



# **EPA Stormwater Program updates**

ACWA Stormwater Roundtable

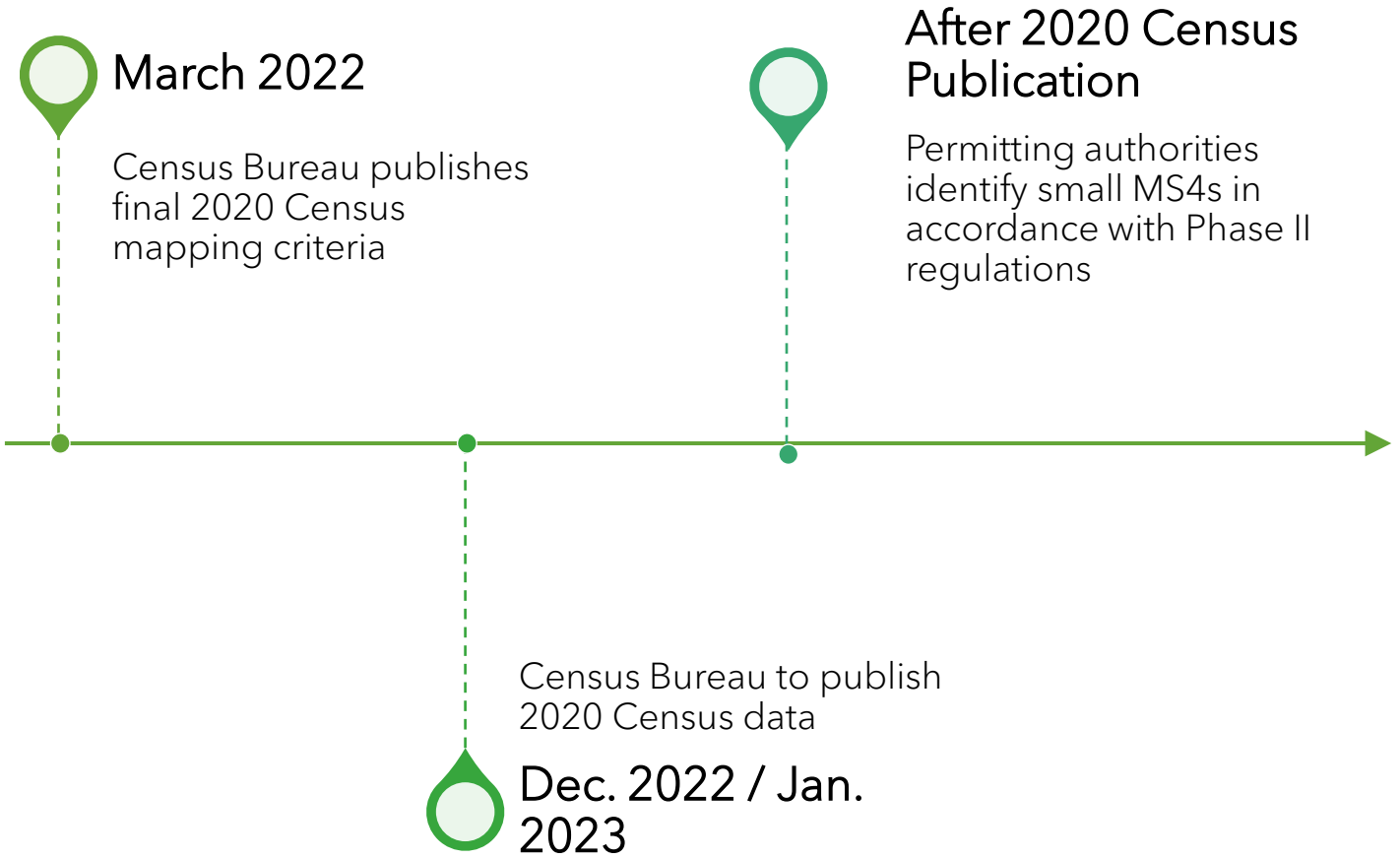
October 20, 2022

# Census Bureau Definitions

Heather Huddle, Greg Schaner, and Rachel Urban



# Important dates



# Program updates

March 2022

Census Bureau published its final 2020 Census Bureau mapping criteria

- ❖ 2020 Census and future censuses will no longer distinguish between types of urban areas (“urbanized areas” and “urban clusters”)
- ❖ Affects Phase II program because the NPDES regulations regulate MS4s that are located within “urbanized areas”

July 2022

In July, EPA releases [Interim Guidance on Census Elimination of “Urbanized Area” Definition](#)

