

Who is Regulated Under Phase II?

Automatically Included

Owners/operators of **Small Municipal Separate Storm Sewer Systems** located in urbanized areas including military facilities, large hospitals, prisons, and other such MS4s operators that exist in an urbanized area.

All construction site activities involving clearing, grading, and excavating land equal to or greater than 1 acre (including projects that are comprised of several sites of less than one acre each).

Municipality owned/operated industrial sources required to be regulated under the existing NPDES storm water program but exempted from immediate compliance by ISTEA.

Exceptions

Systems that serve less than 1,000 people where no significant impacts are known, and where TMDL assessment addresses the pollutants of concern if any are identified. Any other system waived from the requirements by the NPDES permitting authority.

Requirements could be waived by NPDES* permitting authority based on:

- Low predicted soil loss (erosivity factor of less than 5); or
- **TMDL** addresses pollutant of concern. (**Total Maximum Daily Load**)

Industrial and other sources that provide a written certification of "no exposure of materials and activities to storm water."

What Does the Federal Government Require for Storm Water Management Under Phase II?

For MS4s:

The EPA requires, under the Phase II regulation, that all owners/operators of small MS4s reduce the discharge of pollutants from a regulated system to the "maximum extent practicable" to protect water quality. At a minimum, jurisdictions regulated under Phase II must:

- Specify (BMPs) for six minimum control measures and implement them to the "maximum extent practicable;"
- Identify measurable goals for control measures;
- Show an implementation schedule of activities or frequency of activities; and
- Define the entity responsible for implementation.

* National Pollutant Discharge Elimination System

For Construction and Other Activities:

Construction activities that disturb one to five acres must also be regulated under an NPDES Phase II permit. The NPDES permitting authority may also require that other facilities and industrial and construction activities, as well as small MS4s outside urbanized areas, be designated on a case-by-case or categorical basis.

Each of these requirements is discussed in more detail in the subsections that follow.

What is BMP?

Best Management Practices (BMP) for storm water management are schedules of activities, prohibitions of practices, maintenance procedures, the use of pollution control devices and other management practices used to prevent or reduce the amount of pollution introduced to receiving bodies of storm water runoff.

Non-structural BMPs include: ordinances and zoning requirements (such as erosion and sediment control ordinances); maintenance activities (such as storm drain cleaning and street sweeping); and education/outreach activities.

Structural BMPs include structures like: detention ponds; grassed swales; sand filters and filter strips; infiltration basins; and porous pavement, etc.

Generally, non-structural BMPs are most cost-effective than structural BMPs. If structural BMPs are needed, they can be implemented in a more cost-effective manner if they are included in initial plans.

BMPs for Six Minimum Control Measures

Municipal storm water management programs must specify best management practices (BMPs) for the following six minimum control measures:

1) Public Education and Outreach on Storm Water Impacts

- A public education program must be implemented to distribute educational materials to the community.
- The community should be made aware about the impacts of storm water discharges to waterbodies and the steps needed to decrease storm water pollution.
- Municipalities are **encouraged** to work with their state and Phase I communities to develop an education/outreach program more efficiently.

2) Public Involvement/Participation

- The public **must** be involved in developing the municipality's storm water program by following state, tribal, and local public notice requirements.
- All economic and ethnic groups **should** be included.
- Examples of public involvement/participation that **should** be considered include public hearings, citizen advisory boards, and working with citizen volunteers.

3) Illicit Discharge Detection and Elimination

- The owner or operator of a regulated small MS4 **must** demonstrate awareness of their system, using maps or other existing documents.
- They also **must** develop a storm sewer system map that shows all outfalls, and the location/name of all waters of the US that receive discharges.
- A Phase II community **must** effectively prohibit illicit discharges into the separate storm sewer system.
- Appropriate enforcement procedures **must** be implemented.
- A Phase II community **must** develop and implement a plan to detect and address illicit discharges (including illegal dumping) to the system.
- Public employees, businesses, and the general public **must** be informed of the hazards associated with illegal discharges and improper disposal of waste.
- Need to specifically address categories of non-storm water discharges in 40 CFR 122.34(b)(3)(iii).

4) Construction Site Storm Water Runoff Control

- The owner or operator of a regulated small MS4 **must** develop, implement, and enforce a program to reduce pollutants in any storm water from construction sites of more than one acre.
- An ordinance or other regulatory mechanism **must** be used to control erosion and sediment to the maximum extent practicable and allowable under state, tribal, or local law, as well as sanctions to ensure compliance.

- Must include procedures for site inspection and enforcement of control measures.
- Must have procedures for input from public.
- Must address water quality impacts through site plan review process.
- Must require construction site operators to control wastes generated at site.
- Existing erosion and sediment control ordinances **may** suffice, if approved by the NPDES permitting authority.

5) Post-Construction Storm Water Management in New Development and Redevelopment

- Owners or operators of regulated small MS4s **must** develop, implement, and enforce a program that addresses storm water runoff from new development and redevelopment projects that result in land disturbances of at least an acre and that discharge to their MS4.
- Appropriate structural and non-structural BMPs **must** be used.
- Controls **must** ensure that water quality impacts be minimized.
- Adequate long-term operation and maintenance of BMPs connected to a regulated MS4 **must** be addressed.
- The goal, at a minimum, **should** be to maintain predevelopment runoff conditions.
- EPA **encourages** the use of preventive measures, including non-structural BMPs, which are usually thought to be more cost-effective.

6) Pollution Prevention/Good Housekeeping for Municipal Operations

- Owners or operators of small MS4s **must** develop and implement a cost-effective operation and maintenance as well as employee training programs with the goal of preventing or reducing pollutant runoff from municipal operations.

