

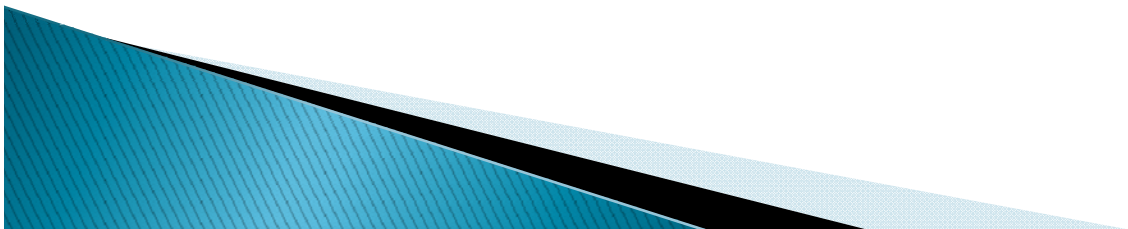
Storm Water, TMDLs, NPDES and November Memos

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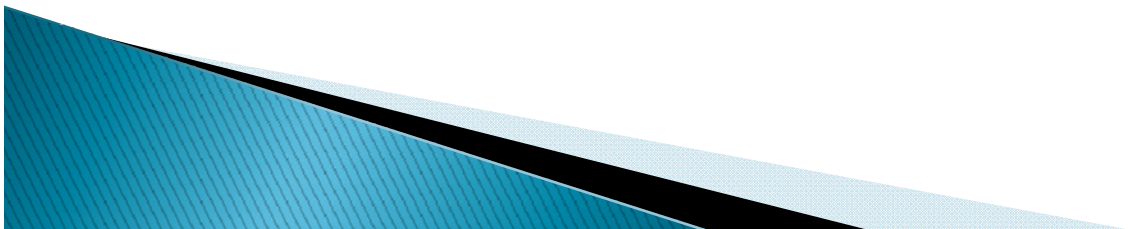
Summary of Points

- ▶ 2002 versus 2010 – A lot similarities
- ▶ 2002 versus 2010 – Some significant differences
- ▶ Effluent limits versus numeric effluent limits
- ▶ Flow as a numeric limit
- ▶ Residual designation
- ▶ Future requirements/regulations
- ▶ Watershed-based approaches
- ▶ 2010 version out for comment
- ▶ http://www.epa.gov/npdes/pubs/sw_tmdlwla_comments.pdf



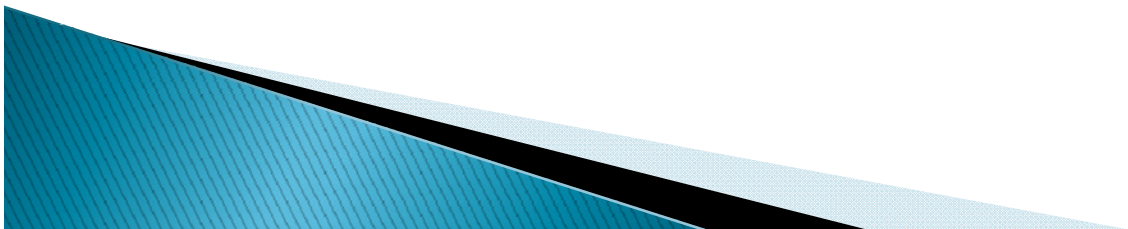
Note/Disclaimer 2002

- ▶ The EPA memos referred to in this presentation are Policy and guidance
- ▶ “. . . the memorandum offers recommendations for the development of storm water–related TMDLs and NPDES permits. These recommendations are not binding; indeed, there may be other approaches that would be appropriate in particular situations. . . EPA may change this guidance in the future.”



2010 Memo – Updated Items

- ▶ Providing numeric WQBEL in NPDES permits for stormwater discharges
- ▶ Disaggregating stormwater sources in a WLA
- ▶ Using surrogates for pollutant parameters when establishing targets for TMDL loading capacity; and
- ▶ Designating additional stormwater sources to regulate and treating LAs as WLAs for newly regulated stormwater sources



2002 versus 2010 – Numeric WQBEL

- ▶ NPDES permit conditions must be consistent with the assumptions and requirements of available WLAs. See 40 C.F.R. § 122.44(d)(1)(vii)(B).
- ▶ WQBELs for NPDES-regulated storm water discharges may be expressed in the form of best management practices (BMPs) when it is **infeasible**, based on available data and information, to calculate a numeric WQBEL.
- ▶ Where the NPDES authority determines that MS4 discharges have the reasonable potential . . . EPA recommends that, **where feasible**, the NPDES permitting authority exercise its discretion to include numeric effluent limitations as necessary to meet WQS.

November 2002

November 2010

2002 versus 2010 – Disaggregating

- ▶ Allocations for NPDES-regulated storm water discharges for multiple point sources can be expressed as a **single categorical** wasteload allocation See 40 C.F.R. § 130.2(i).
- ▶ EPA **recommends** that WLAs for NPDES regulated stormwater discharges should be **disaggregated** into specific categories (e.g., separate WLAs for MS4 and industrial stormwater discharges) to the extent feasible based on available data and/or modeling projections.

