



State of Wyoming Phase 2 Municipal Guidance

A Guide to Requirements and Program Development for Coverage Under Wyoming's Phase 2 Municipal Storm Water Discharge Permit

Wyoming Department of Environmental Quality
Water Quality Division
Wyoming Pollutant Discharge Elimination System (WYPDES)
Storm Water Program
122 West 25th Street, 4-W
Cheyenne, WY 82002
(307) 777-7781
http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/storm_water.asp

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ACRONYMS AND TERMS AS USED IN THIS DOCUMENT

The definitions below are intended strictly for clarification purposes, and may not contain the full legal definition as per regulation.

Annual Report	A yearly report to the WQD on the permittee's compliance with the permit requirements, including an accounting of progress made towards each of the permittee's measurable goals.
BMPs	Best Management Practices – physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of storm water.
CFR	Code of Federal Regulations.
Chapter 2	Chapter 2 of the Wyoming Water Quality Rules and Regulations
EPA	U.S. Environmental Protection Agency.
EQA	Wyoming Environmental Quality Act.
HOA	Homeowners' Association.
MCMs	Minimum Control Measures: storm water management programs that are required under the WYPDES MS4 permit. They include public education and outreach, public participation/involvement, illicit discharge detection and elimination, construction site storm water runoff control, post-construction storm water management, and pollution prevention/good housekeeping for municipal operations.
Measurable goals	A municipality's storm water Program goals, which are intended to gauge permit compliance and program effectiveness.
MEP	Maximum Extent Practicable – the standard for evaluating permit compliance.
MS4	Municipal Separate Storm Sewer System – see more complete definition in Chapter 2 of the WWQRR.
Municipality	A city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.
NOI	Notice of Intent, the application to request coverage under the general MS4 permit.
NPDES	National Pollutant Discharge Elimination System – Section 402 of the federal Clean Water Act.
Permittee	The MS4 operator to whom the WYPDES storm water discharge authorization under the MS4 permit is issued.
Phase 2	Second phase of the state and federal storm water permit regulations (see WWQRR Chapter 2, Section 6).

SWMP	Storm Water Management Program – required under Wyoming’s MS4 storm water permits.
TMDL	Total Maximum Daily Load – the amount of a specific pollutant that a listed waterbody can assimilate without violating applicable water quality standards.
WDEQ	Wyoming Department of Environmental Quality
WQD	Water Quality Division, a division of the Wyoming Department of Environmental Quality.
WWQRR	Wyoming Water Quality Rules and Regulations
WYDOT	Wyoming Department of Transportation
WYPDES	Wyoming Pollutant Discharge Elimination System, the state’s version of NPDES

Chapter 1 – INTRODUCTION

The federal Clean Water Act requires that storm water discharges from certain types of facilities be authorized under storm water discharge permits. (See 40 CFR 122.26.) The goal of the storm water permits program is to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas. The original 1990 regulation (**Phase 1**) covered municipal (i.e., publicly-owned) storm sewer systems for municipalities over 100,000 population. The regulation was expanded in 1999 to include smaller municipalities as well. This expansion of the program is referred to as **Phase 2**.

In Wyoming, storm water discharge permits are issued by the Wyoming Department of Environmental Quality, Water Quality Division (DEQ/WQD). These permits are part of the Wyoming Pollutant Discharge Elimination System (WYPDES) under Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR). A general permit has been developed to cover storm water discharges from Phase 2 municipal separate storm sewer systems (MS4s). (While the permittee may be either the MS4 owner or operator, for simplicity's sake this document will only refer to the operator.) The main requirement of MS4 general permit will be for the MS4 operator to develop and implement six storm water management programs, or minimum control measures (MCMs). These measures, which are described in the following chapters, are:

- 1) Public education and outreach
- 2) Public participation/involvement
- 3) Illicit discharge detection and elimination
- 4) Construction site storm water runoff control
- 5) Post-construction storm water management in new development and redevelopment
- 6) Pollution prevention and good housekeeping for municipal operations

The following information/guidance is intended to assist municipalities in developing their storm water management programs (SWMPs) for their MS4. The primary requirement for MS4 SWMPs is to meet the requirements of the proposed six minimum measures to the Maximum Extent Practicable (MEP) and to develop measurable goals to guide implementation of each MCM. The MCMs are described in more detail in Chapters 2 through 7 of this guidance. This guidance is also available electronically from the WQD on the internet at http://deq.state.wy.us/wqd/WYPDES/Permitting/WYPDES/Storm_Water/stormwater.asp or by calling 307-777-7781.

The regulation states that the MS4 operator must “develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 2. In short, the permittee must develop programs that meet the requirements of the six minimum measures and protect state waters from pollution, contamination, and/or degradation.

When developing the outline for a minimum measure, the MS4 operator will have to make certain decisions on what to include in their program to meet the above requirements. This guidance lists numerous items that *must* be included in a program to be in compliance. These are items that are either directly required by the regulation or that the WQD has interpreted must be done to be in compliance.

However, there are also numerous items that the guidance says *should* or *may* be included in order to meet the requirement to protect state waters from pollution, contamination, and/or degradation. In general, this document lays out instructions for developing a complete MS4 program that will protect state waters. In order to allow for maximum flexibility, the WQD does not require an MS4 operator to

complete every item that the guidance says should be done. Rather, the WQD has included these items as recommended or acceptable ways to carry out the regulatory requirements. The MS4 operator may develop alternative program elements to those recommended by the guidance if they provide a similar level of protection to state waters.

In addition, there are areas where the permittee will have to decide to what extent different program aspects will be developed and relied on to protect water quality, based on the specific circumstances within the MS4. In other words, in areas where the guidance lists alternative approaches that should be completed for meeting the same requirement of the regulation, the permittee may choose to rely more heavily on one program aspect and therefore reduce resources expended for another.

The WQD will notify all municipalities in the State of Wyoming that will be regulated as a Phase 2 MS4 operator. **Do not apply for coverage under the Phase 2 Municipal Permit unless you have first been in contact with the WQD.** If you have any questions, please contact the WQD at (307) 777-7781 and ask for Barb Sahl.

1.1. Permit Application

The deadline for submittal of the application for Phase 2 municipalities was March 10, 2003, unless the WQD specified a different date.

The permit application included the following information, at a minimum:

- *Identifying information* (entity name, contact information, address, etc.) as specified on the application form provided by the WQD.
- *The person(s) responsible* for implementing or coordinating the permittee's storm water management program.
- *A general description of the program elements* that the permittee or another entity will implement for each of the storm water minimum control measures discussed in Chapters 2 through 7 of this guidance.
- *The measurable goals* for each of the minimum control measure components, including, as appropriate, a proposed schedule of dates for each of the measurable goals, including interim milestones and the frequency of the action. (Although the examples of measurable goals in this document are based on permit year, other dates, such as mid-year, may also be used. The measurable goals in this document are examples only; the permittee's goals will be specific to their program.)
- *Other information* the WQD may reasonably require, if requested (e.g., if a Total Maximum Daily Load limit, or TMDL, is in place).

As indicated, the details of the applicant's programs did not need to be included with the application, just an overall description of the program elements. This description had to be clear enough for the WQD to determine the MS4 operator's general strategy for complying with each of the six minimum measures. This should include an indication of which of the program elements recommended in this guidance (or other BMPs) the permittee intends to utilize, and to what degree particular elements will be stressed. For example, for the Construction Program minimum measure, the application may indicate that an extensive reconnaissance inspection program may be utilized, relying heavily on right-of-way inspectors, and therefore education of contractors (outside of what occurs during inspections) will likely be minimized.

The WQD reviewed applications for completeness, and adequacy in meeting the intent of the regulations. Where the WQD determines that a proposed program or measurable goal is inadequate, the permittee will be notified and required to amend the program or goal. However,

this process is not expected to delay issuance of the permittee's certification under the general permit.

1.1.1. Measurable Goals

Measurable goals are milestones in the development and implementation of the minimum measures. They will be used to determine program progress, and to assess compliance with the permit.

The permittee is required to complete implementation of all six minimum measures within five years of initial coverage under the MS4 permit. The schedule for the goals must reflect a relatively steady level of effort throughout the permit term. That is, the compliance dates should not all be near the end of the permit term. The permittee's annual report will require a summary of progress made towards each goal. Alternately, if a minimum measure will be fully developed and implemented before the end of the permit term, measurable goals for the remaining permit years (for that particular measure) may not be needed. However, the annual report will still require a description of program status each year.

Justification as to why each measurable goal was selected must be included with the application. The justification must include a brief discussion on why the measurable goal is an effective measurement of the permittee's progress towards compliance with the minimum measure.

In some cases, the MS4 operator may already have a program or segments of a program in place and functioning that meet the requirements of the regulation. In this case, the program or segments shall be described in the Storm Water Management Program (SWMP). If the program or segments will be used to fulfill the permit requirement, then the description will be considered as a commitment to continue them. Measurable goals for those sections are not needed, unless some existing segments need to be merged with new items.

For example, under the public involvement measure, an MS4 operator may already have in place an effective process to notify citizens of upcoming hearings, etc. The application would include a description of this process, but no measurable goals. However, the MS4 operator plans to augment the program by adding the formation of a citizen panel, a river watch program, and a storm drain stenciling program. These segments would be described, with appropriate measurable goals.

As a very rough estimate, the WQD expects the narrative portion of the application (for a single entity), including the program element descriptions and measurable goals, to be approximately ten to thirty pages.

While the information provided in the application must be accurate to the best knowledge and belief of the applicant, the WQD recognizes that as programs are more fully developed, changes can occur to the program elements described in the application. The general permit describes the process to amend the SWMP in this situation.

1.2. Municipal Permit Coverage

The regulation covers discharges from municipal separate storm sewer systems, or MS4s. An MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to surface waters of the state;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a publicly owned treatment works (POTW) as defined at 40CFR403.3.

A regulated municipality's permit will cover all areas of the municipality, unless explicitly excluded due to being outside of the urbanized area or designated area for the permit.

1.3. Municipal Permits – Violations

The discharge of storm water from a regulated MS4, or any source requiring a WYPDES discharge permit, without coverage under the appropriate permit, is a violation of the federal Clean Water Act and the Wyoming Environmental Quality Act, §W.S. 35-11-301. Additionally, for facilities covered under a WYPDES permit, failure to comply with any WYPDES permit requirement constitutes a violation. Civil penalties for violations of the Act or WYPDES permit requirements may be up to \$10,000 per day of violation. Criminal pollution of state waters is punishable by fines of up to \$25,000 per day. As the permittee, the MS4 operator would be the liable party for any violations under their permit.

1.4. Municipal Permits – Permitting Options

The following sections from the Wyoming Pollutant Discharge Elimination System Regulations (Chapter 2 of the WWQRR) are relevant to this section: Section 4 – General Permits; Section 6(h), (j) and (k).

1.4.1. Different Permitting Options

The Phase 2 regulation allows for several different options for permit coverage, application, and compliance to allow for flexibility in how the permits are administered in Wyoming. Below is a summary of the various options available to MS4 operators.

1.4.1.1. General Permit

The WQD foresees that all of the Phase 2 MS4 operators in Wyoming will be covered under a general permit. A general permit is a single permit that is written to cover multiple permittees.

Although each MS4 operator is required to obtain certification, there is little restriction in the level of cooperation that can occur between MS4s. MS4s may also cooperate with non-permitted entities to meet permit requirements.

- a. **Relying on Other Entities to Meet Permit Requirements.** The WQD encourages cooperation between permit holders in complying with the six minimum measures. Chapter 2, Part 6 (j)(i)(F) of the WWQRR allows for a permittee to rely on another entity to implement all or part of a minimum control measure to comply with the permit. The permittee must still make sure that the requirements of the minimum control measure are met and is liable if they are not. If the entity that the permitted MS4 operator is relying on to carry out the requirements of the minimum control

measure fails to meet the permit requirements, it is the permittee's responsibility to find alternative means to assure compliance.

- b. Qualifying Local Programs – MS4 Operators. In cases where the Phase 2 requirements are found to be duplicative of an existing local regulatory program, the WQD may include conditions in the permit that direct the permittee to follow that program's requirements in place of those specified in the Phase 2 regulation (WWQRR Chapter 2, Section 6(j)(i)(C)). A qualifying local program is a municipal storm water management program that imposes, at a minimum, the relevant requirements of the regulation (or the equivalent), and thus is used as a substitute for that particular requirement in the permit. For example, a county may already require an MS4 operator within the county to implement a public education program. Providing that it meets the WQD's requirements as well, this would replace the requirement for the MS4 operator to comply with the public education section of the MS4 permit.

This permitting option may be used to minimize duplication of efforts when existing programs are in place. If the qualifying local program at some point fails to meet the regulatory requirements, the permit may be reopened and modified to include the requirement to implement a minimum control measure.

The WQD may require additional information to be submitted with the application, addressing the qualifying local program's compliance with the Phase 2 regulation within the MS4 operator's permitted area.

- c. Types of General Permits

- 1) **Statewide General Permit.** The WQD has issued a statewide general permit for Phase 2 MS4s. Because of the flexibility allowed in the regulations, the WQD's intent is to draft this general permit to adequately cover the majority of Phase 2 regulated MS4 operators.

Although this permit will be used statewide, some requirements may be included that only pertain to permittees in specific geographical areas or that meet certain criteria. This may include qualifying local programs as discussed in (a)(ii) above and requirements to meet a local total maximum daily load (TMDL).

- 2) **Alternative General Permits.** In most cases, the WQD foresees that the statewide general permit will contain enough flexibility to remove the need for alternative general permits. However, the ability to issue additional general permits will remain an option.

The final decision on this approach is within the WQD's discretion, due to the extra resources that would be required to issue such a permit and potential complications for compliance and enforcement. Additional general permits will only be issued by the WQD when one or more of the following conditions are met and more than one MS4 needs to be addressed:

- Additional regulatory requirements, such as a TMDL (Total Maximum Daily Load; see <http://deq.state.wy.us/wqd/watershed/index.asp> for information), require stricter permit requirements than those included in the statewide

general permit. In most, if not all cases, the WQD expects one general permit to be flexible enough to meet any existing or future TMDLs.

- Qualifying local programs, as discussed in section (a)(ii) above, are determined by the WQD to possibly cause confusion in the statewide general permit.
- The permittee can demonstrate to the WQD that the statewide permit is too inflexible to allow for alternative means of compliance and/or environmental protection that may provide better or more efficient protection of state waters, and that these alternative means warrant the use of WQD resources in development/administration of the alternative permit.
- The WQD also maintains the authority to issue an individual permit to an MS4 where a general permit is deemed insufficient to protect local water quality and/or the general permit does not adequately address operations of a specific MS4.

d. Application Options

- 1) Single MS4 Operator Application. An MS4 operator may complete the application requirements for a Phase 2 general permit and submit material to the WQD that covers only its own MS4. If the MS4 operator is relying on another entity to meet any portion of the minimum control measures, the applicant must still submit the required information on the control measure and measurable goals in its application.
- 2) Single Applications for Separate Coverage and a Joint SWMP. Multiple MS4 operators may submit one SWMP along with individual Notices of Intent (NOIs) to the WQD that satisfies the requirements for each MS4 covered under the SWMP. The WQD encourages the use of this approach, with the goal of fostering cooperation between MS4 operators in meeting the permit requirements, and thus hopefully improving the benefit to the environment while minimizing the cost to permittees. However, each permittee under the joint SWMP is still responsible for ensuring that the requirements of the minimum control measures are met within their own jurisdiction, and is liable if they are not.

