

# WHAT'S THE DIFFERENCE?

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## A COMPARISON OF NPDES PERMITS



Coastal, Environmental, Marine & Water Resources Engineering

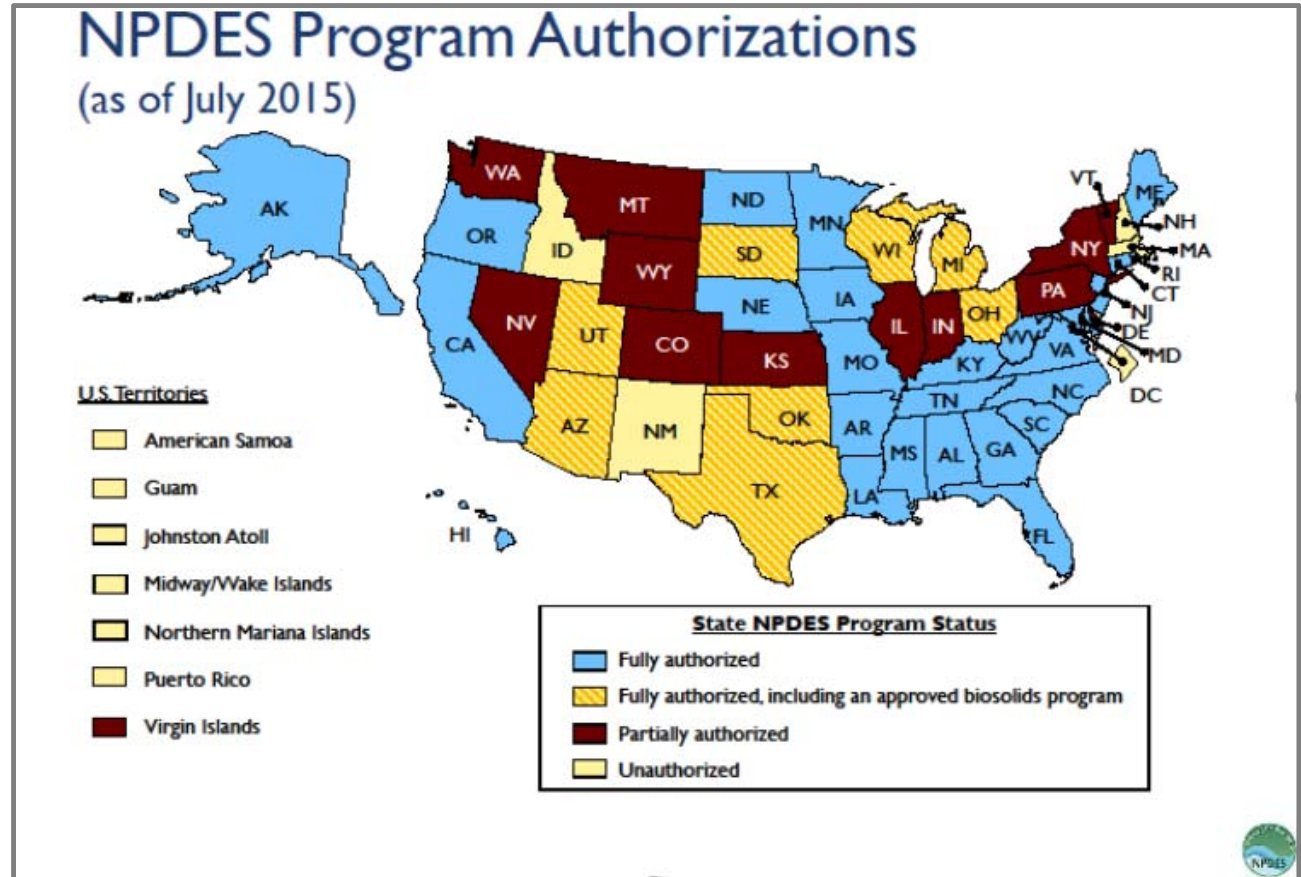


# Introduction

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- ▶ Members of SESWA Board and Policy Committee

# State Permit Requirements

- ▶ States are authorized by EPA to administer and issue NPDES Permits to enforce the Clean Water Act
- ▶ SE states are all fully authorized





# State Permit Summary

- ▶ State permits for small MS-4s were reviewed and compared
- ▶ States reviewed include all SESWA Member States
  - ▶ MS, AL, TN, KY, NC, SC, GA & FL
- ▶ Many similarities at this level

# Overall State Permit Requirements

- ▶ **Six basic components to all permits**
  - ▶ Public Education
  - ▶ Public Involvement
  - ▶ Illicit Discharge Detection & Elimination (IDDE)
  - ▶ Construction Stormwater Management (E&S)
  - ▶ Post Construction Stormwater Management (PCSM)
  - ▶ Pollution Prevention/Good Housekeeping for Municipal Operations

