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# ENVIRONMENTAL Fact Sheet

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WD-WEB-8

2009

## Federal Storm Water Permits

### Background

The Federal Water Quality Act of 1987 recognized that runoff from urban areas and industrial sites pollutes surface waters and required the US Environmental Protection Agency to address storm water discharges with National Pollutant Discharge Elimination System (NPDES) permits using a two-phased approach. The Phase I and Phase II regulations were published in 1990 and 1999, respectively.

### Who Is Required To Apply For A Permit?

In Phase I, EPA required medium and large municipal separate storm sewer system (MS4) operators to obtain permit coverage. These MS4s, none of which are located in New Hampshire, generally served areas with populations of 100,000 or more. Dischargers of "storm water associated with industrial activity" were also required to apply for permits.

The Phase I industrial sources, which are described in detail in 40CFR122.26(b)(14) (see <http://www.gpoaccess.gov/cfr/retrieve.html>) generally include heavy and light manufacturing facilities, hazardous/solid waste processing, recycling facilities, transfer stations, junkyards, mining (including sand and gravel), timber processing, power plants, vehicle maintenance, marinas, sewage/sludge treatment plants, and construction activities that disturb more than five acres.

Phase II regulates "Small MS4" discharges in urbanized areas located in 45 municipalities in New Hampshire; "Storm Water Discharge Associated with Small Construction Activity"; and Municipally Owned Industrial Activities that were exempted from regulation during Phase I.

### How do I Apply For A Federal Storm Water Permit?

New or unpermitted Phase I facilities and all Phase II facilities must either submit federal forms 1 and 2F for an individual NPDES permit or file a Notice of Intent (NOI) application form for coverage under a general NPDES permit. For most New Hampshire facilities, the general NPDES permit is the preferred option. The following describes the three general NPDES permits for storm water discharges in New Hampshire.

## **Construction General Permit**

EPA reissued the Construction General Permit (CGP) on July 30, 2008 for two years. The reissued CGP covers both the Phase I large construction sites greater than five acres and “Storm water associated with small construction activity,” which includes construction sites from one to five acres (or smaller than one acre if part of a larger “common plan of development or sale” that totals one acre). The permit contains conditions to protect endangered species and historic properties and requires the owner and operator of the construction site to, among other things:

- Develop and implement a storm water pollution prevention plan (SWPPP).
- Post a visible public notice at the main entrance of the construction site (or if infeasible, at a local public building) containing confirmation of permit coverage and details on where the SWPPP may be viewed.
- As part of the SWPPP, develop a site map showing surface waters, disturbed areas, best management practices (BMPs), etc.
- Have “qualified personnel” inspect all erosion and sediment control BMPs, maintain BMPs after storm events and keep records in the SWPPP of all inspections and maintenance performed.
- Control wastes, such as discarded building materials, concrete truck washout, and sanitary wastes.
- File a Notice of Termination (NOT) form when the construction site is stabilized/revegetated.

The CGP, including the NOI and NOT forms, can be found at <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>.

## **Multi-Sector General Permit**

This permit covers storm water discharges from 29 different industry sectors. The MSGP covers not only the Phase I industries described on page 1, but also municipally owned industrial activities that with the implementation of Phase II are now regulated. Municipally owned facilities needing permit coverage include sand and gravel pits, transfer stations, school bus maintenance, and publicly owned treatment works (design flow >1 MGD or with a pretreatment program). Municipally owned power plants, airports, and uncontrolled sanitary landfills were regulated under Phase I.

EPA reissued the Multi-sector General Permit (MSGP) on September 29, 2008. It requires, among other things, the development and implementation of a SWPPP, employee training, recordkeeping, discharge monitoring and annual reports to EPA. The MSGP, including the NOI and guidance materials on the permit requirements can be found at [www.epa.gov/region1/npdes/stormwater/index.html](http://www.epa.gov/region1/npdes/stormwater/index.html) (scroll down to “industrial activities”).

Phase I and II facilities with storm water discharges associated with industrial activity, which eliminate the exposure of pollutants (such as from raw materials, finished products and by-products) to storm water may be able to opt out of permit requirements if they file a “No Exposure Certification” (NEC) form every five years with EPA. All Phase I category xi (light industrial) facilities that did not apply for a permit must either file an NEC form or apply for the MSGP. NEC forms and guidance can be found at <http://cfpub.epa.gov/npdes/stormwater/exposure.cfm>.

## **Municipal Separate Storm Sewer System General Permit:**

The Municipal Separate Storm Sewer System General Permit (MS4GP) was issued by EPA on May 1, 2003. Small Municipal Separate Storm Sewer System (Small MS4) owners and operators in urbanized areas (based on 2000 census) in the following New Hampshire municipalities are required to apply for coverage under the MS4GP:

- ❖ Amherst, Atkinson, Auburn, Bedford, Brentwood, Chester, Danville, Derry, Dover, Durham, East Kingston, Exeter, Goffstown, Greenland, Hampstead, Hampton, Hampton Falls, Hollis, Hooksett, Hudson, Kingston, Lee, Litchfield, Londonderry, Madbury, Manchester, Merrimack, Milford, Milton, Nashua, New Castle, Newington, Newton, North Hampton, Pelham, Plaistow, Portsmouth, Rochester, Rollinsford, Rye, Salem, Sandown, Seabrook, Somersworth and Windham.

In addition to the “automatically designated” MS4s located in the urbanized areas in the municipalities listed above, EPA may designate additional MS4s outside of urbanized areas if they are contributing to water quality problems. Conversely, EPA may grant waivers to some MS4s located in urbanized areas. Urbanized area maps can be found at <http://cfpub1.epa.gov/npdes/stormwater/urbanmaps.cfm>. Some areas of the seacoast are found in the Maine and the Massachusetts map listings in this website.

The owners/operators of small MS4s may include municipalities; county facilities, such as prisons/hospitals; districts; federal facilities, such as military bases; and state facilities, such as highways. The MS4GP requires MS4 operators to develop a storm water management program that controls pollutants from all of the MS4 discharge points to the “Maximum Extent Practicable.” The MS4GP requires that the storm water program include the six minimum control measures listed below as well as an annual report to EPA summarizing progress toward achieving specific measurable goals:

- Public education and outreach on storm water impacts.
- Public involvement/participation during program development.
- Illicit discharge detection and elimination.
- Construction site storm water runoff control.
- Post-construction storm water management in new development and redevelopment.
- Pollution prevention/good housekeeping for municipal operations.

### **For More Information**

EPA’s NPDES Storm Water Program website can be found at [www.epa.gov/npdes/](http://www.epa.gov/npdes/) and the EPA New England address is [www.epa.gov/region1/topics/water/stormwater.html](http://www.epa.gov/region1/topics/water/stormwater.html). Thelma Murphy is the federal storm water coordinator for EPA-New England and may be reached at (617) 918-1615.

The DES website on the Federal Storm Water Program, which contains application forms and guidance materials, is at <http://des.nh.gov/organization/divisions/water/stormwater/index.htm> . Jeff Andrews is the DES contact on the federal stormwater permits and may be reached at (603) 271-2984.