The format of the joint SWMP can vary, as long as it meets the requirements of the regulation by adequately addressing each of the minimum control measures and measurable goals for each MS4. The SWMP must clearly indicate which entities will be carrying out which minimum measures (or component thereof).

1.4.1.2 Individual Permit

An individual permit is a permit that is drafted by the WQD to cover only one permittee. As with general permits, the WQD may draft an individual permit to allow for a permittee to rely on another entity to implement all or part of a minimum control measure to comply with the permit as discussed in section (a)(i) above. Also, qualifying local programs as discussed in 1.4.1.1(b) above may be included.

The final decision on whether to issue individual permits is within the WQD's discretion, due to the extra resources that would be required to issue such a permit and potential complications for compliance and enforcement. In most cases, the WQD believes that a general permit will be adequate to address the needs of MS4 permittees and the WQD. The need to issue an individual permit will be addressed on an as-needed basis.

1.5 Overlapping Jurisdictions

In many cases, an MS4 may be in an area where multiple state, city, town, county, district, association, or other public bodies (created by or pursuant to State law) have jurisdiction. In these cases, it is only the MS4 operator that will be required by the WQD to obtain permit coverage.

The WQD is responsible for notifying all potential designated entities of the need to apply for a Phase 2 permit, and ensuring that the proper permits are obtained and complied with. The WQD will work with known regulated entities (municipalities and counties) to help identify such special districts or other entities that may require a permit.

As the permittee, the MS4 operator is responsible for implementing the six minimum measures to the maximum extent practicable (MEP). In many cases, this will require working with other government agencies that have jurisdiction to administer aspects of the minimum measures. For example, a special district that owns and operates an MS4 may need to work with the county they are located in to administer the construction and post-construction programs, if the district does not have the legal authority to place requirements on developers. In such cases, a joint SWMP is recommended (see section 1.4.1.1(d)(2) of this chapter).

1.6 Ordinances

This section of the guidance document discusses the types and uses of ordinances that may be helpful in assisting Phase 2 permittees in meeting their permit requirements. Also see the Resource List, Chapter 8, which provides a listing of references for reviewing various model, or example, ordinances that may be applicable to the Phase 2 permitting process.

1.6.1 Background

Ordinances are an important and useful tool in helping the Phase 2 permittee meet the requirements of their permit. Ordinances provide a means for the permittee to implement and enforce their permit conditions by providing a compliance mechanism that assists in the attainment of measurable goals. To the extent allowable under State or local law, ordinances (or other regulatory mechanisms) are required under the following sections:

- *Illicit discharge detection and elimination* – to prohibit non-storm water discharges into the storm sewer system, and implement appropriate enforcement procedures and actions
- *Construction site storm water runoff control* – to require erosion and sediment controls, as well as sanctions to ensure compliance
- *Post-construction* – to address post-construction runoff from new development and redevelopment projects, and sanctions to ensure compliance

Each ordinance proposed for use by the permittee should be reviewed by the engineering (or other technical) and legal departments of the permittee(s). There are several sources of existing model ordinances listed in Chapter 8 that can be used to develop local ordinances.

1.6.2 Items to Consider When Drafting and Implementing Ordinances

There are several items to consider when drafting and implementing ordinances with respect to Phase 2 permitting requirements. Points to consider include:

- *Legal authority* – Does the Phase 2 permittee have the legal authority to develop and implement the applicable ordinance(s)? It is the responsibility of the permittee to determine if they do not have such legal authority. *If they do not have legal authority, the permittee must provide adequate evidence of this to the WQD.*
- *Practicability* – Is the ordinance written so that all parties can clearly understand and meet its objectives and requirements? Is it designed so that it can be implemented in the field with minimal difficulty? Is the ordinance “enforceable” by the permittee?
- *Applicability* – Does the ordinance meet the intent, as well as the specifics, of the Phase 2 requirements? Does the ordinance apply to all appropriate entities within the permittee’s boundaries (both physical and jurisdictional)?
- *Desired goal(s) and objective(s)* – Does the ordinance clearly state the applicable goals and objectives, relative to the Phase 2 permitting requirements? Are the goals and objectives obtainable by all parties involved? Are the overall goals and objectives of the ordinance tied to appropriate measurable goals?
- *Resources* – Is the cost to develop, implement, and enforce the ordinance commensurate with its priority in the overall permitting program? Are the necessary resources available to develop, implement, and enforce the ordinance?
- *Implementation* – Is the ordinance implementable, particularly with respect to the entity(ies) that will need to meet the ordinance requirements? Are there provisions in the ordinance that may preclude it from being usable and reasonable?

1.6.3 Typical Ordinances Applicable to Phase 2 Permitting

Typical ordinances that may be necessary to meet the Phase 2 permitting requirements include, but are not limited to:

- Grading, erosion and sedimentation control (including revegetation/reclamation requirements) for construction projects (required by the construction minimum measure)
- Structural BMPs for post-construction (permanent) development and significant redevelopment projects (required by the post-construction minimum measure)
- Storm drainage design and management (e.g., Storm Drainage Design and Technical Criteria Manual)
- Aquatic buffers
- Illicit discharge detection, cleanup, and elimination (required by the illicit discharge minimum measure)
- Storm water utility
- Transfer of development rights
- Golf course management
- Wetlands and watercourse management
- Operation and maintenance of MS4s
- Parking ordinances that facilitate street sweeping
- Operation and maintenance of short-term and long-term best management practices (BMPs)
- Litter and floatable material (nuisance) management (e.g., trash, junk, weeds and yard waste)
- Stream protection ordinances
- Landscape design code

Other tools associated with ordinances, which may also play a key role in implementing the Phase 2 permitting requirements, include:

- Design and construction standards
- Design guidelines
- Storm Water Quality Control Plan standards

Each ordinance that the permittee develops should focus on specific objectives relative to meeting the intent and requirements of Phase 2, particularly with respect to measurable goals as defined in the permit.

1.6.4 Measurable Goals – Ordinances

Before any measurable goals are developed in conjunction with applicable ordinances, the permittee should evaluate its current ordinances (if any) to assess needs and requirements with respect to the Phase 2 Program. Based on this assessment, a list of needed ordinances should be developed. Then, measurable goals for drafting, implementing, and evaluating compliance with an ordinance should be developed. The measurable goals should be developed to meet the intent and requirements of Phase 2 permitting, should be attainable and reasonable, and should mesh with existing ordinances, resolutions, policies and technologies.



Chapter 2 – MCM 1: PUBLIC EDUCATION AND OUTREACH

This section outlines the State of Wyoming Phase 2 storm water regulatory requirements for the public education and outreach programs and offers some general guidance on how to satisfy them. It is important to keep in mind that the MS4 operator has a great deal of flexibility in choosing exactly how to satisfy the minimum control measure requirements.

2.1 Benefits of a Public Education and Outreach Program

An informed and knowledgeable community is crucial to the success of a storm water management program. Without a public knowledge of local water quality problems caused by urban runoff, it is difficult to obtain public support for local storm water quality programs. This support ranges from individuals changing their daily actions to community backing for all of the six minimum measures. As with all of the minimum measures, the goal of this measure is reduce the degradation of local water bodies and improve chemical, physical and biological quality of state surface waters. In order to achieve this water quality benefit, Public Education programs should be targeted to these outcomes:

- **Improve understanding** of the reasons why storm water quality programs exist. Public understanding of local impacts is particularly important when MS4 operators attempt to institute new funding initiatives for the program or seek volunteers to help implement the program; and
- **Greater compliance** with the program as the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters.

2.2 Program Requirements

The regulation (WWQRR, Chapter 2, Section 6(j)(i)(B)(I)) is as follows:

- “(I) Public education and outreach on storm water impacts. The permittee must implement a public education program to:
- (1) Distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff; and
 - (2) Inform public employees, businesses and the general public of impacts associated with illegal discharges and improper disposal of waste.”

To satisfy this minimum control measure, the MS4 operator must:

- Implement a public education program to distribute educational materials to the community (or specific segments within the community such as shade tree mechanics, homeowners, dog owners, etc.). The MS4 may also conduct equivalent outreach activities about the impacts of storm water discharges and the steps that can be taken to reduce storm water pollution. To be more effective, the focus should relate local actions (e.g., home oil changes or pet waste) to local water bodies and local pollutant issues.
- Provide industries, businesses and other groups that have potential to impact local water quality with informational materials that describe potential storm water impacts of improper waste disposal and illegal discharges.
- Determine the appropriate best management practices (BMPs), in this case informational and educational methods to be used, and measurable goals for this minimum control measure.

Some program implementation approaches, BMPs (i.e., the program actions/activities), and measurable goals are suggested below.

2.3 Guidelines for Developing and Implementing This Measure

Three main action areas are important for successful implementation of a public education and outreach program.

2.3.1 Forming Partnerships

MS4 operators are encouraged to enter into partnerships with other governmental entities to fulfill this minimum control measure's requirements. It is generally more cost-effective to use an existing local program, or develop a new program linked to a regional or statewide education program.

Operators are encouraged to seek assistance from non-governmental organizations (e.g., environmental, civic, and industrial organizations), since many may already have educational materials and perform outreach activities. Some groups may be providing environmental education activities that can be used to reach the public. Providing basic environmental knowledge about local water bodies is an appropriate step in educating the public on impacts to local waters by urban runoff.

Participation in watershed-based organizations facilitates both intergovernmental and non-governmental coordination, and can often provide an educational opportunity for the participants in those groups.

Additional information and partnership potential for educational activities may be available through the Wyoming Association of Environmental Education or the University of Wyoming Cooperative Extension and 4H. For specific industries, trade groups are an excellent source for partnering educational efforts. Examples include the International Erosion Control Association (IECA) and the Wyoming Contractors Association, for erosion and sediment control. Each permittee should target industrial/commercial groups that are important in their jurisdictions.

2.3.2 Using Educational Materials and Strategies

MS4 operators may use storm water educational information provided by their State, EPA Region, or environmental, public interest, or trade organizations instead of developing their own materials, but to be effective it must be relevant to local waterbodies. Operators should strive to make their materials and activities relevant to local situations and issues, and incorporate a variety of strategies to ensure maximum coverage. Some examples include:

- *Brochures or fact sheets* for general public and specific audiences. Several organizations have printed material addressing storm water quality or general pollution prevention aimed at the general public. The US EPA provides many outreach documents, some easily customized, on storm water quality and general pollution prevention (P2). The Wyoming DEQ has an outreach office and a P2 brochure for household waste. A list of internet resources is available in Chapter 8.
- *Environmental guides* to educate groups such as golfers, hikers, paddlers, climbers, hunters, fishermen, and campers;

- *Alternative information sources*, such as web sites, bumper stickers, refrigerator magnets, posters for bus stops, and restaurant placemats;
- *Storm water hotlines* for information and for citizen reporting of polluters (this is particularly applicable to the illicit discharge control measure);
- *Economic incentives* to citizens and businesses (e.g., rebates to homeowners purchasing mulching lawnmowers or biodegradable lawn products);
- *Educational programs for school-age children* are particularly effective ways to reach large numbers of citizens. Hands-on explorations that are specific to your community, and outdoor studies led by trained individuals, are effective educational tools. Written activities, videos and brochures are less effective, due to the overwhelming amount of media teachers already receive. Programs reaching school age children are an excellent way to build parental and community support that may not be readily available to an “urban runoff pollution prevention” program. The following topics may be used independently or incorporated into a school-based educational program.
- *Water or river festivals* are excellent ways to reach those interested in water quality topics. Home or garden shows are good for targeted messages like proper paint disposal or garden chemical use.
- *Storm drain stenciling* with messages like “Dump No Waste, Drains Directly to ...” These can stand alone or be part of other targeted programs for school-age children or homeowners’ associations. If feasible, use name of the most immediate local waterbody on the stencil.
- *Tributary signage*, to increase public knowledge of local water resources.
- *A library of educational materials* for community and school groups; some sources include Hands On Save Our Streams Guide (Izaak Walton League – <http://www.iwla.org/index.php>), Virginia State Parks – Your Backyard Classrooms (http://www.dcr.virginia.gov/state_parks/ybc.shtml), and WOW! Wonders of Wetlands Activity Guide (http://www.goenc.com/records/record_generator.asp?encnum=004983).
- *Volunteer citizen educators* to staff a public education task force.
- *Event participation* with educational displays at home shows and community festivals.

2.3.3 Reaching Diverse Audiences

The public education program should use a mix of appropriate local strategies to address the viewpoints and concerns of a variety of audiences and communities, including minority and disadvantaged communities, as well as children. Printing posters and brochures in more than one language is a method that can be used to reach audiences less likely to read standard materials. Directing materials or outreach programs toward specific groups of commercial, industrial, and institutional entities likely to have significant storm water impacts is recommended. For example, information could be provided to restaurants on the effects of grease and to auto garages on the effects of oil on local streams.

2.4 Measurable Goals

Although the outcomes of this minimum measure are focused on the improvement of storm water quality, the WQD recognizes that such improvements would be difficult to measure directly. Instead, one appropriate measurable goal is to set a minimum number of contact hours with the segments of the public. An appropriate measure of contact hours could follow the format of the outreach in the initial permit term could be individual contact hours. For example, a brochure which take 5 minutes to read, sent to 3000 customers, assumed to be read by 10 percent, might gain $(5\text{min}) \times (2 \text{ persons}) \times (3,000 \text{ bills} \times .10) / (60 \text{ min/hr}) = 50$ contact hours. An event at a local water festival that spends 20 minutes per child and reaches 500 children could translate to $(20\text{min}) \times (500\text{students}) = 167$ contact hours. Using this measure reinforces the actual contact MS4 operators have with their citizens, and allows maximum flexibility with the message and BMPs used.

Another measurement that is more results-oriented would attempt to track the results of a specific advertising campaign. For example if a brochure reminding citizens of a local household hazardous waste collection day is mailed to local residents and/or business did attendance at that collection event go up over the previous year? A specific goal might be to boost participation by 5% or some other number reasonable for the community.

The following is an example of measurable goals for a public education and outreach plan for the initial permit term.

