

Goal: Phase II Permit Renewal

Presentation by:

Abigail Rains, MS4 Coordinator
Kentucky Division Of Water

April 30, 2018



Goal: Phase II Permit Renewal

- Phase II Permit expired March 31, 2015.
- Held stakeholder meetings with MS4s and Interested Parties.
- Drafted permit from these meetings
- Public Notice #1 on April 9, 2016
- Extended Public Comment Period until May 24, 2016.
- Lots of comments...
- Back to the drawing board...



Goal: Phase II Permit Renewal

- Public Notice #2 on 02/03/17
- Dialed permit back to mostly regulations with lots of may, should, suggests, and recommendations, etc.
- New template
- Lots of comments
- Back to the drawing board

Goal: Phase II Permit Renewal

- Phase II Remand –
- Due to being sued EPA had to change the regulations governing Phase II MS4s.
- Public Availability of NOIs, Opportunity for Public Hearings, and Permitting Authority needed to Review NOIs.
- By December 17, 2015, EPA shall sign for publication in the Federal Register a notice of proposed rulemaking.
- By November 17, 2016, EPA shall sign for publication in the Federal Register a final rule.



Goal: Phase II Permit Renewal

EPA developed 3 Potential Rule Options to Address Remand

Option 1 – “Traditional General Permit Approach”

Permit must include all requirements necessary to meet the standard of “reducing pollutant discharges from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA”

Option 2 – “Procedural Approach”

General Permit framework that requires submittal of NOI but NOI must include specific BMPs proposed by the MS4. Second permitting step to incorporate specific details of the MS4’s SWQMP as enforceable requirements of the general permit.



Goal: Phase II Permit Renewal

Option 3 “State’s Choice”

Allows the State’s to choose either Option 1 or Option 2 or have a hybrid approach.

The hybrid permit could establish some minimum requirements that meet the regulatory standard (Option 1), but then choose to rely on the MS4 to propose some MEP-type requirements, which would then be subject to review/approval and public comment (Option 2)

EPA chose Option 3 – Kentucky chose Option 1.



Goal: Phase II Permit Renewal

- Public Notice #3 on July 3, 2017
- Went back to current permit language
- Permit very similar with a few exceptions...
 - ✓ Added a written list of non-stormwater sources that the MS4 is allowed to discharge (i.e. water line flushing, landscape irrigation, etc.)
 - ✓ Removed definitions from the permit; however maintained them in the Fact Sheet

Goal: Phase II Permit Renewal

- ✓ Expanded the storm-sewer map from locations of all known major outfalls to a comprehensive storm sewer map which shall include the permittee's small MS4 system (owned and /or operated by the permittee), including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs, and private post-construction water quality BMPs that have been approved by the MS4.

Goal: Phase II Permit Renewal

- ✓ Required the MS4 to develop a *written* plan to address illicit discharges including illegal dumping.
- ✓ Required the MS4 to develop a *written* Operation and Maintenance plan to address PP and GH for Municipal Operations
- ✓ Required the MS4 to designate at least one person who is responsible for permit implementation to receive twelve (12) hours of documented training per permit year.

Goal: Phase II Permit Renewal

MISSION:

ACCOMPLISHED



Goal: Phase II Permit Renewal

- Permit was signed March 30, 2018
- Becomes effective May 1, 2018, will last until April 30, 2023.
- Now what?
 - ✓ Within 30 days of effective date of the permit, all small MS4s must submit a Notice of Intent.
 - ✓ Within 180 days of effective date of the permit, MS4s shall submit a revised SWQMP that reflects any changes necessary to become compliant with permit.



Goal: Phase II Permit Renewal

Questions ?

Contact Information:

Abby Rains

(502) 782-7044

Abigail.Rains@ky.gov

