Storm Water

April 7, to 10, 2003
Storm Water Permit History: Federal

- 1972: Clean Water Act to regulate industrial storm water discharges
  - 1970’s EPA focused on POTW, process waters
- 1987: CWA amended to include runoff from municipal separate storm sewer systems (MS4) in two phases under the NPDES permit program.
- 1990: EPA regulates Municipal, Industrial, and Construction permits under Phase I
Phase II Compliance Timeline:

- 12/8/1999: Phase II final rule is promulgated
- 10/2000: EPA issued a menu of BMPs
- 10/2001: EPA issued guidance on measurable goal
- 10/9/2002: Permitting authority determines designation of small MS4 outside an urbanized area
- 12/9/2002: Permitting authority determines waiver for regulated small MS4
Phase II Compliance Timeline:
(continued)

- 12/9/2002: Permitting authority issues general permits for small MS4s
- 3/10/2003: Regulated MS4 and small construction activities must obtain permits
- Within 180 days of notice: Regulated small MS4s and construction must obtain permit
- 3/8/2007: Phase-in
Phase II Storm Water Regulations

- Small MS4, population of <100,000
- Industrial activities operated by MS4
- Construction activities between 1 and 5 acres
- Clarify the “no exposure” exemption for industry
Def

• MS4 = A conveyance or system of conveyances including roads with drainage, municipal streets, catch basins, curbs, gutters, ditches, channels, and storm drains
• Does not solely refer to MS4s, much broader application
Def (continued)

- Small MS4 = Includes state department of transportation, universities, local sewer districts, hospitals, DOD installations, and prisons.
- Operate a storm sewer system and is located fully or partially within an Urbanized Area (UA).
Phase II Permit

Curbs and gutters are designed to deliver stormwater away from the road surface in an efficient and timely manner.

Catch basins or inlets collect stormwater and direct it through pipes to a downstream stormwater facility or to the receiving waters.
Program Requirements
§122.34

• Develop, Implement, and enforce
  – Reduce pollutant from your MS4 to MEP (maximum extent practicable)
  – Protect water quality
  – Satisfy the appropriate requirements of the CWA
Six Minimum Control Measures
§122.34

- Public Education and Outreach
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post Construction Storm Water Management
- Pollution Prevention/Good Housekeeping
Public Education/Participation

- Distribute educational materials to the community
- Describe impacts to water bodies
- Describe steps public should take to reduce impacts
Public Involvement/Participation

- Comply with State, Tribal, and local public notice requirements
- Reach out to all economic and ethnic groups
- Participate in program development
Illicit Discharge Detection & Elimination

- Sewer system map
- Ordinance for non-storm water discharges
- Develop plan to detect non-storm water discharges
- Inform all of hazards of illegal discharges and improper disposal of waste
Construction Site Storm Water Runoff Control

- Ordinance to require erosion control
- Requirements to implement appropriate erosion and sediment controls
- Requirements to control waste
- Procedures to review site plans
- Procedure to receive public information
- Procedures for site inspection and enforcement
Post Construction

- Strategies which include structural and nonstructural BMPs

- Ordinance to address post construction development and redevelopment

- Ensure long-term operation and maintenance of BMPs
Pollution Prevention/Housekeeping

• Training program
• Maintenance activities
• Maintenance schedule
• Long-term inspection procedures
• MS4 activities
# State Requirements

<table>
<thead>
<tr>
<th>State</th>
<th>Enforcement</th>
<th>Potential Fine</th>
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</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Submit NOI/develop program</td>
<td>$24,000</td>
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<tr>
<td>California</td>
<td>Permit not yet adopted</td>
<td>$27,500</td>
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<tr>
<td>Florida</td>
<td>Contact DEP/submit NOI</td>
<td>$10,000</td>
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<tr>
<td>Georgia</td>
<td>Should have been notified/submit NOI</td>
<td>$27,500</td>
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<tr>
<td>Illinois</td>
<td>Should be notified/180 days after notification</td>
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<tr>
<td>Maryland</td>
<td>Submit NOI/develop program</td>
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<tr>
<td>Massachusetts</td>
<td>Submit NOI/develop program</td>
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<td>Mississippi</td>
<td>Submit only after being notified</td>
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<td>Nevada</td>
<td>Discharge authorized only after NOI submittal</td>
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<td>South Carolina</td>
<td>Federal entities not yet notified/120 days after notification</td>
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<td>Virginia</td>
<td>Contact the DEQ Regional Office/NOI</td>
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<tr>
<td>Washington</td>
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<tr>
<td>Wisconsin</td>
<td>Contact Department of Natural Resources</td>
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