

# Update on Stormwater Regulation

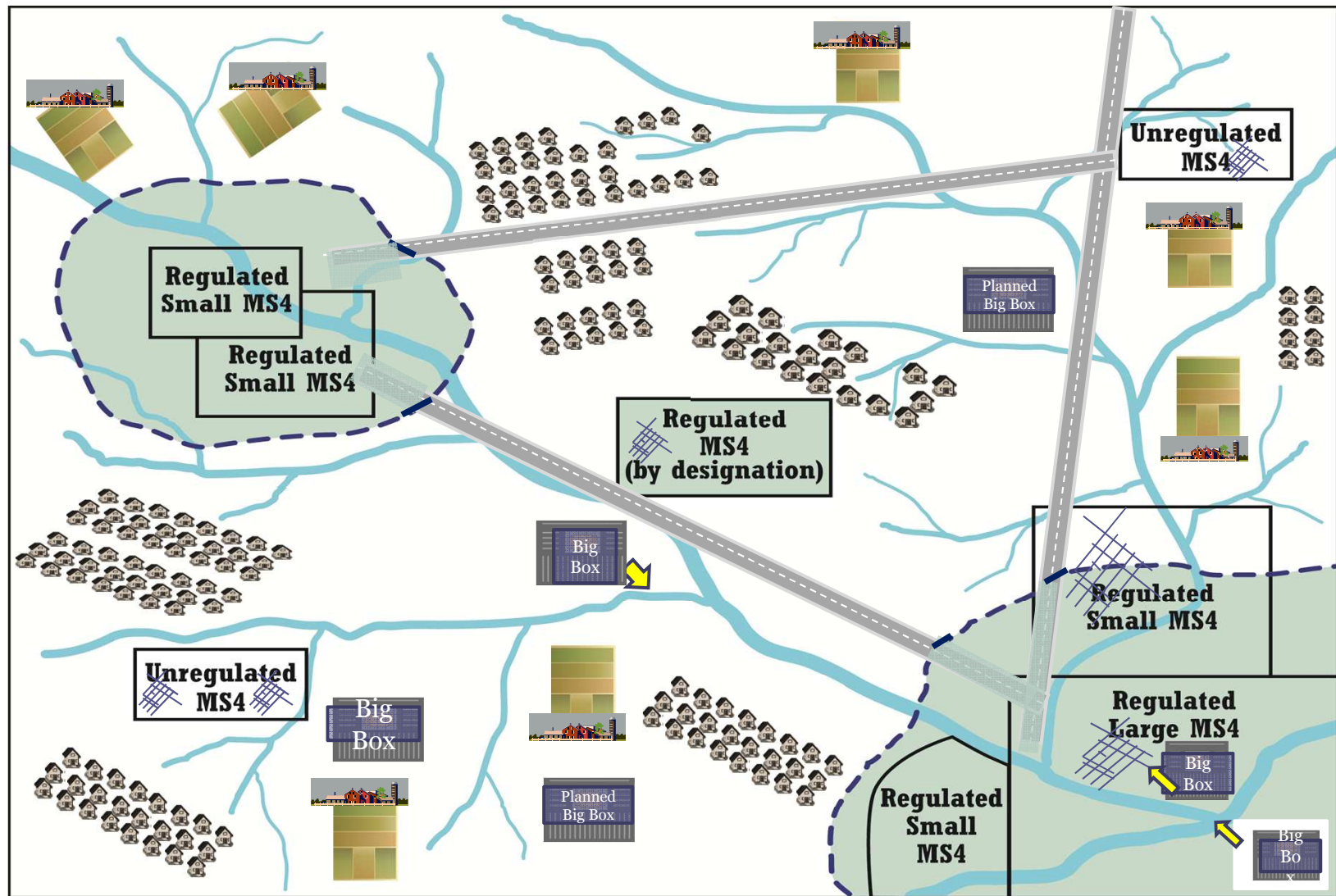
NACWA

2011 Winter Conference



# Recent Activities

- Site visits
- Meeting with Small Entity Representatives
- Meeting with State and Local Officials
- Analyzing results of data from ICRs
- Analyzing options





# Options for Performance Standards

- Discharges from New Development
  - Mimic predevelopment hydrology
  - Exceptions/alternative compliance options
  - Credits
  - State flexibility
- Discharges from Redevelopment
  - Same standard as new development – additional credits and exceptions/alternative compliance options
  - Reduce flow by x percent
  - State flexibility
- Exploring alternative compliance options for roads



# Regulated MS4 Expansion

## Options

- No change – 2010 Urbanized Area defined by Census.
- Extend coverage to jurisdiction boundaries of the MS4 rather than urbanized area boundary
- Extend coverage to urbanized clusters (Census)
- Extend coverage to Metropolitan Statistical Areas (Census)
- Extend coverage to Metropolitan Planning Areas (FHA)
- Regulate based on a population or impervious cover threshold
- Extend coverage to watershed boundaries (using HUC defined watershed)
- Regulate all MS4s and allow States to exclude areas
- Require states to designate additional regulated MS4s
- Regulate all state roads



# Regulated MS4 Considerations

## **Analysis**

- Use models to analyze all options in one state
- Narrow options to 3-4 and analyze for entire country

## **Minimum control measures**

- Expectations for newly regulated MS4s
- Industrial program for Phase I MS4s
- Expectations for regulated transportation MS4s



# Discharges from Individual Sites

- Benefits
  - Protects water bodies from stormwater dischargers
  - Provides level playing field
- Assess options for regulating discharges from individual sites
  - Size thresholds
  - Location (discharges to the MS4; dischargers directly to waters of the U.S.)
- How to regulate (permit and/or direct rule)

# Retrofits

- Possible requirements imposed on MS4s
  - Develop retrofit plan
  - Implement plan over long period of time
- Options for Retrofit Applicability
  - Phase I MS4s
  - Phase I and II MS4s
  - MS4s that discharge to waters impaired by stormwater





# Chesapeake Bay

## Potential specific provisions

- Regulate additional MS4s
- Apply performance standard to smaller site sizes
- Require retrofits of individual sites to better address stormwater discharges
- Restrict fertilizers



# Schedule

- September 2011 – Proposal
- November 2012 – Final Action