Do you know your SWMPP from your SWPPP?

What is required of a Local/Municipal Storm Water Management Program?

Presented by:
The Rhode Island Department of Environmental Management
Small MS4 Permit: 6 Minimum Measures

- Public Education and Outreach
- Public Involvement/Participation
- IDDE
- Construction Site Storm Water Runoff Control
- Post Construction Storm Water Management in New and Redevelopment
- Pollution Prevention and Good Housekeeping in Municipal Operations
Construction Site Runoff Control

- Adopt an Ordinance/submit Solicitor’s Certification
- Procedures for issuing and tracking permits
- BMPs consistent with the requirements of the Rhode Island Soil Erosion and Sediment Control Handbook (as amended).
- Procedures for plan and SWPPP review.
- Procedures for coordination of site plan and SWPPP review when relying on State program reviews of construction activity.
- Procedures for receipt and consideration of information submitted by the public.
- Procedures for site inspection and enforcement
- Procedures for referral to the State of non-compliant construction site operators.
- Individual(s) responsible for overall management and implementation of the construction site storm water control program
Adopt an Ordinance

- 2000 Survey
  - Determine who has a qualifying State Program
  - Determine what elements of the MS4 Construction and Post Construction minimum measures exist
  - Determine the resources currently available

- Nineteen (19) of twenty nine (29) automatically designated communities responded to the survey (66%).
Adopt an Ordinance

- 2003 MS4 Compliance Audit – approx. 50% of municipalities have submitted the solicitor’s certification
  - Barrington, Bristol, Burrillville, Cranston, East Providence, Jamestown, Lincoln, Middletown, Narragansett, Newport, Pawtucket, Providence, Smithfield, Westerly, West Greenwich, West Warwick, Woonsocket.
  - Remaining municipalities will be sent a formal enforcement notice and may be assessed administrative penalties.
Develop/Implement Procedures

- issuing and tracking permits
- plan and SWPPP review
- site inspection and enforcement
- coordination of site plan and SWPPP review when relying on State program reviews of construction activity.
- receipt and consideration of information submitted by the public.
- referral to the State of non-compliant construction site operators.
Procedures for Plan and SWPPP review

2000 Survey - Most municipalities review proposed construction plans for proper E&S controls (95%) 

Does your municipality review proposed construction for the use of proper sediment and erosion controls?

- SWPPPs required greater than 1 acre that discharge or have the potential to discharge storm water to the MS4.
- Reviews must be conducted by adequately trained personnel and incorporate consideration of potential water quality impacts.
- The operator must review 100% of plans and SWPPPs for construction projects resulting in land disturbance of 1-5 acres, not reviewed by other State programs (Wetlands, RIPDES, Water Quality Certification, CRMC).
Procedures for site inspection and enforcement

2000 Survey - Most municipalities inspect construction sites for proper E&S controls (79%)

- two inspections of all construction sites
  - first inspection to be conducted during construction for compliance of the Erosion and Sediment controls at the site,
  - the second to be conducted after the final stabilization of the site.

- Inspections must be conducted by adequately trained personnel.

Does your municipality have an inspection program for storm water management at construction sites?

- Yes (79%)
- No (19%)
- Did not respond (5%)
On-going Coordination of State and Local Programs

- local program can accept reviews from State Programs
  - CRMC, RIDEM FW Wetlands, RIDEM Water Quality Certification.
  - RIDEM RIPDES Program sites >5 acres or >1 acre if facility is also an “industrial activity”.
- local program can be applied throughout jurisdiction and to direct discharges to a Waters of the State
- referral of activities jurisdictional to State Programs, activities non-compliant with State issued permit, activities meeting definition of Industrial Activities, and requests for enforcement assistance for non-compliant permittees.
Qualifying Local Programs (QLP’s)

- RIPDES Rules 15.01(i) define QLP
- 2003 MS4 Permit requires municipalities to develop a QLP for Construction and Post-construction and begin implementation by 2005.
- RIDEM RIPDES 2008 General Permit for Construction Activity includes conditions that incorporate RIDEM approved QLP’s
Why QLP’s?

