Stormwater Regulations: Why do we care?

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Oh yeah, that’s why!

No one wants to be this place
Clean Water Act Background

- 1948 – Federal Water Pollution Control Act
  - First major law that addressed water pollution.
  - Made it unlawful to discharge any pollutant from a point source into navigable waters unless a permit was obtained.

- 1972 – Act expanded and reorganized.
  - National Pollutant Discharge Elimination System (NPDES) was introduced as the permit program under section 402.

- 1987 – Amendments were added that required EPA to establish a program that addressed stormwater discharge.
  - EPA established stormwater permit application regulations under the NPDES program.
Clean Water By The Numbers

- Section 402 – NPDES program.
- Section 404 – Regulates discharge of dredge or fill material into navigable waters.
- Section 303 – Gives states authority to develop a list of impaired waters and TMDLs.
The CWA allows the Environmental Protection Agency (EPA) to authorize states to operate the NPDES program if states meet certain criteria.

- Arizona assumed primacy in 2002
- AZPDES program

- Tribal lands still covered under NPDES program.
  - New NPDES CGP issued February 2012

- Four out of the fifty states within the United States are not delegated to operate the NPDES program:
  - Idaho
  - Massachusetts
  - New Hampshire
  - New Mexico
Stormwater Permit Hierarchy

EPA delegates CWA Program to the States but retains overview including enforcement authority at their discretion.
Municipal Separate Storm Sewer Systems (MS4)

- MS4 - Conveyance or system of conveyances that is:
  - Owned by state, city town, village or other public entity
  - Designed or used to collect or convey stormwater – includes ditches
Municipal Separate Storm Sewer Systems (MS4)

- Phase I – Started in 1990 by EPA
  - Large and medium sized MS4s
    - Cities or counties with populations of 100,000 or greater
      » ADOT
      » Mesa
      » Phoenix
      » Tempe
      » Tucson
      » Pima County
      » U of A
      » VA Hospitals
      » Davis Monthan Air Force Base
    - Covered by individual permits (permits written specifically for the MS4 by ADEQ)
Municipal Separate Storm Sewer Systems (MS4)

- Phase II – Started in 1999 by EPA
  - Small MS4s
    - Urbanized areas or those deemed necessary by permitting authority
      » Marana, Oro Valley, Pinal County, Sierra Vista, South Tucson
    - All small MS4s are covered by a general permit, but each MS4 must develop an individual Stormwater Management Program (SWMP) for their coverage area. SWMPs are reviewed by ADEQ.
Six Minimum Control Measures (MCM)

- Public Involvement and Participation
- Illicit Discharge, Detection and Elimination
- Pollution Prevention/Good Housekeeping for Municipal Operators
Clean water starts with me!
PAGstorm.com

Did you know?
The level of bacteria and parasites in our stormwater is a major concern. The primary source – our dogs!

These germs can last up to 10 years in the environment, harming wildlife and pets. Scoop the poop!
Construction Site Stormwater Runoff Control

- Develop stormwater ordinances.
- Make sure construction activities (both private and public) have the required permit coverage.
- Review Stormwater Pollution Prevention Plans.
- Conduct on-site inspections.
Jurisdiction Comparison Matrix
General permit that specifically authorizes discharges from construction activities.

- Discharge – Any addition of any pollutant to waters of the U.S. or to a MS4 from any point source.
An operator by any other name still has to get coverage.

- Operational control over construction plans and specs. (Can make changes to those specs).
- Day to day operational control of activities at a project which are necessary to ensure SWPPP compliance. (Authorized to direct workers to carry out activities required by the SWPPP).
Projects that disturb one or more acres.

Projects that disturb less than one acre if part of a common plan of development.
   - “common plan of development” is in the permit definitions and Fact Sheet

Even if your project doesn’t require coverage, you are still obligated to apply Best Management Practices to ensure you are not contributing pollutants to a water body.
The fine print

- AZPDES CGP doesn’t cover concrete washouts or vehicle wash waters. Make sure you check the Aquifer Protection Program rules to make sure you are handling those activities accordingly.

- Soil crusting may work for dust control, but not stabilization.

- Whenever there is a conflict among permits, the most restrictive applies.
Fine, I’ll get coverage!

- What coverage under the AZPDES CGP gets you: