



Focus on NPDES Municipal Stormwater Program

Water Quality Program

What is the National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Program?

In 1987, Congress changed the Clean Water Act to regulate stormwater. Under the revisions, NPDES permits are required for municipal stormwater discharges to surface waters. The Environmental Protection Agency (EPA) developed rules to implement the new stormwater requirements in two phases:

Phase I In 1990, EPA issued NPDES Phase I rules designating cities and counties with populations greater than 100,000. Washington has seven Phase I jurisdictions. These include Snohomish, King, Pierce and Clark counties, the cities of Seattle and Tacoma, and WSDOT facilities within those jurisdictions.

Phase II In 1997, the EPA issued NPDES Phase II rules regulating municipally-owned separate storm sewer systems within census-defined urban areas.

What do the federal NPDES rules say?

Both Phase I and Phase II rules require publicly-owned stormwater systems located within census-defined urbanized areas to obtain NPDES permits for their stormwater discharges. There are 13 census-defined urbanized areas in Washington. (See Urban Area Maps)

For Phase I, EPA required the identified cities and counties to obtain an NPDES permit for their stormwater discharges, and specified permit application requirements. EPA's rules did not establish permit requirements except for annual reporting.

For both Phase I and Phase II jurisdictions, the EPA rules require operators of municipal separate storm sewer systems (**MS4s**) to develop and implement a *stormwater management program* that:

- Reduces the discharge of pollutants to the "maximum extent practicable"
- Protects water quality
- Satisfies appropriate requirements of the Clean Water Act

Phase II Minimum Control Measures

EPA's rules identify six minimum control measures which must be included in a Phase II stormwater program to protect water quality. (See EPA fact sheets)

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge Detection and Elimination

4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

The federal rules identify two additional standards with which an operator of a regulated MS4 must comply:

7. Fulfillment of requirements of an approved TMDL (water-cleanup plan),
8. Record keeping, evaluation and reporting the progress of the program

What do the federal Phase II regulations require Ecology to do?

The federal rules delegate several actions and decisions on the Phase II program to the states. Specifically, the federal Phase II regulations require Ecology to:

- Develop a process and criteria for designating which small MS4s must be covered under Phase II
- Apply those criteria to any small MS4 located outside an urban area serving a population greater than 10,000 with a density of greater than 1000 people per square mile
- Designate as regulated any small MS4 that meets the criteria by December 9, 2002
- For general permits, develop a menu of BMPs to assist regulated MS4s in implementing stormwater programs which will protect water quality
- Issue permits to all regulated MS4s which requires them to:
 - *Reduce the discharge of pollutants to the “maximum extent practicable”*
 - *Protect water quality*
 - *Satisfy appropriate requirements of the Clean Water Act*

Phase II status in Washington

- Regulated MS4s, bubble cities, and waived jurisdictions have been tentatively identified.
- Ecology has decided that there will be **two general permits**. One will be for eastern Washington and one for western Washington.
- No decisions have been made yet on:
 - *Designation criteria for regulated MS4s*
 - *Conditions of the general permit*