

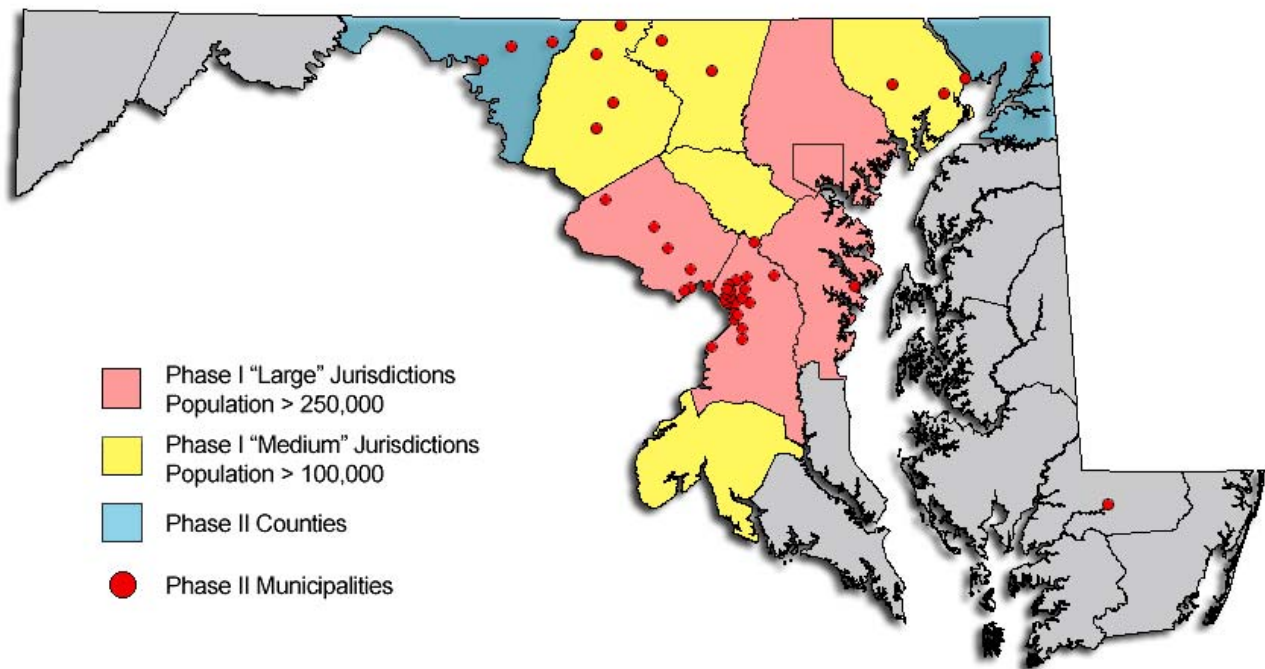


# FACTS ABOUT....

## ***Maryland's NPDES Municipal Stormwater Permits***

The Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) stormwater regulations were published in 1990. Phase I of these regulations require stormwater permits for 11 categories of industrial activity and certain size municipal separate storm sewer systems. The individual five-year permits under Phase I of NPDES require that "large" (populations greater than 250,000) and "medium" (populations greater than 100,000) municipalities establish and maintain comprehensive programs to reduce storm drain system pollution. Phase II municipal stormwater regulations followed in 1999 and established obligations for small storm drain system owners within urbanized areas not covered previously. Phase II in Maryland is addressed through general stormwater discharge permits that specify that basic runoff control programs be implemented. The localities affected by the NPDES municipal stormwater program are shown on the map below. Additionally, Maryland's State Highway Administration (SHA) is included in Phase I.

***NPDES Phase I & II Jurisdictions***



**NPDES Phase I**

Phase I municipal NPDES stormwater applications were exhaustive and submitted to the Maryland Department of the Environment, Water Management Administration (MDE/WMA) in two parts over two years. Part I was an inventory process. Municipalities submitted descriptions of existing legal authority to control storm drain system discharges, eliminate sources of pollution, and implement various management programs. Where authority was wanting, schedules were provided to address the deficiencies found. One of the more onerous Part I tasks was field screening upwards of 500 major storm drain outfalls for dry weather flow. This activity required significant storm drain system mapping and field chemical testing all in an effort to investigate non-stormwater related pollutant sources.

Part II of the application process built on information and those data submitted in the first year. Mechanisms needed to be established for addressing inadequate legal authority; the location of outfalls not discovered previously needed to be submitted; and descriptions needed to be provided for programs to be implemented for things like erosion and sediment control and stormwater management. Additionally, extending the monitoring and field screening work performed in Part I, localities were required to analyze samples from their respective storm drain systems under storm conditions. Storm flow samples were required to be collected and tested for 138 constituents in an effort to characterize the pollutants generated from specific land uses.