<u>Target Date</u>	<u>Activity</u>
(end of) Year 1	Develop partnerships to make presentations to local watershed groups, water users (i.e., irrigators, environmental groups, fishing clubs, school groups, etc). Develop locally appropriate brochure.
Year 2.....	Distribute brochure. Create Web site with links based upon information in brochure. Continue partnerships programs.
Year 3.....	Implement target audience-based program (school, industry, general population-based). Continue partnerships programs.
Year 4.....	Revise and redistribute brochure. Continue targeted program(s). Continue partnerships programs.
Year 5.....	Continue partnerships programs. Continue targeted program(s).



Chapter 3 – MCM2: PUBLIC PARTICIPATION/INVOLVEMENT

This section outlines the State of Wyoming Phase 2 storm water regulatory requirements and offers some general guidance on how to satisfy them. It is important to keep in mind that the MS4 operator has a great degree of flexibility in determining how to satisfy the minimum control measure requirements.

3.1 Benefits of a Public Participation and Involvement Program

The public can provide valuable input and assistance to an MS4 operator's municipal storm water management program. Since it is the activities of the public within urban landscapes that produce diffuse pollution, and the public that funds municipalities, it is imperative that the public be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a storm water management program because it allows for:

- **Broader public support**, since citizens who participate in the development and decision making process are partially responsible for the program and are more likely to take an active role in its implementation;
- **A broader base of expertise and economic benefits**, since the community can be a valuable, free, intellectual resource; and
- **A conduit to other programs**, as citizens involved in the storm water program development process provide important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a storm water program integrated on a watershed basis, as is encouraged by the WQD.

3.2 Program Requirements

The regulation (WWQRR, Chapter 2, Section 6(j)(i)(B)(II)) is as follows:

“(II) Public involvement/participation. The permittee, must at a minimum, comply with any applicable state and local public notice requirements when implementing the storm water management programs required under the permit. Notice of all public hearings should be published in a community publication or newspaper of general circulation to provide opportunities for public involvement that reach a majority of citizens through the notification process.”

To satisfy this minimum control measure, the MS4 operator must:

- Comply with applicable state and local public notice requirements using an effective mechanism for reaching the public; and
- Determine the appropriate BMPs and measurable goals for this minimum control measure. Possible implementation approaches, BMPs (i.e., the program actions and activities), and measurable goals are described below.

3.3 Guidelines for Developing and Implementing This Measure

MS4 operators should include the public in developing, implementing, and reviewing each minimum measure of their storm water management programs. The public participation process should make every effort to reach out and engage all economic and ethnic groups. The WQD recognizes that there are challenges associated with public involvement. Nevertheless, the WQD strongly believes that these challenges can be addressed through an aggressive and inclusive

program. Challenges and example practices that can help ensure successful participation are discussed below.

3.3.1 Implementation Challenges

The best way to handle common notification and recruitment challenges is to know the audience and think creatively about how to gain its attention and interest. Traditional methods of soliciting public input are not always successful in generating interest, and subsequent involvement, in all sectors of the community. For example, municipalities often rely solely on advertising in local newspapers to announce public meetings and other opportunities for public involvement. Since there may be large sectors of the population who do not read the local press, the audience reached can be limited. Therefore, alternative advertising methods should be used whenever possible, including radio or television spots, announcements at civic organization meetings, distribution of flyers, mass mailings, door-to-door visits, telephone notifications, and multilingual announcements. These efforts, of course, are closely tied to the efforts for the Public Education and Outreach minimum control measure (see Chapter 2).

Watershed groups that encompass all or part of the drainages within the MS4 should be included in this effort. In addition, advertising and soliciting for help should be targeted at specific population sectors including ethnic, minority, and low-income communities; academia and educational institutions; neighborhood and community groups; outdoor recreation groups; and business and industry. The goal is to involve a diverse cross-section of people who can offer a multitude of concerns, ideas, and connections during the program development process.

3.3.2 Possible Best Management Practices (BMPs)

There are a variety of practices that could be incorporated into a public participation and involvement program, such as:

- *Public meetings/citizen panels* allow citizens to discuss various viewpoints and provide input concerning appropriate storm water management policies and BMPs. Watershed groups are excellent venues for this type of discussion. Existing boards and commissions within the governmental agency are also appropriate venues, such as planning and zoning boards, park boards, natural resource committees, etc.
- *Citizen watch groups* can aid local enforcement authorities in the identification of polluters.
- *“Adopt A Storm Drain” programs* encourage individuals or groups to keep storm drains free of debris and to monitor what is entering local waterways through storm drains.

3.4 Measurable Goals

Measurable goals, which are required for each minimum control measure, are intended to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, greatly depend on the needs and characteristics of the operator and the area served by the MS4. Furthermore, they should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure.

At a minimum, the measurable goal for this program must be to provide adequate public notice of all public hearings, published in a community publication or newspaper of general circulation, when implementing the storm water management programs required under the permit.

Examples of additional measurable goals that could be used for this minimum measure include:

Target Date	Activity
(end of) 1 year	Notice of a public meeting in print media and bilingual flyers (if needed); citizen panel established;
2 years	Final recommendations of the citizen panel; radio spots promoting program and participation.
3 years	Community participation in community water body or storm drain clean-ups.
4 years	Citizen review of initial program implementation and advising future program actions.



Chapter 4 – MCM3: ILLICIT DISCHARGE DETECTION AND ELIMINATION

This section of the document offers general guidance on how to detect illicit discharges and comply with the minimum control measure. MS4 operators have a wide range of flexibility in choosing how to satisfy this minimum control measure based upon their unique conditions and resources.

An illicit discharge is defined by the permit as any discharge to an MS4 that is not composed entirely of storm water, and has not been authorized under a discharge permit issued by the State of Wyoming. Illicit discharges enter the system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the MS4 from cracked sanitary systems, spills collected by drain outlets, or paint or used oil dumped directly into a drain). The result is untreated discharges to a local water body. Examples of sources of illicit discharges, as well as some non-storm water discharges that may be an exception to the illicit discharge requirements, are listed in section 4.2, below.

Illicit discharges may be continuous or intermittent. Intermittent discharges tend to occur when carried by a storm event, while continuous illicit discharges often flow during dry weather.

4.1 Benefits of an Illicit Discharge Detection and Elimination Program

Illicit discharges can result in untreated discharges that contribute high levels of pollutants, including sediment, high oxygen demand, heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria, to receiving waterbodies. Pollutant levels from these illicit discharges have been shown in EPA studies to be high enough to significantly degrade receiving water quality and threaten aquatic life, wildlife, and human health.

4.2 Program Requirements

The regulation (WWQRR, Chapter 2, Section 6(j)(i)(B)(III)) is as follows:

- “III. *Illicit discharge detection and elimination. The permittee must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in Section 3) into the permittee’s small MS4.*
1. *The permittee must:*
 - a. *Develop, if not already completed, a storm sewer system map, showing the location of all municipal storm sewer outfalls and the names and location of all surface waters of the state that receive discharges from those outfalls;*
 - b. *To the extent allowable under state or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into the storm sewer system, and implement appropriate enforcement procedures and actions; and*
 - c. *Develop and implement a plan to detect and address non-storm water discharges, including illicit discharges and illegal dumping, to the system. The plan must include the following three components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; and procedures for removing the source of the discharge.”*

4.2.1 Sources of Illicit Discharges

The following are some examples of illicit discharges.

- a. **Sanitary wastewater** sources such as:
 - Sanitary wastewater (usually untreated) from improper sewerage connections, exfiltration or leakage

- Effluent from improperly operating or improperly designed septic tanks
 - Overflows of sanitary sewerage systems
- b. **Automobile maintenance and operation** sources such as:
- Commercial car wash wastewaters (fixed or mobile)
 - Radiator flushing wastewaters
 - Engine degreasing wastes
 - Improper oil disposal
 - Leaky underground storage tanks
- c. **Landscape irrigation sources** such as:
- Direct spraying of fertilizers, pesticides or herbicides onto impervious surfaces
 - Over-application of fertilizers, pesticides or herbicides onto landscaping
- d. **Other sources** such as:
- Laundry wastes
 - Non-contact cooling waters
 - Metal plating baths
 - Dewatering of construction sites
 - Washout from concrete ready-mix trucks
 - Contaminated sump pump discharges
 - Improper disposal of household toxic wastes
 - Spills from roadway and other accidents
 - Chemical, hazardous materials, garbage, and sanitary sludge landfills and disposal sites

4.2.2 Non-Storm Water Discharges

Under the Phase 2 storm water regulations, there are only two types of discharges to an MS4 that are not composed entirely of storm water that are allowable and do not need to be addressed by a Phase 2 permittee: discharges pursuant to an WYPDES permit, and discharges due to fire fighting activities. There are also certain non-storm water discharges that must be addressed in the storm water program only if the “*permittee identifies them as significant contributors of pollutants to the permittee’s MS4.*” These non-storm water discharges include:

- Landscape irrigation
- Lawn watering
- Diverted stream flows
- Irrigation return flow
- Rising groundwaters
- Uncontaminated groundwater infiltration {as defined at 40 CFR 35.2005(20)}
- Pumped groundwater
- Springs
- Flows from riparian habitats and wetlands
- Water line flushing
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensation
- Water from crawl space pumps
- Footing drains

- Individual residential car washing
- Dechlorinated swimming pool discharges
- Street wash water

Note that even though these discharges may not be covered under the Phase 2 storm water regulations, they may still require another State-issued permit, such as a Temporary Discharge permit.

Local ordinances may incorporate these non-storm water discharges, as long as the ordinance does not conflict with any requirements for state permit coverage. Any ordinance addressing illicit discharges should specify a corrective action procedure to respond to illicit discharges that are not considered exceptions as listed above.

4.3 Guidelines for Developing and Implementing This Measure

This section identifies those provisions that are required under the regulations, and those activities that are recommended but optional.

Although the extent of the efforts a municipality can dedicate to a storm water management program is dependent on available resources, available contractors, size of staff, and degree and character of its illicit discharges, ***the following three minimum requirements must be satisfied:***

- *Development of the storm sewer system outfall map*
- *Development of a storm water control ordinance or other regulatory mechanism*
- *Development of an illicit discharge detection and elimination plan*

4.3.1 Development of the Storm Sewer System Map

Each MS4 operator must develop a detailed and accurate storm sewer system outfall map. Although a map of the entire system would be particularly beneficial, it is not required at this time. This map will provide information on the discharge locations of the system. It is also needed to help determine the extent of dry weather flows, possible sources of dry weather flows, and the particular water bodies these flows may be affecting. More importantly, a detailed storm sewer system map will assist the regulated entity in responding to and tracing illicit discharges when they occur.

4.3.1.1 Municipal Storm Water Outfalls and State Waters

The regulation requires that the map include the location of each municipal storm water outfall, and the receiving surface waters of the state for each outfall. To identify the storm water outfalls and the state waters within each jurisdiction, it is important to understand the definition of each.

In the WWQRR, Chapter 2, Section 3(b)(Ixi) an outfall “means the point at which a discharge exits the final treatment unit, if any, associated with a facility prior to entering surface waters of the state.”

It is also important to understand what surface waters of the state are. Surface waters of the state (WWQRR, Chapter 1, Section 2(b)(xlv)) “means all perennial, intermittent and ephemeral defined drainages, lakes, reservoirs, and wetlands which are not man-made ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the state.” Under this

definition, most drainages are considered surface waters of the state, including canals, ditches and other man-made conveyance structures.

4.3.1.2 Maximum Extent Practicable (MEP)

An umbrella requirement of the Phase 2 regulations is that regulated entities “develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable.” The term “maximum extent practicable,” or MEP, also applies to the development of the storm sewer system map.

The storm sewer system map must include, to the MEP, all municipal storm water outfalls that are owned or operated by a municipality. However, there may be circumstances beyond the control of the regulated entity that affect the accuracy and completeness of the storm sewer system map, including the following:

- a. *Access is Physically or Legally Limited:* There may be areas where an outfall is missed even when exercising a reasonable effort. These areas may be severely overgrown with vegetation, or access may be limited due to land ownership, jurisdictional boundaries, or topographic or man-made features.

If access is legally limited or exceptionally physically limited, then the WQD will accept an incomplete map. However, the MS4 must provide justification in the SWMP, and the WQD may request additional information from the permittee on why certain areas were excluded.

- b. *Mapping is Not Practicable:* In some cases, mapping all storm water outfalls is not practicable. Although a regulated entity must make a reasonable effort to locate all municipal storm water outfalls, the WQD understands that extraordinary circumstances do exist that may prevent completing the mapping effort without expending excessive resources. Below is an illustration of two situations that may preclude a permittee from mapping all municipal storm water outfalls:

- It would be unreasonable to expect the area to be mapped due to its complexity. An example of this first scenario might be an irrigation ditch or piped creek, which are considered to be state waters, flowing underground into a developed and established area. Multiple outfalls flow into the now underground conduit. To map the underground outfalls may be very difficult and unreasonably expensive. Instead, the permittee must map the outfalls into the ditch when it daylights.
- The outfalls can reasonably be consolidated for purposes of illicit discharge detection and elimination. An example of this second scenario might be an area where multiple sheet flows and individual outfalls drain a small area (less than 10 acres) into a natural drainage.

The natural drainage is operating as part of the MS4 and it is easy to determine where an illicit discharge occurred due to its very small aerial extent. In this case, multiple sheet flows and individual outfalls may not

need to be included in the mapping requirement. Instead, one outfall can be used to represent the group.

Should the permittee decide to omit certain areas from the storm sewer system map because the area is very complex or the effort would not benefit illicit discharge detection and elimination, a letter requesting that the areas be omitted must be submitted to the WQD with a complete explanation. Should the WQD approve omission of certain areas from the storm sewer system map, there may be additional requirements for those areas to assure that an illicit discharge is observable. Some alternative approaches to the typical surveillance techniques are listed below:

- Training of maintenance personnel on illicit discharge detection
- Creation of observation points
- Placement of “Drains to Creek” signs on all affected inlets
- Conducting accelerated public education in the area
- Filming the MS4 routinely
- Monitoring

4.3.1.3 **Prioritization of Mapping**

Continuous illicit discharges (i.e., illicit connections) are less likely to occur in newer residential areas than in older residential areas. This occurs partially because criteria for subdivision development, including connections to storm sewers, became more strict with the implementation of subdivision regulations several years ago.

It is less likely to find both continuous and intermittent illicit discharges in residential areas, both old and new, than in commercial/industrial areas. And newer commercial/industrial areas typically have fewer illicit discharges than the older areas. In some MS4s, it may be that industrial areas have more illicit discharges than commercial areas.

When mapping outfalls, it may therefore be practicable for an MS4 operator with limited resources to prioritize the mapping of areas based on the above information. For example, an MS4 operator may choose to map older commercial/industrial areas first, followed by newer commercial/industrial areas, then older residential areas, and finally the remaining residential areas. An awareness of the land use, age of development, reports of illicit discharges and other information specific to each MS4 as it relates to the areas tributary to outfalls will allow an MS4 operator to prioritize their resources in the areas where most illicit discharges occur. The submittal of a systematic plan to map outfalls, coordinated with the implementation of a comprehensive plan to detect and eliminate illicit discharges during the permit term, may be the most practicable way for some MS4 operators to conduct this program.

