

NH MS4 Stormwater Permit -- Guidance for NHDES related provisions



NH Lakes Management Advisory Committee

Ted Diers

NH Department of Environmental Services

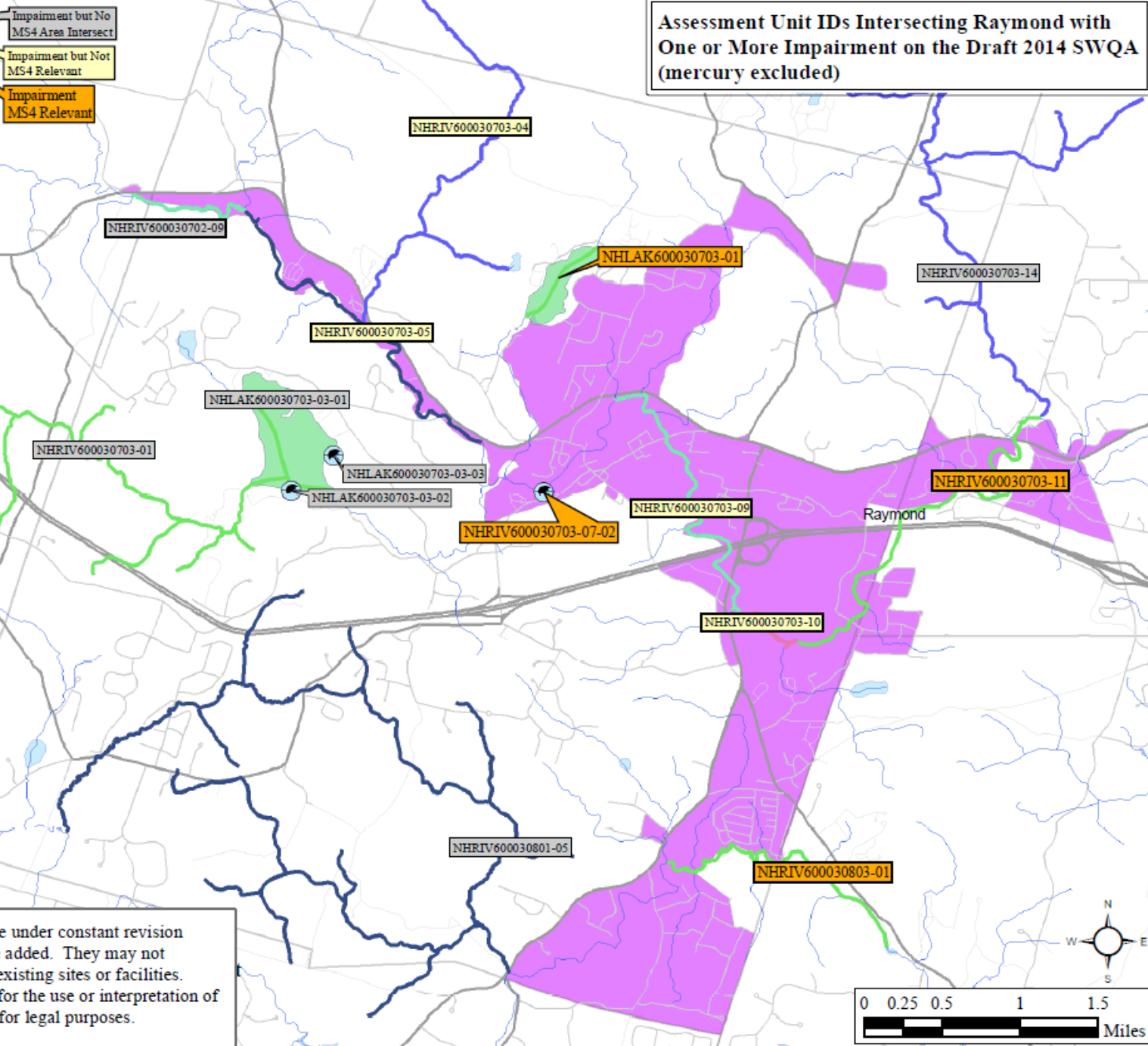


TMDLs and Impaired Waters

- More monitoring
- More planning
- Specific actions
- Best Management Practices

Assessment Unit IDs Intersecting Raymond with One or More Impairment on the Draft 2014 SWQA (mercury excluded)

