

Focus on Municipal Stormwater Permit Reissuance

Water Quality Program

Revised October 2011

The Department of Ecology (Ecology) worked with interested parties and advisory groups to develop draft permit requirements for three general National Pollutant Discharge Elimination System (NPDES) municipal stormwater permits due to expire in February 2012. Ecology issued the draft permits for a three-month public comment period in October 2011, and expects to issue the final permits in summer 2012.

The permits guide municipalities in the state's most populated areas to protect downstream waters from polluted runoff – the number one pollution threat to the state's urban waters, and notably Puget Sound. The permits require public education, pollution prevention, mapping of stormwater systems so problems can be fixed, and basic Best Management Practices, such as cleaning out catch basins.



The three permits are:

- Phase I Municipal Stormwater General Permit (Phase I permit).
- Phase II Western Washington Municipal Stormwater General Permit (Phase II WWA permit).
- Phase II Eastern Washington Municipal Stormwater General Permit (Phase II EWA permit).

Ecology began its work to improve the Phase I and Western Washington Phase II permits for 2012 reissuance in the summer of 2008. At that time, Ecology formed and staffed a stakeholder Monitoring Consortium with a focus on Puget Sound permittees. This work intensified shortly after the Pollution Control Hearings Board (PCHB) issued rulings on the appeals to the 2007 permits. For more information on the draft permits, go to

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

PCHB rulings guide development of 2012 Municipal Stormwater Permits

The PCHB ruled in August 2008 that Ecology must add requirements to the 2012 Phase I permit that require non-structural preventative actions and source reduction approaches and measures. These requirements include use of Low Impact Development (LID) approaches to minimize the creation of hard surfaces and the disturbance of soils and vegetation—where feasible.

In February 2009, the PCHB ruled again, this time ordering Ecology to prepare Western Washington Phase II permittees for future implementation of LID. Read the PCHB rulings here:

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

Ecology responds to PCHB rulings

In response to the August 2008 PCHB ruling that included the LID directive, Ecology developed and managed an external process to solicit feedback from a broad group of Western Washington interest groups about LID requirements in the next permit cycle that would apply to new and redevelopment in permitted communities.

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As part of this process, Ecology formed a Technical Advisory Committee and an Implementation Advisory Committee to provide input and recommendations on LID technical and policy requirements. Advisory committee members represented a broad scope of stakeholders, including:

- Building Industry Association of Washington.
- Homebuilders associations.
- Scientists and practitioners.
- Western Washington municipal governments, including Ports.
- Environmental organizations.
- U.S. Environmental Protection Agency.
- Puget Sound Partnership.
- National Oceanic and Atmospheric Administration (NOAA).
- Washington Department of Commerce.

The two stakeholder committees held 11 public meetings to discuss appropriate LID performance standards and feasibility for the implementation of LID. In August 2010, Ecology presented an outline of preliminary ideas and solicited comments from committee members and the public. Find more information about the LID advisory committees and their work at:

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

Stormwater Monitoring Workgroup

The PCHB rulings also addressed stormwater monitoring requirements. The PCHB recognized that all parties to the appeal agreed that development of a monitoring consortium would be the preferred option to address future permit monitoring requirements and to reduce costs to the local jurisdictions. The PCHB directed Ecology to continue the work of the Monitoring Consortium started by Ecology in the summer of 2008.

From the Monitoring Consortium came a coalition of interested parties in Puget Sound to form the Stormwater Workgroup:

- Federal, state, and local government.
- Tribal governments.
- Business community.
- Environmental community.
- Agricultural community.
- Research and science community.

Over more than two years, the Stormwater Workgroup held three public workshops, one technical workshop, and two public comment periods, in addition to multiple peer reviews by national monitoring experts to gather feedback on the Stormwater Monitoring and Assessment Strategy for Puget Sound Region.