4.3.1.4 **Information Sources**

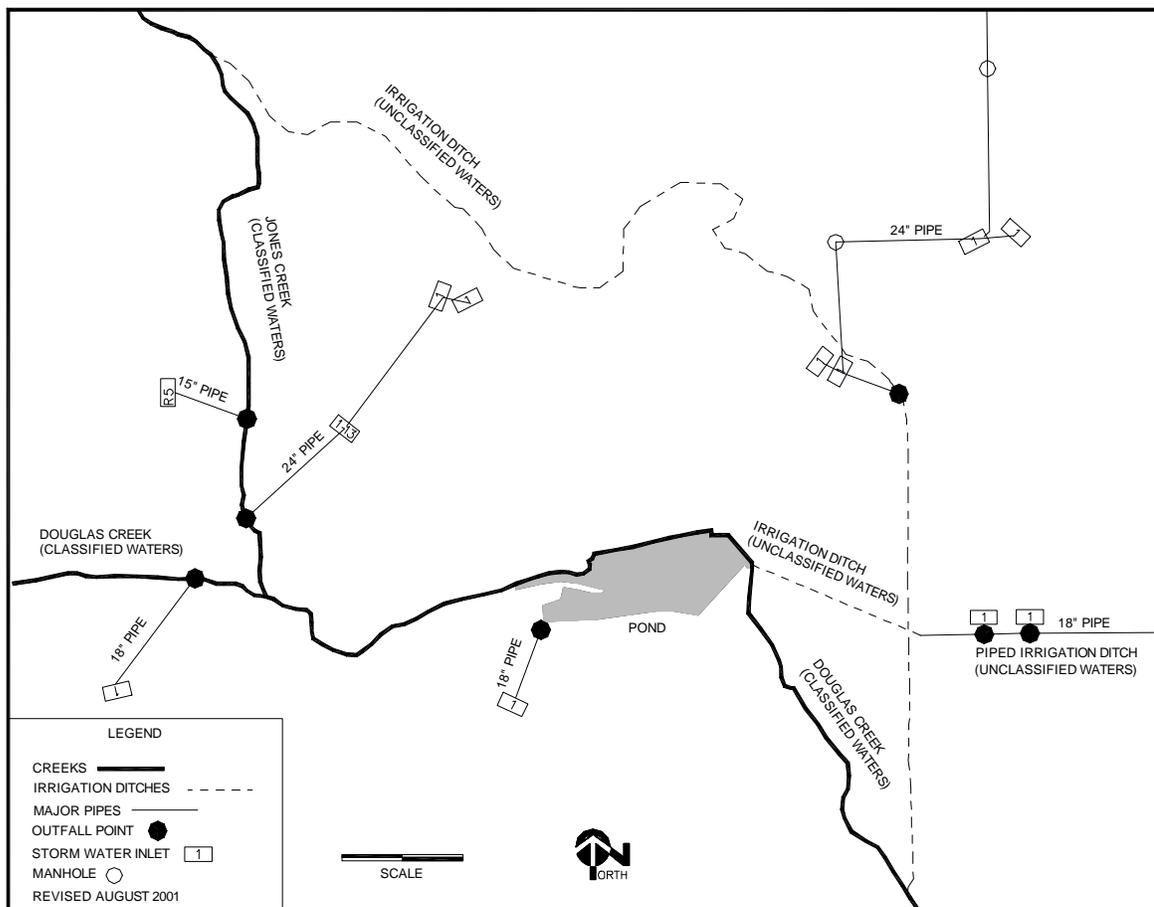
Although the best method to inventory and map municipal storm water outfalls within a jurisdiction is to walk the stream banks, there may be other information sources that can be of great assistance in anticipating where municipal storm water outfalls are located. Possible sources of information for developing the Storm Sewer System Map include:

- City records, drainage maps and storm drain maps
- Previous surveys (e.g., sanitary sewer infiltration/inflow and sewer system)
- Evaluation surveys
- Topographic maps
- Existing GIS data
- Pre-development stream locations
- Drainage department personnel
- Aerial surveys

There may also be opportunities to share resources with neighboring communities to leverage resources while gathering the needed information.

Once all the materials have been gathered, the storm sewer system map can be developed. Figure 1 is an example of how a Storm Sewer System Map may appear. Remember to follow accepted mapping techniques, by including a north arrow, the scale, the date the map was completed, and a legend describing any symbols used. A sample map legend is provided in Figure 1 as a reference.

Figure 1. Example of a Storm Sewer System Map



e. **Outfall Designation Protocol**

A systematic method of mapping is recommended to meet the outfall mapping requirement. The specification of protocols for organization of data at the outset will assist the MS4 operator to identify, index and retrieve outfall data that will be collected and mapped. The mapping system selected will also support the management program actions required to implement detection and elimination of illicit discharges.

The purpose of the reference system is to assign a name (or label) to each outfall. Urban outfalls are part of a surface water hydrologic system, and thus a geographic reference system is recommended. In general, one of three basic forms or systems is used:

- *Stream Distance.* Lineal dimensions from a reference point are used. The stream, storm sewer, or other conveyance system forms the structure of the network. An outfall name includes the distance (usually in feet) upstream from an origin point (usually a confluence of two streams). All outfalls that discharge to a stream or drainageway are identified by stream name (or number), and are further distinguished from one another by their distance along the stream or drainageway. In addition, the relevant side of the stream or drainageway can be further distinguished by an appended letter L (left) or R (right) referring to the bank (oriented looking in a downstream direction). A symbol, such as a dot of appropriate dimension relative to the map, can be used to locate the outfall, with a label to denote its defined name.

An example using this nomenclature would be an outfall located 1,234 feet upstream of the confluence of Perennial Creek on the left bank of Ephemeral Draw:

- Ephemeral 12+34 L

Some type of base map, such as a 7½ minute US Geological Survey quadrangle map, is needed to scale off the distance along the stream centerline (thalweg). Some type of measurement tool (rolling-wheel map measure, planimeter, or AutoCAD snap line) is used to plot the true-scale distance of stations along the thalweg. In the field, a tape or surveying instrument is used to obtain the on-the-ground measurement of the outfall relative to known stations on the map, such as a bridge. The expression of length (feet) in this example uses the convention of route surveying called stationing, where points along the reference line (thalweg) are noted as stations with origin (confluence) at 0+00 and 100-foot increments.

- *Latitude/Longitude.* An alternate geographic reference system for defining outfall locations uses latitude/longitude. Although each point in this coordinate system is unique and explicit, the relationship of two outfalls along a drainageway is not readily apparent. In addition, the minimum dimension of measurement (seconds) is large relative to urban features. The determination of lat/long can be scaled off a base map. However, a GPS (Global Positioning System) receiver is required to obtain the position of the outfall in the field.
- *Street Reference.* Another coordinate system that is inherent in urban areas is streets or roads. Of course, surface waters follow geomorphic structure and not

the transportation system. In common usage, however, an outfall may be described in terms of its position relative to lengths or primary direction from nearby streets and intersections.

Communities should develop a naming system that is workable for that community and is rational and understandable.

4.3.2 Development of a Storm Water Control Ordinance

Each MS4 operator must put in place ordinances or other regulatory mechanisms that provide it with appropriate authority to ensure that all illicit discharges are prohibited. This authority should also ensure that reasonable efforts are made to locate and eliminate any existing illicit discharges. The ordinance must also allow for effective enforcement of illicit discharges by the municipality. Ordinances requiring regular maintenance of private septic systems may be useful, especially where low permeability soils make percolation slow. Zoning rules within the MS4 boundary may need to be reviewed in areas where new construction relies on septic systems. A discussion of ordinances is provided in Chapter 1.

4.3.3 Development of an Illicit Discharge Detection and Elimination Plan

Each MS4 operator must develop an Illicit Discharge Detection and Elimination (IDDE) Plan. There are three components that the Plan must address, including:

- *Procedures for locating priority areas*
- *Procedures for tracing the source of an illicit discharge*
- *Procedures for removing the source of discharge*

The WQD understands that depending upon the character of the permittee's MS4, available resources, available contractors, size of staff, and degree and character of its illicit discharges, the extent of the plans developed by regulated entities may vary widely. The determining factors on whether a plan is adequate will be whether it addresses the areas of concern and contains all required elements. This section describes methods that may be used to address areas of concern and satisfy the requirements.

A factor that should be considered by all regulated entities is the importance of preliminary planning, reconnaissance, and record keeping in order to be proactive in managing the storm water program. It may increase costs early on to develop a management program to map inlets and pipes, survey watersheds, and understand how illicit discharges might enter into state waters, but when an illicit discharge occurs, the regulated entity can respond promptly and not in a crisis management mode.

4.3.3.1 **Procedures for Locating Priority Areas**

Below is a list of various methods that may be used to locate illicit discharges, including:

- Training of employees on recognition and reporting of suspected problems
- Establishing and maintaining a public complaint hotline
- Performing periodic or regular visual screening during dry weather (no less than 72 hours after the last rain fall of 0.10 inches or more)
- Performing follow-up inspections of suspect outfalls
- Sampling of suspect outfalls for parameters of concern

- Evaluating water samples (visual description and/or chemical/biological testing)
- Evaluating samples for discharges from leaking septic systems (E. coli tests)

4.3.3.2 Procedures for Tracing the Source of an Illicit Discharge

Various methods can be used to find the source of illicit discharges. Initially, development of a more thorough storm sewer system map may assist the regulated entity in tracing the source of an illicit discharge. Information that may be added to the storm sewer system map to improve its usability may include the following, as appropriate:

- Identification of the drainage area for each outfall
- Identification of the land use for each drainage area
- Locations of all inlets
- Locations of all manholes
- Information on pre-development streams and springs
- Information regarding depth of water table
- Areas serviced by sanitary sewerage
- Areas serviced by septic systems
- Older residential areas with failing sanitary systems
- High density residential areas with septic systems
- WYPDES permittees
- Significant contributors such as airports, military bases, landfills, and agricultural operations using irrigation

Once an illicit discharge has occurred, various methods are available to ascertain its source. Below is a list of technologies that may be incorporated in a regulated entity's Illicit Discharge Detection and Elimination Plan:

- Dye-tests to delineate potential source areas
- Smoke tests to delineate potential source areas
- Sampling the discharge and potential sources of the discharge and comparing the chemical analysis results
- Using TV or video cameras to inspect storm sewers
- Recruit public involvement to report illicit discharges by using an "illicit discharge reporting hotline"

4.3.3.3 Procedures for Removing the Source of Discharge

Various methods can be used to remove/correct illicit discharges. Often, training designated personnel on how to contact parties responsible for illicit discharges and securing their cooperation is the most effective method to correct an illicit discharge and eliminate future discharges. Should the responsible party not be willing to remedy the problem, legal action may be necessary. When working with a responsible party to remove an illicit discharge, the MS4 should establish a time limit as a performance measure.

Other procedures that may be helpful in discouraging future illicit discharges include:

- Dye-testing buildings in problem areas
- Dye or smoke-testing buildings at the time of sale

- Certification program that shows that buildings have been checked for illicit connections
- Inspection program of existing septic systems
- Use of TV or video cameras to inspect storm sewers
- Identification of areas of widespread septic system failure
- Storm drain stenciling/markings
- Poster campaigns
- Educational efforts for building owners and/or lessees in areas with illicit discharges
- Education to the general public on the impacts of illicit discharges
- Cooperative efforts with local industrial associations, chambers of commerce, homeowner associations and merchant associations

Prioritization of illicit discharge detection is also advisable. Development of a plan to inspect areas more prone than others to illicit discharges will ensure that scarce resources are used effectively. Additionally, procedures for dealing with illicit discharges that originate in other jurisdictions, including procedures for notification, assignment of responsibility, and follow-up enforcement, are also suggested.

It is always advisable to document the surveillance of each illicit discharge as well as the actions taken to respond to the illicit discharge. The WQD requires an annual report that must include progress towards achieving the permittee's identified measurable goals for each of the minimum control measures. At a minimum, the regulated entity must report progress achieved towards the Illicit Discharge Detection and Elimination measurable goals provided as a part of the application (see the Measurable Goals Section). An annual report submitted to the WQD may include the following:

- Progress towards completing the storm sewer system map
- Progress towards implementing a recycling program for household hazardous waste
- Progress towards the passage of an ordinance (or other regulatory mechanism) that prohibits illicit discharges
- Progress towards training public employees
- Number of illicit discharges detected
- Number of illicit discharges eliminated
- Number of households participating in regular household hazardous waste special collection days
- Number of outfalls screened
- Number of complaints received, corrected
- Number of dye or smoke tests conducted

Information that is collected and reported in the required annual report to the WQD can also be used for periodic reports to the city council, county commissioners, or other interested parties.

4.4 Measurable Goals

The measurable goals, as well as the BMPs, should reflect the needs and characteristics of the MS4 operator and the area served by the MS4. The minimum measurable goals for the permit term may include activities such as the following:

<u>Target Date</u>	<u>Activity</u>
(end of) Year 1	Storm Sewer System Map completed. Recycling program for household hazardous waste in place.
Year 2.....	Ordinance in place prohibiting illicit discharges. Training for public employees completed.
Year 3.....	Number of inspections expected to be performed. Number of illicit discharges detected. Number of illicit discharges eliminated. Number of households participating in periodic household hazardous waste special collection days, or volume of waste collected.
Year 4.....	Number of illicit discharges detected. Number of illicit discharges eliminated. Number of households participating in periodic household hazardous waste special collection days.



Chapter 5 – MCM4: CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

This section outlines the State of Wyoming Phase 2 storm water regulatory requirements for the construction site storm water runoff control program and offers some general guidance on how to satisfy them. It is important to keep in mind that the MS4 operator has a great deal of flexibility in choosing exactly how to satisfy the minimum control measure requirements.

Note that this section refers primarily to the construction site operator; however, the MS4 operator may also choose to include the site owner as a responsible party.

5.1 Benefits of a Construction Site Program

Polluted storm water runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams. Sediment is usually the main pollutant of concern. Sedimentation rates from construction sites are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forested lands. During a short period of time, construction sites can contribute more sediment to streams than would be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to the state's waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.

Additional pollutants are also often present in storm water runoff from construction sites and may result in degradation of receiving water. Nutrients (nitrogen and phosphorous) are of specific concern and can cause significant impairment. In addition, solid and sanitary wastes, pesticides, oil and grease, concrete truck washout, construction chemicals, construction debris and metals may be discharged and cause an impact on receiving waters.

5.2 Program Requirements

The regulation (WWQRR, Chapter 2, Section 6(j)(i)(B)(IV)) is as follows:

“IV. Construction site storm water runoff control.