- 2014 AUIDs**
- Color by last digit**
- 0
 - 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8
 - 9
 - No Impairment
- Roads**
- Interstate
 - State
 - Local
 - Private and Class 6
- Draft MS4 Areas**
- Urbanized Areas

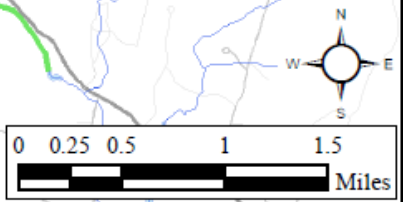


Impairment but No MS4 Area Intersect

Impairment but Not MS4 Relevant

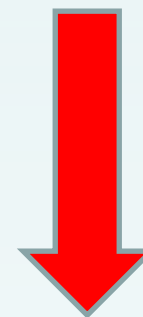
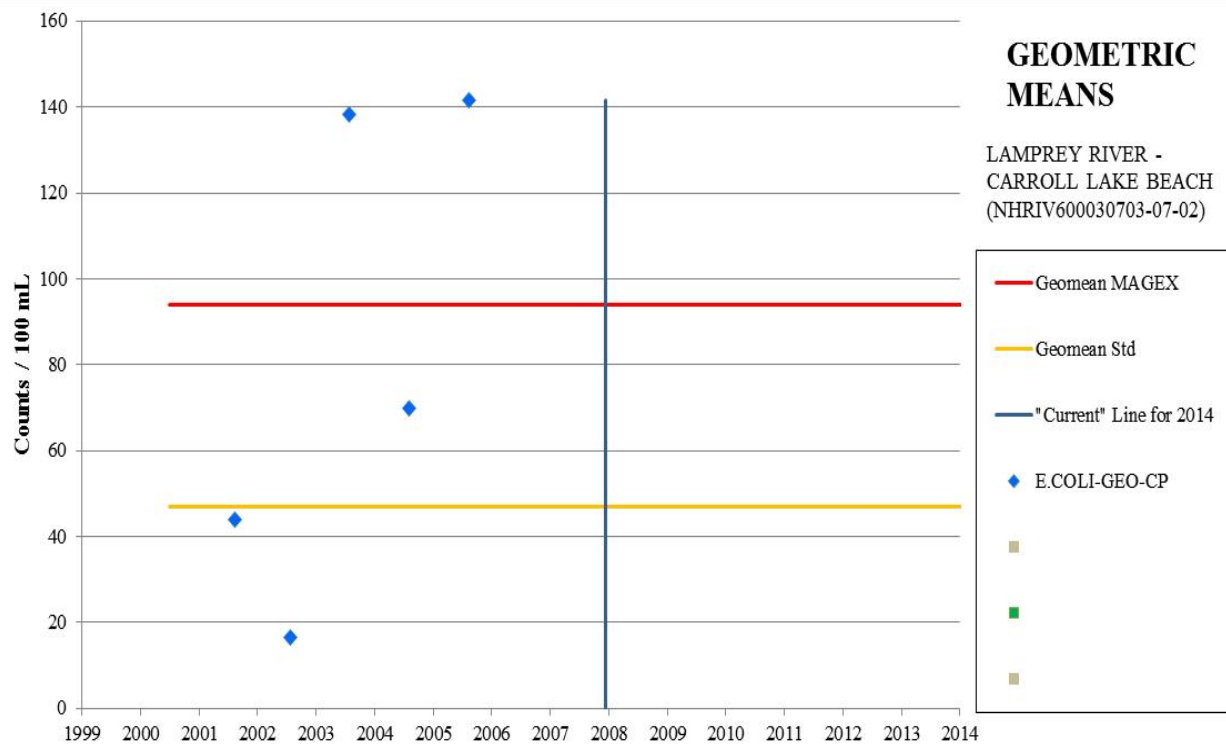
Impairment MS4 Relevant

The coverages presented are under constant revision as new sites or facilities are added. They may not contain all of the potential existing sites or facilities. NHDES is not responsible for the use or interpretation of information. Not intended for legal purposes.



