

Phase II Stormwater Permits Top 10 Questions and Answers*

**Questions provided by various New Hampshire municipalities since January 2000.*

**Answers provided by Comprehensive Environmental Inc. (CEI) as a service to clients and potential clients based on the Federal rule and conversations with EPA Headquarters, Region I EPA and State agencies.*

If you would like to discuss your situation specifically and learn how CEI can assist you, please contact Eileen Pannetier at 1-800-725-2550 ext. 301.

April 2000 New Hampshire Phase II Stormwater Questions & Answers

The following are answers to the ten most common questions we've been asked since the Phase II stormwater regulations became final (December 8, 1999).

- Q. My community is small and not urbanized. Why is it on the list?
- A. *Many smaller communities are brought in under the Phase II rules because they are located near urbanized areas and some portion of the community falls within the urbanized zone as indicated by the U.S. Census Bureau. Technically, the small community does not have to address Phase II except in the covered area, however, most communities will want to make the required regulatory changes town-wide.*
- Q. The Notices of Intent (NOI) don't have to be filed until 2003. Is there any reason to get started earlier?
- A. *Yes. Although the NOI's are not due until February 2003, that really only leaves a limited amount of time for municipalities to act. The NOI, although it is not yet available from EPA, will require communities to identify how they plan to address stormwater including prioritization, protection of sensitive areas, and how they intend to meet "measurable goals". Communities who wish to create the most cost-effective programs are already getting started to identify how they will comply with the rule through a phased program.*
- Q. If my community is already subject to the Combined Sewer Overflow Policy, can we also be subject to the Phase II rules?
- A. *Yes, if the community also has separate storm sewer systems in some areas and is located in an urbanized area, but only the separate storm sewer system is covered by the regulations.*
- Q. Who is the operator for Phase II?
- A. *The operator in most communities is going to be the Department of Public Works because it is the agency that "maintains and controls" the storm drainage system. In most towns, however, other departments and agencies also may be operators for small areas, such as for their own lands. For example, a water district or conservation commission that owns its own parcels may be classified as an operator and should try to coordinate with the primary community operator, typically the DPW or Highway Department.*
- Q. Does a "ditch" qualify as a stormwater conveyance?
- A. *Yes, any stormwater conveyance, including a ditch, is covered by the rule.*

- Q. Do all the discharges within my community need to be addressed?
A. *Yes. Any stormwater conveyance that discharges into a stream, wetland, river or pond needs to be addressed.*
- Q. What will we do with all the catch basin cleanings if everyone starts doing structural stormwater BMPs?
A. *In New Hampshire, catch basin cleanings are regulated under the New Hampshire Code of Administrative Rules Chapter Env-Wm 2600, Management of Certain Waste. The cleanings must be tested in accordance with the Part Env-Wm 2603.05 Reuse Requirements and Limitations to determine if the material is hazardous. If the cleanings do not exceed the concentrations for hazardous material, then they may be landfilled at an unlined landfill, used for daily cover material at a landfill, or possibly reused for fill material for other public works projects (if the contaminant levels are below limits defined in Part Env-Wm 2603.05(d)(1)). However, cleanings that exceed the concentrations defined in the rules must be treated as hazardous waste and disposed of in a permitted lined landfill in accordance with the Hazardous Waste Rules.*
- Q. What if our population goes down and the 2000 Census takes us out of the urbanized area?
A. *Once a Phase II community, always a Phase II community. The rule allows new communities to be brought into Phase II based on the 2000 and later census data, but anyone already listed is not allowed to become unlisted as a result of declining population.*
- Q. Our community is not on the list now. Will we be regulated at all?
A. *Communities not currently on the list may be regulated if they are in highly sensitive areas and the state agency chooses to regulate them because of potential stormwater threats. Also, communities not covered under this phase are likely to be covered in another phase that is currently scheduled to begin in 2008.*
- Q. What if another town's stormwater comes into my community before reaching the river?
A. *Operators are responsible for their own discharges of stormwater, but may wish to monitor what stormwater enters their drainage system and contact the other "operator" if there are quality problems with the discharge.*