

**Appendix 10 Table 10.2 Enforceable Document Significant Updates Beyond Those Mandated by Appendix 10**

CC SWM Book or Code	Section	Page	Description	Manual or Code language 2015	Replacement language	Reason for update
Book 1	1.2.2.	8	This language clarifies in the exemptions that replaced pavement for county projects such retrofitting county road for water quality treatment does not trigger development and redevelopment standards.	silent	<u>Pavement replaced as part of a NPDES permit Structural Stormwater Control project retrofitting existing stormwater facilities.</u>	Some Structural Stormwater Control projects to meet NPDES phase I permit Special Condition S5.C.7, such as replacing standard catch basins with filter inlets or bioretention installations will often replace existing paved surfaces. The replaced pavement could trigger code as redevelopment. These county projects should be exempt from Chapter 40.386.
Book 1	1.3	11	This update adds a definition for existing hard surfaces.	None	<u>Existing hard surface - hard surfaces at a single family residence or duplex created before 2009 or greater than 5,000 square feet of impervious surface on a non-residential site created before 2000."</u>	Adding a definition for existing hard surface provides a basis for deciding when to apply the manual to existing hard surfaces. The phase I permits before the 2007 phase I permit referenced the Puget Sound Manual. The Puget Sound Manual did not apply post- construction BMPs to single family residence and duplex construction. The Puget Sound Manual did apply to all other projects creating more than 5,000 square feet of new or replaced impervious surfaces. Under the 2000 county code and the Puget Sound Manual, all MRs would apply to projects greater than 5,000 square feet except the residential SFR and duplex projects. Under the SWMMWW 2005 adopted by Clark County in 2009, all projects over 2,000 square feet of hard impervious surface would have triggered the manual.
Book 1	1.4	16	This update is required by the permit under S5.C.5.a.	Silent	<u>Permit (Construction) Time Limit. All permits issued pursuant to the regulations contained in Chapter 40.385 or earlier stormwater code and the 2009 or earlier version of the Clark County Stormwater Manual expire on January 8, 2021, except if approved construction has begun on site before January 8, 2021. Beginning construction means, at a minimum, the site work associated with and directly related to the approved project has begun. For example: grading the project site to final grade, or the installation of utilities. Simply clearing the project site does not constitute the beginning of construction.</u>	This relates to the permit requirement for projects vested under the 2009 or earlier code and manual that have not started construction by January 2021.
Book 1	1.5.2.2.	23	This change allows project to use either the County Manual erosion control BMPs or the BMPs included in Volume II of the SWMMWW 2019.	The SWPPP shall be implemented beginning with initial land disturbance and until final stabilization. Sediment and erosion control BMPs shall be consistent with the BMPs contained in Book 2, Chapter 8.	<u>The SWPPP shall be implemented beginning with initial land disturbance and until final stabilization. Sediment and erosion control BMPs shall be consistent with the BMPs contained in Book 2, Chapter 8 or the 2019 SWMMWW Volume II, Chapter 3.</u>	The 2019 SWMMWW made many changes to the BMPs. The intent is to reference the 2019 SWMMWW to be consistent with a renewed Construction Stormwater General Permit. Also, by referencing the Ecology BMPs Clark County can forego ongoing maintenance of these BMPs for projects subject to the Ecology construction general permit.
Book 1	1.5.2.2	23	This change allows compliance with county code (Minimum Requirement 2) under the Construction Stormwater General Permit.	Silent	<u>The applicant may comply with Minimum Requirement #2 at a site covered under the Construction Stormwater General Permit - National Pollutant Discharge Elimination System and State Waste Discharge Permit for Stormwater Discharges Associated with Construction Activity by fully implementing the permit-required SWPPP.</u>	The county manual was adopted before the CSGP was changed to include the current 13 elements, which made the 12 element CSGP SWPPP unacceptable under the 2013 phase I permit, which required the 13 elements in permit Appendix 1. The 13th element is projection for LID BMPs. The 2019 phase I permit Appendix 1 has language allowing use of the CSGP to meet MR #2.

