Summary of Changes to DOT MS4 General Permit

from Public Notice to Final

Public Noticed Permit	Final Permit
Effective date 7/1/17	Effective date 7/1/19
Section 2	
No definition or use of term "isolated catchment area"	Inserted definition for "isolated catchment area"
No definition of the term "legal authority"	Inserted definition for "legal authority"
No definition or use of term "scupper"	Inserted definition for "scupper"
Section 3	
3(a)(2) – Does not include water from DOT Structure Cleaning Program or fire suppression testing water as allowable non-stormwater discharges	Includes DOT Structure Cleaning Program and fire suppression testing water as allowable non-stormwater discharges
3(b)(9) – Requires compliance with environmental justice statute (22a-20a) as a requirement for authorization.	Deleted reference to environmental justice statute as DOT does not operate or construct any facilities that would be regulated under this statute.
Section 6	
No clarification or allowance for alternate means of addressing issues of legal authority or measures that do not apply to the permittee.	Preamble to Section 6 includes provisions allowing DOT to provide justification for not meeting any minimum control measures that are not applicable to DOT or cannot otherwise be met. It also allows DOT to develop policies and procedures in lieu of legal authority when they are unable to obtain legal authority for a given measure.
6(a)(3)(C) – Requires DOT to develop a list and map of all stormwater discharges within three (3) years.	Requires DOT to develop a list and map of fifty percent (50%) of their stormwater discharges with five (5) years and one hundred percent (100%) with ten (10) years.
6(a)(4)(E) – Requires DOT to allow for public involvement in conducting construction activities.	Deleted requirement for public involvement as DOT does not conduct a public hearing process for its projects.

6(a)(5)(C) – Does not make a distinction regarding implementation of LID measures between projects conducted by or through DOT and those outside of DOT's jurisdiction that discharge to the DOT system. This subsection also could require a stormwater mitigation project on property outside of DOT's jurisdiction.	Includes provisions for addressing how DOT and non-DOT projects each comply with the requirements for implementing LID measures. Procedures for implementing a stormwater mitigation project are clarified such the DOT will not be required to implement such projects beyond their jurisdiction.
6(a)(5)(D) – Requires DOT to map the Directly Connected Impervious Area (DCIA) for their entire jurisdiction within three (3) years.	Requires DOT to map fifty percent (50%) of their DCIA within five (5) years and their full DCIA within ten (10) years.
6(a)(6)(D) – Does not address DOT's Structure Rinsing Operations.	Includes section addressing Structure Rinsing Operations.
6(a)(6)(E) – Does not address discharges from DOT Snow Melting Operations.	Includes section addressing Snow Melting Operations.
6(i) – Requires DOT to monitor all outfalls in their MS4 that discharge to impaired waters similar to the requirement in the Small MS4 General Permit.	Includes option to conduct an impaired waters outfall monitoring protocol similar to that of the Small MS4 permit or conduct an automatic sampling program using a model similar or equal to the Stochastic Empirical Dilution Model (SELDM) by the United States Geological Service (USGS). The remainder of the monitoring section has been modified to reflect these options.
Appendix B – IDDE Protocol	
7(c)(ii) – Does not provide guidance for outfall priority ranking determination by number of screening factors identified.	Specifies that the identification of two (2) or more screening factors for an outfall should raise its priority level.
7(d)(vi) – Requires bacteria sampling of screened outfalls regardless of presence or absence of other screening parameters.	Allows elimination of bacteria sampling from screened outfalls in which ammonia, surfactants and chlorine are absent.