



NH Water Primer and Stormwater Permitting at NHDES

Overview and
discussion

November 3, 2008



NH Water Primer

Purpose:

To comprehensively describe important water resource topics together in a single document.

- Provides significant issues and challenges related to each topic.
- Addresses the underlying themes and challenges such as landscape change, identifying status and trends, infrastructure needs, climate change and resources.



NH Water Primer Stormwater Chapter

- Provides background on stormwater and its significance.
- Describes stormwater issues:
 - Conventional stormwater management practices are harmful to water resources & drainage infrastructure.
 - Existing stormwater structure is inadequate.
 - Municipalities have inadequate funding & regulatory mechanisms to improve stormwater management.



NH Water Primer Stormwater Chapter

- Describes current management & protection programs
 - National Pollutant Discharge Elimination System (NPDES): CGP, MSGP, MS4.
 - Section 401 Water Quality Certification & Antidegradation.
 - Alteration of Terrain Program.
 - Shoreland Protection Act.
 - Local Stormwater Programs.
 - Technical Assistance: UNH, Regional Planning Commissions, NH Office of Energy & Planning, NH Dept. of Environmental Services.



NH Water Primer Stormwater Chapter

- Provides stakeholder recommendations
 - Encourage Facilitate the local adoption of state stormwater management standards.
 - Encourage low impact development (LID) and compact development.
 - Upgrade stormwater infrastructure.
 - Implement stormwater utilities.
- Final chapter available early in November and



Multitudinous Permits

- Wetlands
- Alteration of Terrain (AoT)
- Comprehensive Shoreland Protection Act (CSPA)
- Subsurface (Septic)
- 401 Surface Water Quality Certification
- Water supply
- Wastewater engineering
- Federal Permits – Alphabet soup of 404, NPDES, CGP, small MS4 GP, SPGP



Permits related to stormwater

- Alteration of Terrain (AoT)
- Municipal Separate Storm Sewer System (MS4)
- Construction General Permit (CGP)
- Multi-Sector General Permit (MSGP)



Alteration of Terrain State Authority

Who/where applies to –

- Earth moving operations (e.g., industrial, commercial, residential development, sand/gravel pits, rock quarries) that propose to disturb:
 - **100,000** sq. ft (2.3 acres) of earth disturbance, or
 - **50,000** sq. ft if **ANY** disturbance is within the Protected Shoreland (250' of a surface water)

What it requires –

- Devices and timing of implementation for erosion, sediment and runoff control;
- Detailed pre- and post-development drainage and grading plans; and
- Proposed permanent methods for protecting water quality from degradation due to runoff from paved surfaces, roofs, roadways, parking lots, commercial/industrial areas and other developed surfaces.

What it is trying to achieve --

“No person undertaking any activity for which a permit is required shall cause or allow the activity to cause any water quality degradation, including siltation or turbidity in surface water.” Env-Ws 415.04



NPDES Phase II Municipal Separate Storm Sewer System (MS4) EPA Authority

Who/where applies to –

- Urbanized areas (defined by the 2000 Census), U.S. military installations, state or federal hospitals, county prison complexes, states colleges or universities, highways, and other thoroughfares.

What it requires –

- 5-year permit term to implement a stormwater management program & “six minimum control measures”:
 - Public education & outreach
 - Public participation/involvement in developing stormwater management program
 - Illicit discharge, detection, & elimination (IDDE)
 - Construction site runoff control
 - Post-construction runoff control
 - Pollution prevention/good housekeeping

What it is trying to achieve --

- Reduce the discharge of pollutants to the “maximum extent practicable”,
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the Clean Water Act.



NPDES Construction General Permit (CGP) EPA Authority

Who/where applies to –

- Construction activity that disturbs one or more acre of land, or
- Work site creates less than one acre of disturbance, but is part of a larger “common plan of development or sale” that totals more than one acre.
- EPA administers (only in MA, NH, NM, ID, AK)

What it requires –

- Pollution prevent plans
- Appropriate construction site runoff controls to meet the goal of reduced pollutant discharge to receiving waters.

What it is trying to achieve -

- CWA goals – “...to restore and maintain the physical, chemical, and biological integrity of the Nation’s waters.” And attaining “...water quality which provides for the protection and propagation of fish, shellfish and wildlife.” 33 U.S.C. 1251(a)(2).



NPDES Multi-Sector General Permit (MSGP) EPA Authority

Who/where applies to –

- Stormwater discharges from industrial activities

What it requires –

- Implementation of control measures including BMPs and technology-based effluent limitations.
- Permit holders are required to perform routing facility, quarterly visual inspection of stormwater discharges, annual comprehensive site inspections, monitoring and reporting.
- Subject to inspections and enforcement by EPA.

What it is trying to achieve --

- CWA goals – “...to restore and maintain the physical, chemical, and biological integrity of the Nation’s waters.” And attaining “...water quality which provides for the protection and propagation of fish, shellfish and wildlife.” 33 U.S.C. 1251(a)(2).

