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Office of Water (4203)
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Fact Sheet 2.4

Stormwater Phase II Final Rule

Public Participation/ Involvement Minimum Control Measure

Stormwater Phase II Final Rule Fact Sheet Series

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This fact sheet profiles the Public Participation/Involvement minimum control measure, one of six measures the operator of a Phase II regulated small municipal separate storm sewer system (MS4) is required to include in its stormwater management program to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit. This fact sheet outlines the Phase II Final Rule requirements and offers some general guidance on how to satisfy them. It is important to keep in mind that the small MS4 operator has a great deal of flexibility in determining how to satisfy the minimum control measure requirements.

Why Is Public Participation and Involvement Necessary?

EPA believes that the public can provide valuable input and assistance to a regulated small MS4's municipal stormwater management program and, therefore, suggests that the public be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a stormwater management program because it allows for:

- ***Broader public support*** since citizens who participate in the development and decision making process are partially responsible for the program and, therefore, may be less likely to raise legal challenges to the program and more likely to take an active role in its implementation;
- ***Shorter implementation schedules*** due to fewer obstacles in the form of public and legal challenges and increased sources in the form of citizen volunteers;
- ***A broader base of expertise*** and ***economic benefits*** since the community can be a valuable, and free, intellectual resource; and
- ***A conduit to other programs*** as citizens involved in the stormwater program development process provide important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a stormwater program on a watershed basis, as encouraged by EPA.

What Is Required?

To satisfy this minimum control measure, the operator of a regulated small MS4 must:

- ❑ Comply with applicable State, Tribal, and local public notice requirements; and
- ❑ Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure. Possible implementation approaches, BMPs (i.e., the program actions and activities), and measurable goals are described below.

What Are Some Guidelines for Developing and Implementing This Measure?

Operators of regulated small MS4s should include the public in developing, implementing, updating, and reviewing their stormwater management programs. The public participation program should make every effort to reach out and engage all economic and ethnic groups. EPA recognizes that there are challenges associated with public involvement. Nevertheless, EPA strongly believes that these challenges can be addressed through an aggressive and inclusive program. Challenges and example practices that can help ensure successful participation are discussed below.

Implementation Challenges

The best way to handle common notification and recruitment challenges is to know the audience and think creatively about how to gain its attention and interest. Traditional methods of soliciting public input are not always successful in generating interest, and subsequent involvement, in all sectors of the community. For example, municipalities often rely solely on advertising in local newspapers to announce public meetings and other opportunities for public involvement. Since there may be large sectors of the population who do not read the local press, the audience reached may be limited. Therefore, alternative advertising methods should be used whenever possible, including radio or television spots, postings at bus or subway stops, announcements in neighborhood newsletters, announcements at civic organization meetings, distribution of flyers, mass mailings, door-to-door visits, telephone notifications, and multilingual announcements. These efforts, of course, are tied closely to the efforts for the public education and outreach minimum control measure (see Fact Sheet 2.3).

In addition, advertising and soliciting help should be targeted at specific population sectors, including ethnic, minority, and low-income communities; academia and educational institutions; neighborhood and community groups; outdoor recreation groups; and business and industry. The goal is to involve a diverse cross-section of people who can offer a multitude of concerns, ideas, and connections during the program development process.

Possible BMPs

There are a variety of practices that could be incorporated into a public participation and involvement program, such as:

- ***Public meetings/citizen panels*** allow citizens to discuss various viewpoints and provide input concerning appropriate stormwater management policies and BMPs;
- ***Volunteer water quality monitoring*** gives citizens first-hand knowledge of the quality of local water bodies and provides a cost-effective means of collecting water quality data;
- ***Volunteer educators/speakers*** who can conduct workshops, encourage public participation, and staff special events;
- ***Storm drain stenciling*** is an important and simple activity that concerned citizens, especially students, can do;
- ***Community clean-ups*** along local waterways, beaches, and around storm drains;
- ***Citizen watch groups*** can aid local enforcement authorities in the identification of polluters; and
- ***"Adopt A Storm Drain" programs*** encourage individuals or groups to keep storm drains free of debris and to monitor what is entering local waterways through storm drains.

What Are Appropriate Measurable Goals?

Measurable goals, which are required for each minimum control measure, are intended to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, greatly depend on the needs and characteristics of the operator and the area served by the small MS4. Furthermore, they should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure.

EPA has developed a Measurable Goals Guidance for Phase II MS4s that is designed to help program managers comply with the requirement to develop measurable goals. The guidance presents an approach for MS4 operators to develop measurable goals as part of their stormwater management plan. For example, an MS4 could conclude as part of its Illicit Discharge Detection and Elimination program that a certain section of town has a high incidence of used motor oil dumping. The watershed has numerous automotive businesses including small repair shops, large auto dealerships, gas stations, and body shops. In addition, there are several large apartment complexes with areas that could be used as "do-it-yourself" oil change areas. The MS4 organizes a public meeting in the watershed to not only educate residents about stormwater issues and permit requirements, but also to ask for input regarding possible dumping areas and to determine if the community needs an oil recycling facility or some other way to safely dispose of used motor oil. In this way, the MS4 might better understand who the target audience is for illegal dumping control while implementing a valuable service for the watershed community.

For Additional Information

Contacts

- U.S. EPA Office of Wastewater Management
  http://www.epa.gov/npdes/stormwater
  Phone: 202-564-9545

- Your NPDES Permitting Authority. Most States and Territories are authorized to administer the NPDES Program, except the following, for which EPA is the permitting authority:

Alaska	Guam
District of Columbia	Johnston Atoll
Idaho	Midway and Wake Islands
Massachusetts	Northern Mariana Islands
New Hampshire	Puerto Rico
New Mexico	Trust Territories
American Samoa	

- A list of names and telephone numbers for each EPA Region and State is located at http://www.epa.gov/npdes/stormwater (click on "Contacts").

Reference Documents

- EPA's Stormwater Web Site
  http://www.epa.gov/npdes/stormwater
  - Stormwater Phase II Final Rule Fact Sheet Series
  - Stormwater Phase II Final Rule (64 *FR* 68722)
  - National Menu of Best Management Practices for Stormwater Phase II
  - Measurable Goals Guidance for Phase II Small MS4s
  - Stormwater Case Studies
  - And many others