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Phase II MS4 Permit Requirements: A Survey of Public Education and Outreach & Public Involvement and Participation Efforts



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About the Virginia Coastal Policy Center

The Virginia Coastal Policy Center (VCPC) at the College of William & Mary Law School provides science-based legal and policy analysis of ecological issues affecting the state's coastal resources, by offering education and advice to a host of Virginia's decision-makers, from government officials and legal scholars to non-profit and business leaders.

With two nationally prominent science partners – the Virginia Institute of Marine Science and Virginia Sea Grant – VCPC works with scientists, local and state political figures, community leaders, the military, and others to integrate the latest science with legal and policy analysis to solve coastal resource management issues. VCPC activities are inherently interdisciplinary, drawing on scientific, economic, public policy, sociological, and other expertise from within the University and across the country. With access to internationally recognized scientists at VIMS, to Sea Grant's national network of legal and science scholars, and to elected and appointed officials across the nation, VCPC engages in a host of information exchanges and collaborative partnerships.

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VCPC grounds its pedagogical goals in the law school's philosophy of the citizen lawyer. VCPC students' highly diverse interactions beyond the borders of the legal community provide the framework for their efforts in solving the complex coastal resource management issues that currently face Virginia and the nation.

VCPC is especially grateful to the Virginia Environmental Endowment for providing generous funding to support out work as well as to establish the clinic in 2012.

I. INTRODUCTION

Under the Clean Water Act (CWA), various types of stormwater discharges must be regulated through the National Pollutant Discharge Elimination System (NPDES) permitting program, since the water often flows untreated into local waterways and potentially could contain high levels of pollution and contaminants.¹ Municipal Separate Storm Sewer Systems (MS4s) consist of any conveyance designed to collect or convey stormwater (e.g., storm drains, underground pipes, gutters, curbs) that are not part of a combined sewer system or water treatment plant.² Generally, these systems are owned by municipalities but can also include large users such as public universities, hospitals, and military bases.³ To meet CWA requirements, “Phase I” and “Phase II” MS4s must obtain NPDES permits to discharge stormwater.⁴ Phase I MS4s are medium and large municipalities with a population greater than 100,000 people, while Phase II MS4s (or “small” MS4s) are any regulated systems that are not covered by Phase I permits and also include separate users like military bases and universities.⁵ This paper will focus on Phase II MS4s.

Each Phase II MS4 permit includes six minimum control measures (MCMs), each of which must be implemented to maximize the reduction of pollution runoff in stormwater:⁶

1. Public education and outreach on stormwater impacts.
2. Public involvement and participation.
3. Illicit discharge detection and elimination.
4. Construction site stormwater runoff control.
5. Post-construction stormwater management for new development and redevelopment.
6. Pollution prevention/good housekeeping for municipal operations.

States have the choice to administer the permit process themselves,⁷ and Virginia elected to issue its own MS4 permits through the Virginia State Water Control Board and administered by the Virginia Department of Environmental Quality (DEQ).⁸ Virginia requires permittees to meet the same six minimum control measures identified above.⁹ This paper focuses on the first two MCMs: public education and outreach on stormwater impacts and public involvement and participation. More specifically, this paper will describe the requirements for each of these two prongs, provide

¹ 33 U.S.C. § 1342(p) (2019).

² 40 C.F.R. § 122.26(b)(8) (2015).

³ *Id.* § 122.26(b)(16)(i)-(ii).

⁴ 33 U.S.C. § 1342(p)(4).

⁵ *Id.*

⁶ 40 C.F.R. § 122.34(b)(1)-(6) (2016).

⁷ 33 U.S.C. § 1342(b).

⁸ *See* Municipal Separate Storm Sewer System (MS4) Permits, VA. DEP’T. OF ENVTL. QUALITY, <https://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/MS4Permits.aspx> (last visited June 12, 2019).