- ❖ Clarified that already regulated small MS4s will continue to be regulated
- ❖ Permitting authorities may delay decisions regarding designation of new small MS4s until EPA has provided final direction on this issue

Now

EPA evaluating whether changes are needed in the Phase II regulations to address the Census Bureau’s recent updates

# Small MS4 Remand Rule

Greg Schaner




# Important dates

- MS4 General Permit Remand Rule (“Remand Rule”) published on December 9, 2016
  - ❖ Effective date: January 9, 2017
- All small MS4 permits must comply with the Remand Rule requirements

# Program updates

- Small MS4 general permits must use one of two approaches:
  - ❖ Comprehensive general permit
    - All terms and conditions must be established to satisfy the *Small MS4 permit standard* - must include terms and conditions to reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA (see p. 1 of [permit diagram](#))
  - ❖ Two-step general permit
    - Some terms are established through second permitting step
- All terms and conditions established to satisfy the small MS4 permit standard in small MS4 general permits must be **clear, specific, and measurable**.
- This may include, for example, narrative or numeric:
  - ❖ Implementation of specific tasks or BMPs
  - ❖ BMP design requirements
  - ❖ Performance requirements
  - ❖ Adaptive management requirements
  - ❖ Schedules for implementation, maintenance, and frequency of actions

# For Discussion

- 1-Step vs. 2-Step general permits – what challenges have you faced in using either approach?
  - What challenges have you faced in adopting clear, specific, and measurable requirements for either type of general permit?
  - Other issues?
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# Industrial Stormwater


Emily Anwari and Alicia Denning



# Important dates

2021 MSGP	
Effective date	March 1, 2021
Expiration date	February 28, 2026
2022 Annual Report due	January 30, 2023
Stakeholder meetings for the sector-specific Fact Sheet updates	
ACWA	September 28, 2022 
Air Transportation (Sector S)	October 5, 2022 
Timber Products (A) <a href="#">Register</a>	October 26, 2022, 1-2:30pm ET
Water Transportation / Ship and Boat Building and Repair Yards (Q & R) <a href="#">Register</a>	November 2, 2022, 1-2:30pm ET
Rubber, Misc. Plastics, & Misc. Manufacturing (Y) <a href="#">Register</a>	November 9, 2022, 1-2:30pm ET
Sectors Auto Salvage / Scrap Recycling (M & N) Seam Electric (O) Primary Metals (F) Mining (G, H, & J)	Spring 2023

# Program updates

- Additional Implementation Measure (AIM) processor for benchmark exceedances in NeT-MGSP
  - AIM, Effluent Limit Guideline (ELG), and Impaired Waters Dashboards
  - Reports / analyses to endangered species service agencies
  - Sector Specific Fact Sheet public stakeholder meetings
  - 2026 MSGP preparation
  - Data analysis and data visualization
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# Construction Stormwater

Greg Schaner and Chris Clipper



# Important dates

Feb. 16, 2022

2022 CGP became effective on February 17 (will expire on February 16, 2027)

Aug. 2022

EPA's inspection training course made available to the public

Feb. 17, 2023

New inspection training requirements apply to projects that receive coverage on or after February 17, 2023

# Program updates

- Targeted updates included in the 2022 CGP
- Dewatering inspections and turbidity monitoring:
  - ❖ **Dewatering inspections:**
    - Inspections required daily when discharging dewatering water
    - For each inspection report, must include: approximate times of discharge; estimated rate of discharge; whether there are obvious signs of a pollutant discharge; and photos of dewatering water before and after treatment, as well as dewatering controls
  - ❖ **Turbidity monitoring**
    - For sites discharging dewatering water to sensitive waters
    - Minimum one sample required for every day dewatering water discharged
    - Use turbidity meter to determine if turbidity levels exceed 50 NTU, or site-specific benchmark approved by EPA
    - If weekly average values exceed 50 NTU (or alternative), corrective action required

# Program updates

- Inspection training criteria:
  - ❖ Only “qualified persons” may conduct inspections at CGP-permitted sites
  - ❖ To be considered a qualified person, an individual must either:
    - Complete the EPA inspector training course and pass the exam, or
    - Hold a current certification or license from a non-EPA program that covers the minimum principles included in the 2022 CGP
  - ❖ EPA’s training course now available at no cost for individuals to take at <https://www.epa.gov/npdes/construction-inspection-training-course> (Spanish language version coming soon)
- Site stabilization documentation:
  - ❖ To terminate coverage under the CGP, operators must include photos that show the site’s compliance with the final stabilization requirements

## Connect with us



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