



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 11 1979

OFFICE OF ENFORCEMENT

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MEMORANDUM

TO: Regional Enforcement Division Directors
NPDES State Directors

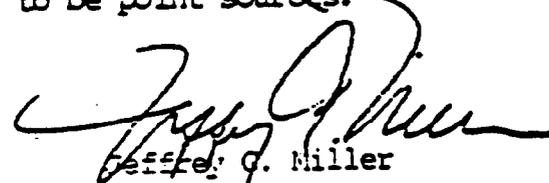
FROM: Deputy Assistant Administrator for Water Enforcement (EN-335).

SUBJECT: Separate Storm Sewers

Section 122.45 of the new NPDES regulations defines "separate storm sewers" as conveyances used primarily for collecting and conveying storm water runoff which are either located in an urbanized area or designated as a significant contributor of pollution by the Director. EPA does not consider storm sewers which do not fall under the definition of "separate storm sewer" e.g., storm sewers in rural areas, to be point sources subject to NPDES permit requirements. In the former regulations, EPA had a comment to 40 CFR 125.52 (a) which stated:

It is EPA's intent that any conveyance or system of conveyances primarily operated for the purpose of collecting and conveying storm water runoff which is not located in an urbanized area and which has not been designated by the Director or the Regional Administrator as a significant contributor of pollution shall not be considered a point source and thus will not be subject to the provisions of this part.

Because EPA did not repeat the language of the comment in the June 7, 1979, NPDES regulations, many persons asked whether EPA was changing its policy. EPA is not changing its policy in this regard and intends to publish a technical correction to §122.45 in the Federal Register to indicate that such storm sewers are not considered to be point sources.


Jeffrey Q. Miller