GEOMETRIC MEANS

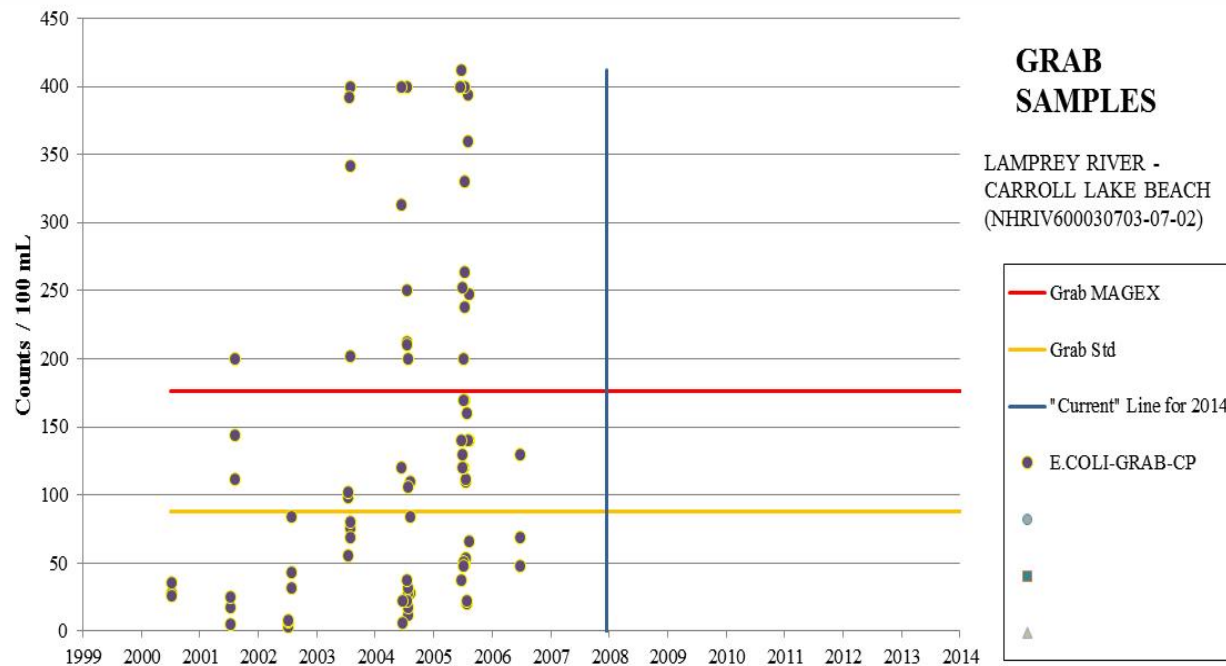
LAMPREY RIVER -
CARROLL LAKE BEACH
(NHRIV600030703-07-02)

