

**Stormwater Rulemaking  
Information Collection Request  
Webcast  
September 16, 2010**

**US Environmental Protection Agency**



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# Stormwater Challenges

- Stormwater remains a leading cause of water quality impairment
  - According to the 2004 Water Quality Inventory, urban stormwater discharge is the source of problems in:
    - 22,559 miles, or 9.2% of all impaired rivers and streams
    - 701,024 acres, or 6.7% of all impaired lakes
    - 867 square miles, or 11.3% of all impaired estuaries
- Many developed and rapidly developing areas are excluded from regulation
- Current program inadequate at controlling post construction stormwater discharges
- In 2006 EPA commissioned the National Resource Council (NRC) to do a study on EPA's stormwater program
- In October 2008 NRC released *Urban Stormwater Management in the United States*, available at: [www.epa.gov/stormwater](http://www.epa.gov/stormwater)

# Considerations for Rulemaking

- On December 28, 2009, EPA published a Federal Register Notice announcing the initiation of rulemaking to strengthen its stormwater program and to further reduce the impact of post construction discharges from developed sites to our Nation's waters  
(FR 74 FR 68617-68622)
- The main considerations of this rulemaking:
  - Establishing post construction standard for stormwater discharges from newly developed and redeveloped sites
  - Expanding the scope of the existing municipal regulations to include additional municipal dischargers
  - Establish specific requirements for transportation
  - Establish a single set of minimum measures for all MS4s
  - Address stormwater discharges from existing development through retrofitting
  - Specific provisions for the Chesapeake Bay watershed

# Stormwater Rulemaking Schedule

- Data Collection
  - Information Collection Request
  - Site Visits
- SBREFA Panel this Fall – impacts on small businesses and small communities
- Meeting with local officials this Fall
- Report to Congress – Summer 2011
- Proposal in September 2011
- Final Action in November 2012

# Information Collection Request (ICR)

- Six questionnaires have been approved by OMB
- MS4 and permitting authority questionnaires sent, recipients have 60 days to complete
- Owner of developed sites questionnaire will be sent this week
- Copies of questionnaires on the stormwater rulemaking website
- States were provided with the list of MS4s that received the questionnaire in their state

|   | <b>Estimated Total Number</b>   | <b>Survey Sample</b>            |
|---|---|---------------------------------|
| <b>NPDES permitting authorities</b>                             | Authorized states (46),<br>Non-authorized states, EPA is authority (DC, ID, MA, NH, NM) | All                             |
| <b>Regulated Phase I and II MS4s</b>                            | Phase I - 750<br>Phase II - 5891  | Phase I - 266<br>Phase II - 342 |
| <b>Regulated Transportation MS4s- State or County DOTs</b>      | 149   | 84                              |
| <b>Unregulated cities, towns, townships, villages, counties</b> | 16,335  | 932                             |
| <b>Owners of developed sites (long/short version)</b>           | 739,547   | 2,985                           |

# How were Regulated MS4s questionnaire recipients selected?

- EPA worked with States to develop a database of all currently regulated Phase I and II MS4s
- EPA systematically selected a sample of Phase I and Phase II MS4s across geographic location (including at least one regulated MS4 from every state)
- EPA selected approximately 10% of Phase I and Phase II MS4s (represents statistical significance)

# How were Non-Regulated MS4s questionnaire recipients selected?

- U.S. Government Integrated Directory (GID), a directory that is used in the Census Bureau's government statistical programs
- Removed all regulated local governments
- Removed local governments with a population of 1,000 or less

# How were Non-Regulated MS4s questionnaire recipients selected? (cont.)

- Assigned an Urban Influence Code (UIC), a 12-level code created by the USDA Economic Research Service (ERS) to sample both urban and more rural areas
- Systematically selected approximately 6% of localities across UIC Code and geographical distribution (represents statistical significance)

Does receiving a questionnaire mean a locality is a regulated MS4 or that EPA has targeted it to be regulated?

**No!**

EPA sent this questionnaire only to localities that are not currently subject to federal stormwater requirements (i.e., not a regulated MS4).

EPA is in the early stages of considering revisions to the stormwater regulations and has not made any decisions concerning extending federal stormwater requirements to additional localities.

# Purpose of MS4 Questionnaires

- To collect baseline information to inform EPA's rulemaking considerations
  - Assess existing local stormwater programs to establish a baseline
  - Estimate the current capacity and budgets of localities for their existing programs, including retrofit programs as applicable
- EPA will use this information to evaluate the incremental costs and impacts on MS4s and local jurisdictions and benefits that may result from additional requirements

# Regulated MS4 Questionnaire

## PART A – Technical Information

- The type of MS4, number of MS4 permits, copermittees, permit term, all ways stormwater is conveyed in the jurisdiction
- Extent of MS4 coverage
- Specific stormwater program components (e.g., six minimum measures, source control measures, industrial)
- Implementation of post construction program (e.g., on public vs. private property, site plan review)
- Definitions of new and redevelopment, number of new and redevelopment projects and acreage

# Regulated MS4 Questionnaire

## PART A – Technical Information (cont.)

- Performance or design standards for post construction stormwater discharge from new and redevelopment projects, implementation of the standard including mitigation and enforcement
- Retrofit practices and programs
- Specific stormwater controls installed, maintained and whether cost and/or performance data are available
- Local or state regulations that conflict, encourage, or incentivize stormwater retention practices
- Monitoring data

# Regulated MS4 Questionnaire

## PART B – Financial Information

- Total operating budget and stormwater related budget & FTEs and the activity that are included in the stormwater budget
- Funding sources for implementing stormwater program, stormwater fee questions
- Capital improvement projects and/or requirements (including retrofit of existing property)
- Budget of stream restoration projects

# Non-Regulated MS4 Questionnaire

Questions A-1 to A-9 (ALL)

- Who is the owner and operator of the municipal separate storm sewer?
- Population and area of the jurisdiction (percent directly connected impervious cover, if available)
- How stormwater conveyed in the jurisdiction
- Ordinances, activities or program to address stormwater issues beyond flood control

# Non-Regulated MS4 Questionnaire (cont.)

Questions A-10 to A-19 (Those with stormwater program)

- Specific stormwater program components (e.g., education, outreach, illicit connections, construction, pollution prevention, monitoring)
- Number of residential and non-residential construction starts
- Implementation of post construction program (tracking, site plan review)

Questions A-20 (ALL)

- Specific stormwater controls installed, maintained and whether cost and/or performance data are available

# Non-Regulated MS4 Questionnaire

## PART B – Financial Information

### ALL

- Total operating budget and stormwater related budget & FTEs and the activity that are included in the stormwater budget
- Funding sources for implementing stormwater program, stormwater fee questions

# Speaker Contact Information

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# Questions

**5 Minute Break**

The Webcast has Ended