

Phase I Municipal Stormwater General Permit Modification

The Washington State Department of Ecology (Ecology) issued a draft Phase I Municipal Stormwater General Permit (Phase I permit) modification that modifies Appendix 10 of the Phase I permit. This permit modification is subject to public review, comment, and appeal.

A 45-day comment period about this permit modification remains open until 5 p.m. June 7, 2010.

Providing comments

The proposed permit modification and draft fact sheet, which explains the legal and technical basis for the modification, are available for viewing or downloading at

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

All comments should be limited to Ecology's equivalency determination as proposed in the permit modifications to Appendix 10.

Ecology will accept written comments by U.S. mail, but prefers to receive comments by E-mail. All comments must include the commenter's name and postal mail address. Where possible, refer to a specific section or text. Ecology will also accept oral comments during the public hearing on May 27, 2010. See details about the public hearing and contact information for submitting comments in the column at right.

What happens next?

After the public comment period closes, Ecology will summarize and respond to comments. These comments may result in revision of some of the permit language and requirements. Ecology will send an official Response to Comments to all parties that comment on the permit modification. Ecology will also include this information as an additional appendix to the final fact sheet.

Ecology expects to issue a final permit modification in October 2010.

Public Workshop and Hearing

Vancouver

May 27, 2010

1 p.m.

Water Resources Education
Center

[4600 SE Columbia Way](#)

E-mail comments to:

SWPermitComments@ecy.wa.gov

Contact information and address for comments

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Special accommodations

To ask about the availability of this document in a version for the visually impaired, call the Water Quality Program at 360-407-6700.

Persons with hearing loss, call 711 for Washington Relay Service.

Persons with a speech disability, call 877-833-6341.

Background information

Ecology proposed to modify Appendix 10 of the Phase I Municipal Stormwater General Permit (Phase I permit) to incorporate its equivalency determination of Clark County's Development and Redevelopment Flow Control Mitigation Program.

Special Condition S5.C.5 of the Phase I permit allows permit holders to submit enforceable documents (including codes, ordinances, director's rules, public rules, and/or manuals) to Ecology for review and approval. Ecology conducts an equivalency review of these documents for comparison to requirements in Appendix 1 of the permit and certain sections in Ecology's 2005 *Stormwater Management Manual for Western Washington* (SWMMWW).

If Ecology finds the documents to be equivalent—or more stringent—than requirements in Appendix 1 and certain sections of the SWMMWW, Ecology grants approval for use of these enforceable documents. **Appendix 10 of the Phase I permit lists the enforceable documents that Ecology has determined are equivalent.**

In January 2009, Clark County submitted enforceable documents to Ecology for review and approval. During review of these materials, Ecology determined that Clark County's enforceable documents (adopted ordinances and manuals) did not meet the criteria contained in Appendix 1 of the permit. As a result, Ecology issued a Notice of Violation to Clark County for non-compliance with the Phase I permit.

Clark County made changes to its enforceable documents and in January 2010 Ecology entered into an Agreed Order with Clark County to bring the county into compliance with the Phase I permit.ⁱ

After extensive review, Ecology approved the County's enforceable documents as equivalent and now proposes a permit modification that will reflect this determination in Appendix 10 of the Phase I permit.

Ecology also proposes other, minor modifications, to Appendix 10, including status updates to the King County and the city of Seattle equivalency determinations.

ⁱ Shortly after the Agreed Order was signed, a Notice of Appeal to the Agreed Order was issued by Rosemere Neighborhood Association, the Columbia Riverkeeper and the Northwest Environmental Defense Center. There has not yet been a resolution to this appeal.