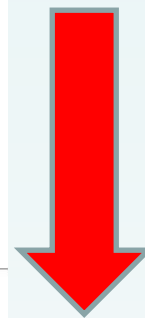
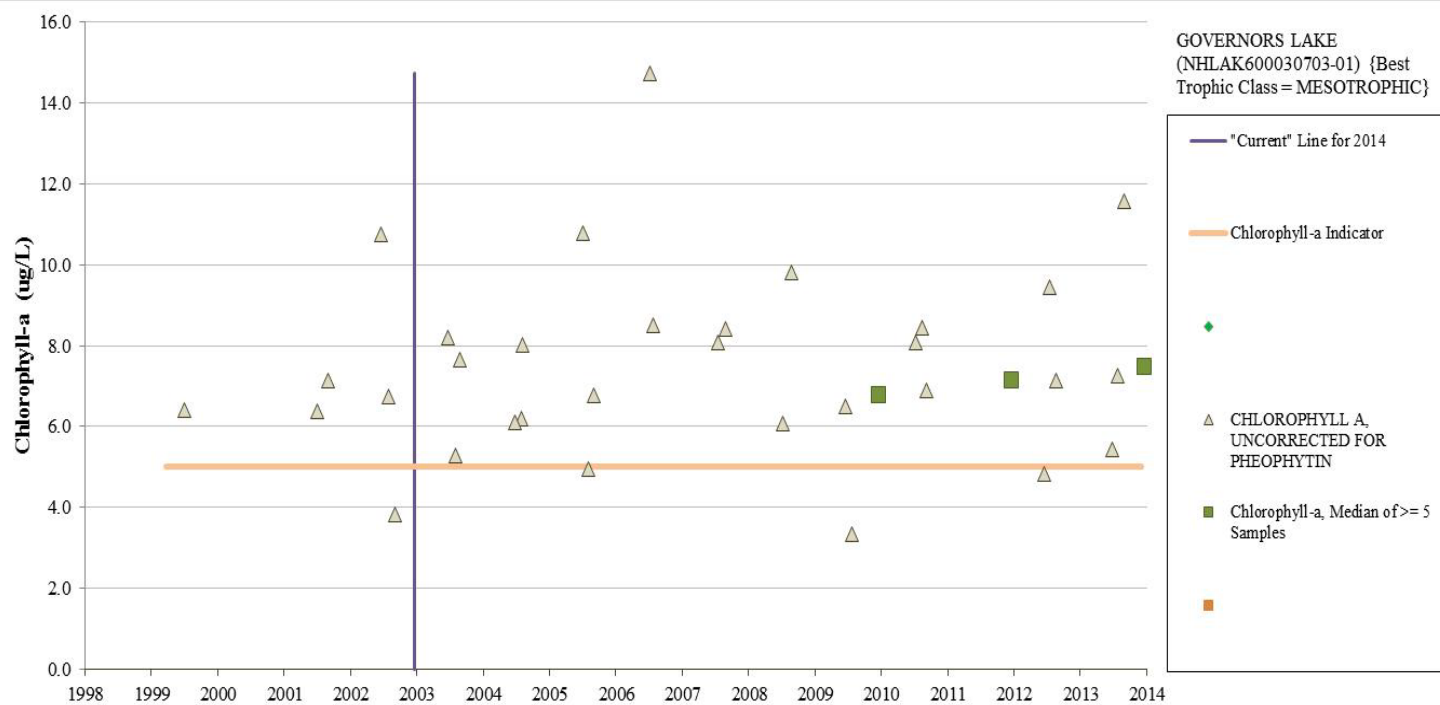


