Stormwater Management/ MS4 Permitting

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THE FIVE STAGES OF GRIEF: ACCEPTING THE BURDENS OF STORMWATER REGULATIONS

The Clean Water Act

- Federal Water Pollution Control Action – 1948.
- Federal Clean Water Act (Act) – 1972.
- The Act controls pollutant emissions from "point sources" with National Pollutant Discharge Elimination System (NPDES) permits.
- In 1987, Congress extended the Act to Municipal Separate Storm Sewer systems (MS4s). 33 U.S.C. § 1342(p) (West 2014).





Stormwater Regulations

- Phase I began in 1990 for large and medium MS4s.
- Phase II began in 1999 for small MS4s.
- Both Phase I and II permits must address:

(1) Public education.
(2) Public involvement.
(3) Illegal discharges to the storm sewers.
(4) Construction site runoff.
(5) Runoff from developed and redeveloped areas.
(6) Pollution from municipal operations.

Gaps In Stormwater Regulation

- Act focuses on discharge of pollutants and uses end-of-pipe control technologies. Unlike wastewater effluent, stormwater effluent does not have steady flows and consistent loading of pollutants.
- Problems:

  (1) Lack of objective, standardized procedures.
  (2) Pollution from existing development.
  (3) NPDES permits attack problems on a piecemeal basis.

Issues For Congress

- Funding for stormwater management – State Water Pollution Control Revolving Funds (CSRFs) and Water Infrastructure Finance and Innovation Act (WIFA).
- Chesapeake Bay restoration – Total Maximum Daily Load (TMDL) and Watershed Implementation Plans (WIPs).
- State Highway Stormwater Management. U.S. Senate Bill No. S. 2457 (Senator Cardin).



