

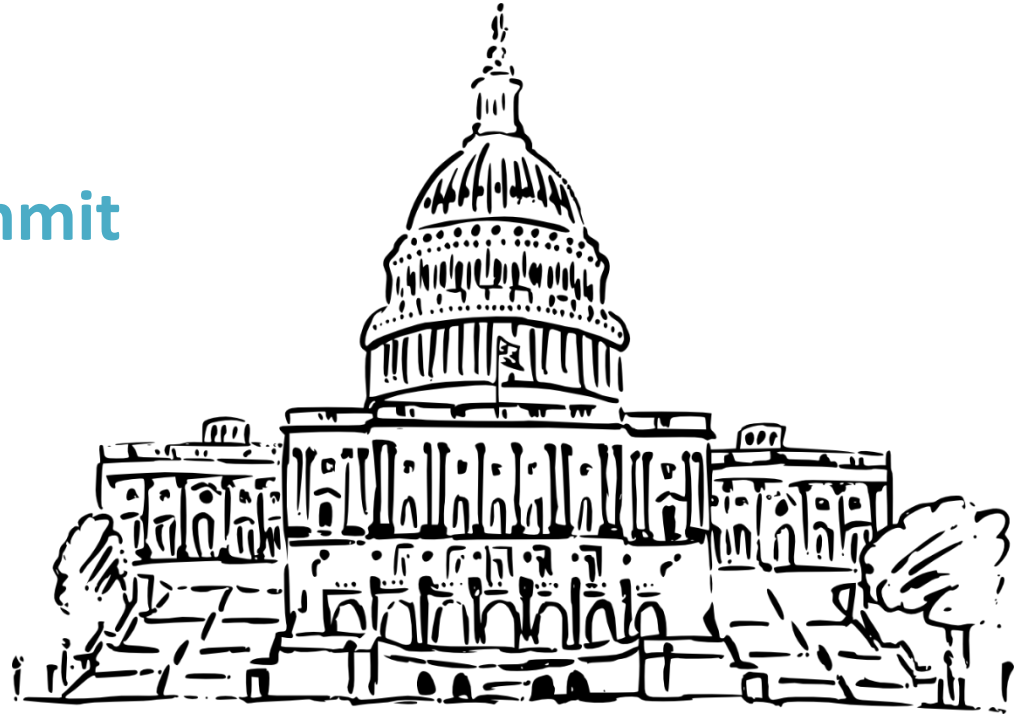


# National Update & Stormwater Trends

ACWA Stormwater Summit

May 15, 2014

Brenna Mannion, P.E.



**NACWA**  
A Clear Commitment to America's Waters

The logo features the acronym 'NACWA' in a large, bold, blue sans-serif font. Below it, the tagline 'A Clear Commitment to America's Waters' is written in a smaller, lighter blue font. The logo is set against a background of stylized blue waves at the bottom of the slide.

# Topics for Today

- Current Administration Priorities
- Status of Stormwater Rule
- “New” Federal Approach
- Waters of the United States (WOTUS)
- National Stormwater Issues Tracking



# Administration Priorities

## Agency-wide

- Resilience
- Budget
- Greenhouse gas emission reductions

## EPA Office of Water

- Waters of the US Rule
- EPA's Innovation Blueprint

# EPA's Stormwater Rule

- Agency began developing national post-construction stormwater rule 5 years ago
- June 2013 was most recent official deadline for draft
- **Rule was DEFERRED in March**
- Final rule would have been due December 2014



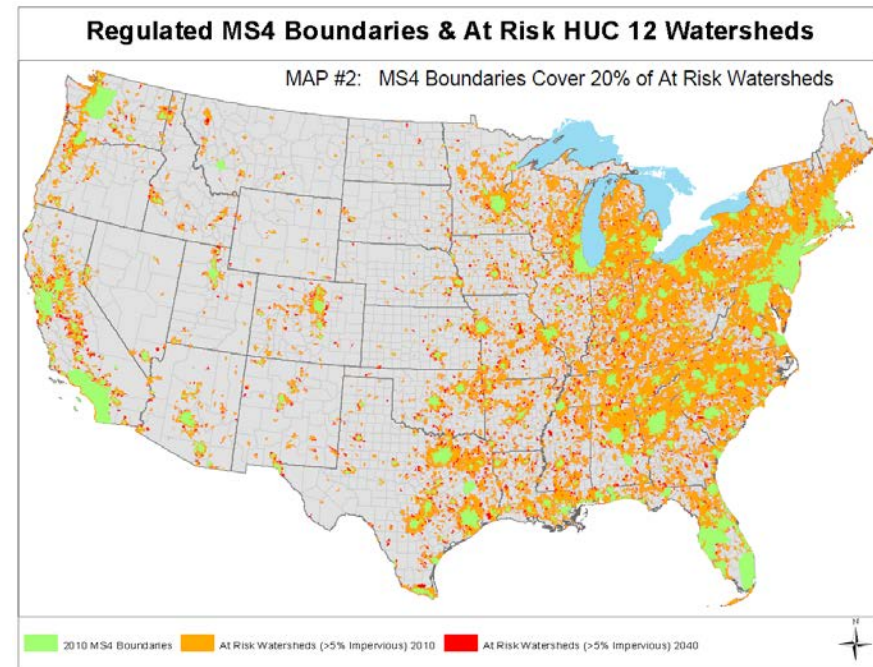
# EPA's Stormwater Rule (cont.)

