



Follow-Up from Transportation-Related Municipal Separate Storm Sewer Systems (MS4s) Questionnaire Teleconference

October 6, 2010

~Corrections to Transportation-Related Municipal Separate Storm Sewer Systems (MS4s) Questionnaire~

Please note the following corrections to the original questionnaire:

- A-37 The second response should read “bridge girders and substructures replacement.”
- A-43 Options should read:
 - Yes (Answer questions A-44 – A-45 regarding your standard for new development, answer questions A-46 – A-47 regarding your standard for redevelopment)
 - No (Answer questions A-44 – A-45 regarding your standard for development, skip questions A-46 – A-47)
- A-46 Question should read “For **redevelopment projects**, do you have different post-construction performance standards and/or design criteria that apply in different locations within your service area?”
- A-49 Option for No should read “No (skip to Question A-56)”
- B-6 The second sentence in the question should read “In the first row enter the FTEs worked by staff who work directly for the stormwater management program.”

**Frequently Asked Questions:
Transportation-Related MS4 questionnaire**

General Questions – Overall Survey

1. There is contact information requested in Section A, and again in Section C. Why is it requested in 2 places, and does EPA expect that the contact information be the same in A & C?

Answer: The contact in Section A is the recipient of the questionnaire. The contact information in Section C is for the person able to answer questions about the information provided in the questionnaire (could be a consultant, stormwater staff, etc.).

2. For the states that have MS4 permits and construction stormwater permits, are we to provide answers for MS4 permits only?

Answer: In most instances you should provide information on your MS4 program. Infrequently, however, some states have incorporated post-construction requirements into the construction stormwater permits. In these instances, information related to activities performed for post-construction should be provided.

3. Why are mitigation-related (and restoration) questions part of the ICR?

Answer: The stormwater rulemaking may address mitigation or restoration issues, therefore this questionnaire is collecting information to inform EPA about these potential issues.

4. Will EPA provide any extensions to the response period for all transportation surveys?

Answer: EPA will provide clarification on Questions B.1 and B.3 of the financial section of the transportation-related MS4 questionnaire by October 14, 2010. As a result, for the transportation-related MS4 questionnaire only, EPA is automatically extending all response deadlines by two weeks.

As specified in your questionnaire instructions, if you have any questions regarding the completion of this questionnaire, you can request assistance using EPA's e-mail and telephone helpline provided below:

Eastern Research Group, Inc Local: 703-633-1639 or Toll-free: 1-877-797-5643

Internet Electronic Mailing addresses (E-mail):

TransMS4help@erg.com for Transportation-Related MS4 Questionnaire

5. If our DOT is a co-permittee with other MS4s, do we include all the activities under the MS4 permit or only our activities.

Answer: Only include your DOT activities in the survey. You do not have to include co-permittees activities, but you should note that you are a co-permittee in Question A-6.

6. Does EPA expect the state DOT Headquarters/Central Offices to complete the survey, in addition to the district offices? The state DOTs received several surveys both at the district and Headquarters (HQ) levels. However, the state DOT permits are only held at the district level. The only related info that can be supplied by the state DOT HQ are the investments funded by HQ related to stormwater educational material, awareness programs and research. This material and results are then distributed and used by the districts that hold these permits.

Answer: EPA selected recipients based on the list of currently regulated MS4s provided by the states and EPA regions. In most instances, the state DOT headquarters/central offices were listed and in some instances state DOT district offices and county DOT offices were also included. 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.

If the state DOT does not have a program of its own, but rather the state district offices implement the programs then the districts are responsible for filling out the survey and the state DOT can explain the scenario in its survey. If, however, the state DOT headquarters office implements all, or some portion, of the stormwater management program under an MS4 permit, then the state DOT headquarters office must also submit responses.

Section A - Technical Information

7. In Section A, what specifically is meant by “stormwater management activities?” Is this intended to mean activities that are explicitly identified as practices to meet the Minimum Control Measures? Transportation agencies perform many activities that relate to managing stormwater. These are often in the form of maintaining existing infrastructure, not necessarily related to addressing NPDES requirements.

Answer: For the “extent of coverage” section (Questions A-12 through A-18), the term “stormwater management activities” is used to address activities that are occurring in areas may or may not be covered by an NPDES permit and could be performed either voluntarily or through some other mechanism. The questions in this section collect information about three specific areas: 1. MS4 permitted area 2. MS4 service area; and 3. Area under your control.

