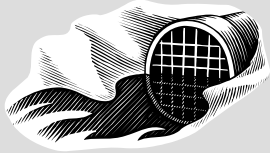




Focus on Municipal Stormwater Permit Guidance for Secondary Permittees: Drainage Districts

from Ecology's Water Quality Program



Secondary permittees are public entities, also called "special purpose districts," such as diking and drainage districts, ports, prison complexes, parks and recreation districts, colleges and universities, or school districts that own or operate a stormwater sewer system located in a Phase I or Phase II city or county.

To be covered by the permit, the special purpose district must meet these conditions at a minimum:

1. The special purpose district owns or operates a municipal separate storm sewer system (MS4).

The MS4 is a conveyance, or system of conveyances that includes roads with drainage systems, public streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is:

- Designed or used to collect and carry stormwater.
- Not a combined sewer system that carries both sewage and stormwater.

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Does my drainage district need permit coverage?

Drainage districts may have boundaries that cross into one or more city and county jurisdictions. If a portion of your drainage district crosses or is within one or more cities or a county (or parts of a county) covered by a Phase I or Phase II municipal stormwater permit, you may need coverage as a secondary permittee.

Your drainage district needs permit coverage if it meets the definition of a secondary permittee in the box on the left:

- The portion of the district that is located within an area covered by one or more of the permits meets the conditions described in the box on the left
- and
- It serves lands used for activities other than agriculture.
- and
- It serves more than 1,000 people including residents as well as people in the area on an average day, such as employees of businesses.

When does a drainage district need permit coverage?

The examples below provide guidance for a variety of situations requiring permit coverage.

Example drainage district #1

- Part of the district is in a Phase II city and part is in a non-covered area of the county.
- The part of district that is in the Phase II city serves 600 people.

Because the population served is less than 1,000 people in the area of the Phase II city, the district does not need coverage. If the district's system served more than 1,000 people in the Phase II city, then it would need to apply for coverage.

Example drainage district #2

- Part of the district is in a Phase II city and part is in a Phase I county.
- The district's municipal separate storm sewer system (MS4) serves more than 2,200 people.

The drainage district must submit a Notice of Intent (NOI) to cover the entire district. The district must apply for coverage under **one** permit and may choose either the Phase I or Phase II permit. Requirements for secondary permittees are the same under both permits.

Please note: If Ecology determines that a drainage district's MS4 is located in an area that does not meet the population criteria but contributes significant pollution to surface waters, it may decide that that area needs coverage. Ecology encourages the drainage district to apply good management throughout the district to avoid this type of problem.

Permit requirements for drainage districts.

We have decided our drainage district requires permit coverage. What do we need to do?

1. Decide whether you want to work with other permittees to satisfy your permit obligations. Ecology encourages coordination with other local permittees, either as co-permittees or through other agreements.¹
 - You can be a co-permittee with another secondary permittee, with the city or county, or with a group of other permittees.
 - You can develop agreements to rely on another entity to meet some requirements for you. The agreement can be with other permittees or with entities such as conservation districts.
2. Submit an NOI to Ecology either individually or as a co-permittee. Ecology will send you a permit coverage number and a copy of the permit. Read the permit, in particular Special Conditions 1 through 4, 6, 7 and 9 and the General Conditions. Ecology has posted the NOI at:
<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/index.html>
3. Focus your attention on Special Condition 6 (S6), which covers the requirements for a Stormwater Management Program (SWMP) for Secondary Permittees. Ecology wrote these requirements for a variety of types of entities, including ports, universities, school districts and other entities in addition to drainage districts. You need to decide how to apply them to the regulated part of your system. Please contact Ecology staff if you have questions.

Write and carry out a stormwater management program (SWMP) following section S6 of the permit. The SWMP describes how you:

- Coordinate with the city and county and any other entities interconnected with your MS4 (S6.B).
- Establish through the drainage district board the legal authorities to regulate and manage stormwater (S6.C) to the extent allowed under federal or state law and local ordinances.
- Establish a recordkeeping system that lines up with the permit requirements and deadlines. The Annual Report form can help you plan your recordkeeping (S9 and Appendix 4).

