



# Road Business

A University of New Hampshire Technology Transfer Center publication

Vol. 17 No. 2

Summer 2002



*NPDESII protects surface waters under the Clean Water Act*

## On the Road in New Hampshire

### *NPDES II Rule Changes Will Impact Many Municipalities*

A Fall 2000 *Road Business* article described the National Pollutant Discharge Elimination System, Phase II (NPDES II) regulations. In this issue we report on two recent changes that will impact New Hampshire municipalities. This article introduces the articles with an overview of NPDES II.

NPDES II consists of three sets of rules.

- Industrial Activities.
- Regulated Municipal Separate Storm Sewer Systems (MS4s).
- Construction Activities.

### Industrial Activities

NPDES II covers municipal garages, truck and vehicle washing, salt and sand storage, recycling centers, refuse transfer stations, and wastewater treatment plants. Municipalities will need a permit or a No Exposure Certification for each activity where stormwater flows into surface waters. To obtain a certification, a municipality must show that materials “are not exposed to storm water” during storage or handling operations. To get a permit will likely require a commitment to achieve a No Exposure Certification. The deadline for applications is March 10, 2003.

The “NPDES II and Highway Garage Complexes” article (Page 4) describes what cities and town must do to comply with these rules for

- Vehicle maintenance, repair, and lubrication
- Painting
- Fueling
- Salt and sand/salt storage
- Vehicle, equipment, and materials storage
- Waste storage
- Equipment and vehicle washing

Some municipalities will have to construct new or modify existing facilities. Many will have to establish a number of management practices.

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Road Business is a quarterly publication of the:

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The Technology Transfer Center at the University of New Hampshire (UNH) is supported by the Federal Highway Administration (FHWA), the New Hampshire Department of Transportation (NHDOT), and UNH. Any opinions, findings, conclusions, or recommendations presented in this newsletter are those of the authors and do not necessarily reflect the views of the FHWA, NHDOT, or UNH.

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## Regulated MS4s

An MS4, or “municipal separate storm sewer system,” is a road drainage system owned by a municipality: NPDES II regulates all MS4s located in “urbanized areas” (UAs) as defined by the Bureau of the Census. As described



in “NPDES II Impacts More Municipalities” (Page 3), EPA has designated 19 more cities and towns as MS4s. EPA has also expanded areas in many previously designated MS4s. Each regulated MS4 will have to develop a Storm Water Management Program (SWMP).

That program must contain six “minimum control measures.” Each is summarized below.

1. Public Education and Outreach. Inform citizens about the impacts polluted storm water runoff can have on water quality.
2. Public Participation/Involvement. Encourage citizen participation in program development and implementation.
3. Illicit Discharge Detection and Elimination. Develop and implement a plan to detect and eliminate illicit discharges to the storm sewer system.
4. Construction Site Runoff Control. Develop, implement, and enforce an erosion and sediment control program for construction activities that disturb one or more acres of land.
5. Post-Construction Runoff Control. Develop, implement, and enforce a program to address discharges from new development and redevelopment areas.
6. Pollution Prevention/Good Housekeeping. Develop and implement a program to prevent and reduce pollutant runoff from municipal operations.

## Construction Activities

Operators of a construction site must obtain a permit if they disturb one or more acres of land. If part of a larger development, areas less than one acre are also regulated. The “construction site operator” is the party or parties with operational control of plans and specifications or of day-to-day activities. (See EPA Fact Sheet 3.0, available on page 9)

If a municipality is a construction operator, it must obtain a permit. Construction activity does not include routine maintenance of roads and ditches.

As noted above, regulated MS4 municipalities must control construction site and post-construction site runoff. Their planning regulations should require construction operators to obtain permits. Their regulations should also address post-construction discharges.

# NPDES II Impacts More Municipalities

## 2000 Census Redefines MS4 Designations

The article on page 1 describes the NPDES II regulations. They will impact all New Hampshire municipalities. (See “NPDES II and Highway Garage Complexes” in this issue.) The greatest impact is on cities and towns with “Regulated Municipal Separate Storm Sewer Systems” (MS4s). An MS4 is a road drainage system owned by a government entity, such as a municipality. It includes all roads and streets, catch basins, curbs, gutters, ditches, culverts, man-made channels, and storm drains.

EPA designates MS4s located in “urbanized areas” (UAs) as defined by the Bureau of the Census. The 1990 Census UAs covered all of Dover, Manchester, Nashua, Portsmouth, Rochester, and Somersworth. They covered parts of

Amherst	Hudson	Pelham
Auburn	Litchfield	Plaistow
Bedford	Londonderry	Rollinsford
Durham	Madbury	Rye
Goffstown	Merrimack	Salem
Hollis	New Castle	Windham
Hooksett	Newington	

### Redefinition of MS4s

Based on the 2000 Census EPA has expanded the designated areas in many of these towns. It has designated all of Atkinson and parts of the following towns.

Brentwood	Greenland	Milford
Chester	Hampstead	Milton
Danville	Hampton	Newton
Derry	Hampton Falls	North Hampton
East Kingston	Kingston	Sandown
Exeter	Lee	Seabrook

The specific area definitions are in Census Bureau maps. EPA Boston, who administers NPDES II in New Hampshire, will distribute them. When available, the UNH T<sup>2</sup> Center will inform the impacted towns through the PW.Net and NHLogin email listserves. (To join PW.Net email a request to [t2.center@unh.edu](mailto:t2.center@unh.edu).)

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### What is Required

Municipalities with a regulated MS4 must develop a Storm Water Management Program (SWMP). The deadline for initial application is March 10, 2003. SWMP must be implemented over the following 5 years.

The SWMP must cover the six “minimum control measures” described on Page 1. The EPA describes specific requirements in a separate Fact Sheet for each measure. (See Page 9 or the EPA websites below.)

### Assistance to NH Municipalities

Various agencies can help the MS4 communities. The EPA Boston office, in addition to providing area definition maps, will have several outreach events this fall.

The NH Office of State Planning can provide model ordinances, regulations, and guidance. NH Department of Environmental Services staff can help with illicit discharge detection. The NH Department of Transportation is a regulated MS4 within the designated UAs. They will coordinate their SWMPs with affected municipalities.

Many UNH T<sup>2</sup> Center workshops and newsletter articles provide information useful for NPDES II compliance actions. It is developing a Drainage Maintenance System, which will help municipalities prepare and execute NPDES II.

Private engineers and vendors can assist with engineering studies, equipment, and construction. Finally, municipal officials can assist each other. PWNet is one way to communicate with peers. 

#### Sources

EPA’s “NPDES Storm Water Program For Regulated Small MS4s”:  
[http://cfpub.epa.gov/npdes/stormwater/phase2.cfm?program\\_id=6](http://cfpub.epa.gov/npdes/stormwater/phase2.cfm?program_id=6)

EPA Fact Sheets:

[http://cfpub.epa.gov/npdes/stormwater/swfinal.cfm?program\\_id=6](http://cfpub.epa.gov/npdes/stormwater/swfinal.cfm?program_id=6)