

## COLORADO NONPOINT SOURCE – FY2011 REGULATED STORMWATER FACT SHEET

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### *Introduction*

When federal funding under Section 319 of the Clean Water Act is granted to the Colorado Nonpoint Source Management Area (NPS program), there are a number of guidelines offered by the U.S. Environmental Protection Agency (EPA) for the NPS program to follow as we administer the Section 319 grant (please see Nonpoint Source Program and Grants Guidelines for States and Territories, October 23, 2003 at [http://www.epa.gov/owow\\_keep/NPS/cwact.html](http://www.epa.gov/owow_keep/NPS/cwact.html), Current Section 319 Grant Guidance). Many of these EPA guidelines help us define what is eligible for Section 319 funding, especially with respect to answering the question: what is a nonpoint source of pollution? This is true for the distinction between nonpoint sources and regulated stormwater. As with previous years, for the 2011 grant cycle, the NPS program will rely on EPA guidance to determine eligibility for those nonpoint source projects proposed within geographic coverage areas for regulated stormwater and with potential links to regulated stormwater permit requirements.

### *Regulated Stormwater*

As a result of federal and state regulations, stormwater discharges in certain geographic areas are regulated as point source discharges. For these point source discharges, permits to discharge from municipal separate storm sewer systems (MS4s) are issued under the Colorado Discharge Permit System (CDPS). Each permit requires the entity responsible for the MS4, the permittee, to develop, implement, and enforce a CDPS Stormwater Management Program. The Stormwater Management Program results in the reduction of discharge of pollutants from the MS4 to the maximum extent practicable to protect water quality and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act. The Stormwater Management Program generally includes elements such as: public education, outreach, and involvement; illicit discharge detection and elimination; construction sites; post-construction stormwater management in new development and redevelopment; and pollution prevention/good housekeeping for permittee operations.

To better assess if your nonpoint source project may overlay with regulated stormwater coverage areas and permit requirements for MS4s, please refer to <http://www.cdphe.state.co.us/wq/PermitsUnit/MS4/MS4newpage.html>. This webpage provides: a list of MS4 permittees; general representations of permit coverage areas; general permit language, requirements, and rationales; and additional information that will be useful for your determination. Because the Colorado Department of Transportation's (CDOT's) MS4 permit includes coverage areas associated with all other MS4 permits, our partners at CDOT provide a useful, geographic representation of statewide MS4 permit coverage areas at: <http://www.coloradodot.info/programs/environmental/water-quality/documents/ms4-program-area-maps>. Please note that CDOT's maps should be used as general information regarding MS4 permit coverage areas and do not substitute for the specific coverage area certifications submitted by each MS4 permittee.

### *NPS Funding Eligibility*

The statutory intent for use of Section 319 funding is to address nonpoint sources, not permitted point sources. Therefore, it is important to evaluate any connections your project may have to regulated stormwater because such a determination impacts the eligibility of your project to receive Section 319 funding. The NPS program uses EPA's Nonpoint Source Program and Grants Guidelines for States and Territories, Urban Storm Water Runoff section to help make funding decisions for proposed nonpoint source projects within regulated stormwater coverage areas and with potential links to MS4 permit requirements. EPA's guidelines state:

**Ineligible:**

- Section 319 funding may not be used to implement specific requirements of draft or final stormwater permits;
- Section 319 funding may not be used to implement permit application requirements associated with stormwater regulations; and
- Section 319 funding may not be used to pay for Best Management Practices (BMPs) or “end of pipe” treatments that are required as part of a draft or final stormwater permit.

**Eligible:**

- Section 319 funding may be used for any urban stormwater activities that are not specifically required by a draft or final stormwater permit;
- Section 319 funding may be used for aspects of activities that support but do not directly implement activities required by stormwater permits; and
- Urban runoff management activities that may be eligible for Section 319 funding include:
  - Technical assistance to state and local stormwater programs;
  - Monitoring needed to design and evaluate the effectiveness of implementation strategies;
  - Best management practices for pollution prevention and runoff control (except for BMPs required by a draft or final stormwater permit);
  - Information and education programs;
  - Technology transfer and training; and
  - Development and implementation of regulations, policies, and local ordinances to address stormwater runoff (these may apply to areas covered by stormwater permits, provided that the regulations, policies, and ordinances apply to non-permitted areas as well).

If your nonpoint source project may have a connection to regulated stormwater, you are required to submit documentation to demonstrate that the proposed project does not trigger the ineligibility criteria and is included within the eligibility criteria. Please note that this documentation needs to include an analysis of specific commitments made in all applicable MS4 permit-defined, Stormwater Management Programs and an evaluation of how those commitments are being measured through permit-required annual reports and any other applicable reporting specific to how MS4 permit requirements are being met.

*2011 NPS Funding Cycle*

The aforementioned documentation should be submitted concurrently with your 2011 proposal and will only be used to assess funding eligibility (please see Proposal Evaluation Criteria Matrix). This documentation, therefore, will not be counted toward the overall proposal page count limitation.

*Assistance*

The NPS program project coordinators are here to help with your questions about nonpoint sources and regulated stormwater. Please find our contact information at: <http://www.npscolorado.com/NPSteam.pdf>.