- Ensure consistency between State and local programs
- Requirements can be tailored to address local issues
- Local oversight more effective than just State oversight
- Protect local infrastructure and prevent introduction of pollutants into the local storm sewers and drainage system
- Streamline duplicative permitting requirements
- Reduce permit fees
Designation as a QLP

- Program must be consistent with RIPDES Rules and Small MS4 General Permit
- Approved and designated by State
Post-Construction Programs

- Ordinance outlines the authority to require post-construction storm water management to prevent or minimize water quality impacts through structural and non-structural BMPs that manage Peak Flows, treat Water Quality, and Reduce Volume.
  - Applicable to activities > 1 acre
  - Applicable to discharges to the MS4

- Program must require the permittee to-
  - Apply for permit/approval
  - Design/Construct controls consistent with RI Storm Water Design and Installation Manual
  - Operate and Maintain BMPs
Post-Construction Programs Cont’d

- Your MS4 Plan must discuss –
  - Specific goals of the local program (e.g. promote groundwater recharge, reducing impervious surfaces, minimize water quality impacts, maintain pre-development runoff conditions,
  - Pre-application meetings
  - Permit issuance and tracking
  - Site Plan and BMP reviews
  - Inspections
  - Enforcement
  - Requirements for Long-term O&M of BMPs
  - Coordination of State and Local Programs
Smart Development for a Cleaner Bay Act of 2007

- Rhode Island General Law, Title 45, Chapter 61.2, states that “stormwater, when not properly controlled and treated, causes pollution of the waters of the state…” and “development often results in increased stormwater runoff by increasing the size and number of paved and other impervious surfaces….” The Bay Act of 2007 requires DEM and CRMC to amend the 1993 Stormwater Design and Installation Standards Manual to:
  - Maintain groundwater recharge to predevelopment levels;
  - Maintain post-development peak discharge rates to not exceed pre-development rates; and
  - Use LID techniques as the primary method of stormwater control to the maximum extent practicable.

- consists of approximately 165 pages of technical information and guidance to assist property owners, developers, engineers, consultants, contractors, municipal staff and others in planning, designing and implementing effective stormwater best management practices for the development and redevelopment of properties in Rhode Island.
Overview Workshop on the Draft RI Stormwater Manual

- Workshop materials can be found at http://www.nbwctp.org/programs/draftstormwater.html
- Draft Manual and comments received can be found at dem.ri.gov/programs/benviron/water/permits/ripdes/stwater/t4guide/desman.htm
- Schedule – Comments still being accepted, submit to Stormwater@dem.ri.gov; meetings and workshops July –September, Public Notice October - November ’09, Adopt New Manual Winter ’09- 10, Training Sessions Fall –Winter/Spring ‘10
MS4 Permit Reissuance

- Existing permit expired and administratively continued
- Goal of effective date of new permit December 2009
- Stakeholder Meetings in September and October
- Public Workshop in October
- Public Notice and Comment period November
Significant MS4 Permitting Issues

- Progress has been made since 2000 survey however much still needs to be accomplished.
- Implement adequate local permit tracking systems
- Ensure compliance through local inspections
- Coordination of State and Local Permitting Programs – designating QLPs
- Adequately train MS4 personnel for reviews and inspections
- Coordinating the State and Local Post-construction reviews - Incorporating LID in the local planning and ordinances
Tools to get the job done!

- RIDOT /URI NEMO/SRICD - Development of model ordinances, SWPPP checklists, Inspection Checklists and other guidance for municipalities
- SWMPP Development/Annual Reporting/Asset Management Grant – database will help track inspections and enforcement actions
- RIDOT Grant/URI NEMO Public Education and Outreach Materials – provide materials to educate construction site operators
- Permit Streamlining/Coordination of State and Local Programs – application portal, e-application,
- Construction ERP – OTCA and OWR – provide outreach, guidance, and workshops for construction site operators
Next Steps

- Provide model guidance and checklists for E&S Control Reviews and Inspections
- Reissue MS4 General Permit
- Finalize RI Storm Water Design and Installation Manual
- Provide technical training and workshops for municipal officials
- Improve coordination between State and local programs - Identify and designate QLPs, provide mechanism to share information
- Evaluate options to improve compliance Statewide
Next Steps Cont’d

- Revision to RIDEM and CRMC Regulations
- Local ordinance developments
- Stormwater Collaborative –coordinated by Bay, Rivers and Watersheds Coordination Team
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