1. *The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the WQD waives requirements for storm water discharges associated with a small construction activity in accordance with 6 (f)(ii)(B), the permittee is not required to develop, implement, and/or enforce its program to reduce pollutant discharges from such a site.*
2. *The program must be developed and implemented to assure adequate design, implementation, and maintenance of BMPs at construction sites within the MS4 to reduce pollutant discharges and protect water quality. The program must include the development and implementation of, at a minimum:*
 - (a) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state or local law;*
 - (b) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;*

- (c) *Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;*
- (d) *Procedures for site plan review which incorporate consideration of potential water quality impacts;*
- (e) *Procedures for receipt and consideration of information submitted by the public, and*
- (f) *Procedures for site inspection and enforcement of control measures.”*

5.2.1 Regulatory Mechanism

Through the development of ordinances or other regulatory mechanisms, the MS4 operator must establish a construction program that controls polluted runoff from construction sites with a land disturbance of greater than or equal to one acre. Regulations must also be established for land disturbances of less than one acre if the construction activity is part of a larger common development that would disturb one acre or more. Refer to section 1.6 for more information on the development of ordinances. Non-traditional MS4s may need to consider using other enforceable mechanisms such as contract language and organization policies or directives to achieve the same end.

5.3 Guidelines for Developing and Implementing This Measure

5.3.1 Minimum Design Criteria

A standard operating procedure must be developed to guide the operators of construction activities in the selection and design of appropriate erosion and sediment control BMPs and waste control measures. The standard operating procedure should incorporate guidelines for the following areas.

5.3.1.1 **Best Management Practices (BMPs)**

Guidelines for the appropriate selection and design of construction, structural and non-structural BMPs should be provided. The design criteria and standards can be provided by reference to existing criteria manuals. (Two examples are: *Erosion and Sediment Control BMP Manual for the City of Casper, Wyoming* and *A Guide to Temporary Erosion-Control Measures for Contractors, Designers and Inspectors* from the North Dakota Department of Health. Additional references are shown in Chapter 8 and there are many more available from states and MS4s.) When considering construction structural and non-structural BMPs, it is often more effective to stress performance-based specifications than method-based specifications. In other words, it might be better to require contractors to minimize or eliminate the transportation of sediment off site than to specifically require silt fences or detention ponds.

Examples of BMPs include:

- *Preventive Controls:* minimizing disturbance, preserving natural vegetation, good housekeeping
- *Erosion Controls:* mulch, grass, stockpile covers
- *Sediment Controls:* silt fence, inlet protection, check dams, stabilized construction entrances, sediment basins
- *Drainageway Controls:* diversions, temporary crossings
- *Non-Sediment Controls:* covered chemical storage, spill containment and procedures, fueling procedures and waste containment

5.3.1.2 Stabilization

Temporary, seasonal, and final stabilization practices should be defined and required. The types of stabilization should be handled as follows:

- a. *Temporary Stabilization.* Standards should be specified for disturbed areas that will remain exposed for long periods of time due to construction staging. Maximum exposure time limits should be specified.
- b. *Seasonal Stabilization.* Standards should be adopted for construction activities that are affected by seasonal shutdowns for weather conditions or a long construction schedule. Stabilization standards and inspection/maintenance schedules should be addressed.
- c. *Final Stabilization.* Standards should be provided for when a site is considered stabilized and program coverage terminated (for example, the WQD's construction permit requires that, in areas not built over, vegetative cover must be established to a uniform density of at least 70 percent of typical background canopy cover).

5.3.1.3 Materials Handling

Materials handling BMPs must be required. At a minimum, such BMPs must include controlling waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site, that may cause adverse impacts to water quality. Spill prevention and containment practices should be included such as, but not limited to, providing containment for materials, waste, and fuel stored on the construction site.

5.3.2 Control Mechanism

An administrative or other control mechanism must be used to ensure that the requirements to develop and maintain erosion, sediment and materials handling controls are clear to the developer and/or contractor. One way to do this is to incorporate the requirements into a grading permit. This simplifies the process by using an existing mechanism, and gives the MS4 operator more authority to ensure compliance.

5.3.3 Runoff Control Plans

The construction program must include a mechanism to determine if a construction site is in compliance with the provisions noted above. The MS4 operator must develop a standard operating procedure for the development of a runoff control plan (RCP) based on the Minimum Design Criteria (see section 1).

MS4s have an option of using the same requirements as storm water pollution prevention plans (SWPPPs) found in the state's construction general permits as a basis for their RCPs. Using the state SWPPP requirements would be a convenience for construction site operators as one plan could satisfy local and state requirements. However, it is not required that MS4 RCPs follow the state SWPPP requirements. RCPs must meet the requirements of the construction program minimum control measure. MS4s that chose to incorporate SWPPP requirements by reference need to be aware that state SWPPP requirements will change periodically. MS4s may also

want to investigate the possibility of developing a Qualified Local Program (see section 10 below).

The regulation also requires that the municipality develop procedures for plan submittal and review. It is the WQD's expectation that runoff control plans will be submitted to the MS4 operator for all areas of significant development and redevelopment (see below for a discussion of significant development and redevelopment). The following items are suggested for the development of the standard operating procedure:

- Procedures for reviewing and approving runoff control plans.
- System to track the status of the runoff control plans.

The regulation does not require that all submitted plans be reviewed and/or approved. However, the permittee must provide adequate oversight to prevent inadequate runoff control plans from being implemented and resulting in degradation of state waters.

5.3.4 Inspections and Enforcement

As construction commences, BMPs should be in place and the MS4 operator's inspection and enforcement activities should begin. A standard operating procedure for site inspection and enforcement of control measures must be developed. The standard operating procedure for site inspections can incorporate two segments: an inspection program through the reviewing authority to ensure and maintain compliance, and a separate inspection program maintained by the operator of each construction site.

5.3.4.1 **MS4 Inspection Program**

The WQD suggests that a monitoring and inspection guide be developed for the MS4 inspection program to ensure that consistent actions are taken. Specific items to include are:

- *A standard for performing inspections.* This could include a single inspection form applicable to residential, industrial, commercial, and municipal developments. As part of the development of the standard, an evaluation should be made of the frequency of inspections for high and low priority sites based on proximity to sensitive areas, size of disturbance, seasonal weather changes, or other area-specific concerns. A system that prioritizes sites may benefit both the MS4 operator and environment, by targeting resources at those sites with the highest potential to affect water quality.
- *A system for tracking the Runoff Control Plans.* The system should be capable of identifying sites due for inspections and those sites for which there has been an enforcement action, and provide needed information to the annual report preparer.

Municipal inspection protocols can be tailored to the specifics of each municipality's construction program plan. For example, some plans may be more inspection-driven and, thus, more extensive. At a minimum, all programs should include:

- a. *Compliance Inspections.* Compliance inspections are routine inspections conducted to ensure that the BMPs are implemented according to approved

plans or as required by the site conditions and are receiving adequate maintenance. The inspector not only verifies that the BMPs are functioning according to design and that only allowable discharges are occurring, but also confirms that the required documentation of inspection and BMP modification is occurring. This should include an appropriate level of follow-up when deficiencies are discovered.

Compliance inspections are advisable at the onset of construction to confirm the proper implementation of the runoff control plan. Additionally, final inspections may be needed to ensure that proper revegetation and stabilization is in place, and that all temporary erosion and sediment controls have been removed, before program coverage terminates.

- b. *Complaint Response Inspections.* Each reviewing authority must have the ability to respond to third party concerns regarding the implementation of a site's runoff control plan and BMPs. This could include a point of contact, response protocol (either a telephone call to operator, inspection of site by representative of that reviewing authority, or some other means of follow-up with the construction site), and review of the plan, as appropriate. An appropriate level of follow-up should be included when deficiencies are discovered.
- c. *Reconnaissance Inspections.* These can facilitate compliance inspections by adding a random, visual check that a construction site is in compliance, or that a construction site has filed the runoff control plan with the MS4 operator. These inspections can be performed by municipal staff already in the field, such as right-of-way inspectors, or by staff performing numerous brief erosion and sediment control inspections in one day.

The following can be considered for inclusion when developing a schedule for any of the inspection programs listed above.

- *The size of the disturbed area.* The larger the area of disturbed land, the more sediment likely to run off the site and the more difficult it is for the contractor to ensure that BMPs are implemented properly. In general, larger construction sites will require more frequent inspections.
- *The length of time that the site will be left disturbed.* The longer a site remains unstabilized, the greater the potential for a water quality impact. Therefore, sites that will be under construction for long periods should see more inspections.
- *The proximity of the construction site to areas of significant environmental concern.* Sites located close to environmentally sensitive areas, such as wetlands or streams, on steep slopes or where the slopes are erosive should be inspected more frequently to ensure that the BMPs necessary to protect these areas are implemented and properly maintained. Sites located close to streams and storm drain inlets should be watched more closely.
- *Past experiences with the site operators and/or their representatives.* Inspections should be more frequent if the site is run by a construction operator with whom the MS4 operator has experienced past compliance difficulties.

5.3.4.2 Operator Inspections

Separate procedures should be developed to document the inspection of construction sites by the operator of a construction project and by the MS4 operator. This includes a means of tracking and documenting the inspections performed and following up to ensure that corrective actions are taken.

Requirements for inspections by the operator should include regularly scheduled inspections, as well as post-event (rain or snowmelt) inspections, to ensure that the BMPs are operating as designed, determine if maintenance is needed, and to locate and clean up any areas where sediment and debris have run off site.

Reports of all regularly scheduled and storm event inspections should be required to be readily accessible to representatives of the reviewing authority.

5. Training and Education for Construction Site Operators

An education and training program must be developed for municipalities, their representatives and/or construction contractors. At a minimum, the program must include an informational program for construction site operators unfamiliar with the reviewing authority's regulatory requirements. Information could easily be provided with other pre-development documents.

Additional components of this part of the program could include:

- An informational and training program on BMPs.
- A resource list of existing storm water training programs.
- Notification of upcoming educational opportunities.
- Encouraging construction groups in the area to provide such training to their members. This training would benefit their members by providing the information needed to comply with MS4 and state regulations to avoid enforcement actions and penalties.
- Providing a reviewing authority or MS4-specific certification program, or requiring compliance with another entity's certification program. (One such program for the Colorado Department of Transportation is administered through Red Rocks Community College in Denver. There is currently no known regularly scheduled local or regional certification program in Wyoming.)

5.3.6 Enforcement

An Enforcement Program for construction site erosion, sediment and materials handling controls must be developed. The system should address appropriate responses to common noncompliance issues, such as failure to implement or maintain appropriate BMPs. The system should also specify when and how to use enforcement procedures, such as stop work orders or citations, and provide a method to track these activities.

There are several options available for formal action. They include, but are not be limited to:

- Withholding of grading, building permit or building inspections
- Warning letter/inspection report
- Letter of noncompliance
- Stop-work order
- Withholding a Certificate of Occupancy
- Permit revocation
- Notice of violation with an order and/or monetary fines
- Municipal summons

5.3.7 Responses

It is important that the MS4 operator address the range of problems that can occur at a construction site in a manner that reflects the seriousness of the situation. The following is a sample guide that addresses the more common situations that can occur and measures that should be taken prior to formal action.

5.3.7.1 **Failure to Obtain a State Permit**

Some developers or contractors may need to be reminded of the need to obtain a state storm water construction permit. If an MS4 determines that a construction site should have a state permit and does not, some suggested actions are:

- Deny approval for construction until a state permit is obtained.
- Inform the developer/contractor of the need to obtain a State permit and give them a deadline to apply for a permit from the state, beyond which the MS4 operator will notify the WQD.

[Note that the WQD does not require a construction application be submitted for storm water permitting until 30 days (10 days with prior arrangement with WQD) prior to beginning earth-disturbing activities. Additionally, disturbances covered under the small construction general permit (SCGP) are essentially a permit-by-rule and will not have a letter of authorization from the WQD. The SCGP coverage, however, is otherwise identical to the large construction general permit (LCGP).]

- Notify the WQD.

5.3.7.2 **Failure to Develop a Runoff Control Plan**

One of the most elementary violations that can occur at the site is the failure to develop the required runoff control plan (RCP). In most cases, it is recommended that the MS4 operator not approve any development plans without the completion and/or approval of the runoff control plan. This will ensure that construction cannot commence until the plan is completed. A suggested action if a plan is not developed is to withhold approval of the development plan.

2.3.7.3 **Failure to Implement the Runoff Control Plan**

The most significant violation that can occur at the site is the failure to implement the RCP. This can range from failing to select BMPs appropriate for the site and expected flows and volumes to failure to implement all, or a portion of the plan, to failing to properly install the BMPs. The WQD suggests that the MS4 operator try to determine why the plan is not implemented as approved before deciding on appropriate follow-up. Specifically, determine if it is the result of ignorance of the requirements, a change in site conditions, or a general disregard for the requirements.

5.3.7.4 **Failure to Maintain BMPs**

It is not only important to implement the plan, but to ensure that the BMPs are maintained. As with failure to implement the plan, it is necessary to determine the cause of the noncompliance. Suggested actions include:

- Document the need for maintenance on the inspection report. Provide time for the contractor to address the concerns. A follow-up inspection may be needed.
- If the contractor fails to take the necessary measures, meet with the owner and contractor to discuss the necessary measures and time frame for addressing the problems.
- If actions are not taken within the specified time frame, elevate enforcement to the next step in the MS4's enforcement procedure, e.g., issue a Letter of Noncompliance that requires the necessary measures to be taken. (Also see options under Enforcement, section 6, above.)

5.3.7.5 **Failure to Modify the Runoff Control Plan**

Since it is not always possible to anticipate site conditions, it may be necessary to modify the RCP to reflect changing site conditions. It is also important for the construction site operator to have a plan that accurately reflects the site. Compliance with the plan as drafted is required. The construction site operator should note those parts of the plan that prove inadequate or unnecessary and take the steps necessary to implement changes. Enforcement for failing to modify the plan may only need to be considered if the construction site operator fails to make modifications when the plan has proven to be inadequate to protect water quality. The MS4 operator should also consider setting up an approval process for amended plans.

5.3.7.6 **Failure by Operator to Perform Inspections**

In addition to those violations that directly affect water quality, there are other violations that are related to the required documentation of inspections. These violations may be handled differently than the others. If there is a failure to perform inspections, the following actions can be taken.

- Document the need to perform inspections in the MS4 inspection report.
- Advise the site operator of the requirement to perform the inspections, and have them submit inspection reports to the MS4 operator at a set frequency.
- Re-visit the site to determine if inspections have been performed.
- If the operator fails to perform inspections at the required frequency, begin formal enforcement that requires the performance of the inspections and submission of the reports to the MS4.

5.3.8 Considering Public Input

MS4s must develop procedures for the receipt and consideration of public inquiries, concerns and information submitted to the MS4 regarding construction sites. This provision is intended to further reinforce the public participation program (see Chapter 3), and to recognize the crucial role that the public can play in identifying instances of noncompliance.

The MS4 operator is required only to consider the information submitted, and may not need to follow up and respond to every complaint or concern. Although some form of enforcement action or reply is not required, the MS4 operator is required to demonstrate acknowledgment and consideration of the information submitted. A simple tracking process will suffice in which submitted public information, both written and verbal, is recorded and then given to the construction site inspector for possible follow-up.