67%

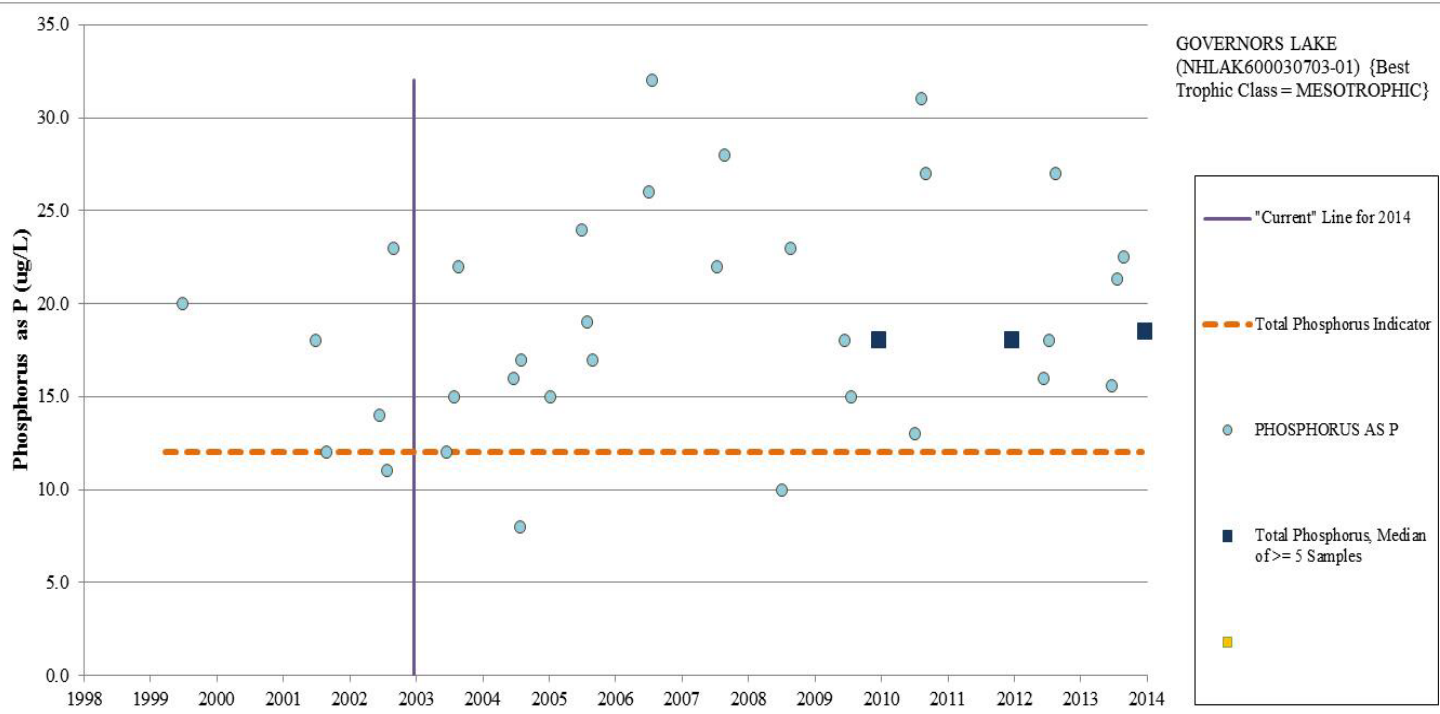
GRAB SAMPLES

LAMPREY RIVER -
CARROLL LAKE BEACH
(NHRIV600030703-07-02)





46%



Direct drainage
- Non-MS4
239.8 Acres

Direct
drainage - MS
47.2 Acres

Focus and prioritize

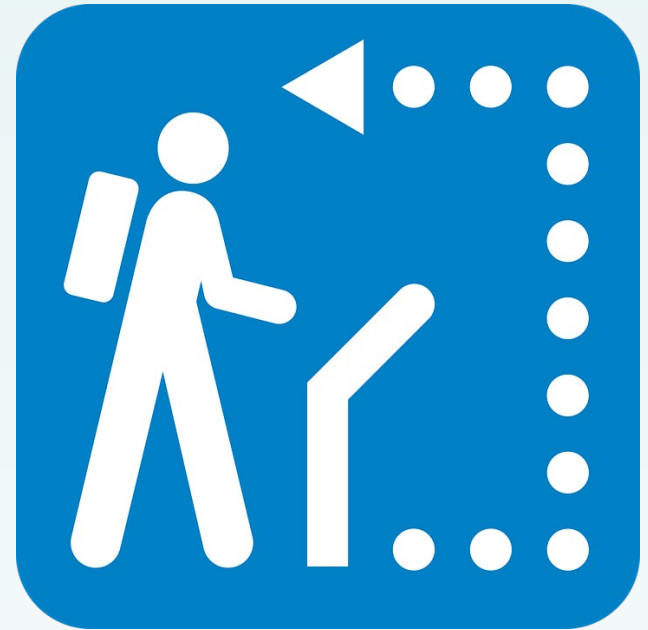
- Where most bang for the buck
- Where town has most responsibility
- Where other benefits will occur
- Where partners exist
- Where the problem and solution is clear



We may have data that can help!

