*) requesting information about programs created for specific Control Measures.



The Modules are:

PHASE I MS4

Module 1-SWMP Organization Structure
Module 2-Construction Site Runoff
Module 3-Illicit Discharge Detection and Elimination
Module 4-Municipal Pollution Prevention and Good Housekeeping Practices
Module 5-Post-Construction Site Runoff
Module 6-Public Education and Outreach on Stormwater Impacts
Module 7-Public Involvement and Participation
Module 8-Areas of New Development and Significant Re-Development
Module 9-Commercial and Industrial High Risk Runoff
Module 10-Flood Project Management
Module 11-Monitoring
Module 12-Pesticide, Herbicide, and Fertilizer Application
Module 13-Roadways
Module 14-Spill Prevention and Response
Module 15-Structural Control

PHASE II SMS4

Module 1-Organizational Structure
Module 2-Public Education and Outreach
Module 3-Illicit Discharge Detection and Elimination
Module 4-Construction Sites Program
Module 5-Post-Construction Stormwater Management in New Development and Redevelopment
Module 6-Pollution Prevention/Good Housekeeping for Municipal Operations

What is the purpose of the MS4 Self-Assessment?

Pursuant to authority granted under 33 U.S.C. § 1318(a) of the Act, EPA may issue the Assessment to obtain information on how the goals of the Act are carried out. The purpose of the Assessment is to collect information about the organization and implementation of the permittee's stormwater program.

How is a permittee selected for a MS4 Self-Assessment?

EPA selects permittees for the Assessment and coordinates these selections with the State (*if the permitting authority*).



The permittee is notified by the EPA MS4 Coordinator via letter, phone call, and/or email to complete and submit an Assessment. The correspondence will include the web link where the permittee can get access to instructions and the Modules. EPA may also email a pdf copy of the signed 308 letter addressed to the permittee, Certification Statement and Modules 1-15 (*Phase I*) or Modules 1-6 (*Phase II*).

Who should complete the MS4 Self-Assessment?

The Assessment asks questions specific to permitted municipalities that manage stormwater discharges under an MS4 permit. The permittee should choose an official person(s) to complete the Assessment. EPA recommends that the official person chosen to complete the Assessment, is well-versed on the contents of the permittee's stormwater program: (*i.e., MS4 permit requirements, commitments, tasks, accomplishments, Annual Reports, reporting requirements, organizational structure, legal authority, enforcement actions, program changes, fiscal resources, inspections, staff training, maintenance and operations*).

How should the Permittee complete the MS4 Self-Assessment?

If the permittee is a *large* or *medium* MS4, permitted under Phase I of the NPDES MS4 Permit program, complete Modules 1-15; or, if a small MS4, complete, permitted under Phase II, complete Modules 1-6. The information submitted should describe how the permittee implemented their stormwater program for the previous reporting period (*last full reporting year*).

The permittee should: 1) carefully read the questions in each Module; 2) attach additional information (*i.e., photos, forms, reports*) requested or as needed for clarity and support; 3) sign and date the enclosed Certification Statement; and, 4) submit this information and a completed MS4 Self-Assessment to the EPA MS4 Coordinator.

What is the deadline to submit the MS4 Self-Assessment?

The permittee is asked to complete and submit the Assessment, within 30 days, from the issuance date of the mailed 308 letter. The permittee may request an extension as needed to submit the Assessment.

What if the Permit does not require the Permittee to develop and implement a specific Control Measure?

The MS4 permit issued by EPA as the permitting authority, requires *large*, *medium*, and *small* MS4s to create required Control Measures into a program (*exhibited in the Modules of the Assessment*). However, the State as the permitting authority may not require the permittee to implement all of these Control Measures, in part or whole.



If the permittee's permitting authority does not require certain programs, mark **"NOT REQUIRED"** across the first page of that module(s) or in the **"Response"** where applicable. The permittee should also let EPA know in a return response, that its MS4 permit did not require it to implement that program(s).

Who should sign the Certification Statement in the MS4 Self-Assessment?

An authorized official (*i.e., Mayor, City Manager, and Director of Public Works*) for the permittee should sign and date the Certification Statement.

How should the permittee return the MS4 Self- Assessment?

The permittee should return a completed Assessment to the EPA MS4 Coordinator via the online MS4 Self-Assessment. All parts of the Assessment, should be submitted and include all Modules, and requested attachments. Prior to submitting the completed Assessment, the permittee will certify that all information submitted is true, accurate, and complete.

What if the Permittee fails to complete and return the MS4 Self-Assessment?

The permittee should give the Assessment immediate attention and respond to each question with accuracy and in a timely manner.

EPA will not process the permittee's Assessment, if it is received unsigned or not signed by an authorized official; but will notify the permittee that its Assessment is not going to be processed, due to not containing a signature or not signed by an authorized official.

Failure to respond to the Request within the specified period or give full, complete, true and correct responses, may result in civil penalties and that even criminal consequences are possible in the case of deliberate false statements. (33 U.S.C. § 1319; see also 18 U.S.C. § 1001.)

Will EPA request information in addition to the MS4 Self-Assessment?

EPA may request additional information or conduct an audit or MS4 Inspection in person, if deemed necessary.

What does EPA do with the permittee's MS4 Self-Assessment?

EPA will conduct a technical review of the permittee's Assessment to decide that the permittee's implementation of its stormwater program complies with the MS4 permit, and effectively reduces pollutants discharged in stormwater.



Following the review, EPA will prepare an Assessment Report that states the findings of the technical review. This Report may also include findings from an MS4 Inspection conducted in conjunction with the Assessment.

EPA may follow up with the permittee and expedite the appropriate action (*i.e., compliance assistance or enforcement action*) as deemed necessary to achieve permit compliance.

For Technical Assistance or Questions.

If the permittee experiences technical difficulty, has questions or would like an update about the technical review of its Assessment, please contact the EPA MS4 Coordinator. The EPA MS4 Coordinator is identified in the 308 letter.

References

EPA NPDES Stormwater Program

<https://www.epa.gov/npdes/npdes-stormwater-program>

EPA General Information on Stormwater Discharges from Municipal Sources

<https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>

Colorado Department of Public Health and Environment MS4 General Permits Information

<https://cdphe.colorado.gov/wq-municipal-ms4-general-permits>

NPDES Questions and Answers, January 21, 2004, (Revised December 17, 2004)

https://www3.epa.gov/npdes/pubs/sw_qanda_entiredocument.pdf

Federal Water Pollution Control Act (Clean Water Act)

www.thecre.com/fedlaw/legal14water/cwa.htm

International Stormwater BMPs

<http://www.bmpdatabase.org>

Stormwater Phase II Compliance Assistance Guide

<https://www3.epa.gov/npdes/pubs/comguide.pdf>

Stormwater Managers Resource Center

<http://www.stormwatercenter.net>



MS4 Self-Assessment

CERTIFICATION OF PERMITTEE

"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 directly responsible for gathering the information submitted and which 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."

Name *(Please Print)*:

Signature:

Date:

Title:

Phone:

Email:

Name of MS4 Permittee:

Physical Address

City:

State:

Zip:

Mailing Address:

City:

State:

Zip:

Complete and return this Certification Statement with the MS4 Self-Assessment Modules.