MSD modified the Wastewater/Stormwater Discharge Regulations (WDRs) for compliance with the USEPA’s MS4 stormwater quality permit. The amendments included the use of green infrastructure for long-term (also known as post-construction best management practices) improvements stormwater quality and reduce flood risks in our community.

**Louisville Stormwater Program Background**

MSD is the lead co-permittee and is partnered with Louisville Metro, Anchorage, Jeffersontown, Shivley and St. Matthews to implement an unfunded federal mandate (dating from the mid-1990s) for stormwater quality. Kentucky Division of Water (KDOW) administers the permit for the US Environmental Protection Agency (USEPA). Since its inception in the mid-1990s, requirements have expanded, most notably in the latest MS4 permit issued in the fall of 2011. The MS4 permit objective is to improve area creeks, streams, waterways and infrastructure. The permit mandates that Louisville require the implementation of “green infrastructure” through regulations/ordinances.

**Key Points & Related Issues**

- KDOW updated Louisville’s Stormwater Quality Permit in August 2011, dramatically increasing requirements.
- Failures to meet requirements in other communities have resulted in enforcement measures including consent decrees. MSD has avoided MS4 related, EPA enforcement actions by aggressively meeting activity and schedule expectations.
- Green infrastructure is already required in many similar communities nationally and in several smaller communities surrounding Louisville.
- Development is already required to address stormwater quantity (flood control) and drainage issues. MSD’s Design Manual provides green infrastructure guidance for the development community.
- MSD’s Design Manual includes a chapter dedicated to design guidance and details, per the authority of the WDR amendments.
- MSD has a financial incentive program to promote green infrastructure, with many non-MSD projects implemented or underway. The amendments mirror the financial incentives program and aided local developers in adjusting to the new requirements.
Amendments to the Wastewater/Stormwater Discharge Regulations (WDRs) Summary

- Define projects that are required to implement green infrastructure
- Define plan review of project application, submittal, review standards and criteria
- Require green infrastructure to benefit stormwater quality and reduce localized flooding
- Enables authority to establish a fee in lieu program
- Requires a “Stormwater Quality Maintenance Agreement” for each new development so the community will realize benefits over the long-term
- Provides for a Qualified Post-Construction Inspector (QPCI) program to perform self-inspections for green infrastructure maintenance and performance

KEY DATES

1st Stormwater Permit Issuance
Pursuant to the USEPA mandate, KDOM issues Louisville’s 1st MS4

2nd Permit Renewal
KDOM updates Louisville’s 2nd updated MS4 Stormwater Quality

3rd Permit Renewal
KDOM updates renewed Stormwater Quality Permit

1990 ... 1994 ... 2000 ... 2011 2012 2013

EPA Stormwater (MS4) Phase I
Stemming from the Clean Water Act of 1972, the USEPA mandates stormwater quality for larger cities, including Louisville and Lexington.

MS4 Phase II
Many smaller communities required to participate in the program including several in Louisville Metro and Southern Indiana.

Amendments to EPSC Ordinance Were Given to Metro Council
It was determined that the WDRs would be the better place to address the requirements.

June 2013 WDR Changes Effective