NHDES Guidance

- Antidegradation Provisions
 - Sections 2.1.2; 5.1.4; and 6.4
- Off-ramps for Delistings
 - Appendix H
- Monitoring Requirements
 - Appendix G
- Alternative Pollutant Reduction Plans
 - Section 1.7.2



Antidegradation Provisions

2.1.2 Increased Discharges (p. 18)

a. Any **increased discharge** (including increased pollutant loadings) through the MS4 to waters of the United States is subject to New Hampshire **antidegradation regulations**.

The permittee shall comply with the provisions of N.H. Code Admin. R. Part Env-Wq 1708.04 and 1708.06 including information submittal requirements and obtaining authorization for increased discharges where appropriate.

Any authorization of an increased discharge by NH DES shall be incorporated into the permittee's SWMP. If an applicable NH DES approval specifies additional conditions or requirements, then those requirements are incorporated into this permit by reference. The permittee must comply with all such requirements.

Draft Guidance

- Comply with AoT and other permits
- Avoid increased stormwater runoff and its accompanying pollutants
- Less than one acre = de minimis
- Contact NHDES if increasing runoff, not compliance with AoT provisions, likely to impact an impaired water body.
- Antidegradation analysis (try to avoid)

Off-ramp for Delistings

Appendix H (The permit includes the same language for nitrogen, phosphorus, bacteria, chlorides, metals, and solids, oils and greases)

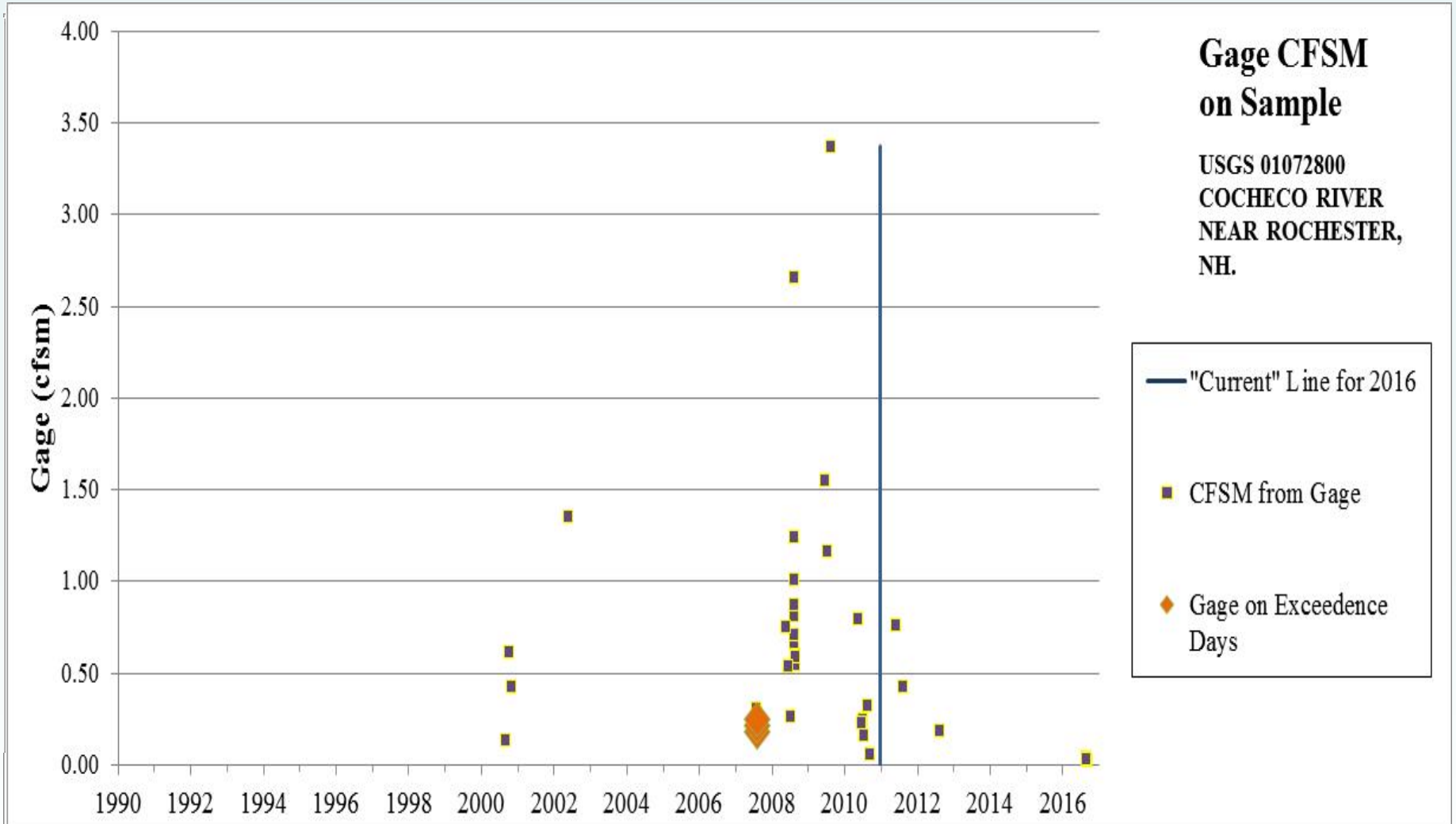
2. At any time during the permit term the permittee may be **relieved of additional requirements in Appendix H** part I.1. applicable to it when in compliance with this part.