# PCSM Requirements by State

## Post-Construction Stormwater Management Requirements Compared

State	Runoff Reduction	Volume Control	Pollutant Removal TSS	Pollutant Removal - Fecal/Bacteria	Pollutant Removal - Other	Off-site mitigation	Payment into Public Fund In Lieu	BMP Maintenance	Inspections Required	Green Infrastructure Required
Tennessee	Pre/Post	1"	80%			x	x	x	x	
South Carolina	Pre/Post	1"			x				x	
North Carolina (Non-Coastal)	x	1yr	85%	x	x			x		
Kentucky	Pre/Post	80th	x	x	x	x	x	x	x	x
Georgia	Pre/Post	1yr	80%							x
Florida	Pre/Post							x		
Alabama	Address	2yr						x	x	x

# Examples – PCSM comparison

- ▶ Runoff Reduction (Peak Rate Control)
  - ▶ All but NC, FL and AL specifically state Pre vs. Post requirement
    - ▶ NC doesn't state anything regarding runoff reduction
    - ▶ FL and AL reference use of ordinance "to address" PCSM runoff
- ▶ Volume Control (Infiltration/Retention or Extended Detention)
  - ▶ All require some specific requirement except FL
    - ▶ 1", 1 or 2 yr. storm, 80<sup>th</sup> percentile
- ▶ Pollutant Removal
  - ▶ Varies widely
  - ▶ TSS specifically noted in TN, NC and GA, and KY
  - ▶ Fecal required in NC and KY
  - ▶ "Other" mentioned in NC, SC, KY

# Examples – PCSM comparison

- ▶ Offsite Mitigation and Payment into Public Fund
  - ▶ Allowable in TN & KY
- ▶ Velocity Control (Channel Protection)
  - ▶ Required as a mention in some, not in most
- ▶ BMP Maintenance & Inspections
  - ▶ Required in some way in all but GA
- ▶ Overall some states are more specific in the permit and some rely on filter down to local authority or individual MS-4s to set standards to Maximum Extent Practicable



# Examples - Green Infrastructure Elements

- ▶ SESWA Policy Committee has been researching permit language from Region 4 states
- ▶ New permit requirements led to questions about what other states are requiring
- ▶ States vary widely in Post Construction Stormwater Control (PCSC) permit language
- ▶ Green Infrastructure/Low Impact Design language in GA drove comparison

# Region 4 Permit Language

## ▶ **GA Phase I and II**

“The permittee must have a program in place for considering the use of **GI/LID** techniques and developing an inventory of structures. The program must include an inspection and maintenance component.”

“Conduct inspections ... GI/LID

“Conduct maintenance ... GI/LID

“Develop procedures ...GI/LID structures are maintained as needed.”

## ▶ **2017 Stormwater Manual**

“..water quality goal can be accomplished either through runoff reduction (1.0 inch retain) or water quality treatment (1.2 inch treatment)...”

### ▶ Draft Phase II

“No later than Dec. 2020, all permittees must be using performance standard ...retain first 1.0 inch of rainfall to maximum extent practicable...”

## Region 4 Permit Language

### ▶ TN

“The permittee must implement and enforce permanent stormwater controls that are comprised of **runoff reduction and pollutant removal...**”

### ▶ TN

“The permittee shall develop site design standards... that are designed, built and maintained to **infiltrate, evapotranspire, harvest and/or use**, at a minimum, the first inch of every rainfall event preceded by 72 hours of no measurable precipitation. This first inch of rainfall must be 100% managed with no discharge to surface waters.”

# Region 4 Permit Language

## ▶ NC

### **2017 New Stormwater Design Manual**

A project is equally compliant with state rules regardless of whether the SCM treats runoff and releases it or infiltrates and evapo-transpires stormwater”

## ▶ NC

“Manage stormwater runoff ...that drains to the MS-4...long term operation and maintenance of BMPs....ensure controls in place to minimize water quality impacts”

“Implement strategies which include structural and non-structural BMPs appropriate for the community”



## Region 4 Permit Language

- ▶ Need Your Help to Update – Stormwater Policy Committee
- ▶ Posted on SESWA Community Forum
- ▶ Better information can lead to better outcomes



## Example – IDDE Requirements

- ▶ IDDE usually includes stream surveys/walks
- ▶ Some jurisdictions require stream walks
- ▶ Some jurisdictions allow use of aerial photos
- ▶ Some require combination of both



# Audience Participation

- ▶ What is Happening in Your State?
  
- ▶ What Are You Concerned About?



# Overall Message

- ▶ Different States Have Different Requirements – Not Always Consistent Between States
- ▶ SESWA Can Help Facilitate Communication between States, Use Community Forum
- ▶ Need Your Input and Help to Keep Dialog Going



Thank You!