For questions within the “specific stormwater program components” section (Questions A-19 through A-32), EPA would like answers related to the stormwater management activities you are performing under your permit. If you are performing other activities related to stormwater management, but do not currently include in your stormwater management program to fulfill your permit requirements, you may still notify EPA of them in the comment fields supplied.

Please be aware that, unless otherwise stated, EPA will assume that the funding identified in Section B corresponds to those activities identified in Section A.

8. A-14: Does the response "stormwater monitoring" include visual inspection?

Answer: Yes.

9. Questions A-17 and A-18. What is the focus of this question and what is meant by “resides in?”

Answer: This question is asking whether or not DOTs allow other entities to occupy or build within part of the space within the rights of ways that they themselves own. In the follow-up question (A-18) EPA is trying to assess whether the DOT would be responsible for controlling the stormwater under their permits coming from these areas or if they have given that responsibility to the other entity. EPA acknowledges that pipelines, power lines, and other entities can reside in rights of ways, but it is currently unclear how frequently this occurs and if DOTs are responsible for incorporating any aspect of stormwater management from these entities into their stormwater programs. For example, if a DOT allows utility poles to be constructed in the right of way and is responsible for the stormwater management from this

area, then the DOT would be responsible for any pollutants that could wash off the pole and into their stormwater discharges. These questions are simply trying to assess which areas the DOTs are responsible for.

10. In Section A.1 after Question A-18 is a heading that begins the next series of questions. It refers to the "Stormwater Program". Does EPA want the answers to these questions to address activities in the "MS4 Permitted Area" (DOT area covered by MS4 Permit) or in the "MS4 Service Area" (area over which the DOT is the owner and operator....statewide system)?

Answer: For this set of questions, you should list those activities that are covered under your MS4 program. If you perform additional activities that aren't included in the SWMP under the MS4 program, but would like to notify EPA of these activities, then the respondent can note it in the comments section. For example, if the DOT track pesticide usage, but doesn't specifically count it towards your pollution prevention program, then the respondent could still let us know that the activity is performed, but outside of the stormwater program, if it so chooses. Please note that the answers provided in Section B of the survey should reflect the activities noted in Section A of the survey.

11. A-19: Does EPA want DOTs to answer "yes" only for those areas they have analytical water quality data (monitoring data) for? What is the intent of the question? What is the intended definition for "effectiveness" and "stormwater impacts"?

Answer: No, EPA does not only want "analytical water quality." Some of the program elements listed may be effective based on changing people's behaviors not necessarily on analytical monitoring.

12. For A-21 and A-23 it is a bit confusing when it asks "by other departments in your organization, other transportation divisions, or other governmental agencies" (cities or counties) or contractors. For our agency, that can mean very different things for those two questions. In A-21, we partner with cities and county groups for public education and outreach; however, all of the items in A-23 are done within the agency, but by departments other than the one that is responsible for stormwater. Other than the area at the end of section A or the end of the survey, there is no place to clarify and it is unclear if EPA wants that differentiation and clarification.

Answer: Answer by identifying parts of the program carried out by others, and if necessary describe in question A-69.

13. Questions A-24 through A-27. Should answers for these questions include things that the DOT do as part of their own normal activity, but are not necessarily identified in their MS4 plan? Alternatively, does EPA only want responses for activities identified as part of the stormwater management program (SWMP) required under the MS4 permit?

Answer: In this instance, you should list those activities that are covered under your MS4 program. If you perform additional activities that aren't included in the SWMP under the MS4 program, but would like to notify EPA of the activity, then the respondent can note it in the comments section. Please be aware that, unless otherwise stated, EPA will assume that the funding identified in Section B corresponds to those activities identified in Section A.

14. Questions A-30. What if our MS4 permit does not include industrial requirements?

Answer: Only check those boxes that apply. If you do not have an industrial component in your stormwater program, check that box. EPA included it as an potential answer selection because

Phase I MS4s are required to develop and implement an inspection and oversight program to monitor and control pollutants in stormwater discharges to the MS4 from industrial facilities.

15. A-29: Please provide some examples of third party as referred to in the answer choices. What is meant by "third party" contracts?

Answer: The term "third party" is mis-phrased and actually refers to contracts with contractors or consultants.

16. A-32 asking about GIS data - What kind of data are you asking for? Our DOT has a GIS layer for our highway system. The question is what features are you looking to identify?

Answer: EPA is interested in GIS data on future road projects, not existing road features.

17. Question A-35. Does "site plans" in this question refer to developments adjacent to DOT roadway corridors or does it refer to DOT construction project plans?