5.3.9 Waivers

For small construction sites (1 to 5 acres of disturbed area), the WQD has the option of granting a waiver from the requirement to obtain a storm water permit based on the Revised Universal Soil Loss Equation the Rainfall Erosivity Factor. If the construction site operator can show that the potential for soil loss and polluted runoff is low, the WQD can waive permit requirements. The MS4 operator has the option of also waiving coverage under their construction program for any site that has received a waiver from the WQD.

5.3.10 Qualifying Local Programs (QLP) – Construction

Chapter 2 (WWQRR, Section 6(k)) allows the WQD to accept the requirements of a qualifying local erosion and sediment control program as satisfying the requirements of the WQD's small construction general permit (SCGP). Local programs accepted by the WQD are incorporated by reference into the WQD's SCGP. Small construction sites that qualify for permitting under the SCGP in a community with a QLP would comply with the local program instead of the SCGP. (The provision can also apply to larger construction sites, but the construction operator would still have to apply for a permit from the WQD. Therefore, it does not provide as much benefit to the operator or the municipality.)

The construction program outlined above in the minimum measures would meet the requirements for a qualifying local program, except that development, submittal and implementation of a storm water pollution prevention plan (SWPPP) by the construction site operator is also required. The SWPPP

requirements are similar to those outlined under a runoff control plan (see section 5.3.3, above), with a few additions. The SWPPP must include site descriptions, descriptions of appropriate control measures, copies of approved local requirements, maintenance procedures, inspection procedures, and identification of non-storm water discharges.

If the MS4 operator wishes to be designated as having a qualifying local program, they must submit the request, including a detailed description of their program, to the WQD. This submittal must be separate from the MS4 operator’s permit application. The program must be fully implemented before the designation request can be submitted.

5.4 Measurable Goals

The measurable goals should reflect the needs and characteristics of the MS4 and the area served by the MS4. The minimum measurable goals for the permit term may include measures such as the following:

<u>Target Date</u>	<u>Activity</u>
(end of) Year 1 ...	Design criteria, standard operating procedures for runoff control plan review and monitoring developed; procedures for information submitted by the public in place.
Year 2.....	An ordinance or other regulatory mechanism in place.
Year 3.....	Runoff control plan review and monitoring implemented. Enforcement program developed and implemented.
Year 4.....	Increase in number of site plans reviewed and approved, number of inspections performed.



Chapter 6 – MCM5: POST-CONSTRUCTION STORM WATER MANAGEMENT

This section outlines the Phase 2 requirements for post-construction runoff control and offers some general guidance on how to satisfy those requirements. The MS4 operator should keep in mind that it has some flexibility in choosing exactly how to satisfy the minimum control measure requirements.

6.1 Benefits of a Post-Construction Storm Water Management Program

Post-construction storm water management in areas undergoing new development or redevelopment is beneficial to reduce pollutants in runoff from these areas. Many studies indicate that designing developments to include minimization of pollutants in post-construction storm water discharges is the most cost-effective approach to storm water quality management.

There are generally two forms of substantial impacts from post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in storm water runoff. As runoff flows over areas altered by development, it picks up sediment and chemicals such as oil and grease, pesticides, heavy metals and nutrients (e.g., nitrogen and phosphorus). These pollutants may be suspended or dissolved in runoff and carried to receiving waters, such as lakes, ponds, and streams. Once in stream, these pollutants can disrupt aquatic habitat by burying breeding sites, altering the chemistry of the receiving water or entering the food chain through small aquatic life, potentially entering the tissues of fish and humans.

The second kind of post-construction runoff impact occurs with the increased quantities of water delivered to receiving waters during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, runoff from roofs, asphalt and concrete flows to drainage systems where large volumes of runoff enter the nearest receiving water. The effects of this process include stream bank scouring and downstream flooding, which may lead to a loss of aquatic habitat and damage to property.

6.2 Program Requirements

The regulation (WWQRR, Chapter 2, Section 6(j)(i)(B)(V)) is as follows:

“(V) Post-construction storm water management in new development and redevelopment.

1. *The permittee must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.*
2. *The permittee must:*
 - a. *Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;*
 - b. *Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state or local law; and*
 - c. *Ensure adequate long-term operation and maintenance of BMPs.”*

6.3 Guidelines for Developing and Implementing This Measure

The MS4 operator must implement comprehensive and detailed planning procedures and enforcement controls to reduce the discharge of pollutants from areas of significant new development and redevelopment after construction is complete.

6.3.1 Regulatory Mechanism

The permit requires that the MS4 operator establish an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls. The MS4 operator should evaluate the area under consideration and identify management objectives for streams, wetlands, and other receiving waters. Areas where urban development is likely to occur and areas that are sensitive to the effects of urbanization should be identified. Consideration should be given to receiving waters, topography, soil types, groundwater uses and potential impacts on water quality and other relevant factors. This evaluation will help improve water quality by requiring installation and maintenance of BMPs or by implementing design standards that will limit pollutants from qualifying areas of new development or redevelopment.

Suggested items to include in the ordinances or regulations are described in the following sections.

6.3.1.1 **Significant New Development or Redevelopment**

“Significant” new development or redevelopment and the runoff control requirements should be defined. At a minimum, project size (i.e., greater than or equal to one acre) must be considered to determine significance. In addition to project size, the project phasing should also be evaluated. If a project will be constructed in several phases that in total encompass more than one acre (i.e., a common plan of development or sale), the project should be considered significant. Additionally, if the new development or redevelopment may impact sensitive waters (such as a water listed on the 303(d) list of “impaired” waters where pollutants from the site may contribute to the impairment), the project may be considered significant, even if smaller than one acre.

Zoning is another tool to consider in defining significance. This includes evaluating existing zoning and determining which zones should be considered significant. As an example, significant new development and redevelopment may be defined as:

- *All sites zoned commercial, industrial, or mixed use* that include total development/ redevelopment disturbing one acre or larger.
- *All sites zoned residential* that include total development/redevelopment disturbing one acre or larger, except:
 - sites zoned single or double family residential disturbing between 1-2 acres, or with only 2 residential lots if they are determined to pose a low risk of impact. Other criteria may be developed that provide a similar level of protection.
- *All other sites* that do not meet the above requirements may be defined as significant new development/redevelopment if:
 - significant water quality impacts are anticipated as a result of development/redevelopment of the site, as determined by the MS4 engineer or planner. For example, areas with a high density of small

developments, that otherwise may not be included, may pose a substantial threat of unmediated impacts to water quality, and thus may be considered significant.

- storm water quantity detention is required. Water quality features should be incorporated into the storm water quantity detention basins.

Significant new development and redevelopment should be required to provide nonstructural and/or structural BMPs as defined in the MS4 operator's program.

6.3.2 Review and Approval Procedures

The regulation requires the post-construction program include procedures to determine if new development and redevelopment designs incorporate adequate structural and/or nonstructural BMPs. The MS4 operator should review their existing "review and approval" procedures to determine if the current program includes elements required in the regulation, or if additional improvements are warranted. If a review and approval procedure does not exist, a program should be developed.

Elements that should be considered for inclusion in the review and approval procedure are described in the following.

- *Develop a standard operating procedure* for the new development or redevelopment plan reviews and approval. The standard operating procedure should identify the department(s) to be included in the process, and should summarize minimum nonstructural and structural BMP requirements as a checklist.
- *Develop a system* to track the status of plans. This system can be combined with existing tracking systems.
- *Develop a procedure or mechanism to require a standard of operation and maintenance for each approved BMP.* Both the MS4 representative and the BMP operator need to know how and when BMPs must be maintained to operate effectively.

6.3.3 Design Criteria and Standards

Develop a standard operating procedure for the selection and design of appropriate non-structural and structural BMPs. Consideration must be given to determining likely pollutants from the development (or redevelopment) and to controlling those pollutants most likely to cause impacts to local waters. Design criteria and standards may be provided by reference to existing criteria manuals such as the Urban Drainage and Flood Control District's Volume 3 – BMP manual (see Chapter 8 for other sources) or the MS4 may develop its own design criteria. The standard operating procedure should incorporate guidelines for the following minimum measures.

- *Planning* – Sound planning and design at the inception of a project can effectively address many runoff problems. Community drainage master plans and/or comprehensive plans should encourage effective control of runoff quantity and quality. Local zoning requirements should also support effective runoff control from new development and redevelopment.
- *Non-Structural Practices* – These controls are intended to prevent or control the sources of pollutants. These can include controls on disposal of household waste and toxins, use of pesticides, herbicides, and fertilizer, illicit discharges, good housekeeping, preventive maintenance, and spills. Other examples include prohibiting

storage of landscape materials (such as dirt, sand or compost) in streets or where materials can wash into the MS4, requiring erosion and sediment control around landscape materials that must be stored in areas where transport to the MS4 could occur, and a prohibiting disposal of yard waste in streets, gutters or storm drain inlets.

- *Structural Practices.* – These controls are intended to reduce the amount of pollutants that enter state waters. They include:
 - Vegetative Practices – Vegetative BMPs are landscaping features that, with optimal design and good soil conditions, enhance pollutant removal, maintain/improve natural site hydrology, promote healthier habitats, and increase aesthetic appeal. Grassed swales, filter strips, and artificial wetlands are examples.
 - Storage Practices – Storage or detention BMPs control storm water quantity by gathering runoff in wet ponds, dry basins, or multichamber catch basins and slowly releasing it to receiving waters or drainage systems. These practices control storm water volume and improve quality somewhat by settling out particulates. All storage BMPs must be operated in accordance with Wyoming State Engineer’s Office regulations guiding allowable detention times and, if necessary, pond construction.
 - Infiltration Practices – Infiltration BMPs are designed to facilitate the percolation of runoff through the soil to groundwater, thereby reducing both storm water quantity and mobilization of pollutants. Examples are infiltration basins/trenches, dry wells, and porous pavement. All infiltration BMPs must be operated in accordance with Wyoming State Engineer’s Office regulations and with regulations of the WDEQ Groundwater Section.

- *Regional BMPs* – These controls are usually implemented downstream of a large drainage area. They can be online (located in the state waters), or offline (prior to entering state waters). In general, some onsite BMPs will still be necessary above regional BMPs such as detention ponds. Online BMPs may require additional permitting through the State Engineer’s Office (water rights or dam safety) and/or the US Army Corps of Engineers (federal Clean Water Act).

If regional BMPs are placed prior to discharging into state waters, then the regional BMPs can be used to meet the post-construction requirement, and additional on-site BMPs may only be needed to assist in the function of the regional BMPs. However, if the regional BMPs are located after storm water runoff has discharged into state waters, including natural drainageways utilized by the municipality as part of their MS4, this may be a violation of the regulation’s requirement to protect state waters, and additional on-site BMPs must be considered and implemented as necessary to protect the state waters.

It is the WQD’s interpretation of the regulation that regional BMPs may be utilized after storm water has been discharged to state waters if additional BMPs are in place to protect the state water between the regional BMP and the area of “new development and significant redevelopment.” In this case, the BMPs used prior to discharging to a state water may not be as extensive as would normally be required, as long as they are adequate to protect the state water upstream from the regional BMP. Usually state waters upstream from the regional BMP are smaller, ephemeral or intermittent drainage ways less susceptible to impacts from storm water runoff. The regional BMP would further reduce pollutants in storm water, prior to reaching water bodies farther downstream that are more sensitive to storm water pollutant loading.

6.3.4 Ensure Adequate Long-Term Operation and Maintenance of BMPs

Under this program, a permittee must develop, implement and enforce a program that ensures adequate long-term operation and maintenance of BMPs.

As the permittee, the ultimate responsibility for compliance is placed on the municipality. There is general agreement that BMPs must be maintained to operate properly. However, where practical and enforceable, municipalities may require that responsibility for operation and maintenance of structural controls, such as a storm water detention basin, remain with the private-property owner. Municipalities may require a drainage easement that precludes modification of the BMP and allows legal access to the property for inspection and actions as necessary to maintain the operation of the BMP as originally intended where legally allowable.

To the extent allowable by state and/or local statute, municipalities, as part of the approval process for any development, may want to require that certain conditions be met prior to receiving its approval to proceed with construction of the development. Usually, the most important of those conditions are contained on the recorded plat. Where used, municipalities should require that, as part of the plat, it be noted that the legal title holder to the property is responsible for maintaining the BMPs, and that the municipality has the legal right to enforce that obligation, either by legal action to obtain compliance, or by performing the maintenance itself and then collecting those expenses by recording a lien on the property. However, in addition to the above procedure, the municipality should require each approved development, prior to the approval of the plat, create a Homeowners' Association (HOA).

For residential areas, the land area in a subdivision where a BMP is located is usually held in common by an HOA. The HOA is a legal entity that can levy assessments on developed properties within the subdivision to raise funds for expenditures to operate and maintain infrastructure held in common. The formation of the HOA can encompass various terms, conditions, responsibilities and authorities. The MS4 operator should ensure that these include the legal responsibility to maintain the BMPs installed in the development, as well as the legal authority to levy an assessment on each owner to pay for that maintenance. In addition, the HOA should have the right to impose a lien on an owner's property for failure to pay the assessment. All of these powers should be set forth in the articles of incorporation of the HOA, its bylaws, and the covenants, conditions and restrictions, which affect all of the property in the development. The covenants are recorded with the County Clerk, and are enforceable by the HOA.

For commercial developments, such as a shopping mall or business/commercial park, a relatively large area of land is involved that would be developed by one individual (or corporation), and subsequently sold or leased to relatively few tenants or property owners. It is possible that this land could be built at one time with one or two structural BMPs comprising a system for the entire site. Individual lots for industrial or commercial use would also follow this model where on-site BMPs would be designed and constructed. For these properties, the requirements for operation and maintenance of on-site BMPs should identify the responsible party as part of the development agreement and be recorded for the property. In addition, municipalities should consider requiring the formation of an owners' association in those instances in commercial development where there will be multiple owners of the real property. An ordinance or other regulatory mechanism should indicate that, regardless of whether the owner or tenant is responsible for the maintenance, the MS4 operator would enforce on the owner if the maintenance were not performed.

HOAs have not always remained diligent in their responsibilities, and they have at times provided notification of dissolution. Under a strict interpretation of “ensure” as contained in the regulation, the municipality could be held liable for the responsibility of operation and maintenance of BMPs on private property. Therefore, by assuring through the development approval process that the owner of the real property will ultimately be legally responsible for the maintenance of the BMPs, a municipality has done all in its power to “ensure” that the BMPs will be maintained as agreed. To this end, the municipality should not only provide for the performance of the needed maintenance itself, if necessary, but should also include a process whereby a lien of record (or similar legal action) can be placed on the owner’s property. The lien would assure collection of the owner’s share of the maintenance costs expended by the municipality. It is the WQD’s position that this process is permitted under Title 15 (cities and towns) and Title 18 (counties), which grants to municipalities general police powers.

