



Are You Ready for the Coming Flood? Meeting the Challenges of NPDES Phase II Regulations

Since 1972 the U.S. EPA's National Pollutant Discharge Elimination System (NPDES) has greatly reduced pollution in the nation's waters by limiting effluents from construction sites, industries, publicly owned treatment works (POTWs) and large municipal separate storm sewer systems (MS4s) serving populations of 100,000 or more. In December 1999, the agency announced the expansion of this program. NPDES Phase II will address MS4s in urbanized areas serving populations less than 100,000. An urbanized area has a population density of at least 1,000 persons per square mile. State agencies are required to notify small MS4's not in urbanized areas if they are also designated for inclusion in the Phase II program. An MS4 is a publicly owned or operated structure or system of structures designed specifically to convey storm water (i.e. manmade channels, ditches, streets, catch basins, curbs, gutters, etc.) which drain into surface waters. Smaller construction sites are also included in the Phase II program. Operators of regulated MS4s are required to operate their systems in such a manner to reduce the discharge of pollutants to the "maximum extent practicable" (MEP).

The federal deadline for Phase II applications is March 10, 2003. The NPDES program allows an operator to apply for either an individual permit or a general permit. The general permit process is simpler than the individual permit. The general permit requires a Notice-of-Intent (NOI) form and a storm water management plan (SWMP) be submitted. The SWMP describes the best management practices (BMPs) that will be implemented to meet the six minimum control measures outlined in the permit; a BMP implementation schedule; and the measurable goals that will be reported to the agency. The six minimum control measures are as follows:

- Public education and outreach
- Illicit discharge detection and elimination
- Post-construction runoff control
- Public participation and involvement
- Construction site runoff control
- Pollution prevention and good housekeeping

The BMP's can be selected from a simplified list or for better results the BMP should be individually designed for the specific sub-watershed or area of the MS4 that may be experiencing storm water problems. Measurable goals are evaluated from baseline data established by EPA or the state authority using a combination of the following environmental indicators:

- Water quality
- Biological
- Programmatic
- Physical and hydrological
- Societal
- Site specific

Monitoring and reporting requirements will be established for the measurable goals as a part of the permit renewal program. A successful MS4 will implement programs...which reduce or eliminate pollutants and other stressors...that in turn conserve or improve existing resources...that support a variety of designated uses (i.e. drinking water, fish consumption, etc.)...this ultimately preserves and enhances public health and aquatic ecosystems.

If you require assistance with preparation of an NOI or SWMP or would like to obtain further information on permitting under NPDES Phase II, please contact Bob Repasky or Dave Strayer at (513) 489-2255 or via e-mail at rdr@paynefirm.com and dcs@paynefirm.com.