⁹ 9 VA. ADMIN. CODE § 25-890-40(I)(E)(1)-(6) (2018).

an overview of the way some representative municipalities meet these requirements, and discuss how MS4s can work with other permittees¹⁰ or outside groups to satisfy the permit goals.¹¹

II. MINIMUM CONTROL MEASURES REGARDING THE PUBLIC

A. Public Education and Outreach on Stormwater Impacts

1. Virginia Requirements

Virginia's Phase II MS4 permit requires permittees to provide public education and outreach regarding stormwater impacts.¹² The permits specifically require each public education program to aim toward fulfilling certain goals, including: (1) increasing public knowledge regarding steps to reduce stormwater pollution, prioritizing impaired waters and other local concerns, (2) increasing public knowledge of hazards and legal implications associated with improper waste disposal, and (3) implementing a program tailored to audiences most likely to have significant stormwater impacts.¹³ The permittee must identify at least three "high-priority" stormwater-related issues through which to focus the educational programs.¹⁴ Finally, the permittee must use a variety of strategies to educate the public about the high-priority topics selected; the Virginia permit regulations include a table from which at least two strategies must be utilized.¹⁵

Phase II MS4 permittees must also submit an annual report to DEQ that outlines the permittee's progress towards meeting all of the permit requirements and MCMs.¹⁶ For the public education and outreach prong, the report must disclose the high priority issues identified by the permittee and the strategies used in the past year to communicate each issue to the public.¹⁷

2. Sample Measures Taken By Other Jurisdictions: Public Education and Outreach

a. Wilmington, North Carolina

The City of Wilmington listed their public outreach and education programs in their annual report¹⁸ and on their website. These programs included:

¹⁰ The Virginia Administrative Code allows coordination with other MS4 permittees, but each permittee must individually ensure it meets all permit requirements. *See* 9 VA. ADMIN. CODE § 25-890-40(I)(E)(1)(e) and (2)(d) (2018).

¹¹ The Virginia Administrative Code expressly authorizes permittees to use outside entities to fulfill the permit requirements as long as certain criteria are met, like use of a formal written agreement. *See id.* § 25-890-40(I)(C)(6) (2018).

¹² *Id.* § 25-890-40(I)(E)(1).

¹³ *Id.* § 25-890-40(I)(E)(1)(a)(1)-(3).

¹⁴ *Id.* § 25-890-40(I)(E)(1)(b).

¹⁵ *Id.* § 25-890-40(I)(E)(1)(d).

¹⁶ *See id.* § 25-890-40(I)(D).

¹⁷ *Id.* § 25-890-40(I)(E)(1)(g).

¹⁸ *See* CITY OF WILMINGTON, STORMWATER MANAGEMENT PLAN & ANNUAL NPDES PERMIT REPORT (2017), <https://www.wilmingtonnc.gov/home/showdocument?id=5336> (last visited June 12, 2019).

- Canines for Clean Water, a program that encourages pet owners to sign a pledge to clean up behind their pet and provides owners with a bandana for their pet to spread awareness;¹⁹
- Enviroscope 8th Grade Program, where students are presented with a scaled down model of a watershed;²⁰
- A tool to locate residents' placement in watersheds;²¹
- A monthly rain barrel sale;²²
- A Speakers Bureau, where speakers can be scheduled for Home Owners Association meetings;²³
- Storm Drain Marking;²⁴ and
- Stormwater publications and measures.²⁵

These varied programs allowed Wilmington to fulfill the permit requirement to offer education in several different categories. The Enviroscope classroom program was one of the largest undertaken by the city: sixty-eight watershed presentations were delivered to 8th grade science classrooms across the City, totaling over 2,100 students.²⁶ The City partners with the New Hanover Soil and Water Conservation District (NHSWCD) and Cape Fear River Watch (CFRW), a non-profit organization, to host these presentations.²⁷ The Enviroscope program is designed to allow students to interact with a scaled-down model of a watershed and to provide them with a presentation explaining the model.²⁸ The program is free.²⁹ The program takes place within the classroom and is conducted by alternating staff members of City Stormwater Services, NHSWCD, and CFRW.³⁰

¹⁹ *Canines for Clean Water*, CITY OF WILMINGTON, DEPT. OF PUB. SERV., <https://www.wilmingtonnc.gov/departments/public-services/stormwater/education-outreach/programs/canines-for-clean-water> (last visited June 12, 2019).

