

Ecology Issues Updated Phase I and Phase II Western Washington Municipal Stormwater Permits

On August 1, 2012, the Washington State Department of Ecology (Ecology) released two final Western Washington Municipal Stormwater permits:

- **Phase I Municipal Stormwater Permit** (Phase I permit) covering the cities of Seattle and Tacoma, and King, Snohomish, Pierce, and Clark counties.
- **Phase II Western Washington Municipal Stormwater Permit** (WWA Phase II permit) covering 80 medium and small cities, and the urban portions of 4 counties.

The two permits are National Pollutant Discharge Elimination System (NPDES) permits that authorize discharges to surface waters under the Clean Water Act. They will become effective on August 1, 2013, after an 11-month delay. During the delay, the reissued current Phase I and Western Washington Phase II permits will be in effect, from September 1, 2012 to July 31, 2013, with no changes except minor revisions in the Phase I permit.

In addition to cities and counties, the permits cover publicly owned stormwater systems within those permitted jurisdictions for entities such as ports, school and park districts, drainage districts, colleges and universities, and state government campuses. Ecology is also issuing a final Eastern Washington Phase II Municipal Stormwater Permit and a Response to Comments covering all three updated permits. The Response to Comments explains the changes and addresses the comments on the draft permits that Ecology received during the October 2011 to February 2012 public comment period.

The permits represent years of work with permittees and other interested parties to identify areas for improvement and address lessons learned from the previous permit term.

For copies of the final permits and Response to Comments, go to www.ecy.wa.gov/programs/wq/stormwater/municipal.html

MORE INFORMATION

Final permits and Response to Comments

www.ecy.wa.gov/programs/wq/stormwater/municipal/2012comments.html

2012 permit reissuance

www.ecy.wa.gov/programs/wq/stormwater/municipal/2012Reissuance.html

New permittee evaluations

www.ecy.wa.gov/programs/wq/stormwater/municipal/2012NewPermitteeEval.html

Revised Ecology Stormwater Management Manual for Western Washington

www.ecy.wa.gov/programs/wq/stormwater/municipal/StrmwtrManual.html

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Ecology municipal stormwater contacts

www.ecy.wa.gov/programs/wq/stormwater/municipal/municontacts.html

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Changes in the final permits

Ecology last issued the permits in 2007 for a five-year permit term. Since then, cities and counties have made a lot of progress to build local stormwater programs and improve water quality. Ecology has been working with interested parties since that time to prepare for the next round of permits. The updated 2013-2018 permits include changes to permit requirements primarily in the following areas:

- Low impact development (LID) requirements for new development and redevelopment.
- Monitoring requirements.
- Phase I only: Structural Stormwater Controls Program.
- WWA Phase II only: Requirements for smaller development sites.
- New Phase II permittees and coverage areas.

Low Impact Development - LID

The final permits include requirements for LID stormwater techniques in new development and redevelopment. Ecology includes these requirements to address 2008 and 2009 rulings by the Pollution Controls Hearing Board (PCHB).



LID stormwater designs mimic natural drainage processes by using stormwater site design and best management practices that retain vegetation, limit impervious surfaces, and infiltrate runoff on-site.

The LID requirements are based on input from a 2009-2010 LID advisory group, informal public comments on preliminary draft requirements in May and June of 2011, and public comments on the draft permits.

The final permit requirements set goals and standards with flexible and variable tools to meet them, including:

- Site and subdivision standards including a hydrologic performance standard and a menu of approved LID best management practices to meet the standard. All sites are subject to feasibility review that can lessen the LID requirements, such as where soils are too poor to soak up the runoff.
- Updated development codes to achieve LID goals of retaining vegetation and limiting paved areas. Examples include reducing hardened surface areas through clustered developments, smaller parking spaces, narrower roads, and landscaping with plants that filter pollutants from the runoff.

To align these with the Phase I permit requirements and the Ecology stormwater manual, the WWA Phase II draft permit also requires that these standards apply to sites smaller than one acre.

Ecology requires that the Phase I cities and counties begin implementing the LID site requirements and updated development codes by June 30, 2015.

