



EPA Stormwater Information Collection Request (ICR) Fact Sheet September 2010



What is the Stormwater ICR? The ICR consists of six separate survey instruments:

Regulated MS4 Questionnaire
Non-Regulated MS4 Questionnaire
Transportation MS4 Questionnaire
NPDES Permit Authority Questionnaire
Long Owner/Developer Questionnaire
Short Owner/Developer Questionnaire

What is the purpose of the Stormwater ICR? The purpose of the ICR is to collect information to help EPA assess whether it should revise its existing stormwater requirements, and if so, how and to what extent it should revise these requirements. More specifically, the purpose is to collect baseline information to inform EPA's analyses of a possible stormwater rulemaking proposal.

What will EPA do with the information it collects?

EPA will use the information to characterize, among other things:

- current stormwater practices and requirements, environmental impacts of stormwater discharges,
- costs associated with controlling and regulating stormwater discharges, and
- financial capability of those that could be subject to revisions to the federal stormwater requirements.

More specifically, the data collected through these questionnaires will provide EPA with information to characterize:

- current building, transportation, and real estate improvement projects (i.e., new and redevelopment);
- long term stormwater controls and best management practices (BMPs) being installed at newly developed and redeveloped projects;
- state and local long term stormwater programs and requirements (including retrofit of existing development) and the areas covered by these programs;
- the current capacity and expenditures by NPDES Permitting Authorities and local authorities to implement, enforce, and maintain long term stormwater programs and controls; and
- technical, financial, and environmental data needed to quantify the incremental pollutant removals, compliance costs, impacts, and benefits for various regulatory options that EPA might consider in this rulemaking.

Why does EPA need financial information? EPA needs financial information to estimate the financial or economic impact that could result from rulemaking. Simply knowing what a rulemaking costs does not provide any insight into the possible impact the rule may have on those entities that are regulated.

Does receiving a survey mean you are going to be regulated? No. If you are not currently subject to EPA regulations, you should not assume that receipt of a survey means you are going to be regulated. EPA has not made any decisions with respect to revising its federal stormwater regulations.

EPA Regulated MS4 Questionnaire Fact Sheet September 2010

What is the purpose of the Regulated MS4 Questionnaire? The purpose of the regulated MS4 questionnaire is to collect baseline information to inform EPA's consideration of including additional requirements on MS4s currently subject to federal stormwater requirements (i.e. Phase I and Phase II MS4s).

What type of information is EPA collecting in the Regulated MS4 Questionnaire?

- The type of MS4 (e.g., Phase I, traditional. State DOT);
- Stormwater conveyance (including direct discharge) within the MS4 jurisdiction;
- Specific stormwater program components (e.g., outreach, recordkeeping, training) and extent of coverage;
- Extent of new and redevelopment projects and MS4 oversight (e.g. site plan review);
- Current MS4 stormwater management requirements, including specific or numeric long term stormwater discharge standards for new and redevelopment activities;
- Local ordinances that conflict with or encourage long term stormwater retention practices;
- Long term stormwater controls and practices installed, maintained and whether cost and/or performance data are available;
- Current capacity, budget, and funding sources for implementing, enforcing, maintaining and monitoring existing stormwater program; and
- Stormwater capital improvement plans and/or requirements (including retrofit of existing property).

What will EPA do with the information it collects from regulated MS4s? EPA will use the technical information to first assess existing local stormwater programs. Specifically, EPA will use information collected to, among other things, establish a baseline of:

- local long term stormwater regulatory requirements and jurisdiction,
- operation and maintenance of long term stormwater practices and controls, and
- current local oversight, monitoring, and enforcement.

EPA will also estimate the current capacity and budgets of localities for their existing programs, including retrofit programs as applicable. EPA will use this information to inform its consideration of:

- expanding the scope of the existing MS4 regulations,
- whether to establish a single set of requirements for all MS4s, and/or
- whether to establish different requirements for transportation.

EPA will also use this information to help inform its consideration of implementing national standards for new and redevelopment projects (and the associated operation and maintenance) through the MS4 program. Ultimately, EPA will use this information to evaluate the incremental costs and impacts on MS4s and local jurisdictions and benefits that may result from additional requirements.