²⁰ *Enviroscope Program*, CITY OF WILMINGTON, DEPT. OF PUB. SERV., <https://www.wilmingtonnc.gov/departments/public-services/stormwater/education-outreach/programs/enviroscope-program> (last visited June 12, 2019).

²¹ *Wilmington Area Watersheds*, CITY OF WILMINGTON, <http://wilmingtonnc.maps.arcgis.com/apps/View/index.html?appid=475c4ac42c0e42078bdcf8c45a29f48d> (last visited June 12, 2019).

²² *Monthly Rain Barrel Sale*, CITY OF WILMINGTON, <https://www.wilmingtonnc.gov/home/showdocument?id=876> (last visited June 12, 2019).

²³ *Programs*, CITY OF WILMINGTON, DEPT. OF PUB. SERV., <https://www.wilmingtonnc.gov/departments/public-services/stormwater/education-outreach/programs> (last visited June 12, 2019).

²⁴ *Id.*

²⁵ *Publications & Videos*, CITY OF WILMINGTON, DEPT. OF PUB. SERV., <https://www.wilmingtonnc.gov/departments/public-services/stormwater/publications-videos> (last visited June 12, 2019).

²⁶ CITY OF WILMINGTON, *supra* note 18, at 19.

²⁷ *Enviroscope Presentation, Teacher Info Sheet*, CITY OF WILMINGTON, <https://www.wilmingtonnc.gov/home/showdocument?id=7890> (last visited June 12, 2019).

²⁸ *Id.*

²⁹ *Environmental Education Program Catalog*, CITY OF WILMINGTON, STORMWATER SERV. 1, 9 (2017), <https://www.wilmingtonnc.gov/home/showdocument?id=5144>.

³⁰ *Enviroscope Presentation, Teacher Info Sheet*, *supra* note 27.

Topics covered in the presentation include: (1) point and nonpoint source pollution and their impacts on water quality, (2) the functionality of watersheds and river basins, (3) how humans affect water quality and how poor water quality impacts humans, (4) water quality issues affecting local creeks and waterways, (5) the importance of wetlands and estuaries, and (6) stewardship and personal responsibility for protecting water resources.³¹ The program is an attractive option for teachers as it is tailored to meet specific North Carolina educational objectives.³²

b. Athens-Clarke County, Ga.

Athens-Clarke County focuses their public education efforts based on the intended audience, with separate programs for K-12 students, business and industrial communities, and the general public.³³ As part of these programs, the County handed out 3,195 educational materials to school children, gave six presentations to county businesses, and hosted fourteen workshops or classes for the public.³⁴ The County uses social media in conjunction with a dedicated stormwater website to disseminate information to and receive feedback from the public.³⁵ In 2017, the website received thirty-six comments/concerns from the public and the stormwater social media platforms averaged seven posts per week with over seventy-three thousand views.³⁶

c. San Luis Obispo, Cal.

Similar to the stormwater education programs provided by other jurisdictions, San Luis Obispo County addressed the following topics during childhood stormwater management education: (1) why stormwater prevention is important, (2) stormwater impacts on local water bodies and ecosystems, (3) steps families can take to prevent stormwater pollution, (4) watershed stewardship learning opportunities, (5) the Don't Trash California Campaign, (6) the Water Our World program, and (7) a water quality education program.³⁷ The County lists the following measurable goals and outcomes: (1) distributing educational materials to children grades 2-5, middle, and high school students, and (2) providing Sammy the Steelhead activity books, educational materials, and appearances for preschool through first grade children.³⁸ These programs are to be implemented by the County of San Luis Obispo Public Works Environmental Programs Division's Stormwater Pollution Prevention Coordinator.³⁹

³¹ *Enviroscape Presentation, Teacher Info Sheet, supra* note 27.

³² *North Carolina Essential Standards, 6-8 Science*, CITY OF WILMINGTON, <https://www.wilmingtonnc.gov/home/showdocument?id=664> (last visited June 12, 2019).