November 2002

November 2010

2002 versus 2010 – Surrogates for pollutant parameters

- ▶ Using surrogates for pollutant parameters when establishing targets for TMDL loading capacity

November 2002

November 2010

2002 versus 2010 – Designation

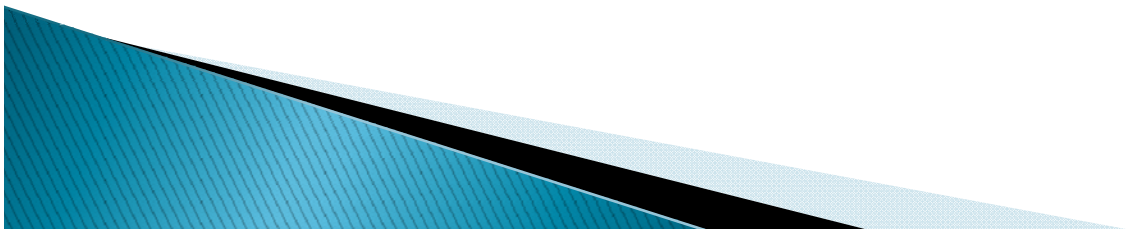
- ▶ NPDES-regulated storm water discharges must be addressed by the wasteload allocation component of a TMDL. See 40 C.F.R. § 130.2(h)
- ▶ Storm water discharges **not** currently subject to NPDES regulation may be addressed by the **load allocation component** of a TMDL. See 40 C.F.R. § 130.2(g).
- ▶ EPA **encourages** permitting authorities to consider **designation** of stormwater sources in situations where coverage under NPDES permits would afford a **more effective mechanism** to reduce pollutants in stormwater discharges than available **nonpoint source control methods**.

November 2002

November 2010

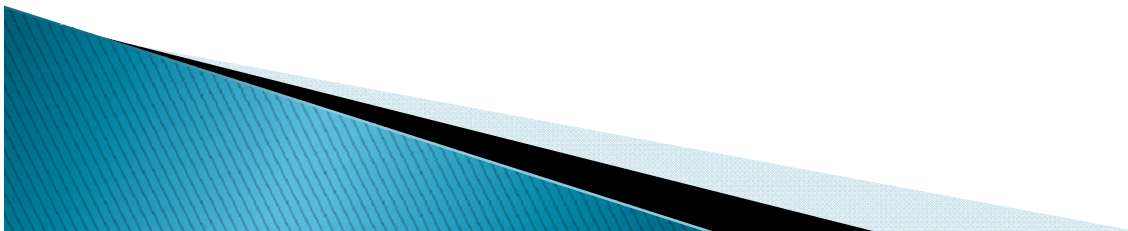
All 4 Updates – What do you get?

- ▶ MS4 newly designated (now covered by NPDES)
- ▶ WLA specific to the new MS4
- ▶ Surrogate pollutant approach in TMDL – flow reduction or impervious cover reduction
- ▶ MS4 permit includes numeric expression of flow reduction, capture, or measureable decrease in impervious cover (compliance schedule?)



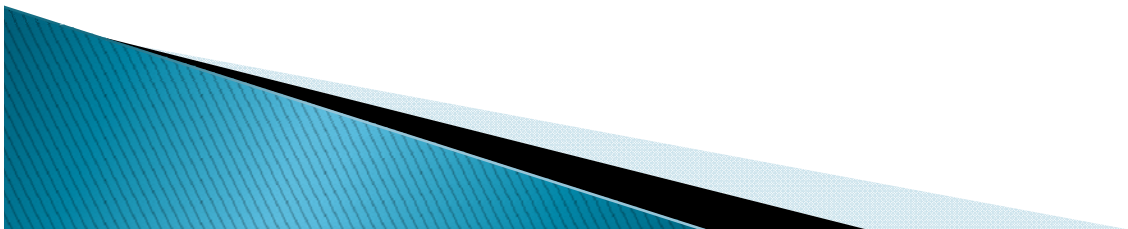
On the Horizon

- ▶ Chesapeake Bay TMDL and storm water reductions
- ▶ Future storm water regulation
- ▶ Nutrient control



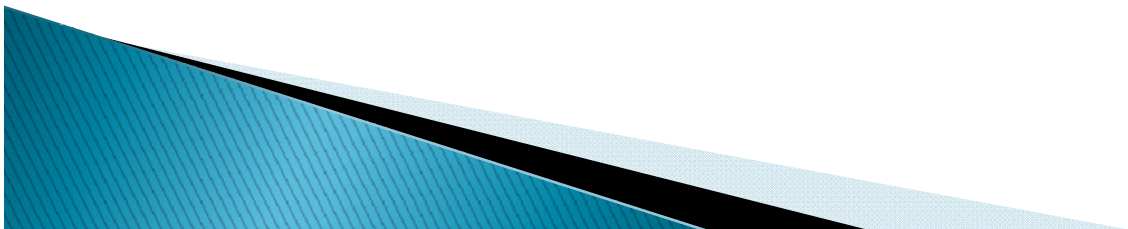
Watersheds and Integration

- ▶ Memo seems to look at storm water in isolation
- ▶ Should include adaptive watershed-based approach
- ▶ Program integration



2010 Memo Public Notice

- ▶ 2010 version out for comment
- ▶ http://www.epa.gov/npdes/pubs/sw_tmdlwla_comments.pdf
- ▶ Clarification concerning numeric limits
- ▶ How will surrogate actually work? What level of data are necessary?
- ▶ Aggregation – At what level?
- ▶ How does memo relate to upcoming regulations?



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