

Stormwater Past and Present

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As of March 10, 2003, the Environmental Protection Agency's (EPA) Phase II Stormwater Program, commonly referred as the Phase II Rule, has many communities committing resources to address the impacts of stormwater runoff. The NYS Department of Environmental Conservation (NYS DEC) talks of storm water as being both a quality and quantity problem. Storm water starts as rain or melting snow that runs off fields and impervious surfaces - paved streets, roofs and parking lots. As it flows through manmade and natural conveyances, storm water can accumulate and cause local flooding. Along with flooding, storm water picks up oil, sediment, animal wastes, fertilizer and pesticides, becoming polluted and flowing untreated into waterways. Because of the negative effects of stormwater, EPA has targeted this non-point source of pollution with regulations to try and reduce its impacts on waterways.

To get some background on this topic, we must first go back to the 1987 reauthorization of the Clean Water Act (CWA). One of the main provisions of the CWA was to nationally regulate the discharge of pollutants into waterways during runoff events under the National Pollutant Discharge Elimination System (NPDES). In New York State, regulated stormwater activities are covered by a State Pollutant Discharge Elimination System (SPEDES) Permit. As you all know, SPEDES permits are issued by NYS DEC. This stormwater permitting has, and is, currently being addressed by a two part phased process. Phase I stormwater regulations (promulgated 1990 and required permitting after October 1, 1994) required permit coverage for large and medium municipal separate storm sewer systems (MS4's) located in incorporated places or counties with populations of 100,00 or more. An exception to the ruling was made, and as a result, New York City was the only municipality that had to file for a permit under Phase I. The other municipalities over 100,000 in population were allowed to wait to implement their programs under Phase II. Along with the MS4 permitting, Phase I had eleven categories of industrial activity, one of which, is construction activity that disturbs five or more acres of land which required compliance with a stormwater SPEDES Permit.

The Phase II Rule (promulgated 1999 and required permitting after March 10, 2003) in contrast to Phase I covers smaller municipalities, urban areas adjacent to municipalities, automatically designated areas, and construction activity that disturbs one or more acre of land. These changes are intended to further reduce the impacts to water quality by instituting the use of controls that are more strict and inclusive. The smaller municipalities and adjacent areas (MS4's) also referred to, as "urbanized areas", are now required to form a **storm water management program**. These "urbanized areas" are shown on EPA's NPDES website page (referenced below). This program, at minimum, must be comprised of six program elements. These elements are; *Public Education and Outreach, Public Participation/ Involvement, Illicit Discharge Detection and*

Elimination, Construction Site Runoff Control, and Pollution Prevention/ Good Housekeeping. The other major change that Phase II brings is the change in acreage for the construction permit. Operators of construction sites disturbing more than one acre must now submit a *Notice of Intent (NOI)*, they must develop and implement a *Storm Water Pollution Prevention Plan (SWPPP)*, following the stabilization of the construction project a *Notice of Termination (NOT)* must be filed. There are also stipulations for construction activities within TMDL watersheds and 303D (Priority Waterbodies List) watersheds.

This has been a condensed overview of the EPA's Stormwater Program. My intention for writing this article was to give you an introduction to the federal and state storm water programs. Agencies such as EPA and DEC have websites that give a wealth of information on the subject. They give a more in depth explanation of the Phase II Rule, as well as, the background needed to understand how EPA came about in developing the protocol to address stormwater runoff as a nonpoint source pollution threat. EPA's storm water website is: <http://cfpub.epa.gov/npdes>. DEC's storm water website is: <http://www.dec.state.ny.us/website/dow/mainpage.htm>. I would strongly encourage anyone who has questions regarding stormwater and the relatively new implementation of the Phase II Rule, contact your regional DEC Division of Water Staff, local county soil and water conservation district, and of course, New York Rural Water Association. *This article has referenced information from both EPA and DEC publications.*