



ARKANSAS  
Department of Environmental Quality

## **What is an MS4?**

MS4 stands for Municipal Separate Storm Sewer System. MS4 refers to conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) which is owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law).

In 1990, EPA promulgated rules establishing Phase I of the National Pollutant Discharge Elimination System (NPDES) stormwater program. The Phase I program for MS4s requires operators of “medium” and “large” MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a stormwater management program as a means to control polluted discharges from these MS4s. The Stormwater Phase II Rule extends coverage of the NPDES stormwater program to certain “small” MS4s but takes a slightly different approach to how the stormwater management program is developed and implemented.

## **Who is required to obtain a small MS4 permit?**

A MS4 entity as defined above can be designated by the permitting authority as a regulated MS4 in one of three ways:

### **1. Automatic Designation**

The Phase II Final Rule requires permit coverage for all operators of small MS4 entities that are located within the boundaries of a Bureau of the Census-defined “urbanized area” based on the latest decennial Census. Once a small MS4 entity is designated into the program based on the Urbanized Area boundaries, it cannot be removed from the program on the basis that a subsequent decennial Urbanized Area calculation shows that the small MS4 entity is no longer within the Urbanized Area boundaries.

*Urbanized Areas, Definition (see [EPA fact sheet for more information](#))*

An urbanized area is a densely settled core of census tracts and/or census blocks that have a population of at least 50,000, along with adjacent territory containing non-residential urban land uses and territory with low population density that link outlying densely settled territory with the densely settled core. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.

### **2. Potential Designation by the ADEQ – Required Evaluation**

An operator of small MS4 entity located outside of a Urbanized Area has been designated as a regulated small MS4 entity if the ADEQ determined that its stormwater discharges cause, or has the potential to cause, an adverse impact on water quality.

### **3. Potential Designation by the ADEQ – Physically Interconnected**

Under the final rule, the ADEQ can designate any small MS4 entity located outside of a Urbanized Area that contributes substantially to the pollutant loadings of a physically interconnected MS4 regulated by the NPDES stormwater program. The final rule did not set a deadline for designation of small MS4 entities meeting this criterion.

In the state of Arkansas if a facility meets one of the three criteria listed above, the MS4 entity is required to submit an NOI, a Stormwater Management Program (SWMP) and an application fee of \$200 within 180 days of notification from ADEQ that permit coverage is required.



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### **What are the requirements of the Small MS4 General Permit?**

The main requirement of the Small MS4 General Permit, ARR040000, is to put into place a Stormwater Management Program (SWMP) that will ensure proper control of Stormwater runoff to minimize impacts to water quality. Here are the six minimum control measures that must be included in the SWMP with a short summary of each (each title links to the EPA's website for further explanation of the minimum control measure):

1. [Public Education and Outreach on Stormwater Impacts](#)
  - Implement a public education program to explain the impacts of stormwater discharges on waterbodies and steps the public can take to reduce pollutants in stormwater runoff
2. [Public Involvement/Participation](#)
  - Let the public have involvement in the SWMP development and implementation process
3. [Illicit Discharge Detection and Elimination](#)
  - Map the storm sewer if not already available and find and eliminate any discharges that are not stormwater that are draining to the storm sewer system
4. [Construction Site Stormwater Runoff Control](#)
  - Review construction plans and inspect construction sites for compliance with implementing required stormwater pollution controls
5. [Post-Construction Stormwater Management in New Development and Redevelopment](#)
  - Use construction plan review to minimize water quality impacts and attempt to maintain pre-development runoff conditions
6. [Pollution Prevention/Good Housekeeping for Municipal Operations](#)
  - Develop and implement operations and maintenance program for municipal facilities to minimize pollutants in stormwater runoff

The SWMP plan must be sent to the ADEQ with the initial application for review to determine if it meets the minimum requirements. Once the ADEQ has approved the SWMP, the MS4 entity must begin implementation of the SWMP. Every year, the MS4 entity sends an annual report that details the progress made in implementing the SWMP. Links to examples of approved SWMPs can be found in the Citations section on the next page.

### **Frequently Asked Questions:**

Do I have to take samples of my stormwater?

- For most permittees, there are no stormwater sampling requirements. (If the stormwater from the MS4 entity goes to a waterbody on the impaired streams list, sampling may be required.)

Is there someone who can help me with this?

- Some cities write and implement their own SWMPs, some cities hire a new city engineer or a consulting engineer, and some cities in Northwest Arkansas work with the UA Cooperative Extension Service and the Northwest Arkansas Regional Planning Commission. It all depends on the resources available in your area. If there are specific questions about the permit requirements, The Water Division's General Permits staff is always willing to help explain the permit.

Can I get a waiver from permitting requirements?

- If you are an MS4 entity who would otherwise qualify for coverage under the small MS4 General Permit ARR040000, Part 1.4 of the permit contains a waiver from coverage for MS4 entities serving a population of less than 1,000 and meeting some additional criteria. For more information regarding the requirements of the waiver, please contact the Water Division's General Permits staff.



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**Citations:**

Stormwater Section of Clean Water Act: [40 CFR 122.26](#)  
Minimum Control Measures for Small MS4s: [40 CFR 122.34](#)  
Small MS4 General Permit Number: [ARR040000](#)  
Approved SWMP Examples:

- [City of Fayetteville](#) Permit Tracking Number [ARR040010](#)
- [City of Texarkana](#) Permit Tracking Number [ARR040021](#)
- [City of Springdale](#) Permit Tracking Number [ARR040019](#)

**Contact Information:**

If you have additional questions, please contact the Water Division's General Permits Section.