The standard for permit compliance for MS4 permits is that municipalities ensure maintenance and operation of BMPs to the maximum extent practicable (MEP). In determining if an MS4 operator has complied to the MEP, the WQD may consider such factors as the adequacy of the MS4 operator’s post-construction program, its ability to require that the necessary actions be performed by the responsible parties, how the MS4 operator has carried out the post-construction program, and, if necessary, the MS4 operator’s ability to provide appropriate mechanisms to ensure such maintenance and operation.

The MS4 operator is expected to develop procedures, ordinances or other regulatory mechanisms that will require, to the extent allowed by state or local law, that BMPs be appropriately designed and planned, and provide for enforceable operation and maintenance by the owner/operator. Factors such as the extent of the inspection/verification system, and the procedures in place and implemented for instances when BMPs are not operated and/or maintained adequately, can be evaluated by the WQD to determine if the MS4 operator’s program meets the MEP standard. Nontraditional MS4s will need to rely on other mechanisms such as organization policies, directives and contractual obligations.

It is important to keep in mind that these requirements pertain specifically to BMPs required under the post-construction MCM. Permittees will also need to ensure maintenance of water-quality BMPs installed before coverage under the MS4 permit to the extent they can under state and local authority. However, the WQD recognizes that the ability to ensure maintenance by other parties and access by the permittee to inspect and/or maintain BMPs installed prior to the implementation of the MS4s post-construction program may be limited in certain circumstances.

Some additional measures that a municipality may need to consider for inclusion in this management program are:

- Regular inspections of BMPs and a report sent to the owner/operator noting compliance or deficiencies, as discussed below in section 6.
- Requirement for a surety bond, letter of credit, or other financial instrument to be held by the municipality in case of default on maintenance responsibility.
- “Charge-back” provisions where the municipality will perform the required maintenance of a BMP and invoice the owner for repayment.
- Policy that all BMPs are transferred into public ownership (by deed or easement), and fees are assessed for operation and maintenance by the municipality.

- Establish a maintenance contract with a private subcontractor for maintenance of municipally-owned BMPs.
- Establish a fee system whereby privately owned BMPs are maintained under a contract with a private subcontractor, but the municipality administers the contract.

6.3.4.1 Recommendations

WQD recommends that all municipalities evaluate their existing ordinances to determine if sufficient authority currently exists to comply with the provisions of this regulation. If not, MS4s should consider adopting an ordinance, resolution or policy similar to the model ordinance below:

“All storm water best management practices (BMPs) shall have an enforceable operation and maintenance agreement to ensure that the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the BMP(s), and to perform routine maintenance as necessary to ensure proper functioning of the storm water BMP. In addition, prior to the issuance of any permits for land development, legally binding documents shall be adopted and agreed to wherein the owners of the real property associated with the BMPs that benefit that property are held ultimately responsible for the proper maintenance of all storm water BMPs, including a mechanism for the collection of the costs of the maintenance if it is not performed by the owners of the property.”

The adoption and implementation of an ordinance; its enforcement (if necessary); obtaining drainage easements; and review/approval of covenant restrictions for all new development and redevelopment approved in the municipality, will satisfy this section of the regulation.

6.3.5 Monitoring Compliance During Construction

The MS4 operator must develop procedures to determine if the BMPs required by the MS4’s design criteria (see section 3, above) are being installed according to specifications. It may be most efficient to develop this program in conjunction with the construction program (Chapter 5). The WQD suggests that the MS4 operator try to determine why the plan is not being implemented as approved before determining appropriate follow-up. Specifically, the MS4 operator should determine if it is the result of ignorance of the requirements, a change in site conditions, or a general disregard for the requirements. The MS4 operator must have ordinances or other control mechanisms in place to allow measures to be taken to ensure the BMPs are installed correctly, such as not allowing release of development bonds until the proper BMPs are in place and operating.

6.3.6 Monitoring Long-Term Compliance

The permit requires the MS4 operator to ensure adequate long-term operation and maintenance of BMPs. An inspection and enforcement program is required. The elements of the programs should include the following.

6.3.6.1 Database

The MS4 operator should develop a database of all new post-construction BMPs in its jurisdiction. In addition to being an important tool for other elements of the post-construction minimum measure, such as inspections and enforcement, the database can be used for mailings to remind BMP owners to perform necessary maintenance.

6.3.6.2 Inspection Program

The post-construction inspection program should be a continuation of the construction program and contain the same program elements. The MS4 should develop a standard for performing inspections, and should include inspection forms applicable to residential, commercial, and municipal developments. As part of the development of the standard, a determination should be made for the frequency of inspections based on proximity to sensitive areas, seasonal weather changes, or other area-specific concerns. The program should include the following:

- a. *Compliance Inspections.* Compliance inspections are routine inspections conducted to ensure that the BMPs are receiving proper maintenance. The inspector not only verifies that the BMPs are functioning according to design and that only allowable discharges are occurring, but also confirms that required documentation of inspection and BMP modification is occurring. This should include an appropriate level of follow-up when deficiencies are discovered.
- b. *Complaint Response Inspections.* The MS4 operator must have the ability to respond to third party concerns regarding malfunctioning or poorly maintained BMPs. This should include a point of contact, response protocol (either a telephone call to owner/operator, inspection of site by the MS4, or some other means of follow-up with the BMP) or review of the site plan, as appropriate. Where deficiencies are discovered the MS4 should provide a suitable level of follow-up.

6.3.6.3 Enforcement Program

The MS4 must implement an enforcement program. The program must include appropriate responses to common noncompliance issues with developers/property owners, such as failure to maintain BMPs. The system should also specify when and how to initiate or elevate enforcement actions and how to track these activities. Several options for formal action are available and may include:

- *Verbal warning to the developer/property owner*
- *Letter of noncompliance*
- *Notice of violation and order*
- *Charge back to contractor for work completed by MS4 representatives*
- *Municipal summons*

6.3.6.4 Failure to Maintain BMPs

It is important to ensure that the BMPs implemented are maintained so that they function effectively. It is also necessary to determine the cause of any noncompliance. Suggested actions include the following:

- Document the need for maintenance on the inspection report. Provide a specific time limit for the developer/property owner to address the concerns. Conduct follow-up inspections as needed.
- If the developer/property owner fails to take the necessary measures, meet with the developer/property owner to discuss the necessary measures and time frames for addressing the problems.
- If actions are not taken within the specified time, issue a letter of noncompliance (or similar instrument) that requires the necessary measures be taken.
- Continue to elevate the enforcement actions as necessary to achieve compliance.

6.4 Measurable Goals

The measurable goals, as well as the BMPs, should reflect the needs and characteristics of the MS4 operator and the community served by the MS4. A sample approach for this minimum measure could include the following goals.

<u>Target Date</u>	<u>Activity</u>
(end of) Year 1	Develop design criteria, standard operating procedures for site plan review and monitoring.
Year 2.....	Ordinance or alternative regulatory mechanism in place.
Year 3.....	Number of site plans reviewed and approved, number of inspections performed. Enforcement program developed and implemented.
Year 4.....	Continue to review and approve site plans, increase number or percentage of inspections performed.



Chapter 7 – MCM 6: POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

This section outlines the State of Wyoming Phase 2 storm water regulatory requirements for the Pollution Prevention/Good Housekeeping for Municipal Operations program, and offers some general guidance on how to satisfy them. It is important to keep in mind that the MS4 operator has a great deal of flexibility in choosing exactly how to satisfy the minimum control measure requirements.

7.1 Benefits of a Pollution Prevention/Good Housekeeping Program

The Pollution Prevention/Good Housekeeping for Municipal Operations minimum control measure is a key element of the MS4's storm water management program. This measure requires the MS4 operator to examine, and subsequently alter, their own actions to reduce the amount of pollution that: (1) collects on streets, parking lots, open spaces and storage and vehicle maintenance areas that will be discharged into local waterways and (2) results from actions such as street maintenance, environmentally damaging municipal land development and flood management practices or poor maintenance of storm sewer systems. While this measure is meant primarily to improve or protect receiving water quality by altering municipal activities, facility operations and property management, the MS4 operator can also realize cost savings from such things as spill prevention (thus reducing clean-up costs), inventory control, and re-use or recycling of materials.

7.2 Program Requirements

The regulation (WWQRR, Chapter 2, Section 6(j)(i)(B)(VI)) is as follows:

“(VI) Pollution prevention/good housekeeping for municipal operations. The permittee must develop and implement an operation and maintenance program that includes an employee training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The program must also inform public employees of impacts associated with illegal discharges and improper disposal of waste from municipal operations. The program must prevent and/or reduce storm water pollution from facilities such as streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by the permittee, and waste transfer stations, and from activities such as park and open space maintenance, fleet and building maintenance, street maintenance, new construction of municipal facilities, and storm water system maintenance, as applicable.”

Recognizing the benefits of pollution prevention practices, the rule requires the MS4 operator to:

- Develop and implement an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system or local surface waters;
- Develop an inspection and maintenance schedule for engineered storm water treatment facilities in the MS4. Facilities include, but are not limited to: Oil/water separators, storm water ponds, sediment basins and sand filters.
- Include employee training on how to incorporate pollution prevention/good housekeeping techniques into municipal operations such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Include employee training on proper waste recycling and disposal and impacts of illicit discharges from municipal operations. To minimize duplication of effort and conserve resources, the MS4 operator can use any applicable training materials that are available from EPA, the State, or relevant organizations (see Resource List, Chapter 8);

- Determine the appropriate BMPs and measurable goals for this minimum control measure. Some program implementation approaches, BMPs (i.e., the program actions/activities), and measurable goals are suggested below.

7.3 Guidelines for Developing and Implementing This Measure

The intent of this control measure is to ensure that existing and future municipal operations are conducted in a manner that minimizes contamination of storm water discharges. This measure includes municipal operations performed on non-municipally-owned property and municipal operations performed by private contractors. The WQD encourages MS4 operators to consider the following components when developing their program for this measure:

1. Maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural controls that reduce sediment, oil and grease, floatables and other pollutants discharged from storm sewers.
2. Controls for reducing or eliminating the discharge of pollutants from municipal facilities such as:
 - Streets
 - Roads
 - Highways
 - Municipal parking lots
 - Maintenance and storage yards
 - Fleet or maintenance shops with outdoor storage areas
 - Sand/salt storage locations
 - Snow disposal areas
 - Waste transfer stations

and from activities such as:

- Park and open space maintenance
- Fleet and building maintenance
- Street maintenance
- New construction of municipal facilities
- Storm water system maintenance

Documentation of the BMPs used can take the form of a runoff control plan (RCP) or equivalent. Such a plan should include the following elements, as applicable:

- Activity description
- Facility site map
- Description of potential pollutant sources, including an evaluation of the potential for pollutants to enter the MS4
- Storm water management controls. The description of storm water management controls should address the following minimum components, including a schedule for implementing such controls:
 - Preventive maintenance
 - Good housekeeping
 - Spill prevention and response procedures
 - BMPs for pollutant sources
 - Employee training
- Inspection procedures
- Reporting procedures. The annual report to the WQD should include information on overall conformity with the runoff control plan for each facility and activity covered.

If the MS4 operator determines, during the initial evaluation, that there is a very low risk for potential storm water impacts from a particular facility or activity (i.e., no industrial activities or materials exposed to storm water, wastes recycled or disposed of properly, etc.), then a runoff control plan (or equivalent) does not need to be developed for the facility. Facilities should be periodically re-evaluated to determine if changes to the facility or operations necessitate an RCP to address pollutant sources and handling.

- 3. Procedures for the proper disposal of waste removed from storm sewer systems, street cleaning operations and other areas listed in section 2, above, including dredge spoil, accumulated sediments, floatables, and other debris.
- 4. Develop procedures to ensure that new flood management projects assess impacts on water quality and examine existing projects for incorporation of additional water quality protection devices or practices. The WQD encourages coordination with flood control managers for the purpose of identifying and addressing environmental impacts from such projects.

The effective performance of this control measure hinges on the proper maintenance of the BMPs used, particularly for sections 1 and 2, above. For example, structural controls, such as grates on outfalls to capture floatables, typically need regular cleaning, while non-structural controls, such as training materials and recycling programs, need periodic updating.

7.4 Measurable Goals

Measurable goals are meant to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, should consider the needs and characteristics of the operator and the area served by its MS4. The measurable goals should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure. An integrated approach for this minimum measure could include activities such as the following:

<u>Target Date</u>	<u>Activity</u>
(end of) Year 1 ...	A certain percentage or number of facilities/operations covered under a runoff control plan (a set percentage or number can be assigned to each permit year); employee training materials gathered or developed; procedures in place for catch basin cleaning after each storm and regular street sweeping.
Year 2.....	Training for appropriate employees completed; recycling program fully implemented.
Year 3.....	Some pollution prevention BMPs incorporated into a master plan; a certain percentage reduction in pesticide and sand/salt use; maintenance schedule for BMPs established.
Year 4.....	A certain compliance rate with maintenance schedules for BMPs; controls in place for all areas of concern.



Chapter 8 – RESOURCE LIST

The following is a list of resources that the WQD recommends for developing and implementing a Phase 2 storm water program. An “*” prior to an entry indicates a resource that has been found to be particularly useful.

8.1 US EPA

8.1.1 *EPA Storm Water Phase 2

- A very useful web page with a lot of information and good FAQs. Resources available include: fact sheets covering the Small MS4 Program, the Six Minimum Control Measures and Permitting and Reporting. Available at <http://cfpub.epa.gov/npdes/stormwater/munic.cfm>
- EPA’s *Stormwater Phase II Compliance Assistance Guide*, March 2000. This guide is archived on EPA’s website and has some out-of-date information. However, a lot of the information is still excellent. <http://www.epa.gov/npdes/pubs/comguide.pdf>
- A copy of the EPA regulation, which includes an extensive discussion in the preamble, is available at http://cfpub1.epa.gov/npdes/regresult.cfm?program_id=6&view=all&type=1
- EPA’s final Menu of BMPs – <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>
- BMPs for unpaved roads – <http://www.epa.gov/owow/nps/unpavedroads.html>
- EPA’s guidance on measurable goals – <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm>

8.1.2 EPA Pollution Prevention Webpage

- <http://www.epa.gov/p2/>

8.1.3 EPA Outreach Materials

- http://cfpub.epa.gov/npdes/docs.cfm?document_type_id=3&view=Fact%20Sheets%20and%20Outreach%20Materials&program_id=6&sort=name

8.1.4 EPA’s Storm Water Webpage.

This page links to all storm water programs (construction, industrial, municipal). It links to a wealth of information on BMPs, outreach and more.

- http://cfpub.epa.gov/npdes/home.cfm?program_id=6

8.2 GENERAL BMPS

8.2.1 *Center for Watershed Protection

The Center provides objective and scientifically sound information on assessing watershed health and effective techniques to protect and/or restore urban watersheds. Workshops, journals, publications and links are available. Many publications may be downloaded for no charge or purchased as hard copies. Also includes a good section on model ordinances and several quality reference books.