³³ ATHENS-CLARKE CTY., PHASE II MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) ANNUAL REPORT FORM 1, 2-7 (2017), <https://www.athensclarkecounty.com/DocumentCenter/View/57081/ACC-Annual-Report-2017> (last visited June 12, 2019).

³⁴ *Id.*

³⁵ *Id.* at 8-11.

³⁶ *Id.*

³⁷ CTY. OF SAN LUIS OBISPO, STORMWATER MANAGEMENT PROGRAM 4.14 (2010), <https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Water-Resources/Stormwater/Stormwater-Management-Program-Report.aspx> (last visited June 12, 2019).

³⁸ *Id.* These measurable goals and outcomes provide for in-classroom solutions and allow teachers to rely less heavily on fieldtrips.

³⁹ *Id.*

The County also has a system in place to provide stormwater pollution education and outreach to university students.⁴⁰ First, the County assesses the percentage of Cal Poly (state university located in San Luis Obispo) and Cuesta (community college located in San Luis Obispo) students who live in the County's coverage area.⁴¹ If the percentage of students living in the coverage area is greater than or equal to 5%, the County implements a program to provide education and learning activities created for college-aged individuals.⁴² This program also is implemented by the County of San Luis Obispo Public Works Environmental Programs Division's Stormwater Pollution Prevention Coordinator.⁴³

3. Summary: Public Education and Outreach

Common themes can be drawn from analyzing each of these jurisdictions' student outreach programs. The first theme is in-classroom presentations. These presentations emphasize memorable, visible elements in order to engage students. For example, the Enviroscope program allows students to interact with a unique model of a watershed.⁴⁴ San Luis Obispo also offers interaction with a likeable mascot named Sammy the Steelhead.⁴⁵

Additionally, tailoring to the local school curriculum is another common theme. Molding presentations around applicable curriculum requirements allows teachers to utilize the presentations to fulfill educational objectives required by their locality. Each presentation should clearly outline how it meets the specific objectives required by the school curriculum. The Enviroscope program website serves as an example of how to specifically list a program's connection with the local curriculum.⁴⁶ These presentations take the teaching burden off of individual educators and provide students with a presentation that is likely more memorable than the average classroom lecture. They also fulfill the permit holder's obligation to provide public education regarding stormwater management. Furthermore, each of the in-class experiences previously explored are free to individual schools and are funded by other areas of the local government or private organizations.

B. Public Involvement and Participation

1. Virginia Requirements

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 4.15.

⁴³ *Id.*

⁴⁴ *Enviroscope Presentation, Teacher Info Sheet, supra* note 27.

⁴⁵ CTY. OF SAN LUIS OBISPO, *supra* note 37.

⁴⁶ *Enviroscope Program*, CITY OF WILMINGTON, <https://www.wilmingtonnc.gov/departments/public-services/stormwater/education-outreach/programs/enviroscope-program> (last visited July 17, 2019).

For the public involvement and participation requirement, Virginia Phase II MS4 permits first require the permittee to implement certain measures, including the creation of a website that allows the public to report issues they observe related to stormwater (e.g., illicit discharges, spills) and the ability to comment generally about the MS4 program.⁴⁷ The permittee is also required to implement at least four activities per year where the public can be involved with water quality improvement by supporting restoration and clean-up projects.⁴⁸ The regulations include a table of activity categories from which the permittee must select at least two.⁴⁹

As noted previously, Phase II permittees must also prepare an annual report, submitted to DEQ, that outlines the permittee's progress towards meeting all of the permit requirements and MCMs.⁵⁰ For the public involvement and participation prong, the report must summarize any public input and describe the activities implemented in the last year, including metrics of success (e.g., how many people participated) and an evaluation of the success of each activity.⁵¹

2. Sample Measures Taken By Other Jurisdictions: Public Involvement Participation

a. Wilmington, N.C.