- Would have been most significant clean water rule-making effort in recent history
- “...in lieu of more targeted, locally-driven efforts to help municipalities better control stormwater runoff”
  - Promote Green Inf.
  - Strong SW Programs
  - Leverage existing requirements to strengthen permits



# Strengthen Stormwater Programs – How?

- Timely and appropriate MS4 permits based on new 2010 Census
- Tackle backlog of expired MS4 permits
- Resolving inconsistent approaches to incorporating control provisions in permits for pollutants of concern in impaired waters and TMDLs





# Strengthen Permits – How?

- Ensure that NPDES permitting authorities use clear, enforceable language in all MS4 permits;
- Advance use of post-construction performance standards in MS4 Permits
  - Impervious requirements
  - Permit-by-permit



# WOTUS

- Defines “waters of the United States” (WOTUS) from the Clean Water Act
  - What waters ARE WOTUS & subject to CWA
  - What waters are NOT WOTUS
- Retains existing exemptions (including the waste treatment system exemption)
- Implications for
  - MS4 collection systems
  - green infrastructure

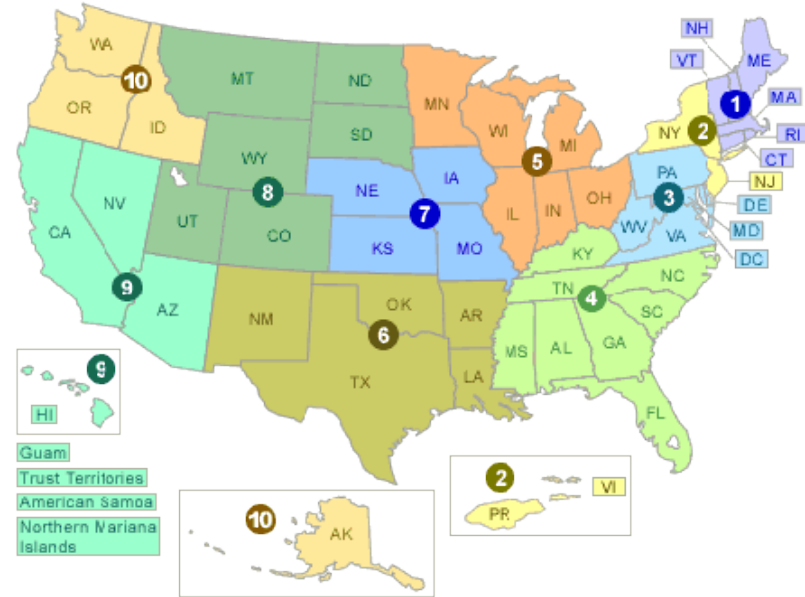


# National Stormwater Issues Tracking

- RDA Petitions
- Integrated Planning
  - Technical Assistance
- Fees and Utilities
  - Challenges in Ohio, Missouri, Michigan
- Farm Bill (RCPP)

# RDA Petitions

- Petitions by American Rivers, NRDC and CLF in EPA Regions 1, 3, & 9
- Petitions asked the regional administrators to permit unregulated stormwater discharges into impaired waters



# Integrated Planning

- Goal is to encourage clean water investments in smarter, more holistic, more prioritized manner
- Last week, EPA announced \$330K in technical assistance for IP development
- Gives municipalities, local communities more control over investments in SW/WW



**MoneyMatters™**

*Smarter Investment to Advance Clean Water*

**NACWA**  
A Clear Commitment to America's Waters

# Fees and Utilities

- Fee vs. Tax

- Trend towards impervious surface fees
- Required by law, in particular areas
- Challenges to fees
- Federal/tax-exempt properties



- SW Utilities

- Illegal in some states, push to legalize
- Usually driven by regulation
- Size matters
- Raise funds

# Collaborating with Agriculture



- 2014 Farm Bill: Regional Conservation Partnership Program incentivizes collaborations between water/wastewater sector and farmers to improve water quality
- Memorandum of Understanding between dairy producers and NACWA
- Water Quality Trading Alliance: NACWA founding member to focus on enabling trading to succeed as a viable tool to meet WQ standards



# Questions/Contact Information

Brenna Mannion, P.E.  
Manager, Regulatory Affairs  
National Association of Clean Water Agencies  
1816 Jefferson Place, N.W.  
Washington, D.C. 20036  
Tel: (202) 533-1839  
email: [bmannon@nacwa.org](mailto:bmannon@nacwa.org)  
Visit us at [www.nacwa.org](http://www.nacwa.org)