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# Stormwater Update and Direction

4 October 2016

# NPDES Program Update & Direction

2

**Industrial & Construction  
Stormwater**

**Urban**



**Stormwater**

**TRANSPORTATION**

**ROADS**



**MS4 Remand Rule**

# Industrial Stormwater Updates

3

Issued June 6, 2015

**MSGP**

- Deadline for continuing permittees to resubmit was September 4, 2015 (later for R10)
- A group of environmental NGOs petitioned for review of the permit in June 2015
  - Petitions consolidated in the Second Circuit
  - Two industry group intervenors
  - All parties entered into mediation
- Settlement achieved in July 2016
- Next MSGP is an enhanced corrective action process and an EPA-funded study will be conducted by NRC to suggest improvements to benchmark monitoring



# Construction Stormwater Updates

4

## CGP

- The current 2012 CGP will expire Feb. 16, 2017 and the new 2017 CGP will be reissued prior to that date
- Public comments: 73 letters and approximately 450 individual comments
- Majority of comments focused on
  - Group SWPPP
  - Changing stabilization deadline and inspection frequencies
  - Proposed pollution prevention requirements
- Public availability of the SWPPP

# Transportation Compendium

5



Permit writers asked for examples of DOT-specific permit language



State departments of transportation want more transportation-specific language in their permits



# Transportation Compendium

6

State feedback suggested the document be organized based on how State DOTs do business rather than the way the MCMs are setup in the EPA regulations

Organized based on how State DOTs do business

<u>Ch.</u>	<u>Title</u>
1	Establishment of SWMP
2	Facilities (rest areas, park & rides, DOT buildings, etc.)
3	Roadways
4	Storm Sewer Infrastructure
5	Roadside Management
6	Project Development/Active & Post-Construction
7	Monitoring, Evaluation, & Reporting



Roadway repaving.  
(Riverdale, MD)



Salting roadways  
in winter storm.  
(New York)

# Road-Related Work

Transportation  
liaison

7

Working with the Federal Highway Administration to:

- ▣ Share information about our programs and find linkages
- ▣ Address stormwater issues from roads

## More Specifics



Coordinate between  
EPA & FHWA



Support  
Sustainability &  
Watershed Concepts



Provide technical  
support

Disseminate  
information

Watershed  
tools

Transportation  
planning

Innovative stormwater  
solutions

Green infrastructure

Research

# Example of Road Initiative: Complete (Green) Streets

*“Road projects around the country are demonstrating that they can deliver livability and environmental benefits while achieving mobility and safety objectives.” (FHWA)*

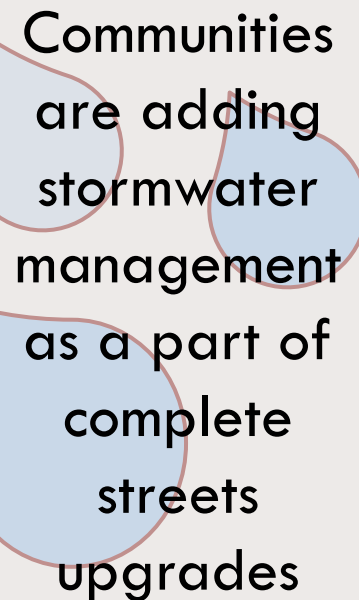
## Guiding Principle for Complete Streets

To create roadways and related infrastructure that provide safe travel for all users, each complete street has to be customized to the characteristics of the area the street serves.

- Building Blocks for Sustainable Communities: [www.epa.gov/smartgrowth/building-blocks-sustainable-communities#2015](http://www.epa.gov/smartgrowth/building-blocks-sustainable-communities#2015) Communities

## Example Elements in Complete Streets

- Sidewalks
- Bike lanes
- Shared-use paths
- Safe and accessible transit stops
- Frequent and safe crossings for pedestrians, including median islands & curb extensions.



Communities are adding stormwater management as a part of complete streets upgrades

Sources: <http://www.fhwa.dot.gov/publications/publicroads/11marapr/02.cfm>;  
<https://www.fhwa.dot.gov/publications/publicroads/10julaug/03.cfm>; <http://www.smartgrowthamerica.org/wp/wp-content/uploads/cs-chart-allpolicies-4-2016.pdf>



# MS4 Phase II Stormwater Updates

9

## MS4 General Permit Remand Rule

### Purpose and Scope

- Modify the Phase II regulations to respond to the Ninth Circuit's partial remand in *EDC v. EPA* (2003)
- The rulemaking will focus on changes to the regulations necessary to address the partial remand. No other changes to the small MS4 requirements in the Phase II regulations are planned

# MS4 Phase II Stormwater Updates

10

## MS4 General Permit Remand Rule

### Proposed rule options

- **Option 1** – “Traditional General Permit Approach”
- **Option 2** – “Procedural Approach”
- **Option 3** – “State Choice Approach”

# MS4 Phase II Stormwater Updates

11

## **MS4 General Permit Remand Rule**

### **Schedule for Finalization**

- Ninth Circuit Court Deadline: November 17, 2016
- Currently in OMB Review
- **Final rule signed: November 17, 2016**

