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Presented by:

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NAFSMA Annual Meeting:

States Perspective on the  
New Stormwater Rule

# New Stormwater Rule

- ▶ States support updates to the program
- ▶ Collaborate with stakeholders, work closely with state partners
- ▶ Incorporate prioritization and a risk based approach
- ▶ Revisit the flexibility that exists in § 402 – tradition end of pipe vs. precipitation driven discharges



# Traditional Process Wastewater vs. Precipitation Driven Discharges

- |   |       |
|---|-------|
| 1. Predictable and manageable flows                               | 1. No |
| 2. Identifiable end-of-pipe controls                              | 2. No |
| 3. Extensive effluent monitoring                                  | 3. No |
| 4. Significant federal and state funding for treatment facilities | 4. No |
| 5. Operator maintains control over influent & effluent            | 5. No |

Traditional

Precipitation  
Driven

# Time for a New Paradigm

- Traditional end-of-pipe approach isn't working for S/W
- Let's redesign regulatory requirements specifically for the "reality" of precipitation driven discharges
- Promote adaptive management and longer timeframes



# New Stormwater Rule Cont.

- ▶ Expansion of program – MS4 jurisdiction vs. watershed
- ▶ New development “goal” of preconstruction hydrology vs. enforceable performance standard
- ▶ Redevelopment must balance need to protect threatened and impaired waters while not incentivizing sprawl
- ▶ Prioritization, risk analysis, cost–benefit



# New Stormwater Rule Cont.

- ▶ Federal Agency strategy for lands in production (logging , agriculture, etc.)
- ▶ Farm Bill prioritize funding for impaired waters
  
- ▶ Retrofit Program?
- ▶ Chesapeake Bay specific requirements?



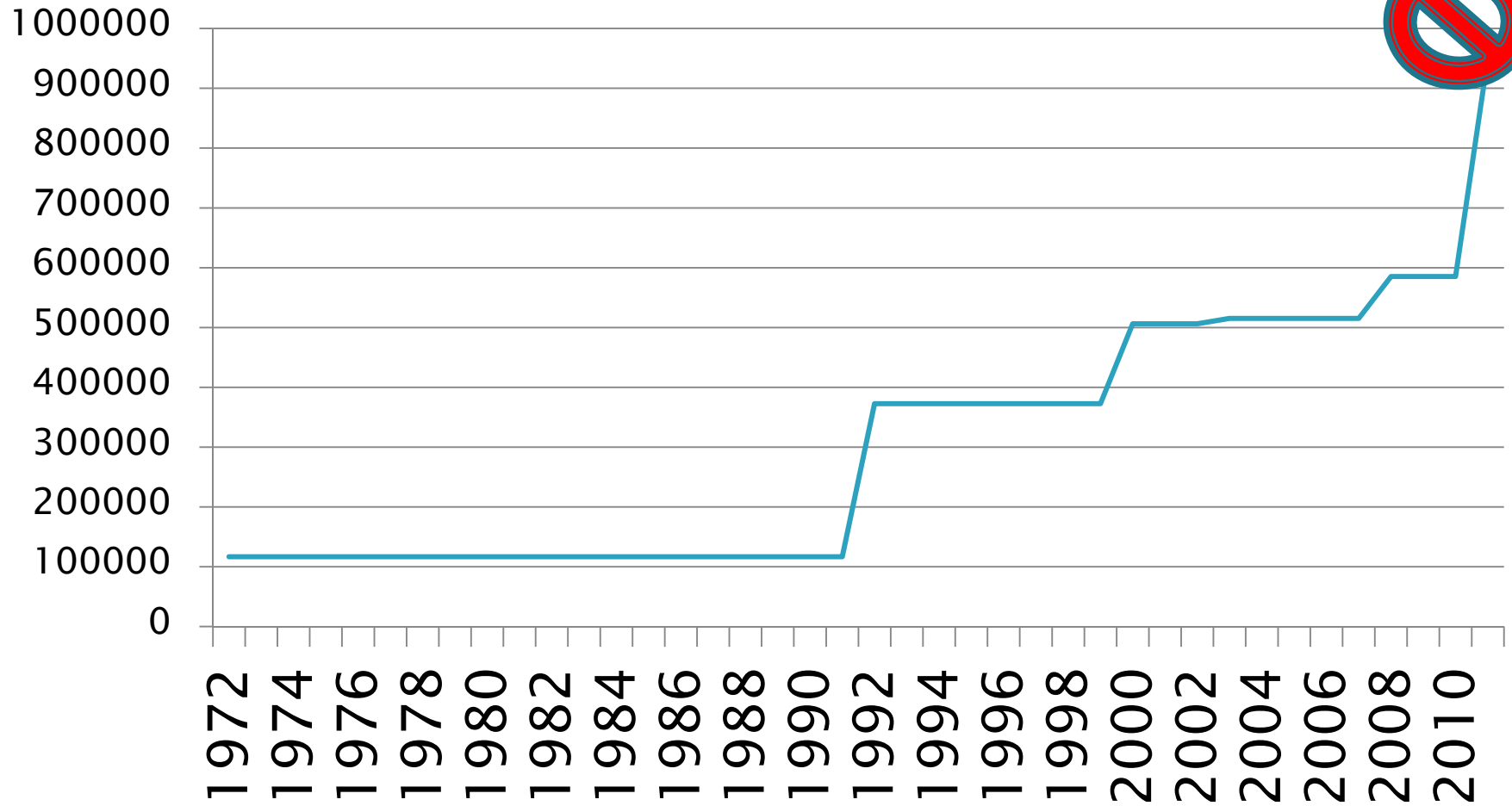
# Other Challenges

- ▶ Groundwater Impacts
- ▶ eReporting Rule
- ▶ CWA Jurisdiction Rule
- ▶ SNC for Wet Weather
- ▶ Program Administration Funding
- ▶ Infrastructure Funding
- ▶ CAFO decisions – actual discharge
- ▶ Compliance Monitoring

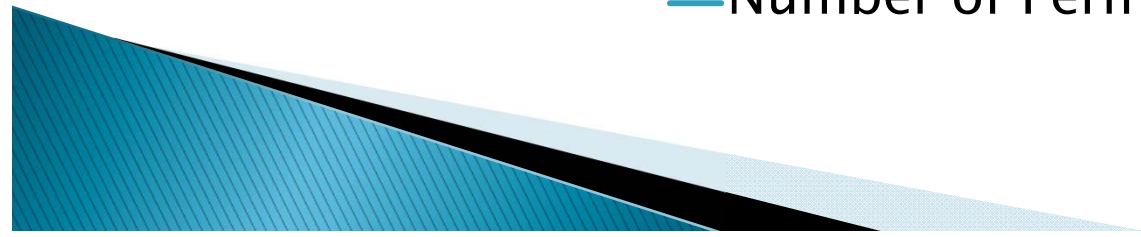


# NPDES Permit Universe

**“UNCLE!”**



— Number of Permittees



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