

STORMWATER MANAGEMENT REGULATIONS A SOUTHEAST PERSPECTIVE

SESWA 2020



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US EPA REGION 4



Implementation of the Navigable Waters Protection Rule

Implementation Tools

- I. Memoranda
- II. Fact Sheets
- III. Trainings
- IV. Technical Lead Assignments and Collaboration



Memoranda

TNW Memo

“ Elevation and Coordination Procedures for Certain Determinations under the Clean Water Act”

Ditch Exemptions Memo

“ Memorandum to the Field on Exemptions from Regulation under Section 404(f)(1)(C) of the CWA for the Construction or Maintenance of Irrigation Ditches and for the Maintenance of Drainage Ditches”

Memoranda

Ag Memo

*“ Memorandum to the Field Concerning
Implementation of the Navigable Waters Protection
Rule, Section 404 of the Clean Water Act and the Food
Security Act (FSA) of 1985”*

Coordination Memo

*“ Memorandum to the Field on Coordination to Ensure
Consistent Implementation of the Navigable Waters
Protection Rule”*

<https://www.epa.gov/nwpr/training-and-implementation-materials#ImplementationMemos>

Fact Sheets

- “ Overview of the NWPR ”
- “ Mapping and the NWPR ”
- “ Implementing the NWPR ”
- “ Rural America and the NWPR ”
- “ Typical Year and the NWPR ”
- “ NWPR Photo Appendix ”



<https://www.epa.gov/nwpr/navigable-waters-protection-rule-factsheets>

Trainings

- **NWPR Overview and Discussion of CWA Programs**
- **Typical Year**
- **Tributaries, Ditches, Flow Regime and Assessment**
- **Adjacent Wetlands, Lakes, Ponds, and Impoundments**
- **Exclusions and More**



<https://www.epa.gov/nwpr/training-and-implementation-materials>

Technical Lead Assignments and Collaboration

EPA and Army points-of-contact (POCs) for the rule have been designated

Region 4 POC: Kacy Sable

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Discharges to Groundwater

- *County of Maui v. Hawai'i Wildlife Fund*: whether a CWA National Pollutant Discharge Elimination System (NPDES) permit is required for releases of pollutants from a point source to a jurisdictional water through groundwater
- 6-3 decision the Court held that an NPDES permit is required “when there is a direct discharge from a point source into navigable waters or when there is the functional equivalent of a direct discharge.”

EPA's Multi-Sector General Permit



- EPA-issued GP covering SW discharges from industrial activities
- Around 2,400 permittees in areas where EPA is the permitting authority
- 2015 MSGP became effective on June 4, 2015 and expired on June 4, 2020 – administratively continued

EPA's Multi-Sector General Permit

- EPA fund a study conducted by the NAS on potential permit improvements, focused primarily on monitoring requirements, for consideration in the next MSGP
- Currently working to review comments and revise the draft permit
- Settlement agreement finalization deadline of November 12, 2020

National Academies of Sciences (NAS) Study Report & Webpage

Report: Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges

NAS Study Weblink:
<http://dels.nas.edu/Study-In-Progress/Improving-Next-Generation-Multi/DELS-WSTB-16-03>

National Water Reuse Action Plan



Online Forum

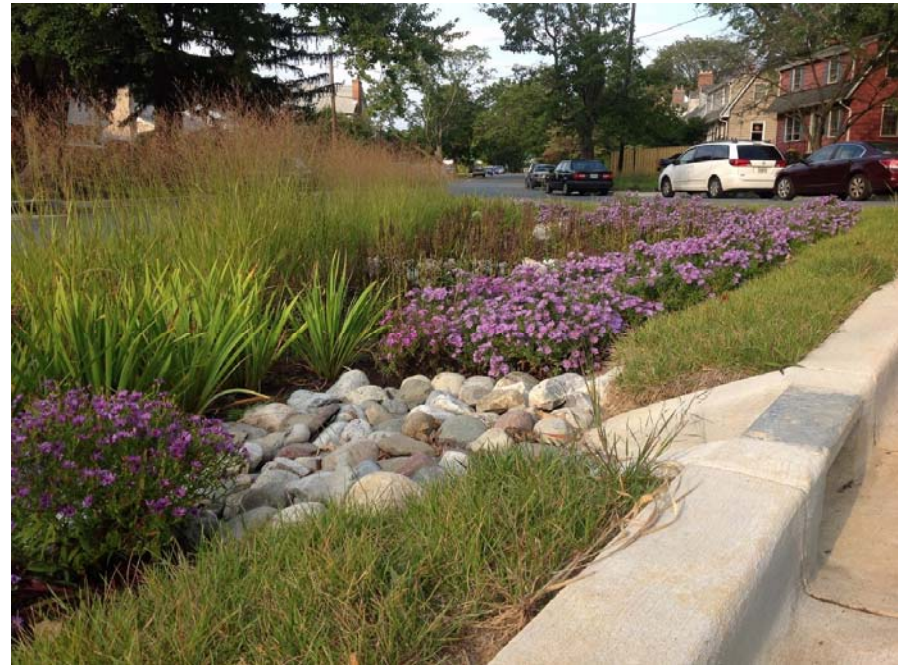
Strategic Theme Area	Action Title	Action No.	Status
Science and Specifications	Convene Experts to Address Opportunities and Challenges Related to Urban Stormwater Capture and Use	2.3.3	Developed
Policy Coordination	Incorporate Stormwater Capture Considerations in Assessment of Stormwater Finance Needs and Opportunities	2.2.11	Undeveloped

<https://www.epa.gov/waterreuse/national-water-reuse-action-plan-online-platform>

Municipal Separate Storm Sewer System (MS4) General Permit Remand Rule

Significant Changes

- **Two alternative approaches an NPDES permitting authority can use to issue and administer small MS4 general permits**
- **Changes to the NOI requirements**
- **Clarifications to the requirements for small MS4 permits**



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THANK YOU

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