



Lesson 2

Regulations

Lesson Objective

- Identify federal, state, and local regulations that...
 - Provide incentive for LID
 - Affect how LID is implemented

Federal Regulations

- Clean Water Act
 - Section 402, National Pollution Discharge Elimination System (NPDES)
 - Section 303, Total Maximum Daily Loads (TMDL)
 - Section 311, Spill Prevention, Control, and Countermeasures
 - Section 319, Non-Point Source Management Program
 - Section 404, Regulation of Dredged or Fill Material

Federal Regulations

- Safe Drinking Water Act Wellhead Protection Program
 - Protects recharge areas
- LID techniques that promote infiltration will tend to increase recharge
 - Adequate filtration is a must

Federal Regulations

- Coastal Zone Management Act
 - Mandates compliance with state programs
- LID techniques usually contribute to compliance

Federal Regulations

- Estuaries and Clean Waters Act of 2000
 - Codifies all Chesapeake Bay agreements
 - Imposes TMDL requirements if not off the impaired waters list by 2010
- LID can apply here because LID techniques can be used to reduce pollutant loading

Federal Regulations

- National Environmental Policy Act of 1969
 - Requires environmental analyses and citizen involvement
- LID can apply here because it minimizes adverse impacts of development

Federal Regulations

- Sikes Act
 - Requires an approved Integrated Natural Resource Plan (INRP)
- LID techniques are consistent with Sikes Act goals
 - LID development plans may be incorporated into INRPs

Executive Order 13274

Signed by President Bush on September 18, 2002

The "Secretary of Transportation, in coordination with agencies as appropriate, shall advance environmental stewardship through cooperative actions with project sponsors to promote protection and enhancement of the natural and human environment in the planning, development, operation, and maintenance of transportation facilities and services."

FHWA “Vital Few Goal”

Environmental Stewardship and Streamlining

“One of the Vital Few strategies is for FHWA to provide guidance, information, and training to States on ‘integrating the planning and environmental processes’ and encouraging context-sensitive solutions/context-sensitive design (CSS/CSD).”

--October 29, 2002 memo from King W. Gee
FHWA Associate Administrator for Infrastructure

LID and Local Ordinances

To use or encourage LID, ordinances may need to be changed in terms of:

1. What is allowable,
e.g. open section road
2. What is required,
e.g. water quality control devices,
easements, maintenance activities
3. How LID counts toward control of
 - Water quality
 - Runoff peak
 - Runoff volume

State Regulations

- What are stormwater regulations pertaining to water quality in your state?
- What are other existing state or local incentives for LID?

Questions? Answers!

Q & A