



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 1 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

A. Purpose

The purpose of this policy is to provide adequate information regarding the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

B. Persons Affected

This policy applies to faculty, staff, students, visitors and contractors.

C. Policy

The policy of the University is to establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (“MS4”) in order to comply with requirements of the National Pollutant Discharge Elimination System (“NPDES”) permit process. The objectives of this policy are:

- To regulate the contribution of pollutants to MS4 by storm water discharges by any user.
 - To prohibit Illicit Connections and Discharges to the MS4.
 - To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this policy.
1. Applicability – This policy shall apply to all water entering the storm drain system generated on any developed and undeveloped University owned lands unless explicitly exempted by the University.
 2. Ultimate Responsibility – The standards set forth herein and promulgated pursuant to this policy are minimum standards; therefore, this policy does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.
 3. Discharge Prohibitions –
 - a. Prohibition of Illegal Discharges – No person shall discharge or cause to be discharged into the University's storm drain system or watercourses, any materials, including but not limited to pollutants or waters containing any pollutants that



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 2 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- i. The following discharges are exempt from discharge prohibitions established by this policy: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, non-contact cooling water and any other water source not containing Pollutants.
- ii. Discharges specified in writing by the University as being necessary to protect public health and safety.
- b. Prohibition of Illicit Connections
 - i. The construction, use, maintenance or continued existence of illicit connection to the storm drain system is prohibited.
 - ii. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - iii. Contractor is considered to be in violation of this policy if the Contractor connects a line conveying sewage to the MS4.
4. Suspension of MS4 Access – Any Contractor subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of each such permit. Proof of compliance with said permit may be required in a form acceptable to the University prior to the allowing of discharge to the MS4.
5. Monitoring of Discharges –
 - a. Applicability – This section applies to all facilities that have storm water discharges associated with construction activity.



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 3 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

- b. Access to Facilities –
- i. The University may inspect projects subject to regulation under this policy as often as it deems necessary to determine compliance with this policy. If a Contractor has security measures in force which require proper identification and clearance before entry into its premises, the Contractor shall make the necessary arrangements to allow access to representatives of the University.
 - ii. Contractors shall allow the University ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
 - iii. The University shall have the right to set up such devices as are necessary in the opinion of the University to conduct monitoring and/or sampling of the facility's storm water discharge.
 - iv. The University has the right to require the Contractor to install monitoring equipment as necessary. The Contractor's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Contractor at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
 - v. Any temporary or permanent obstruction to safe and easy access to the project site to be inspected and/or sampled shall be promptly removed by the Contractor at the written or oral request of the University and shall not be replaced. The costs of clearing such access shall be borne by the Contractor. Unreasonable delays in allowing the University access to a project site is a violation of a storm water discharge permit and of this policy.
 - vi. If the University has been refused access to any part of the premises from which storm water is discharged, and the University is able to demonstrate probable cause to believe that there may be a violation of this policy, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this policy or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the University may seek appropriate relief from any court of competent jurisdiction.



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 4 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

6. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices – The University will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The Contractor shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any Contractor which is, or may be, the source of an illicit discharge, may be required to implement, at said Contractor’s expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4.
7. Watercourse Protection – Every Contractor shall keep and maintain that part of the watercourse within the MS4 free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.
8. Notification of Spills – To the fullest extent required by law, as soon as any Contractor responsible for a project site has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States said Contractor shall take steps to help ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said Contractor shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and the University. In the event of a release of all other materials, said Contractor shall notify the University and to the extent required by law the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the University within three (3) business days of the phone notice.
9. Enforcement
 - a. Notice of Violation: Whenever the University finds that a person has violated a prohibition or failed to meet a requirement of this policy, the University may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 - i. The performance of monitoring, analyses, and reporting;
 - ii. The elimination of illicit connections or discharges;



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 5 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

- iii. That violating discharges, practices, or operations shall cease and desist;
 - iv. The abatement or remediation of storm water pollution or contamination hazards the restoration of any affected property; and
 - v. Payment to cover administrative and remediation costs; and
 - vi. The implementation of source control or treatment BMPs.
 - vii. If abatement of a violation and/or restoration is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the University and the expense thereof shall be charged to the violator.
- b. Termination – The University, in its sole discretion, may terminate a Contractor’s permit and otherwise terminate its relationship with the Contractor without issuing a Notice of Violation.
10. Cost of Abatement of the Violation – After abatement of the violation, the violating person will be notified of and required to pay the cost of abatement, including administrative costs, and reasonable attorneys’ fees. Any person violating any of the provisions of this policy shall become liable to the University by reason of such violation. Interest shall be assessed on any unpaid balance beginning on the 31st day following receipt of the notice of cost of abatement and remediation.
11. Violations Deemed a Nuisance – In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this policy is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator’s expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
12. Remedies Not Exclusive – The remedies listed in this policy are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the University to seek cumulative remedies.
13. Adoption of Policy – This policy shall be in full force and effect upon adoption. All prior policies and parts of policies in conflict with this policy are hereby repealed.



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 6 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

D. Definitions

1. *Best Management Practices* (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.
2. *Clean Water Act* (CWA). 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.
3. *Conveyance*. Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.
4. *Discharge*. When used without a qualifier, refers to the discharge of storm water runoff or certain non-storm water discharges as allowed under the authorization of this general permit.
5. *Ground Water Infiltration*. For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.
6. *Illicit Connection*. Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
7. *Illicit Discharge*. Any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire fighting activities.
8. *Small Municipal Separate Storm Sewer System* (MS4). Refers to a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (a) Owned or operated by the United States, a state, city, town, borough, county, 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 ' 208 of the CWA; (b)



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 7 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

Designed or used for collecting or conveying storm water; (c) Which is not a combined sewer; (d) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR ' 122.2; and (e) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system, as defined at 40 CFR §§122.26(b)(4) and (b)(7). This term includes systems similar to separate storm sewer systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to an MS4 that is also operated by that public entity.

9. *Storm water and Storm water Runoff.* Rainfall runoff, snow melt runoff, and surface runoff and drainage.
10. *Structural Control (or Practice).* A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bio retention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.
11. *Waters of the United States* - (from 40 CFR ' 122.2) Waters of the United States or waters of the U.S. means:
 - a. all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - b. all interstate waters, including interstate wetlands;
 - c. all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - i. which are or could be used by interstate or foreign travelers for recreational or other purposes;



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 8 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

- ii. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
- iii. which are used or could be used for industrial purposes by industries in interstate commerce;
- iv. all impoundments of waters otherwise defined as waters of the United States under this definition;
- v. tributaries of waters identified in paragraphs (a) through (d) of this definition;
- vi. the territorial sea; and
- vii. wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR ' 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

E. Responsibilities

The University shall administer, implement, and enforce the provisions of this policy.

F. Procedures

Not applicable.

G. Review

The Divisional Head for this policy is the Vice President for Business Affairs and this policy shall be reviewed every five years or sooner if necessary by the following Stakeholders:

1. Director Environmental Health & Safety – Senior Reviewer



Handbook of Operating Procedures

Section: 8.8.1
Originally Approved: 02/14/2011
Last Amended: 03/23/2012
Last Reviewed:
Page: 9 of 9

MUNICIPAL SEPARATE STORM SEWER SYSTEM “MS4” POLICY

2. Director Facilities Maintenance & Operations
3. Director Facilities Planning and Construction
4. Academic Affairs Executive Team
5. Faculty Senate Chair
6. Staff Senate Chair
7. Student Government Association President