Most Phase II communities have until December 31, 2016, to adopt the LID site-scale standards and to update broader development

codes. Deadlines for permittees in Lewis and Cowlitz Counties are June 30, 2017, and for the city of Aberdeen is June 30, 2018.

The final permits also require Phase I counties to select a watershed and, along with the Phase II cities in that watershed, to develop a watershed-based stormwater plan during the 2013-2018 permit term. The plans will identify actions necessary to protect water quality and aquatic habitat from the stormwater impacts of existing and future development.

Ecology also revised the *Stormwater Management Manual for Western Washington* to incorporate the LID standards. For more information on the final manual changes, go to: www.ecy.wa.gov/programs/wq/stormwater/municipal/StrmwtrMan.html

Monitoring requirements

The final permits include monitoring and assessment requirements that will answer important questions about stormwater impacts and the effectiveness of stormwater management practices.



Since October 2008, Ecology has worked with a group of permittees and other interested parties in Puget Sound to design a Regional Stormwater Monitoring Program (RSMP).

The consensus-recommended RSMP includes:

- **Receiving water monitoring:** Permittees will collect information on the status and trends in water quality, habitat, and biota in small streams and marine near shore areas affected by stormwater in the Puget Sound basin.
- **Program effectiveness:** Permittees will conduct regional studies of stormwater practices to collect information that will improve their programs and future permit requirements for western Washington.
- **Source identification:** Permittees will develop an information repository that will serve as a tool to improve source control and reduce stormwater pollution in western Washington.
- **Data management and analysis:** The regional program monitoring data will be publicly accessible. Permittees will fund the data management and analysis.
- **RSMP administration:** The stakeholder group recommended that Ecology serve as the RSMP administrator for this permit term. This means each permittee will pay its share of costs to Ecology, which will contract with other entities in the region (including permittees) to perform RSMP tasks.

Southwest Washington permittees are not required to conduct receiving water monitoring in these permits. Clark County will continue to monitor stormwater discharges.

The permit includes individual monitoring requirements for permittees who choose not to participate in the RSMP.

Changes to Phase I Structural Controls Program

Ecology also revised the Phase I Structural Stormwater Controls Program requirements. This program requires permittees to identify municipal stormwater projects such as retrofits to facilities that improve water quality or flow control. The changes improve reporting on estimated water quality benefits, which will help Ecology make decisions and build a more objective program in the future.

Phase II new permittees

Ecology evaluated new, additional jurisdictions for possible permit coverage in the reissued WWA Phase II permit. The federal rule for the NPDES program requires that Ecology evaluate cities that have grown to over 10,000 since the last permit. The 2010 U.S. Census identifies those cities in western Washington as:

- Snoqualmie in King County.
- Lynden in Whatcom County.

Ecology determined that both of these cities meet the criteria for coverage, and included them in the final permit, to be effective August 1, 2013.

Ecology also evaluated the following unincorporated urban growth areas (UGAs) around the cities over 10,000 population that came under the 2007 permits:

- Island County for the Oak Harbor UGA
- Clallam County for the Port Angeles UGA
- Lewis County for the Centralia UGA

Based on the evaluation, Ecology determined that these UGAs do not meet the criteria for coverage at this time and did not include them in the final Phase II permit. Ecology will provide the cities of Lynden and Snoqualmie with funding and technical assistance to prepare them for permit coverage under the updated permit.

During the 2011-2012 public comment period, Ecology received a petition for coverage of the city of Blaine in Whatcom County and the unincorporated Whatcom County UGAs of Birch Bay and Blaine. Ecology worked with the jurisdictions and the petitioner to gather and evaluate information related to these areas.

Ecology determined that the city of Blaine and the Blaine UGA do not meet the criteria for coverage at this time, but determined that the Whatcom County unincorporated Birch Bay UGA does meet the criteria. As a result, the updated Phase II permit to be effective August 1, 2013 includes an expanded coverage area for Whatcom County to include the Birch Bay UGA. Ecology will work with Whatcom County to establish a timeframe for expanding the Phase II stormwater program to the Birch Bay UGA during the 2013-2018 permit term.

For more information go to

www.ecy.wa.gov/programs/wq/stormwater/municipal/2012NewPermitteeEval.html