**Maryland NPDES Phase I Municipalities  
Permit Issue Dates**

<b>Jurisdiction</b>	<b>Issue Date</b>	<b>State#</b>	<b>NPDES#</b>
<b>State Highway Administration</b>	<b>10/21/2005</b>	<b>99-DP-3313</b>	<b>MD0068276</b>
<b>Prince George's</b>	<b>10/13/2004</b>	<b>99-DP-3314</b>	<b>MD0068284</b>
<b>Baltimore City</b>	<b>01/03/2005</b>	<b>99-DP-3315</b>	<b>MD0068292</b>
<b>Anne Arundel</b>	<b>11/08/2004</b>	<b>99-DP-3316</b>	<b>MD0068306</b>
<b>Harford</b>	<b>11/01/2004</b>	<b>99-DP-3310</b>	<b>MD0068268</b>
<b>Baltimore</b>	<b>06/15/2005</b>	<b>00-DP-3317</b>	<b>MD0068314</b>
<b>Howard</b>	<b>06/20/2005</b>	<b>00-DP-3318</b>	<b>MD0068322</b>
<b>Carroll</b>	<b>07/14/2005</b>	<b>00-DP-3319</b>	<b>MD0068331</b>
<b>Montgomery</b>	<b>07/05/2001</b>	<b>01-DP-3320</b>	<b>MD0068349</b>
<b>Frederick</b>	<b>03/11/2002</b>	<b>02-DP-3321</b>	<b>MD0068357</b>
<b>Charles</b>	<b>07/31/2002</b>	<b>02-DP-3322</b>	<b>MD0068365</b>

**Typical standard permit conditions in individual Phase I municipal stormwater permits include:**

- **Permit Administration.** Information required includes names, titles, addresses, phone numbers, and the functions of all primary administrative and technical personnel responsible for permit compliance.
- **Legal Authority.** Certification from counsel that adequate authority exists to control discharges from the municipal storm drain system must be submitted.
- **Source Identification.** Geographic information system (GIS) mapping that includes geologic features, land use, resources, infrastructure, and significant discharges must be provided.
- **Discharge Characterization.** Previously, this condition contributed to Maryland's understanding of stormwater runoff and its effect on water resources through chemical, biological, and physical monitoring; and monitoring the effectiveness of the **2000 Maryland Stormwater Design Manual**. Permits are now geared toward assessing the effectiveness of stormwater management programs and watershed restoration projects developed by each jurisdiction.
- **Management Programs.** Jurisdictions are required to maintain acceptable stormwater management, illicit connection detection and elimination, erosion and sediment control, and public education and outreach programs.
- **Watershed Assessment and Planning.** Watersheds are required to be thoroughly evaluated and action plans developed to identify water quality improvement opportunities, establish restoration priorities, and monitor effectiveness.
- **Watershed Restoration.** Plans developed for the Watershed Assessment and Planning permit condition are required to be implemented to maximize water quality in a watershed or combination of watersheds.
- **Program Funding.** An annual fiscal analysis of the capital, operation, and maintenance expenditures necessary to comply with the permit must be provided.

## **NPDES Phase II**

Some cities and towns within Phase I jurisdictions were not affected initially by NPDES. Consequently, county permits did not address some “small” municipalities, or “donut holes” that had extensive storm drain systems. In December 1999, the EPA promulgated NPDES Phase II requirements. As a result, many localities not permitted under Phase I were required to obtain NPDES permit coverage under the federal Clean Water Act (CWA). Approximately sixty cities and towns in Maryland with populations greater than 1,000 and numerous State and federal facilities over five acres were designated for coverage by MDE/WMA.

MDE issued two general permits to provide NPDES stormwater coverage to small municipalities and State and federal facilities affected by Phase II. Both general permits are based on the following six minimum control measures specified in EPA's Phase II regulations:

- **Public education and outreach**
- **Public participation and involvement**
- **Illicit discharge detection and elimination**
- **Construction site runoff control**
- **Post-construction runoff control**
- **Pollution prevention/good housekeeping**

Permittees are allowed several options for satisfying the minimum control measures. Municipalities may implement the minimum measures independently. However, localities may choose to share compliance responsibilities with other entities to satisfy CWA requirements. For example, Maryland's erosion and sediment control and stormwater management programs are well established and MDE considers these "qualifying local programs." Enforcement of approved erosion and sediment control plans statewide is MDE's responsibility unless the authority has been delegated locally. Therefore, for this minimum control measure, municipalities covered under the general permit can seek delegation of enforcement authority from MDE, rely on another delegated authority, or have MDE enforce sediment control requirements. Any of these approaches satisfies Phase II mandates.

Maryland's stormwater management program is similar. This statewide program regulates runoff from new and redevelopment projects. As a result, permitted places can either administer a stormwater program themselves or rely on the respective county. In both of these cases, all that is required of an affected Phase II locality is to develop an agreement with the responsible authority for compliance with the specific minimum control measure.

Sharing responsibilities for implementation of the remaining minimum measures is an option as well. For example, many permittees are located within jurisdictions that have individual NPDES municipal stormwater permit coverage under Phase I. These permitted jurisdictions are currently implementing programs such as illicit connection detection and elimination and public education and outreach that Phase II communities can use to their advantage.

Information about all NPDES municipal stormwater permits and all of Maryland's runoff control programs are available by contacting MDE's Sediment, Stormwater, and Dam Safety Program at 410-537-3543.

