

# Integrated Storm Water Regulation in Utah

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## The Driving Force

- Present to the regulated community a **single, simple, unified** regulatory framework for storm water management in the State of Utah

# The Players

- Utah Pollutant Discharge Elimination System (UPDES) Storm Water Permitting Program (UAC R317-8-3.9) – Clean Water Act auth.
- Utah 1422 Underground Injection Control (UIC) Program (UAC R317-7) – Safe Drinking Water Act auth.
- Utah Groundwater Quality Protection Program (UAC R317-6) – Utah Water Quality Act auth.

# Waters of the United States

- Defined in 40 CFR 122.2 (NPDES)
- DOES NOT include groundwater

## Waters of the State (Utah)

- Defined in Utah Water Quality Act (UCA 19-5-102(18)) and UPDES Administrative Rules (R317-8-1.5(60))
- DOES include groundwater

# UPDES Specific Inclusions

- R317-8-2.1(1) Specific inclusions. The following are examples of specific categories of point sources requiring UPDES permits for discharges.
  - ...
  - (d) Storm water discharges .....

## UPDES Definitions

- (35) "**Point source**" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, **well, discrete fissure**, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft, from which pollutants are or may be discharged. ...

# UPDES Specific Exclusions

- R317-8-2.1(2) Specific exclusions. The following discharges **do not require** UPDES permits:
  - ...
  - (h) Authorizations by permit or by rule which are prepared to assure that underground injection will not endanger drinking water supplies, and which are issued under the state's Underground Injection Control program .....



# The Challenge

- How do we integrate regulation of storm water under UPDES and UIC without overstepping boundaries of regulatory authority?
- How do we affect this integration without adding to the regulatory burden of the regulated community and the UPDES and UIC staff?

# Benchmarking: What's Everybody Else Doing?

- EPA
- Washington
- Oregon

# Benchmarking: EPA

- [http://www.epa.gov/ogwdw000/uic/class5/types\\_stormwater.html](http://www.epa.gov/ogwdw000/uic/class5/types_stormwater.html)
- June 13, 2008 Memo – Clarification on which storm water infiltration practices/technologies...
- Storm Water Injection Well Best Management Practices (BMPs) – pdf
- 1999 Class V UIC Study, Volume 3 – Storm Water Drainage Wells and Storm Water Drainage Fact Sheet - pdf

# Benchmarking: Oregon

- Conditional Rule Authorization under Oregon UIC
  - Storm Water Injection Management Plan
  - No Contact Certification
  - Categorical requirements loosely linked to NPDES categories
    - Municipalities with  $\geq 50$  storm water injection systems
    - Municipalities with  $< 50$  storm water injection systems
    - Industrial/Commercial facilities where haz. material used
    - Industrial/Commercial facilities where haz. material not used

# Benchmarking: Oregon

- Industrial/Commercial/Residential facilities with large parking lots and/or high traffic area
- Industrial/Commercial/Residential facilities with small parking lots
- Residential

# Benchmarking: Washington

- Conditional Rule Authorization under WA UIC
  - Well registration
  - Well Assessment - **WAC 173-218-090 - Specific requirements for Class V wells to meet the non-endangerment standard. Includes connection to NPDES permitted entities.**
- Guidance for UIC Wells that Manage Storm Water
- Dept of Ecology Approved Treatment Best Management Practices (BMPs) for UIC Wells

# UPDES MS4

- **Storm Water Management Program**

Include UIC Storm Water Drainage Wells in 6 minimum control areas

- 1. Public education and outreach on storm water impacts.
- 2. Public Involvement/Participation.
- 3. Illicit discharge detection and elimination.
- 4. Construction site storm water runoff control.
- 5. Post-construction storm water management in new development and redevelopment.
- 6. Pollution prevention/good housekeeping for municipal operations.

## UPDES MS4

- UIC Staff to accompany UPDES MS4 Staff on audits where storm water injection wells are used
- UIC Staff to participate in Utah Storm Water Advisory Committee and regional and local storm water coalition meetings
- UPDES MS4 Staff will require inventory of storm water injection wells in annual reporting



# UPDES Industrial

- UIC Staff to coordinate with UPDES Industrial Staff on inclusion of storm water injection wells in:
  - No Exposure Certification
  - Storm Water Pollution Prevention Plan
  - Storm Water Discharge Monitoring Reports (SWDMR)
- UIC Staff to accompany UPDES Industrial Staff on inspections where storm water injection wells are used

# UPDES Construction

- UIC Staff to accompany UPDES Construction Staff on inspections where storm water injection wells are potentially impacted by construction activities
- UIC Staff to coordinate with UPDES Construction Staff to include storm water injection wells in Storm Water Pollution Prevention Plans for construction activities.

## Concluding Remarks

- This concept will only work if it is perceived as advantageous to the regulated community, the UIC Staff and the UPDES Staff.
- “Advantageous” means protective of both groundwater and surface water resources, no additional work for UPDES and UIC Staff, no additional independent regulatory framework to cover storm water injection wells other than the inclusion of injection wells in UPDES structure.



**?? Questions ??**



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