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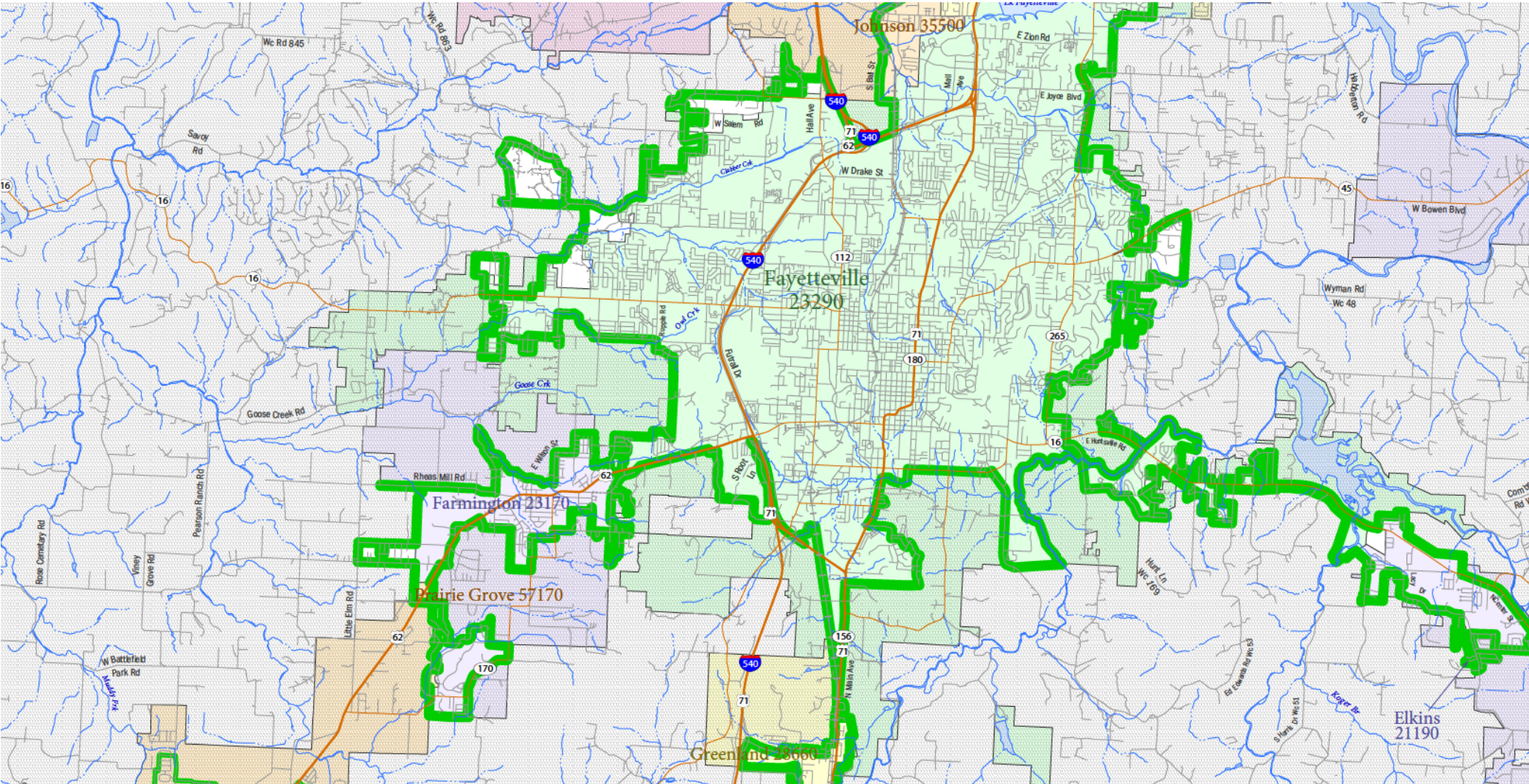
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**This document and other information on MS4s can be found on ADEQ's MS4 Website:**

[http://www.adeq.state.ar.us/water/branch\\_permits/general\\_permits/stormwater/ms4/ms4.htm](http://www.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/ms4/ms4.htm)



Example of a 2010 Census urbanized area map (Links to: [Fayetteville-Springdale-Rogers Map](#), [Little Rock Map](#), other area maps can be found [Here](#))



LEGEND			
<u>SYMBOL DESCRIPTION</u>	<u>SYMBOL</u>	<u>LABEL STYLE</u>	
International	-----	CANADA	
Federal American Indian Reservation	.....	L'ANSE RES 1880	
Off-Reservation Trust Land	.....	T1880	
Urbanized Area	=====	Dover, DE 24580	
Urban Cluster	=====	Tooele, VT 88057	
State (or statistically equivalent entity)	-----	NEW YORK 36	
County (or statistically equivalent entity)	=====	ERIE 029	
Minor Civil Division (MCD) <sup>1,2</sup>	-----	Bristol town 07485	
Consolidated City	.....	MILFORD 47500	
Incorporated Place <sup>1,3</sup>	.....	Davis 18100	
Census Designated Place (CDP) <sup>2</sup>	.....	Incline Village 35100	
<u>DESCRIPTION</u>	<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>SYMBOL</u>
Interstate		Water Body	
U.S. Highway		Military	
State Highway		Outside Subject Area	
Other Road			
Railroad			
Perennial Stream			
Intermittent Stream			

Where international, state, county, and/or MCD boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these boundaries.

1 A '°' following an MCD name denotes a false MCD. A '°' following a place name indicates that a false MCD exists with the same name and FIPS code as the place; the false MCD label is not shown.

2 MCD boundaries are shown in the following states in which some or all MCDs function as general-purpose governmental units: Connecticut, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin. (Note that Illinois and Nebraska have some counties covered by nongovernmental precincts and Missouri has most counties covered by nongovernmental townships.)

3 Place label color corresponds to the place fill color.  
Label colors: Davis Davis Davis Davis Davis