Wilmington splits their public involvement goals into three practices: (1) a volunteer community involvement program, (2) mechanisms for public involvement, and (3) a stormwater hotline.⁵² The volunteer program is the largest of the three and is contracted out by the City to local entities such as Cape Fear River Watch (CFRW) and New Hanover Soil & Water Conservation District (NHSWCD).⁵³ Each entity signs an annual contract with the City that specifies how it will fulfill the MS4 public involvement requirements.⁵⁴ These entities are particularly well positioned for the volunteer activities because they each have full-time employees in addition to a well-developed volunteer base that can guarantee sizable participation at each event.⁵⁵ Activities in 2017 included watershed cleanups and plantings, storm drain marking, school activities, and eco-tours.⁵⁶ As part of their contracts, each entity submits quarterly reports and invoices for the services provided during that period.⁵⁷ In fiscal year 2017, NHSWCD's contract was for \$24,182 while CFRW's was for \$15,500.⁵⁸

b. Athens-Clarke County, Ga.

⁴⁷ 9 VA. ADMIN. CODE § 25-890-40(I)(E)(2)(a)-(b) (2018).

⁴⁸ *Id.* § 25-890-40(I)(E)(2)(c).

⁴⁹ *Id.*

⁵⁰ *See id.* § 25-890-40(I)(D).

⁵¹ *Id.* § 25-890-40(I)(E)(2)(f).

⁵² CITY OF WILMINGTON, *supra* note 18, at 25-28.

⁵³ *Id.* at 25.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.* at 100, 109. Each non-profit listed the amount of contract money that was devoted to each activity throughout the year; for example, NHSWCD spent \$1550 on pet waste education, *id.* at 101, while CFRW spent \$700 on two storm drain marking events that marked a total of 19 drains using twelve volunteers. *Id.* at 113.

While Athens-Clarke County does work significantly with local non-profits to accomplish public involvement MS4 requirements, it adopts a more informal approach to its collaborations.⁵⁹ The County has general fundraising committees that solicit funds from the public.⁶⁰ These committees are not specific to any division of the county (e.g., the fundraising solicitations do not specify that the money is for stormwater projects, but rather for general county maintenance projects) but instead planning committees allocate the money raised.⁶¹ To supplement the money raised from the public, the county divisions will also contribute funds from their budgets before funneling the money to non-profits for public involvement projects.⁶²

When the money is given to each non-profit, there is no formal agreement.⁶³ Occasionally, the non-profits will submit grant proposals, but for the most part, the informal agreement process is based on past relationships between the County and these non-profits.⁶⁴ For example, the current Program Education Specialist worked for a non-profit, Keep Athens-Clarke County Beautiful, before working for the County and uses those past relationships to facilitate MS4 projects such as stream clean ups, community volunteer events, and a Martin Luther King, Jr. day of service.⁶⁵

c. San Luis Obispo, Ca.

San Luis Obispo lists seven practices that it has used to meet the public involvement and participation prong of their MS4 permit.⁶⁶ These measures included Adopt-a-Road programs, volunteer water quality monitoring, storm drain marking, and public stakeholder meetings.⁶⁷ Unlike other jurisdictions discussed in this paper, San Luis Obispo does not partner with any non-profits to meet their MS4 permit requirements because of the unique political and environmental climate surrounding water in California.⁶⁸ Due to the scarcity of water across the state, the politics surrounding water policy are particularly charged.⁶⁹ Most of the local non-profits are partisan and many have in fact sued the County.⁷⁰ As a result, the County does not provide funding to the area non-profits at all; the extent of non-profit cooperation regarding stormwater is County distribution of printed educational material for the non-profits to display.⁷¹ The County's stormwater coordinator has acknowledged that the lack of partnership with non-profit entities does mean that while the County is able to meet all of the six permit requirements on its own, there may be instances where only the minimum level of compliance is achieved.⁷²

⁵⁹ Telephone Interview with Cecile Riker, Program Educ. Specialist, Athens-Clarke Cty. Stormwater Mgmt Program (Feb. 12, 2019).

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.* In 2017, 1,033 people volunteered on Martin Luther King Day.

⁶⁶ CTY. OF SAN LUIS OBISPO, *supra* note 37, at 4.38 to 4.40.

