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EPA Discusses Proposed Stormwater Rule



The Environmental Protection Agency progresses with its plan for new municipal stormwater regulations that will improve how rainfall discharge is managed in newly developed and redeveloped sites.

By Art Haddaway

In recent years, stormwater pollution has become one of the most significant threats to local water quality and public health in many areas of the United States. From significant flooding to infrastructure damage, stormwater runoff poses a number of challenges to many urban utilities, communities and governments.

To address these challenges, the Environmental Protection Agency recently announced its plan to propose new municipal stormwater regulations that will significantly improve how rainfall discharge is managed in newly developed and redeveloped sites. Further, the agency aims to improve water quality, advance green infrastructure, preserve and expand municipal separate sewer systems (MS4), and cultivate natural resources vital to the preservation of local environments as a result.



The projected rulemaking addresses a number of key areas of action, particularly the implementation of a specific on-site performance standard in new and redeveloped sites as projects are built. Other considerations include establishing a single set of stormwater requirements for all MS4s, retrofitting existing infrastructure with advanced rainwater control measures, and exploring stormwater provisions specific to the Chesapeake Bay watershed to protect sensitive areas.

On April 30, the EPA, in partnership with the Mayors Innovation Project, the National League of Cities, the U.S. Water Alliance, and the Clean Water, Healthy Cities Coalition, held a webinar outlining the organization's upcoming guidelines for stormwater management. Christopher Kloss with the EPA's Office of Water discussed the details of the proposal during the online session.

"Primarily what we're looking to do is have stormwater controls incorporated into the development and redevelopment process when we have opportunities to incorporate those cost-effective and flexible controls rather than address these urban areas after they've already been developed and the costs are much greater, as we've done in the past."

Kloss explained in the webinar that while these regulations propose new standards across the board, separate standards should be instituted for newly developed and redeveloped sites to encourage redevelopment in the proper locations. Further, he suggested that these rules should not mandate retrofitting in well-founded areas and that local decision makers should have the ability to set their own parameters specific to their watersheds.

"In order to do a really effective job with stormwater, we need to get out ahead of the problem and start addressing the stormwater concerns as development is occurring," said Kloss. "So we do want to level this playing field and have stormwater requirements that would get outside the urbanized areas, and address some of these upstream sources of stormwater that are impacting the downstream communities."

Along with a reduction in water pollution, one of the main benefits of carrying out these new regulations is the advancement of green infrastructure among site-specific projects. As Mayor David Pope (Oak Park, IL) observed during



the webinar, EPA's stormwater program helps promote smaller-scale initiatives such as green roofs, rain burrows, porous pavement, and other green projects.

"The national stormwater policy provides a point where people can start looking at green infrastructure in a more holistic fashion along with the gray infrastructure," said Mayor Pope. "It helps to make stormwater management more visible to the municipalities, residents, communities, and neighborhoods, and it's going to bring green jobs."

The EPA, under a 2010 consent decree with the Chesapeake Bay Foundation, anticipated the regulations to be publicized in June 2013, but they currently still remain in the planning stages. Finalization of the rules is expected to occur by December 2014. After the rule is released, there will be a 90-day comment period with a phased implementation period of 3-5 years.

"One of the things we're trying to do is have this rule be something that's very implementable that folks feel they have a lot of control over at the local level that makes sense to them," said Kloss.

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