<http://www.cwp.org>

- Some recommended publications (visit their web page for more information):
 - *The Practice of Watershed Protection*: 150 articles on urban watershed protection.
 - *Rapid Watershed Planning Handbook*: Guide to creating an effective watershed plan quickly and at a low cost.
 - *Better Site Design: A Handbook for Changing Development Rules in Your Community*: This handbook outlines 22 guidelines for better developments and provides detailed rationale for each principle. Includes a sample Codes & Ordinances Worksheet.

-*Urban Subwatershed Restoration Manual Series*: The series offers information on restoration of urban watersheds, storm water retrofits, stream repair, riparian management, discharge prevention, pollution source controls, watershed forestry and municipal operations. Also addressed are methods for desktop and field assessment and stakeholder management to develop effective small watershed restoration plans.

-*Illicit Discharge Detection and Elimination: A Manual for Program Development and Technical Assessments*. This manual outlines practical, low cost and effective IDDE techniques for Phase 2 MS4 communities.

-There are many more useful publications available on the CWP web site.

8.2.2 Stormwater Manager's Resource Center

An extensive list of model ordinances is at <http://www.stormwatercenter.net/>. This site also has resources for planning a municipal storm water manual and erosion and sediment control.

8.2.3 Know Your Watershed

Tips, tools, and resources for watershed management. Sponsored by the Conservation Technology Information Center (CTIC) at Purdue University. Available publications include *A Watershed Approach to Urban Runoff: Handbook for Decision-Makers Guide*.

- <http://www2.ctic.purdue.edu/kyw/>

8.2.4 Municipal Research and Services Center – Storm and Surface Water Management Program for the State of Washington.

Extensive information on funding, public education, construction, BMPs, research.

- <http://www.mrsc.org/Subjects/Environment/water/SW-main.aspx>

8.2.5 National Resource Defense Council (NRDC) Storm Water Strategies

Report available for download from the net on community responses to runoff pollution, including 100 case studies.

- <http://www.nrdc.org/water/pollution/nstorm.asp> and <http://www.nrdc.org/water/pollution/storm/stoinx.asp>
- Steps to clean up pollution: <http://www.nrdc.org/water/pollution/gsteps.asp>

8.2.6 National Storm Water Best Management Practices (BMP) Database (EPA/ASCE)

Database of monitoring results showing effectiveness of structural and non-structural BMPs. Currently, the database and web site do not include much analysis of the data; this will be added in the future. Data contributions are being solicited on an on-going basis. Available on the web at <http://www.bmpdatabase.org>.

8.2.7 Proceedings from the National Conference on Tools for Urban Water Resources Management & Protection (EPA/625/R-00/001 2/2000)

Proceedings from an early conference with several quality papers on topics such as Phase 2 cost estimates, developing a storm water utility fee, tools for eliminating illicit connections, public information projects, and many more directly applicable to Phase 2 and the six minimum measures. Highly recommended.

- Copies in either paper or CD-ROM are available free of charge from the EPA; call (800) 490-9198 or visit the web site at <http://www.epa.gov/ncepihom>

8.2.8 Stormwater: The Journal for Surface Water Quality Professionals:

A good source of current technical information on storm water.

- <http://www.stormh2o.com/>

8.2.9 ***Urban Drainage and Flood Control District (UDFCD) Drainage Criteria Manual (Vol. 3)**

UDFCD manual for storm water management. Updated April 2008. This is a storm water BMP manual developed for the Denver metro area. It includes regional, residential, industrial, commercial and construction BMPs. Highly recommended.

- http://www.udfcd.org/downloads/down_critmanual.htm

8.2.10 **Local Government Environmental Assistance Network (LGEAN)**

A website designed for local governments and targeted to providing environmental assistance. The LGEAN web page provides information on the issues faced by local governments and links to other helpful sites. Information is not limited to the MS4 storm water program. Information and links are also provided for construction and industrial storm water issues.

- <http://www.envcap.org/lgean/water/stormwater.htm>

8.3 GENERAL PHASE 2 PROGRAM GUIDANCE

8.3.1 **California Model Urban Runoff Program (MURP)**

A how-to guide for developing urban runoff programs for small municipalities. Developed by the City of Monterey, CA and others; 2002 revision.

- Available for free on the internet at
<http://www.montereysea.org/Literature/Documents/MURP.pdf>

8.3.2 **Model Ordinances – Suggested Websites**

- http://www.stormwatercenter.net/Manual_Builder/storm_water_ordinance.htm – Storm water Manager’s Resource Center site.
- <http://www.epa.gov/owow/nps/ordinance/> – U.S. EPA site.
- <http://www.lgean.org> – Local Government Environmental Assistance Network site.
- <http://www.lacitysan.org/wpd/siteorg/residents/ordinance.htm> – City of Los Angeles, CA.
- <http://www.fortworthgov.org/dem/info/default.aspx?id=8568> – City of Ft. Worth, TX ordinances.
- <http://www.ci.austin.tx.us/watershed/ordinances.htm> – City of Austin, TX . Good example of a stream protection ordinance as well as design manuals.

8.4 TOOLS FOR THE SIX MINIMUM MEASURES

See Also:

- Item A.1 – The EPA has developed Fact Sheets and a BMP Menu for each of the Six Minimum Measures, as well as guidance on developing Measurable Goals.

8.4.1 **Public Education & Outreach**

See:

- Item 8.1.2 – EPA Pollution Prevention Webpage
- Item 8.1.3 – EPA Outreach Materials
- Item 8.2.1 – The Center for Watershed Protection includes education & outreach in their watershed planning publications.
- Item 8.2.7 – These proceedings include several papers covering successful education & outreach.
- Item 8.3.1 – The MURP covers public education.

8.4.1.1 **Peaks to Prairies Pollution Prevention Information Center**

Wide ranging factsheets and general information on pollution prevention.

- <http://peakstoprairies.org/index.cfm>

8.4.1.2 Local Conservation Districts

See the Wyoming Association of Conservation Districts for information on individual districts.

- <http://www.conservewy.com/>

8.4.1.3 Watershed Activities to Encourage Restoration (W.A.T.E.R.)

A compilation of simple, low-cost projects that an environmental organization can use to help protect and restore local watersheds

- <http://www.watershedactivities.com/index.html>

8.4.1.4 Municipal Storm Water P2 Site

Example of a municipal SW P2 sites from Albuquerque

- <http://www.cabq.gov/storm-drainage-design/storm-water-pollution-prevention>

8.4.1.5 Wyoming Association for Environmental Education

A Wyoming-based educational resource.

- <http://www.wyae.org/ResourcesEvents/EEProviders/tabid/337/Default.aspx>

8.4.1.6 Wyoming DEQ Office of Outreach

WDEQ's outreach webpage has several resources. Staff assistance is also available.

- <http://deq.state.wy.us/out/>

8.4.2 Public Involvement/Participation

See:

- Item 8.2.7 – These proceedings include papers covering successful public involvement programs.

8.4. Illicit Discharge Detection & Elimination

See Also:

- Item 8.2.1 – The Center for Watershed Protection has developed an extensive manual for IDDE program development and technical assessment. It is free to download.
- Item 8.2.7 – These proceedings include papers covering illicit discharge detection tools and programs.
- Item 8.3.2 – There are many options listed for finding appropriate model ordinances.

8.4.3.1 Investigation of Inappropriate Pollutant Entries into Storm Drainage Systems – A User's Guide (EPA/600/R-92/238)

EPA manual released in 1992 on Illicit Discharge Detection.

- Available for download as a PDF file at <http://www.epa.gov/ord/NRMRL/pubs/600r92238/600r92238.htm>. There is no charge to download.

8.4.3.2 Rouge River National Wet Weather Demonstration Project – Illicit Connection Reports

Free downloadable report on illicit connections and other technical topics.

- <http://www.rougeriver.com/> (Main web page of the Rouge River Project)
- <http://www.rougeriver.com/search/index.html> (Search on "illicit connection" to locate several reports)

8.4.3.3 Colorado Department of Transportation (CDOT)

IDDE program description, program manual, brochure, visor card and wallet card are all available for download at:

- <http://www.coloradodot.info/programs/environmental/water-quality/documents/illicit-discharge-program>.

8.4.4 Construction Site Storm Water Runoff Control

See Also:

- Items 8.2.6, 8.2.7, 8.2.8 and 8.2.9 – All of these have good BMP information for construction site controls. The UDFCD Volume 3 (Item 8.2.9) is highly recommended as a resource for construction site BMPs.
- Item 8.2.7 – Contains guidance on setting up construction site storm water runoff control programs.
- Item 8.3.2 – There are many options listed for finding appropriate model ordinances.

8.4.4.1 The City of Casper Erosion and Sediment Control Best Management Practices Manual

While this manual describes BMPs that are acceptable to fulfill the requirements of Casper's Municipal Code addressing erosion and sediment control, the manual is widely applicable to construction sites throughout Wyoming.

- <http://www.casperwy.gov/HousingNewConstruction/PlanningDepartment/StormWaterManagement/ErosionandSediment/tabid/531/Default.aspx>

8.4.4.2 "Building for a Cleaner Environment"

Ready-mix washout training video and manual. Developed by the Colorado Department of Health and Environment and available from the Wyoming DEQ (free).

- Contact the WDEQ storm water program at 307-777-7781.

8.4.4.3 Colorado Department of Transportation (CDOT) Erosion Control and Storm Water Quality Guide

A guide for controlling storm water pollution from construction sites. The focus is on highway projects, but the BMPs are generally applicable. A smaller pocket guide is also available.

- Download the manual from CDOT at <http://www.coloradodot.info/programs/environmental/water-quality/documents/erosion-storm-quality>.
- A downloadable version of the pocket guide is at <http://www.coloradodot.info/programs/environmental/water-quality/documents/May%20CDOT%20pocket%20guide%2007223.pdf/view>.

8.4.4.4 International Erosion Control Association

Their web site provides information regarding news, conferences, training and exhibits regarding erosion control, as well as links to other sites. They also publish the periodical, *Erosion Control*.

- <http://ieca.org/>

8.4.4.5 *Rocky Mountain Education Center – Various Storm Water Management and Erosion Control Courses

One- and two-day courses on several topics including the principles and practices of erosion and sediment control, developing storm water pollution prevention plans, compliance inspections, construction dewatering environmental management, BMPs for construction in waterways and health, safety and environmental auditing. Recommended for municipal erosion control inspectors and those practicing erosion control in the field. Courses are at Red Rocks Community College in Lakewood, Colorado and are numbered CETC 150 to 158.

- Contact the Rocky Mountain Education Center at (800) 933-8394 or <http://www.rccc.edu/rmec/index.html>.

8.4.4.6 Wright Water Engineers and Denver Regional Council of Governments (DRCOG), 1999. “Mountain Driveway Best Management Practices Manual.”

Includes guidelines on application of BMPs to driveway construction in mountain areas. Addresses special considerations such as steep slopes, road drainage, and vegetation for limited growing season in mountainous areas. Prepared for the Colorado Nonpoint Source Council. Available for download (PDF) from the Denver Regional Council of Governments (DRCOG).

- <http://www.nwc.cog.co.us/docs/wss/Mountain-Driveways-BMPs.pdf>

8.4.4.7 Construction Industry Compliance Assistance (CICA)

CICA is an industry sponsored web site to assist the construction industry with environmental compliance. It is funded by the US EPA. The website addresses requirements from several other environmental regulatory programs in addition to storm water.

- <http://www.cicacenter.org/swppp.html>

8.4.5 Post-Construction Storm Water Management

See Also:

- Item 8.2.1 – The Center for Watershed protection has extensive information on BMPs for post-construction runoff controls, as well as guidance on how to develop your municipal program. This is a highly recommended source for information on this minimum measure.
- Item 8.2.6 – Although not complete, the database does contain some data on the effectiveness of post-construction BMPs.
- Item 8.2.7 – These proceedings include papers on post-construction storm water management practices and programs.
- Item 8.2.9 – The UDFCD Volume 3 is highly recommended as a resource for post-construction BMPs.
- Item 8.3.2 – There are many options listed for finding appropriate model ordinances.

8.4.5.1 Arendt, Randall. “Growing Greener: Putting Conservation into Local Plans and Ordinances,” 1999

Written from a land planning perspective, describes concepts of cluster development (low impact development) and benefits to drainage and surface water quality. Includes description of ordinances and zoning processes for implementation.

Island Press
1718 Connecticut Avenue, N.W.
Suite 300, Washington, DC 20009

8.4.5.2 Low Impact Development Manuals (Prince George County, Maryland Department of Environmental Resources, Programs and Planning Division, EPA 841-B-00-003 and EPA 841-B-00-002, 1/2000)

Two technical manuals on Low Impact Development (LID). *Low Impact Development, an Integrated Design Approach* (EPA 841-B-00-003) was prepared by local planners, engineers, developers, and officials. This document details how to develop and implement LID methods from an integrated design perspective.

Low Impact Development Hydrologic Analysis (EPA 841-B-00-002) is the companion document to the LID design manual. This document contains methodology that can be used to estimate changes in site hydrology due to new development, and also to design appropriate treatment systems to maintain the pre-development hydrology of the site.

- Copies may be downloaded free of charge from the EPA at <http://www.epa.gov/ncepihom/>

8.4.5.3 Puget Sound Online – Water Quality Action Team

Website devoted to Low Impact Development and smart growth. Includes an extensive *Water Quality Management Plan*, and many articles on LID.

- <http://www.psp.wa.gov/>

8.4.5.4 Wright Water Engineers and Denver Regional Council of Governments (DRCOG), 1996. “Guidelines for Water Quality Enhancement at Golf Courses Through the Use of Best Management Practices.”

In addition to recommendations on BMPs at the design stage, includes post-construction maintenance BMPs on Integrated Pest Management, irrigation management, turf grass fertilizer use, landscaping and vegetative practices. Prepared for the Colorado Nonpoint Source Task Force. Available upon request from:

DRCOG
1290 Broadway, Suite 700
Denver, CO 80203
Phone: (303) 455-1000

8.4.5.5 CDOT New Development/Redevelopment Program Manual and Permanent BMP factsheets are available for download at:

<http://www.coloradodot.info/programs/environmental/water-quality/documents/new-dev-redev-program>.

8.4.6 Pollution Prevention/Good Housekeeping for Municipal Operations

See:

- Items B.6, B.7 and B.9. – All of these have good information on BMPs for municipal operations. The UDFCD Volume 3 (Item B.9) is highly recommended as a resource for structural municipal BMPs.

8.5 FINANCING STORM WATER MANAGEMENT

See:

- Item 8.2.7 – These proceedings include papers on administering and funding storm water programs.
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8.5.1 Center for Urban Policy and the Environment, Indiana University

This website is designed to help communities find ways to pay for storm water management projects.

- <http://stormwaterfinance.urbancenter.iupui.edu/home.htm>

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