⁶⁷ *Id.*

⁶⁸ Telephone Interview with Ann Gillespie, Stormwater Program Coordinator, Cty. of San Luis Obispo Pub. Works (Feb. 6, 2019).

⁶⁹ *Id.*

⁷⁰ *Id.* Most of the suits are unrelated to stormwater specifically. *Id.*

⁷¹ *Id.*

⁷² *Id.*

3. Summary: Involvement and Participation

The representative municipalities listed in this paper accomplish the public involvement and participation prong in a variety of ways and with a variety of partners. Most rely on outside entities, such as a local non-profit organization, to help accomplish the permit requirements, and, while strategies differ, all seem to have success with these partnerships. Some, like Wilmington, use formal agreements that are subject to yearly renewal. The benefits of this system are that the locality knows exactly what they are getting from the contracted entity and the entity provides a detailed accounting of the activities conducted, which the locality can use for their own permit reporting purposes. Additionally, through a competitive bidding process, localities can evaluate which proposals meet the permit requirements in the most cost-effective manner. In contrast, Athens-Clarke County adopts a more informal approach, relying on strong relationships between the County and the non-profits to ensure that permit requirements are met. In both cases, the municipalities seem satisfied with how their partnerships are accomplishing their goals. San Luis Obispo provides an example of a municipality fulfilling the public involvement and participation requirements without the aid of an outside entity. Although they meet their obligations, their activities are potentially compromised since they have to devote their resources and attention to all six permit requirements. This survey of relevant localities shows that partnering with a third party in the community is an efficient way to provide fulfilling activities for the community. Each municipality will have to determine how best to approach such a partnership based on their own policies, procedures, and existing relationships; however, the benefits seem clear regardless of how a municipality chooses to create these partnerships.

III. APPLICATION TO VIRGINIA

To meet the permit requirements previously listed, the Virginia Administrative Code allows coordination between MS4 permittees, so long as each permittee individually ensures that it meets all permit requirements.⁷³ Additionally, the Virginia Administrative Code expressly allows permittees to use outside entities to fulfill the permit requirements, as long as certain criteria are met, like the use of a formal written agreement.⁷⁴ The Hampton Roads Region and the City of Charlottesville serve as examples of localities working with other permittees or outside entities to meet MS4 permit requirements.

1. Working with Other MS4 Permittees

a. askHRgreen.org

Administered through the Hampton Roads Planning District Commission (HRPDC), askHRgreen.org (“HRGreen”) is an example of a number of MS4 permittees coordinating with one another to, among other things, meet MS4 permit requirements. The HRPDC is a regional

⁷³ See 9 VA. ADMIN. CODE §§ 25-890-40(I)(E)(1)(e) & (2)(d) (2018).

⁷⁴ See *id.* § 25-890-40(I)(C)(6) (2018).

organization that represents the area’s seventeen local governments.⁷⁵ Together, these localities created HRGreen as a “public service initiative ... [that] educates, engages and motivates citizens to make good environmental choices[.]”⁷⁶ Moreover, HRGreen provides members of the Hampton Roads community with widely accessible information on a variety of environmental topics including: clean communities, clean water and waterways, green education, green homes and businesses, and recycling.⁷⁷ Because HRGreen provides Hampton Roads community members with information regarding public water systems including the stormwater system,⁷⁸ MS4 permittees can use HRGreen to meet MS4 public outreach and education requirements.⁷⁹

2. Working with Outside Entities

a. Charlottesville, Va.

