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Fall 2021

# CT NEMO MS4 Program

This newsletter relays occasional updates and valuable information to CT's MS4 regulated communities.



## 2020 Impaired Waters Data Layers Are Out

We recently added the new 2020 stormwater impaired waterbodies layers to the [MS4 Map Viewer](#). There are several new waterbodies added with this update so be sure to check your town to see if there are new impairments to consider for your MS4 work. These layers can also be downloaded from [CTECO](#).

A reminder that all outfalls discharging directly to both the purple and red waterbodies need to be sampled. Additionally, areas that discharge to the red waterbodies are part of your priority area.

### Contact

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## Stormwater Authorities

As of earlier this year, Connecticut towns are **officially authorized** to set up stormwater authorities to help fund stormwater management work. In case you missed it, New London recently established CT's first Stormwater Authority in 2018. They were featured in an earlier CLEAR webinar explaining how they did it. If you are interested in hearing that, you can find a recording of **'Stormwater Utilities in CT?!'** here. Additionally, CCM (Connecticut Conference of Municipalities) will be offering a webinar about the new legislation on October 19th at 1pm and NEMO will also provide some MS4 updates.

We at CLEAR (Center for Land use Education and Research) are beginning work on developing an outreach and support program for Connecticut towns to help understand what stormwater authorities are and share guidance on establishing one based on successful examples in our region. Stay tuned!

In case you cannot wait to dig in, here's a (slightly dated) **stormwater utility factsheet from the EPA**. We also have links to the stormwater utility websites for a couple of New England towns (**South Burlington, VT** and **Newton, MA**) who have had this kind of program in place for 15 years.





## Upcoming Stormwater Events in Our Area

- **Rhode Island Green Infrastructure Innovation Expo**  
*October 27th in Providence*
- **Maine Stormwater Conference**  
*A Virtual Webinar Series in October*
- **CCM Webinar on Stormwater Authorities and MS4 Requirements**  
*October 19th, 1:00pm*



## Summary of Tasks for Existing MS4s Due June 30, 2022

- Submit 2021 Annual Report (April 1st)
- Screen all outfalls to impaired waters
- Monitor 6 worst outfalls annually
- Implement projects from Retrofit Plan
- Inspect all catch basins outside priority areas
- 2% disconnection goal (plan for future disconnections of 1% per year)



## Look Out for One More MS4 Survey

We are conducting one more **survey** of towns and institutions about your experiences with our MS4 support and soliciting your feedback about the permit itself as it comes due for an update/renewal. This is a great chance to provide input on the permit and the support we've provided as DEEP regulators are thinking about the next iteration of the permit.



## Growing LID Friendly Trees

We recently heard about an interesting nursery that the Friends of Holcomb Farm uses to source trees for their budding arboretum in Granby, CT. They buy trees from **Rare Earth Nursery** in Syracuse, NY which uses a novel way to grow a variety of trees in gravel beds. As a result, the trees end up being very light and are much easier to move and plant than regular nursery trees.

Also, from their website, “Unlike typical bare root trees, MGB grown trees can be harvested and transplanted at any time during the entire growing season—even when the trees are in full-leaf! This instantly widens your effective planting window, allowing you greater flexibility during the busy season. Moreover, the fibrous root system minimizes transplant shock and allows our trees to better cope with the stressful conditions often associated with urban landscapes.”

If CT had a similar operation here in any form (public, private, regional, etc.), it could help facilitate the burgeoning demand for trees as LID project installations take off!



## MS4 Tool of the Month

On the **Post-Construction Stormwater Management** page of our website, we have a few links to tools developed specifically to help towns with reviewing regulations for inadvertent barriers to Low Impact Development which is required by our MS4 permit. Each of these guides addresses this task a little differently so there is bound to be one that works for you!

- Our **Developing a Sustainable Community** (CT NEMO). This is an easy-to-use guide developed to help Connecticut communities craft plans and regulations that promote Low Impact Development and protect water quality.
- **Rhode Island NEMO's LID Site Planning and Design Techniques**: Municipal Self assessment. A comprehensive step-by-step guide for reviewing municipal regulations but has some references to Rhode Island specific requirements.
- The Center for Watershed Protection's **Code and Ordinance Worksheet (COW)**. A tool to help communities evaluate their local development regulations to identify revisions that allow (or require) site developers to minimize impervious cover, conserve natural areas and use runoff reduction practices to manage stormwater runoff. One of our interns used this workshop to review regulations for several CT towns and the result was a helpful document to show towns how to adjust/update their regulations to promote LID.





## MS4 Puzzler

### Recent question regarding responsibility for maintaining privately owned stormwater controls.

*“The towns that we are working with are concerned with the structures that are on private property and were part the of earlier development of the town (i.e. pre-1990s). Some of these ponds have not been maintained since they were constructed and there is no clear assignment for maintenance and there could potentially be significant costs associated with the inspection, survey, permitting, design and maintenance to return them back to design capacity.*

*We understand that the maintenance needs to be completed but, towns are concerned about how they would generate the funds to do this work themselves or how they can expect to pass those costs to a private entity that may have no prior knowledge that maintenance was even required. The towns feel that if they try to enforce maintenance through an ordinance or regulations then they could potentially be facing significant legal repercussions from many of the private entities that have no writing [sic.] maintenance requirements in place.”*

#### Example municipal solution:

To address this issue, the City of Bristol, CT passed a **stormwater control ordinance** in 1991. In addition to requiring an engineering plan for operation and maintenance of stormwater management facilities (now a requirement of the 2017 MS4 permit), this ordinance (1) gives the City Council the authority to determine whether there is a need for additional stormwater controls for any property (this includes properties with existing stormwater controls) and (2) directs the property owner to develop/submit a plan for the control and perpetual management of the stormwater control, including cost coverage of such management. In lieu of a plan, the property owner may choose to transfer responsibility for maintaining the stormwater control measure to the City and propose an endowment in cash to be paid to the Bristol Storm Water Control Trust, established by the ordinance, to cover the cost of maintenance. The Trust is responsible for inspecting the stormwater control measures under its care every year by October 1 to determine maintenance needs.

Since its creation in 1991, the City has taken over responsibility for managing the stormwater controls of 22 properties. The Trust has received principal funds totaling \$487,661, which has been invested to generate income to fund the necessary routine maintenance on ponds, repairs, and allow for long-term capital maintenance. These funds are separately kept and maintained for the sole use of maintaining, improving or controlling the infrastructure of the stormwater controls assigned to the trust.

## Stormwater Pond Retrofit Workshop Recap

Back in July, we held our first in-person MS4 workshop since the start of the COVID19 pandemic. The workshop featured Dr. Bill Hunt from North Carolina State University, a national stormwater expert and long-time CT NEMO favored presenter. Dr. Hunt laid out options for retrofitting (i.e. improving the performance of and/or encouraging infiltration in) stormwater ponds during the morning presentation. Afterwards, we visited two sites in Groton to look at stormwater ponds and discuss potential retrofit options. Thank you to those who joined us and if you missed it, recordings of the presentation and field visits will be posted soon to a new page on our MS4 site dedicated to **recorded workshop presentations**.