Book 1	1.5.5.1	25	This change allows projects on rural lots greater than five acres to use LID List 2 if infiltration and LID BMPs are incapable of meeting the performance standard.	Table 1.1. Silent	<u>"On sites where infiltration BMPs are infeasible or not capable of meeting the performance standard, the project must use List 2."</u>	There are rural large lots greater than 5 acres where the LID performance standard is infeasible due to site topography and/or geologic media that preclude infiltration. It is not possible to meet the performance standard if infiltration BMPs are not feasible. If site conditions make it infeasible to meet the performance standard using infiltration BMPs, the applicant should be allowed to use LID List 2 without obtaining a variance.
Book 1	6.1.2	167	This change updates the manual to allow compliance with county code under the CSGP	Silent	<u>Clark County allows development and redevelopment projects to meet Minimum Requirement #2 by either using the standards of this Chapter or the SWPPP created to meet requirements of the Ecology Construction Stormwater General Permit.</u>	Clark County intends to allow either compliance with the county manual or the use of the CSGP SWPPP for compliance with MR #2. This allows applicants to prepare a single SWPPP to meet county requirements and the CSGP requirements. It also retains the county BMPs for projects under an acre.
Book 1	6.1.2	168	Updates manual to allow BMP from the 2019 SWMMWW Volume II.	Silent	<u>• Alternately, the BMPs listed in 2019 SWMMWW Volume II, Chapter 3 may be used to complete a SWPPP.</u>	Updated this section to reference the 2019 SWMMWW BMPs.
Book 1	6.3	171	This update clarifies when the county manual must be followed to develop a SWPPP if there is no CSGP SWPPP.	Silent	<u>Use Sections 6.3, 6.4, and 6.5 if the project is not developing a SWPPP to meet requirements of the CSGP.</u>	There are several options for completing the SWPPP. If the applicant has come to this place in the manual, they will not be using the short form in Appendix J, using either the manual or the CSGP.
Book 1	App. 1-A	A-17	This update adds a definition for existing hard surfaces.	Silent	<u>Existing Hard Surfaces - Hard surfaces at a single family residence or duplex created before 2009 or hard surface areas greater than 5,000 square feet of impervious surface on a non-residential site created before 2000.</u>	Adding a definition for existing hard surface provides a basis for deciding when to apply the manual to existing hard surfaces. The phase I permits before the 2007 phase I permit referenced the Puget Sound Manual. The Puget Sound Manual did not apply post-construction BMPs to single family residence and duplex construction. The Puget Sound Manual did apply to all other projects creating more than 5,000 square feet of new or replaced impervious surfaces. Under county code from 2000, all MRs would apply to projects greater than 5,000 square feet except the residential SFR and duplex projects. Under the SWMMWW 2005 adopted by Clark County in 2009, all projects over 2,000 square feet of hard impervious surface would have triggered the manual standards.
Book 2	2	77	This change bars permeable asphalt from county roads where any infeasibility criterion is present.	Silent	<u>Due to the high risk for failure, permeable asphalt pavement is not allowed for use as wearing surface in travel lanes for Clark County right-of-way where any infeasibility criterion exists.</u>	Some development projects are using permeable pavement where it is deemed infeasible due to ADT. Add language barring permeable pavement with ROW ADT greater than 400.
Book 2	2	77	This change adds a requirement to use the LID performance standard or an alternative permeable pavement as an alternative to permeable asphalt for roads to be dedicated to Clark County by private develop projects if permeable pavement is feasible.	Silent	<u>Permeable asphalt is not allowed for paved surfaces dedicated to Clark County roads. Where permeable pavement is feasible, the project must meet the LID performance standard using infiltration BMPs or use an alternative permeable pavement.</u>	Locally, there continues to be significant problems with the installation of permeable asphalt. Projects fail post installation testing or disaggregate shortly after construction. Meeting the performance standard using infiltration BMPs or using an alternative permeable pavement provides better environmental and public road durability outcomes.
Book 2	2	112	This change removes the depth to water barrier for full dispersion.	• There shall be a minimum 3-foot depth to the average annual maximum groundwater elevation.	<del>• There shall be a minimum 3-foot depth to the average annual maximum groundwater elevation.</del>	The requirement for an average of 3 foot depth to water is infeasible to demonstrate. Also, removing this criterion removes a barrier to using full dispersion due to the cost of geotech reports.

40.386.010.C(7)			This change adds an exemption to the stormwater to and erosion control code to exempt replaced pavement placed during county water quality retrofit projects.	silent	7. Pavement replaced as part of a NPDES permit Structural Stormwater Control project retrofitting existing stormwater facilities.	Some Structural stormwater control projects such as inlet replacements with filter vaults or bioretention replace existing paved surfaces, which can trigger code as redevelopment. Clearly this is not the intent of the stormwater code or Appendix 1 of the permit. These county projects should be exempt from Chapter 40.386.
40.386.010.D			Change made to comply with permit requirement S5.C5.a.	Permit (Construction) Time Limit. All permits issued pursuant to the regulations contained in Chapter 40.385 or earlier stormwater code and the 2009 or earlier version of the Clark County Stormwater Manual expire on January 8, 2021, except if approved construction has begun on site before January 8, 2021,. Beginning construction means, at a minimum, the site work associated with and directly related to the approved project has begun. For example: grading the project site to final grade, or the installation of utilities. Simply clearing the project site does not constitute the beginning of construction.	Permit (Construction) Time Limit. All permits issued pursuant to the regulations contained in Chapter 40.385-40.386 or earlier stormwater code and the 2009 or earlier version of the Clark County Stormwater Manual expire on January 8, 2021, 2022 except if approved construction has begun on site before January 8, 2021, 2022. Beginning construction means, at a minimum, the site work associated with and directly related to the approved project has begun. For example: grading the project site to final grade, or the installation of utilities. Simply clearing the project site does not constitute the beginning of construction.	Change made to comply with permit requirement S5.C5.a.