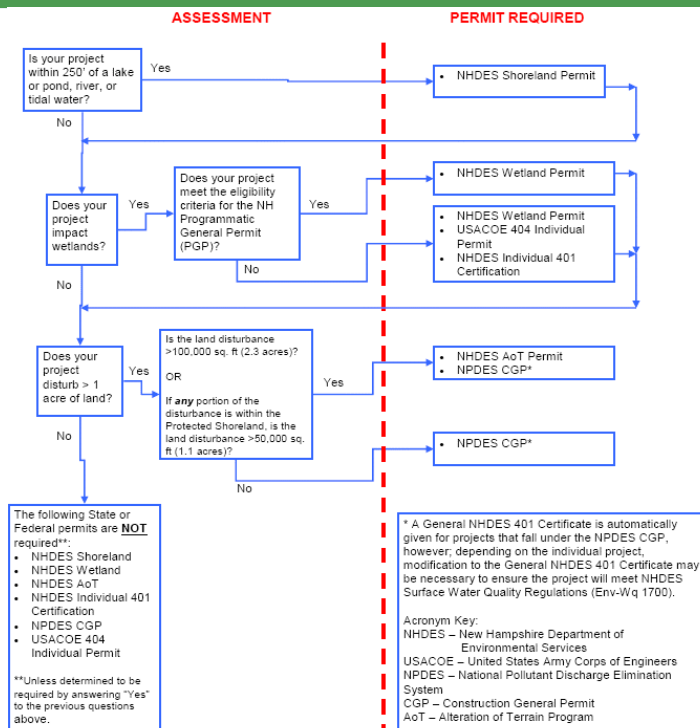


Permitting Context

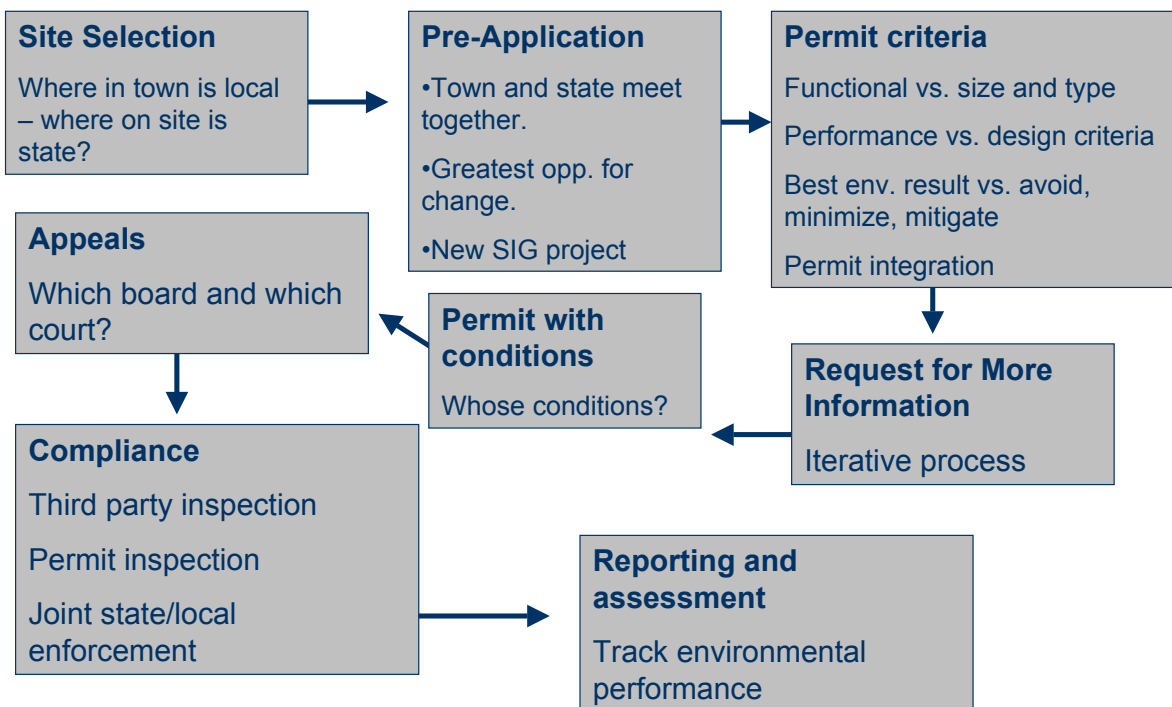
- Permits are dependent on what applicants request not on what agency wants.
- Decisions about where to put a project (in a locale) are largely made before permitting.
- Permitting may happen before, in parallel with, or after local permit decisions.
- Permit decisions are based solely on statutes and rules.
- Some permits are formulaic (septic) others have greater interpretation (wetlands).
- Some permits have a Federal component.



Permitting Assessment



Permitting Process and Commission Opportunities





Opportunities for Looking at Where?

- Municipal Master Plan and Zoning
- Municipal Conservation Plan (Con Com)
- F&G Wildlife Action Plan
- DES Source Water Protection Plan
- RSA 483 Designated River LAC Plans
 - DES shall consider when issuing AoT or Wetland permits
- Natural Heritage Bureau exemplary communities
- SPNHF and TNC Plans
- Land Conservation Plan for NH Coastal Watersheds