Answer: "Site plans" in Question A-35 refers to plans that either the DOT or another entity on the DOT's behalf creates and submits for review to ensure that post-construction control measures are adequate. In some instances this review may be part of the construction site plan review process.

18. Question A-37. The word "maintenance" is in red but there is no definition provided. Please clarify.

Answer: EPA recognizes that DOTs define redevelopment, new development, and maintenance in varying ways depending on the state requirements and the DOT's classification. EPA has been purposefully vague in this question in order to decipher how the DOT would classify each activity. This will provide a basis in which to make comparisons among the survey recipients regarding how the DOTs are responding in the later questions.

19. Question A-37. There is going to be some disparity involving projects categorized as redevelopment, development, and maintenance (primarily the later two). Some state DOT projects could fall into the category of redevelopment and maintenance. A.37 - the definition of redevelopment is confusing for a DOT. Please clarify what EPA may consider as redevelopment (versus new development)?

Answer: EPA recognizes that some DOTs categorize sometimes categorize one activity as both new development and maintenance. If this is true for your DOT, then please select both answers.

20. Question A-37. In this question, the second bridge category consists of bridge elements rather than work type as the rest of the categories are. What work is EPA referring to?

Answer: The second bridge category, "bridge girders and substructures," refers to replacement of these two structures. EPA would like respondents to identify whether they would identify replacement of bridge girders and substructures as new development, redevelopment, or maintenance.

21. Question A-40. Our post-construction requirements are state-driven and not in our MS4 permit. Should we address these requirements in the survey?

Answer: Yes, include the state standards in the survey responses.

22. Questions A-40 through A-48. What is meant by post construction stormwater performance standards and design criteria? Does this mean standards for sampling water quality after construction? Or does this mean information used to design the devices?

Answer: When “post construction standards or design criteria” is used in these questions, it is referring to any standards or design criteria that you use for designing, constructing, and/or maintaining long-term stormwater management controls. It is not referring to sampling standards used to monitor water quality measurements in waterways or discharges. Some examples of long-term/post-construction stormwater performance standards and/or design criteria include the following:

<p><i>Design, construct, and maintain stormwater management practices that manage rainfall on-site, and prevent the off-site discharge of the precipitation from the first one inch of rainfall from a 24-hour storm preceded by 48 hours of no measurable precipitation.</i></p> <p><i>Taken from West Virginia Small MS4 Permit</i> www.wvdep.org/Docs/17444_SW_WV%20MS4%20permit%202009.pdf</p>
<p><i>Design, construct, and maintain stormwater management practices that manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 95th percentile rainfall event.</i></p> <p><i>Taken from Section 438, Energy Independence & Security Act (EISA) Guidance</i> www.epa.gov/owow/NPS/lid/section438/pdf/final_sec438_eisa.pdf</p>
<p><i>Design, construct, and maintain stormwater management practices that preserve the pre-development runoff conditions following construction. The post-construction rate, volume, duration and temperature of discharges must not exceed the pre-development rates and the pre-development hydrograph for 1, 2, 10, 25, 50 and 100 year storms must be replicated through site design and other appropriate practices.</i></p> <p><i>Taken from Section 438, Energy Independence & Security Act (EISA) Guidance</i> www.epa.gov/owow/NPS/lid/section438/pdf/final_sec438_eisa.pdf</p>

23. Question A-46. The answers don’t seem to match the question. Please clarify what is meant by “threshold.”

Answer: The question asked in A-46 is a typo. It should read “For redevelopment projects in your MS4, do you have different post-construction stormwater performance standards and/or design criteria that apply in different locations within your service area.”

24. A-49: Can a respondent answer this question, even if previously directed to skip?

Answer: Yes. If the Excel spreadsheet does not allow you to answer the question, please include your answer in the notes under question A-69.

25. A.54 - What type of information/details on retrofit are you looking for (cost per BMP, statewide costs on retrofit?)

Answer: EPA would like information related to all of listed types of information if available.

26. Other: Are designed grass swales or vegetated ditch slopes considered as post construction controls as they are permanently installed and maintained to help with storm water control? Or do post-construction controls only refer to structures? Does post construction include only hard BMPs or can it include both hard and soft BMPs?

Answer: Post-construction controls can include both soft and hard BMPs, including grass swales and vegetated ditches.

27. Question A-57. Does performance data refer to literature based information, visual, and/or sampling water quality?

Answer: "Performance data" in Question A-57 refers to data that you, someone on your behalf, or someone in conjunction with you have collected related to the performance of your stormwater controls. This data may be published in the literature, documented in visual assessments related to performance, or specific water sampling data.