a. The permittee is relieved of its additional requirements as of the date when one of the following criteria are met:

i. The receiving water and all downstream segments are determined to **no longer be impaired due to nitrogen** by NH DES and **EPA concurs** with such determination.

ii. An EPA approved **TMDL** for the receiving water or downstream receiving water **indicates that no additional stormwater controls** for the control of **nitrogen** are necessary for the permittee's discharge based on wasteload allocations as part of the approved TMDL.

How to get off the list?



Even stronger when have actions that reduced the pollutants!

Monitoring Requirements

Appendix G -- New Hampshire Small MS4 Permit Monitoring Requirements For Discharges into Impaired Waters

Parameter
Benthic-Macroinvertebrate Bioassessments (Streams)
Fishes Bioassessments (Streams)
Foam/Flocs/Scum/Oil Slicks
Habitat Assessment (Streams)
Physical substrate habitat alterations

Alternative Pollutant Reduction Plans

1.7.2 Notice of Intent

b. Operators of Small MS4s that have developed **Alternative Pollutant Reduction Plan(s) to meet TMDL Waste Load Allocations** in accordance with Appendix F Part I.2, II.2, and/or III.2 shall attach their proposed NHDES-approved Alternative Pollutant Reduction Plan(s) to their **NOI**.

Appendix F (Example for Bacteria/Pathogens)

2. The MS4 operator shall work with NHDES to develop an Alternative Bacteria/Pathogens Reduction Plan **consistent with the applicable TMDL**. The MS4 operator shall submit a NHDES-approved Alternative Bacteria/Pathogens Reduction Plan that is consistent with the TMDL Implementation Plan and includes schedules and milestones to meet applicable Waste Load Allocations, with their Notice of Intent (NOI) as an alternative to the requirements described in Appendix F Part II.1. above.

a. The Alternative Bacteria/Pathogens Reduction Plan shall be **subject to EPA review** and the public comment period consistent with the NOI procedures at Part 1.7.4.b. of the permit.

b. The permittee shall keep the written plan (hardcopy or electronic) as part of their SWMP.

Watershed Based Plans – “a-i”

- Source identification.
- Estimate needed load
- Describe management measures
- Implementation schedule
- Interim, measurable milestones
- Criteria of success
- Account for new development.
- Monitoring component



Questions?



NH Department of Environmental Services

Ted Diers, 271-3289 Ted.Diers@des.nh.gov

Barbara McMillan, 271-7889 barbara.mcmillan@des.nh.gov