How were MS4s questionnaire recipients selected? EPA systematically selected a sample of Phase I and Phase II MS4s across the geographic regions. EPA selected approximately 10% of the total number of Phase I and Phase II MS4s.

EPA Non-Regulated MS4 Questionnaire Fact Sheet September 2010

What is the purpose of the Non-Regulated MS4 Questionnaire? The purpose of the non-regulated MS4 questionnaire is to collect baseline information to inform its consideration of subjecting additional local governments to federal stormwater requirements.

What type of information is EPA collecting in the Non-Regulated MS4 Questionnaire?

- Locality type, population, and area;
- Stormwater conveyance within the locality;
- Extent of new and redevelopment project oversight (e.g. site plan review);
- Extent of existing stormwater program (e.g., does the locality have a stormwater program and if so, what components are included in the program?);
- If applicable, long term stormwater controls and practices installed, maintained and whether cost and/or performance data are available; and
- Current capacity, budget, and funding sources for implementing, enforcing, maintaining and monitoring existing stormwater program.

What will EPA do with the information it collects from the Non-Regulated MS4 Questionnaire?

EPA will use this information to inform its consideration of expanding the scope of the existing MS4 regulations to additional localities. EPA will use the technical information to first assess stormwater conveyance throughout the country and existing local stormwater programs. EPA will use information collected to, among other things, establish a baseline of:

- municipal stormwater conveyance systems,
- local long term stormwater regulatory requirements and jurisdiction,
- operation and maintenance of long term stormwater practices and controls, and
- current local oversight, monitoring, and enforcement of stormwater discharges to the municipal system.

EPA will also estimate the current capacity and budgets of localities to implement existing local stormwater programs. Ultimately, EPA will use this information to evaluate the incremental costs and impacts on local jurisdictions and benefits that may result from expanding existing MS4 requirements to additional localities.

Does receiving a survey mean a locality is a regulated MS4 or that EPA has targeted it to be regulated? No. EPA sent this questionnaire only to localities that are not currently subject to federal stormwater requirements (i.e., not a regulated MS4). In addition, EPA is in the early stages of considering revisions to the stormwater regulations and has not made any decisions concerning extending federal stormwater requirements to additional localities.

How were questionnaire recipients selected? EPA began with a master list of all local governments in the United States obtained from the Government Integrated Directory (GID), a directory that is used in the Census Bureau's government statistical programs. EPA then removed all local governments already subject to federal stormwater requirements, leaving a comprehensive list of all governments in the country without current federal stormwater regulation. In order to reduce the burden of responding on extremely small cities and towns, EPA then eliminated those local governments with a population of 1,000 or less.

Additionally, EPA assigned an Urban Influence Code (UIC), a 12-level code created by the USDA Economic Research Service (ERS), to group the remaining localities by proximity to local governments currently subject to federal stormwater requirements.

EPA then systematically selected localities across UIC Code and geographical distribution (about 60% of the non-regulated local governments met these criteria). EPA selected approximately 6% of non-regulated local governments meeting the geographical and population criteria described above.

Transportation MS4 Questionnaire Fact Sheet

What is the purpose of the Transportation MS4 Questionnaire? The purpose of the Transportation MS4 questionnaire is to collect baseline information to inform EPA's consideration of including additional requirements on MS4s that are State and Local/County Departments of Transportation (DOTs) currently subject to federal stormwater requirements (i.e. Phase I and Phase II MS4s).

What type of information is EPA collecting in the Transportation MS4 Questionnaire?

- Stormwater conveyance (including direct discharge) within the MS4 jurisdiction;
- Specific stormwater program components (e.g., outreach, recordkeeping, training) and extent of coverage;
- Extent of new and redevelopment projects and MS4 oversight (e.g. site plan review);
- Current MS4 stormwater management requirements, including specific or numeric long term stormwater discharge standards for new and redevelopment activities;
- Local ordinances or other regulatory mechanisms that conflict with or encourage long term stormwater retention practices;
- Long term stormwater controls and practices installed, maintained and whether cost and/or performance data are available;
- Current capacity, budget, and funding sources for implementing, enforcing, maintaining and monitoring existing stormwater program; and
- Stormwater capital improvement plans and/or requirements (including retrofit of existing property).

