



Highlights of [GAO-07-479](#), a report to congressional requesters

Why GAO Did This Study

Urban storm water runoff is a major contributor to the nation's degraded waters. Under the Clean Water Act, the Environmental Protection Agency (EPA) established a program requiring communities to obtain permits and implement activities to control storm water pollution. EPA's Phase I regulations (1990) applied to communities with populations of 100,000 or more, and its Phase II regulations (1999) covered smaller urban communities. Communities must report progress in meeting permit requirements. Some have raised concerns that storm water requirements impose an undue burden. To evaluate storm water program costs, EPA developed estimates for both phases.

GAO was asked to (1) determine the progress in implementing the storm water program, (2) evaluate the extent to which the program burdens communities, (3) examine the accuracy of EPA's cost estimates, and (4) examine the data available for assessing program burden. GAO collected data for all states and a sample of 130 communities, among other steps.

What GAO Recommends

GAO recommends that EPA issue guidance and consider regulatory changes so that communities report consistently on their efforts. EPA stated it has already taken some action, but agreed to take additional steps to collect better cost data.

www.gao.gov/cgi-bin/getrpt?GAO-07-479.

To view the full product, including the scope and methodology, click on the link above. For more information, contact John B. Stephenson at (202) 512-3841 or stephensonj@gao.gov.

CLEAN WATER

Further Implementation and Better Cost Data Needed to Determine Impact of EPA's Storm Water Program on Communities

What GAO Found

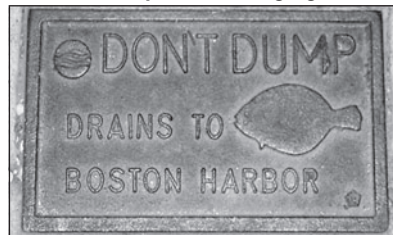
Storm water program implementation has been slow for both Phase I and II communities. The federal deadlines for permit applications were years ago—14 years for Phase I and 4 years for Phase II—but almost 11 percent of all communities were not yet permitted as of fall 2006. In addition, litigation, among other reasons, delayed the issuance of some permits for years after the application deadlines. As a result, almost all Phase II and some Phase I communities are still in the early stages of program implementation.

It is too early to determine the storm water program's overall burden, but several factors influence the extent to which the program burdens a community. In particular, burden varies depending on whether communities (1) can use the flexibility built into EPA's regulations to implement less expensive measures, or (2) are able to benefit from prior storm water management experience. Some communities may face a greater burden because of more stringent requirements set by EPA or the states, additional efforts required to address litigation over water quality, or because of barriers to obtaining funding for storm water activities. Storm water program burdens could increase in the future because, among other reasons, EPA or the states may reissue permits with more stringent requirements.

Without an estimate of actual storm water program costs—or burden—GAO could not determine the accuracy of EPA's cost estimates. However, GAO did identify methodological concerns that raise questions about the usefulness of these estimates for measuring the burden communities face. That is, the Phase I analysis was not designed to estimate national program costs, the Phase II analysis was based on survey data of questionable validity and reliability, and neither analysis excluded costs for activities that communities were implementing before the program.

Any assessment of program burden will be hampered because EPA is not collecting complete and consistent data on communities' activities and their costs. For example, only Phase I communities are required to include data on program costs and these data are often limited. Also, communities' inconsistent reporting of activities makes it difficult to evaluate program implementation nationwide. Consequently, EPA will find it challenging to meet its goal to examine Phase II implementation starting in 2012.

Sidewalk Plaque Discouraging Storm Drain Pollution



Source: GAO.