28. A.63 - this question is confusing. For a State agency where we virtually cross many watersheds and many of our watersheds do feed to groundwater recharge areas for water supply. Please clarify.

Answer: If you have discharges to source water protection areas at any point in your MS4 or right of way, then answer yes.

Section B - Financial Information

General Questions

29. Please clarify the expectations and data needs requested for the entire financial section. This is difficult to collect and may be incomplete.

Answer: EPA understands that this financial information may be difficult to collect, but EPA needs the information to assess impacts. DOTs should give their best estimates. In the comment field, give us feedback on how good you think the estimate is.

30. To what extent should the budget/cost numbers be estimated, i.e., "educated guesses"? The overall reality is that many of the questions ask for financial information that is neither isolated nor tracked. Costs for drainage infrastructure – design, construction, and O&M – are folded into most of our projects and daily operations.

Answer: Please just provide your best estimate.

31. With regards to the financial information requested in Section B, we are going to struggle mightily with this. Some states do not have accounting systems dedicated specifically to "stormwater." With the exception of one staff position dedicated almost entirely to stormwater, and a few consultant agreements for water quality related studies, nearly all other stormwater-related expenses are absorbed into various project costs, maintenance costs and "overhead." The DOT does not have a "stormwater" budget. It would be impossible to provide an estimate with any degree of accuracy towards EPA's request.

Answer: Any estimate that a DOT provides will be better than an estimate generated by EPA. Please give your best estimate when answering the questions.

32. Please clarify the extent of the GIS information needed. DOT owned roads, DOT non-highway facilities (maintenance stations, park and ride lots, etc.) only, or do you need to see more?

Answer: EPA is interested in future road projects (highways) and not existing GIS highway inventory.

33. Part B asks for budgeting information. If our stormwater management is not a separate budget item, I assume that the response would be “unknown”. Some DOT may integrate the stormwater management budget into other programs and within the individual roadway projects. The responses to the survey much like a FIOA should be based on existing data not creating data, correct?

Answer: EPA wants your best estimate. In B-3, you can provide additional information in the column labeled “Describe your specific activity under this category”

34. In Section B, what specifically is the scope of the financial “operating” budget information being sought? The terms are substantially broad and open to interpretation. As such, responses will reflect differing assumptions and vary tremendously. It will not provide a valid set of data to help inform any potential rulemaking.

Answer: DOTs can provide more information to describe budget estimates in the right column of B-3.

Specific Questions

~Clarification to Questions B-1 and B-3~

Questions B-1 and B-3: EPA will update this document to include clarification on Questions B-1 and B-3 by October 14, 2010.

35. B-4: I am not in finance, nor do I totally understand how our projects are financed. However, I do believe most of our DOT's projects are funded through revenue generated through the motor fuel tax (gas tax). State transportation funds come from various sources one of which is the motor fuel tax. I believe the state general fund also gets some funding from the motor fuel tax. Therefore, all of the answer choices seem related, thus making it difficult to break down stormwater revenue into percentages.

Answer: If directly from the fuel tax, enter on that line. If from the general fund (indirectly from the fuel tax), enter on that line.

36. B-6: The question asks for the estimated number of FTE's and then asks to estimate the hours in FTE's. Does the EPA want "hours" or "FTE". There is a big difference. For example: 5 people working on stormwater for a total of 50 hours (ten hours each) is equivalent to 0.024 FTE

Answer: The listed “hours” is an error – please enter information in FTE.

37. Question B-6: Could you provide clarification on what's expected for both stormwater and non-stormwater FTE's?

Answer: Stormwater staff are dedicated to the stormwater program. Non-stormwater FTEs are staff who do some work supporting the stormwater program, but their main responsibility is for another program.

38. Question B-6. We have MS4 staff and we also have stormwater design staff. Are you interested in both groups?

Answer: Yes.

39. Questions B12-13- What is meant by this question? Are you seeking to identify expenditures related to corridor wide drainage upgrades associated with additional impervious

surfaces, or does this question pertain to site specific drainage improvements? Projects in our state must be designed such that post-development discharge rates are less than or equal to pre-development rates.

Answer: Address the amount of stormwater your system is designed to handle. EPA is looking for projects designed to address this capacity.

40. Questions B-16 and 17 are confusing and vague. Stream restoration needs to be defined. Typically stream restoration is to correct problems with the stream bed, flow velocities, and/or bank erosion. Taken literally, I would say that no streams have been restored to mitigate for a storm water impairment.

Answer: The questioner's description of a stream restoration project is a reasonable definition of the type of projects we are seeking information on.