What will EPA do with the information it collects from Transportation MS4s? EPA will use the technical information to first assess existing local stormwater programs. Specifically, EPA will use information collected to, among other things, establish a baseline of:

- local long term stormwater regulatory requirements and jurisdiction,
- operation and maintenance of long term stormwater practices and controls, and
- current local oversight, monitoring, and enforcement.

EPA will also estimate the current capacity and budgets of the DOTs for their existing programs, including retrofit programs as applicable. EPA will use this information to inform its consideration of:

- expanding the scope of the existing MS4 regulations,
- whether to establish a single set of requirements for all MS4s, and/or
- whether to establish different requirements for transportation.

EPA will also use this information to help inform its consideration of implementing national standards for new and redevelopment projects (and the associated operation and maintenance) through the MS4 program. Ultimately, EPA will use this information to evaluate the incremental costs and impacts on Transportation MS4s and benefits that may result from additional requirements.

How were Transportation MS4s questionnaire recipients selected? EPA sampled the State DOT's central office from each state (if applicable) with certainty and randomly sampled up to four additional state divisional offices and/or local/county DOTs depending on the number of DOTs in each state.

EPA Owner/Developer Questionnaire Fact Sheet

What is the purpose of the Owner/Developer Questionnaire? The purpose of the Owner/Developer questionnaire is to collect information to inform EPA's consideration of a standard to control long term stormwater discharges (i.e., post construction discharges) from new and redevelopment sites.

What type of information is EPA collecting in the Owners/Developer Questionnaire?

- Type/location/size/identification of development/redevelopment projects;
- Stormwater conveyance and discharge location for these projects;
- Land cover areas both pre- and post-development including percent imperviousness;
- Long term stormwater best management practices and controls, including design criteria, specifications, and cost information, including both the capital cost of installation and operation and maintenance costs if available (with a focus on Low Impact Development (LID) practices);
- Stormwater permit and management requirements;
- Information on design credits or incentives (or impediments) associated with implementing stormwater retention practices;
- Firm level financial information;
- Business level financial information; and
- Project level financial information.

What will EPA do with the information it collects from the Owner/Developer Questionnaires?

EPA will use the technical data collected in the Owner/Developer Questionnaires to establish a baseline of current usage and availability of long term stormwater discharge practices and controls at new and redevelopment projects. In addition, EPA will use the project level data to develop a national distribution of projects based on critical characteristics (e.g. size, value, percent imperviousness, previous land use). Together, this information supplemented with other data (e.g. capital cost), will be used to assess the incremental costs and benefits associated with various regulatory options for standards for long term stormwater discharges.

Why does EPA need financial information and how will it be protected? EPA will use the financial information to characterize the economic status of owners and developers that could be subject to new stormwater management requirements and estimate the impact of compliance costs on these entities. Respondents may claim financial information to be Confidential Business Information (CBI). EPA takes protection of CBI seriously and follows strict plans and procedures to ensure its protection.

How were questionnaire recipients selected? EPA began with a master list of businesses it obtained from the Dunn and Bradstreet Database with primary and/or secondary NAICS codes of interest. EPA placed each business into one of four groups by NAICS code. The breakout can be seen in the table below:

Groups	Type	NAICS Code	Description
Residential	1: Single Family	236115	New single family housing construction
	2: Multi-Family	236116	New multi-family housing construction
	3: Operative Builders	236117	New housing operative builders
	4: Land Subdivision	237210	Land subdivision
Property Management	5: Property Management	523920	Portfolio management
		531110	Residential real estate lessors
		531120	Nonresidential real estate lessors
Non-Residential	6: Non-Residential	236210	Industrial building construction
		236220	Commercial & institutional building construction
Transportation/Engineering	7: Transport./Engineer.	237310	Highway, street & bridge construction
		237990	Other heavy and civil engineering construction

EPA then labeled each business as small, medium, or large by annual sales figures and systematically selected businesses from each group across size and geographic location. EPA selected just under 3,000 businesses. Within each NAICS grouping, one-third of the businesses selected received the full questionnaire; the remaining two-thirds of businesses selected received a short questionnaire (comprised of a subset of questions from the full questionnaire).