The Workgroup's strategy is to guide the Puget Sound Partnership and Ecology's monitoring efforts in Puget Sound, and to improve monitoring policy and management decisions regarding monitoring requirements. The Stormwater Work Group has developed recommendations that Ecology will



incorporate into the preliminary draft permit language for the Phase I and Phase II Western Washington permits for Puget Sound permittees.

Ecology takes municipal permit development on the road

In addition to the early work of the LID Advisory Committees and the Stormwater Monitoring Workgroup, Ecology held eight public Listening Sessions around the state. Almost 200 people came to these sessions—representing municipal governments, non-profit organizations, federal and state agencies and the public. Ecology accepted oral comments during the listening sessions and written comments from

August to October 2010 and provided an online comment form to the public. Read information about the listening sessions and comments at:

www.ecy.wa.gov/programs/wq/forms/listeningsessionscomments.html

Informal Public Comment on Preliminary Monitoring and LID Requirements

Ecology added another step to its public process for feedback on preliminary draft monitoring and LID requirements. The informal comment period extended from May to June 2011. Permittees and other interested parties provided thoughtful and often detailed technical comments. Ecology reviewed and considered the informal comments from over 85 individuals and entities when developing the October 2011 draft permits. This informal comment period was not required but was designed to help facilitate policy level conversations with local governments and others on some of the more challenging aspects of the new permits. The review documents, explanatory notes, and comments that Ecology received are available online at

www.ecy.wa.gov/programs/wq/stormwater/municipal/LIDmonitorCOMMENTS/informalcomments.html.

What's next for municipal stormwater permit public involvement?

Ecology issued the draft permits and Fact Sheets for formal public review and comment on October 19, 2011. Ecology invites public comments on the draft permits from October 19, 2011 until 5:00 pm, February 3, 2012. Although a 30-day public comment period is all that is required, Ecology is providing more than three months for public comment. This extended public comment period ensures that there is ample time to work with local governments and other stakeholders on the significant policy issues related to these permits. During the public comment period, Ecology is holding workshops and public hearings statewide.

For information on the draft comment period or to view the draft permits and fact sheets, go to www.ecy.wa.gov/programs/wq/stormwater/municipal/2012draftMUNIcom.html

Permit development schedule

Ecology will have provided almost 200 days of informal and formal public comment opportunities on the updated Municipal Stormwater General Permits by the summer of 2012.



These are the next steps in the anticipated schedule:

Draft permit issued for formal public comment (October 19, 2011 - February 3, 2012): Ecology issued the draft permits and Fact Sheets (supporting documentation) for formal public review and comment on October 19, 2011.

Workshops and public hearings (December 5, 2011 – January 24, 2012): Ecology is holding eight public workshops and 6 public hearings to explain draft permit requirements. Oral testimony will be accepted during the public hearings, and written comments can be submitted by email or letter. For information on workshops and public hearings go to www.ecy.wa.gov/biblio/1110078.html .

Review comments from formal public comment period (February 3, 2012 – June 8, 2012): Ecology will review and consider public comments received on all permit sections. During this time, Ecology will also complete a formal Response to Comments document. Ecology will incorporate changes to the permits, where applicable, based on comments received. Ecology anticipates a lot of interest in these permits and it will take time address the issues raised during the public comment period and make the changes to the final permits.

Ecology issues final permits and 30-day appeal period begins (June 2012): Ecology will issue the final permits and the Response to Comments document with formal notification in the State Register. The public has 30-days to file an appeal of the permit(s).

Permit effective date: A 2011 legislative change directed Ecology to reissue the existing Phase II permits unchanged for the period August 1, 2012 to July 31, 2013. The draft existing Phase I permit includes limited proposed changes for monitoring, and will also be in effect from August 1, 2012 to July 31, 2013. All three of the fully updated permits will be effective beginning August 1, 2013. For more information see www.ecy.wa.gov/biblio/1110037.html

More information

Stormwater Workgroup

www.ecy.wa.gov/programs/wq/psmonitoring/swworkgroup.html

Low Impact Development Advisory Committees

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

Permit Reissuance

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

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