# Urban Stormwater

12

## The Ugly



A  
N  
D



## The Good

# What Do We Do About Stormwater?

13

**Goal: Incremental Progress (see how far we get)**

## Strategy

- Keep improving the 6 minimum controls
- Encourage green infrastructure/low impact development
  - Requirements for new & redevelopment
- Pilot retrofits

**Stay the Course**

**Step it Up**

**Goal: Meet Water Quality Standards over Time**

## Strategy

- 6 minimum controls and green infrastructure/low impact development
- Start down retrofit path – at a scale to achieve water quality standards
  - Address uncertainties and cost through schedules and adaptive management

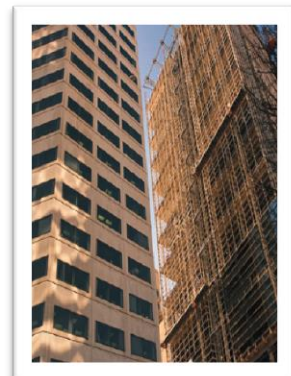


# If We Don't Step it up

## *It Will Cost a Lot More*

14

The Cost  
of Doing  
Nothing



- ☐ If sites do not incorporate sustainable stormwater controls in growing communities, waterbodies will become impaired and these communities will face extremely high costs to restore the waters
- ☐ If sites do not incorporate sustainable stormwater controls in areas that already discharge to impaired waters, the quality of our urban waters will worsen and the cost to restore these waters will grow
- ☐ Communities will not realize the many other benefits of green infrastructure, including:
  - Reduced flooding
  - More liveable communities
  - Increased property values
- ☐ The cost of inaction is high and borne most by local governments

# Urban Stormwater Program

## *Looking Forward*

15

**Looking forward:** Encourage communities to develop long-term, cost-effective stormwater strategies that provide multiple benefits

### Guiding Principals

Catch and manage rain where it falls using green infrastructure approaches and emphasize retention as the preferred method for managing stormwater

Cities create a long-term vision for stormwater (e.g., 20-25 years) for communities to implement a plan

Incorporate long-term stormwater plan into other broader community planning efforts that are already being planned

# Our Efforts: A Three Pronged Approach

Our objective is to provide all communities with the tools and technical resources to implement a community-based approach for long-term stormwater planning:

16

## **“Guide”**

Develop a Guide for Long-term Stormwater Planning

Provide the groundwork for developing long-term stormwater plans so communities invest in development that aligns with their community identity, sustainability and resiliency to reduce costs.

## **“Toolkit”**

Provide an online stormwater planning toolkit to help communities develop long-term stormwater plans

Post online for all communities to utilize and view EPA resources and tools that can help them develop their plans.

## **“Technical Assistance”**

Provide Technical Assistance to Communities

Work with specific communities to test tool and develop plans.

