



**DWR – NR – G – 11 – Municipal Stormwater – 08012022**  
**NPDES Permit - Guidance for Permanent Stormwater Implementation Plan**  
**Submittals for Municipal Separate Storm Sewer Systems (MS4)**

DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

**EFFECTIVE DATE:** AUGUST 1, 2022

**SIGNATURES:**

  
[Jennifer Dodd \(Aug 1, 2022 12:09 CDT\)](#)

Jennifer Dodd  
Director, Division of Water Resources

  
[Stephanie Durman \(Jul 29, 2022 09:21 CDT\)](#)

Stephanie A. Durman  
Senior Associate Counsel, Office of General Counsel



Ann Morbitt  
Drafter / Preparer, Division of Water Resources

**PURPOSE**

Rules 0400-40-10-.04(1)(d) and 0400-40-05-.15(1)(d) require that a Municipal Separate Storm Sewer System (MS4) permittee submit an implementation plan for its permanent stormwater management program not later than 90 days after the effective date of the first new or revised National Pollutant Discharge Elimination System (NPDES) Permit issued after the effective date of the rules (May 15, 2022).

This guidance provides an outline of the information a MS4 permittee, covered under the new or revised NPDES Permit, must submit as a Permanent Stormwater Implementation Plan as required by Rules 0400-40-10-.04(1)(d) and 0400-40-05-.15(1)(d). This guidance document does not provide any exceptions or exemptions regarding MS4s requiring permit coverage, nor does this guidance document remove or modify any standard established in the Rules or in a permit.

**GUIDANCE**

The permittee's Permanent Stormwater Implementation Plan must include the following information:



**DWR – NR – G – 11 – Municipal Stormwater – 08012022**  
**NPDES Permit - Guidance for Permanent Stormwater Implementation Plan**  
**Submittals for Municipal Separate Storm Sewer Systems (MS4)**

1. A brief description of the main components of the permanent stormwater management program. The plan should include, but is not limited to, a description of the following components:
  - a. Codes and ordinance development and implementation;
  - b. Procedures for plans review and criteria for approval;
  - c. Procedures for conducting and tracking site inspections; and
  - d. Stormwater control measure (SCM) operation and maintenance policies.

2. A timeline to develop and implement the program. (Select the option below that describes your MS4 program to determine the information required to be submitted as part of the implementation plan.)

- a. Option 1: The permittee’s permanent stormwater management program **complies with all requirements of the new or revised permit.**

Explain how the program complies and identify any new or modified elements of its program.

- b. Option 2: The permittee’s permanent stormwater management program **does NOT comply with all requirements of the new or revised permit.**

Identify and explain the elements necessary to comply with the requirements of the new or revised permit. Detail the timeline to develop and implement these elements. The schedule must indicate completion as soon as feasible but no later than 24 months from the effective date of the new or revised permit. If implementation will take longer than 12 months, the plan must include interim milestones.

**REVISION HISTORY TABLE**

<b>Revision Number</b>	<b>Date</b>	<b>Brief Summary of Change</b>
0	08/01/22	New Guidance

**Appendix A**

***Frequently Asked Questions***

*Can the State provide a framework or outline of what is expected to be provided in permanent stormwater implementation plan?*

This guidance provides an outline of the minimum information a MS4 permittee must submit as a permanent stormwater implementation plan.



**DWR – NR – G – 11 – Municipal Stormwater – 08012022**  
**NPDES Permit - Guidance for Permanent Stormwater Implementation Plan**  
**Submittals for Municipal Separate Storm Sewer Systems (MS4)**

*Will TDEC provide an example of an implementation plan?*

The requirements provide for the flexibility necessary to allow the varying MS4 programs to establish permanent stormwater implementation plans specific to their communities. A "one size fits all" plan would limit the required flexibility. This guidance provides an outline of the minimum information a MS4 permittee must submit as a permanent stormwater implementation plan.

*When are the permanent stormwater implementation plans due?*

Implementation plans are due 90 days after the effective date of the first new or revised NPDES permit issued after the effective date of the rules.

*What should the permanent stormwater implementation plan include?*

The implementation plan shall include a brief description of the main components of the permanent stormwater management program. If all the permanent stormwater management requirements of the permit **have not been met** the plan shall also include a timeline to develop and implement the program. The schedule must indicate completion as soon as feasible but no later than 24 months from the effective date of the permit. If implementation will take longer than 12 months, the plan must include interim milestones. If all the permanent stormwater management requirements of the permit **have been met** the plan should include an explanation of how the program complies and identify any new or modified elements of its program.