¹ Permit Section 1.D.1.b defines co-permittee as the operator of a regulated MS4 "...that is applying jointly with another applicant for coverage under this permit. Co-Permittees own or operate a regulated small MS4 located within or adjacent to another regulated small MS4." In Section 1.D.3 the permit describes how to apply as co-permittees and how to include an agreement with another entity. For information on co-permittee arrangements, see Ecology's website guidance at http://www.ecy.wa.gov/programs/wq/stormwater/municipal/resources_training_guidance.html.

- Not part of a publicly owned wastewater treatment works, or sewage treatment plant.
2. The MS4 discharges to surface waters.
 3. The special purpose district is located within a city or a county covered by a Phase I or Phase II permit.
 4. The MS4 serves an average daily population of more than 1,000 people.

OR

Ecology may require coverage for any special purpose district if Ecology determines that it is a significant contributor of pollution to surface waters.

- Develop and carry out the SWMP elements in S6.D. You must update your SWMP document
- each year and send it to Ecology with your annual report (S6.A)
-

What programs make up the drainage district's stormwater management program?

1. Public education and outreach (S6.D.1)

The district can rely on the local city, county, or another entity such as a conservation district to reach the people served by the drainage district. The permit requires you to label your drainage inlets. If the drainage district has any inlets to label, you may be able to borrow the equipment for this from the local city or county. You may also ask your Ecology contact to help find a source for this.

2. Public involvement and participation (S6D.2)

After you write up your SWMP, you must make it available to the public and post it on your website if you have one. The SWMP tells the public and Ecology what you are doing to manage stormwater. For a drainage district it may be very short – just a few pages. Let the people you serve know when your board is considering and adopting it. One way to do this is through notices in your fee bills that explain what you are doing, how to get a copy, how to provide input, and when the district board is meeting to talk about it.

3. Illicit discharge detection and elimination (S6.D.3)²

Drainage districts have various sources of pollutants depending on the activities on lands they serve. Your staff must map and inspect the system to find spills and other illicit discharges, and report them to the local government or to Ecology as appropriate. The permit requires staff training on what to do if there is a spill into the system. For guidance about illicit discharges, or for Secondary Permittees on adopting IDDE policies, see http://www.ecy.wa.gov/programs/wq/stormwater/municipal/resources_training_guidance.html.

4. Construction site runoff control and post-construction stormwater management (S6.D.4 and 5)

These two sections require you to follow the local city and county ordinances and regulations and to comply with the state construction stormwater general permit for any new construction. You can find information on the state Construction Stormwater General Permit at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/#Construction>.

5. Pollution prevention and good housekeeping (S6D.6)

You may need to begin new practices to maintain the drainage system to prevent pollution. If you use pesticides, you may need to adjust the way you store those chemicals. Depending on the nature of your system, compliance with the permit may require some additional inspections and record keeping. Because drainage districts often have limited systems and functions, many of the requirements in the permits do not apply. Your Ecology contact person can help answer your questions.

² The permit defines an illicit discharge as "...any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities."

Ecology Contacts

Contact the following Ecology staff if you have questions about permit coverage for your drainage district:

<i>Island, Skagit and Whatcom Counties</i>	Christina Maginnis cmag461@ecy.wa.gov	360-715-5212
<i>Phase II Cities within Kitsap and Snohomish Counties</i>	Sarah Davenport-Smith sada461@ecy.wa.gov	425-649-7263
<i>Phase I Permittees (City of Seattle, King and Snohomish Counties)</i>	Rachel McCrea rmcc461@ecy.wa.gov	425-649-7223
<i>Phase II Cities within King County</i>	Anne Dettelbach adet461@ecy.wa.gov	425-649-7093
<i>Clallam and Pierce Counties</i>	Alison Chamberlin acha461@ecy.wa.gov	360-407-0245
<i>Clark, Cowlitz, Grays Harbor, Lewis, and Thurston Counties</i>	Greg Winters gwin461@ecy.wa.gov	360-690-7120
<i>Benton, Chelan, Douglas, Kittitas, and Yakima Counties</i>	Terry Wittmeier twit461@ecy.wa.gov	509-574-3991
<i>Asotin, Franklin, Grant, Spokane, Walla Walla, and Whitman Counties</i>	Dave Duncan ddun461@ecy.wa.gov	509-329-3554

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