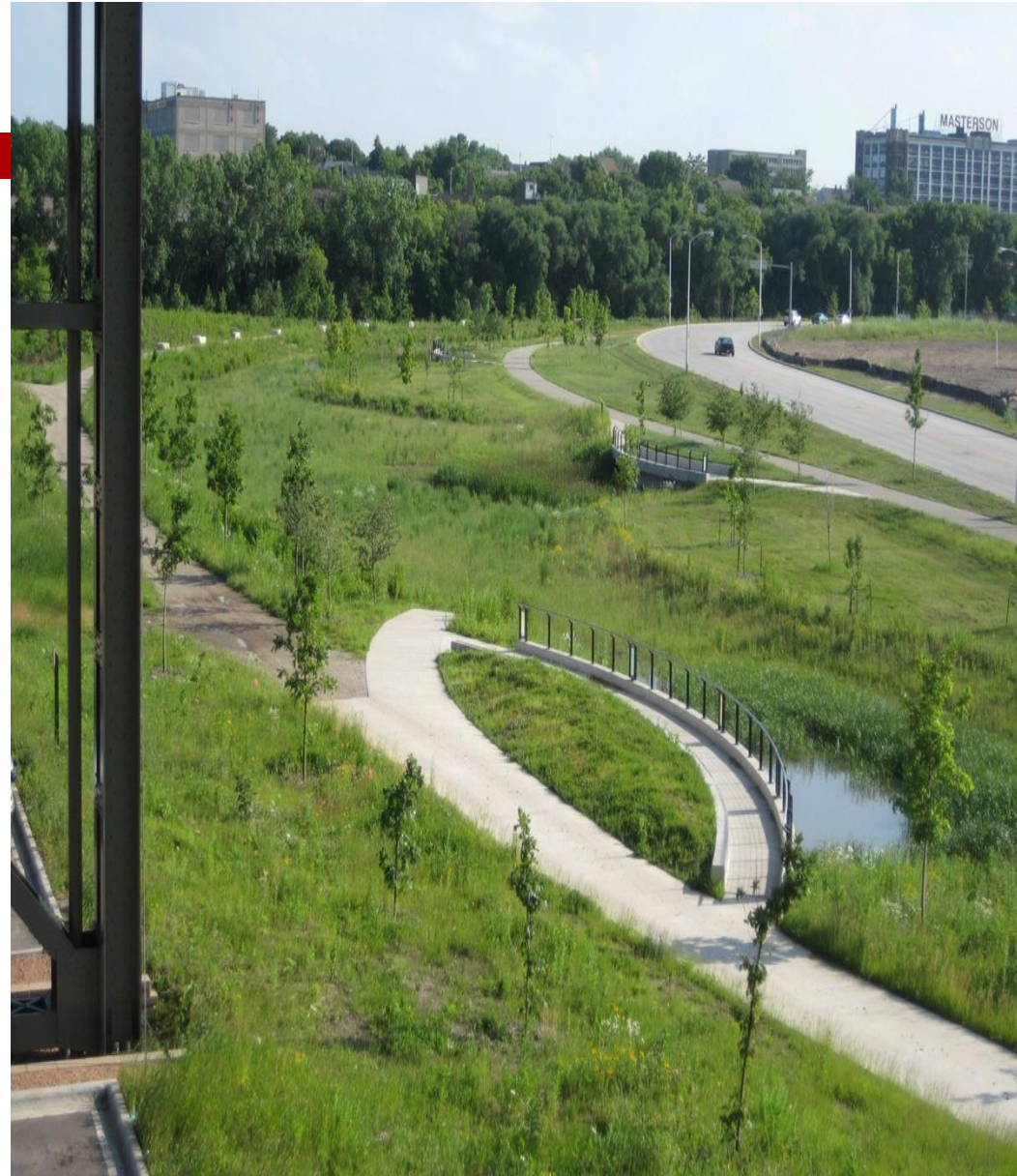




# On-the-ground Community Enhancements



Los Angeles, California



Milwaukee, Wisconsin



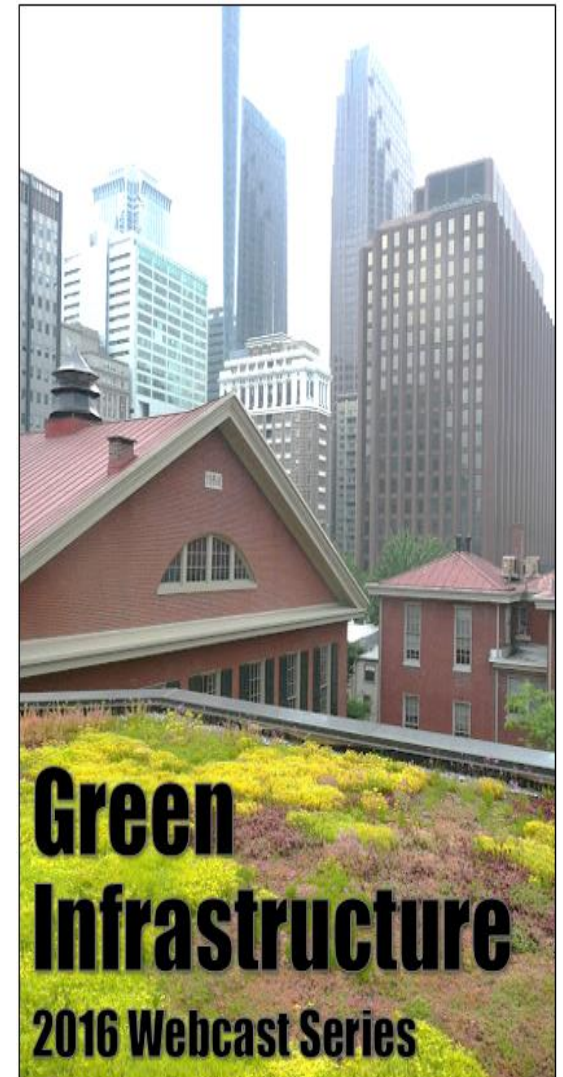
# 2016 Green Infrastructure Webcast Series

18

Quarterly webcasts on green infrastructure topics, visit website for archived webcasts and to register for upcoming webcasts:

<https://www.epa.gov/greeninfrastructure>

- ☐ *Greening Vacant Lots (February)*
- ☐ *Greening Your Backyard: Water Efficiency and Stormwater Solutions for Homeowners and Communities (April)*
- ☐ *When Green Goes Bad: Lessons Learned from Past Green Infrastructure Projects (July)*
- ☐ *Building the Case for Green Infrastructure: Outreach and Education (October)*





# THANK YOU!

## QUESTIONS?

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### Websites:

☐ Green Infrastructure

[www.epa.gov/greeninfrastructure](http://www.epa.gov/greeninfrastructure)

☐ Stormwater

[www.epa.gov/npdes/stormwater](http://www.epa.gov/npdes/stormwater)

### Listserv:

☐ Greenstream

To join greenstream, an EPA listserv featuring updates on green infrastructure publications, training, and funding opportunities, send an email to [join-greenstream@lists.epa.gov](mailto:join-greenstream@lists.epa.gov)