Charlottesville is an example of a locality that has chosen to partner with outside entities, such as non-profit organizations, to meet MS4 permit requirements. According to Charlottesville’s annual report, the City maintains four categories of public involvement activities: volunteer stream clean-ups, Adopt-A-Stream and Adopt-A-Street, tree plantings, and watershed water quality analysis.⁸⁰ The City conducted sixteen stream clean-ups by 188 total volunteers, and three public tree plantings where 128 trees were planted by eighty-eight total volunteers.⁸¹ The City partnered with at least one other group for all four types of activities.⁸² For example, the City partnered with the Rivanna Conservation Alliance, The Nature Conservancy, the Boy Scouts, the Cub Scouts, the Rivanna River Company, Willow Tree, the University of Virginia Lions Club, Tom Tom Founders Festival, and the Trump Winery to conduct stream clean-ups.⁸³ In addition to working one-on-one with these outside entities, Charlottesville partners with neighboring MS4s, including Albemarle County and the University of Virginia, to collaborate with non-profits on an even larger scale.⁸⁴

Charlottesville has had success partnering with the Rivanna Conservation Alliance (RCA) in particular to fulfill the public involvement and participation prong.⁸⁵ The City relies on RCA’s expertise with recruiting volunteers for the events; the City in turn provides the materials and hauls

⁷⁵ *About*, HAMPTON ROADS PLANNING DIST. COMM’N, <https://www.hrpdcva.gov/page/about> (last visited July 17, 2019). See VA. CODE ANN. § 15.2-4200 *et seq.* (regarding the structure, purposes, powers, and requirements related to planning district commissions).

⁷⁶ ASKHRGREEN, <https://askhrgreen.org/> (last visited July 17, 2019).

⁷⁷ *Id.*

⁷⁸ *Public Water Systems*, ASKHRGREEN, <https://askhrgreen.org/gtk-gtd/public-water-systems/#> (last visited July 17, 2019).

⁷⁹ See, e.g., *Virginia General Permit for Discharges from Small Municipal Separate Storm Sewer Systems*, CITY OF WILLIAMSBURG (Appendix 1) (2013), <http://www.williamsburgva.gov/home/showdocument?id=9081>.

⁸⁰ CITY OF CHARLOTTESVILLE, PERMIT YEAR 5 ANNUAL REPORT 4-5 (2018), <http://www.charlottesville.org/home/showdocument?id=63071> (last visited June 10, 2019).

⁸¹ *Id.* at 4.

⁸² *Id.* at 4-5.

⁸³ *Id.* at 4.

⁸⁴ Telephone Interview with Dan Frisbee, Water Res. Specialist, City of Charlottesville Pub. Works (Feb. 8, 2019).

⁸⁵ *Id.*

away any trash collected.⁸⁶ RCA obtains financial assistance for these projects through two primary means. For the majority of their funding, RCA submits an annual request to obtain funding through the City Council, the formal funding process that any organization would go through to obtain city funds.⁸⁷ RCA decides how much money to ask for, and justifies the expenditures in the application.⁸⁸ The City uses an Agency Budget Review Team to rate applications received, which aids the City Council in selecting and funding various applications.⁸⁹ This process works well for the City because it is competitive, and lets the City choose the most meritorious proposals.⁹⁰ Under this route, the money is drawn from a general fund allocated for community organizations.⁹¹ The other, more informal way that a non-profit such as RCA obtains money is through grants issued directly by City Public Works for smaller, less expensive one-time projects.⁹² Under this scenario, RCA submits a grant proposal that can be funded by Public Works discretionary funds.⁹³

IV. SUMMARY

Although each Phase II MS4 permittee is responsible for meeting its public education and outreach as well as public involvement and participation requirements, there is no one set procedure which must be used to do so. This paper highlights a number of efforts that have been successful in various parts of the country, as well as here in the Commonwealth. As noted in many of these examples, working with other permittees or outside entities can assist individual permittees with meeting the public education and outreach and public involvement and participation requirements. Because many of the components and activities that can be utilized to meet these permit requirements are similar across jurisdictions, these types of partnerships are an efficient means of ensuring compliance.

⁸⁶ *Id.*

⁸⁷ *Id.* The application is publicly available online at <http://www.charlottesville.org/departments-and-services/departments-h-z/human-services/abrt>.

⁸⁸ *Id.*

⁸⁹ *Agency Budget Review Team*, CITY OF CHARLOTTESVILLE, <http://www.charlottesville.org/departments-and-services/departments-h-z/human-services/abrt> (last visited June 12, 2019).

⁹⁰ Telephone Interview with Dan Frisbee, *supra* note 84.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*