

## Legislative Changes to Timelines of Ecology's 2012 Municipal Stormwater General Permits

The 2011 Legislature passed and the Governor signed Engrossed Substitute House Bill 1478 to give cities and counties fiscal relief during periods of economic downturn by delaying or modifying certain regulatory and statutory requirements. The bill delays some regulatory requirements such as deadlines related to the Growth Management Act and the Shoreline Management Act.

The new law also affects the re-issuance of the updated Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) General Permits. These permits are scheduled to be reissued in 2012. It addresses reissuance deadlines and effective dates for the NPDES Eastern and Western Washington Phase II Municipal Stormwater General permits.

These permits are key tools to help us protect our lakes, rivers, and marine waters from stormwater pollution. Phase I refers to permits that cover the state's most populated cities and counties. Phase II refers to permits that cover the state's second most populated areas. The federal Clean Water Act requires the state to update general NPDES permits every five years.

### How does ESHB 1478 affect the re-issuance of the municipal stormwater permits?

ESHB 1478 requires Ecology to:

- Reissue the current Phase II permits with no modification in July 2012 for a period of one year.
- Reissue the next updated Phase II permits in July 2012 with an effective date of August 2013.

### What does this mean for the Phase II permits?

In July 2012, Ecology will reissue four Phase II permits—two Eastern Washington and two Western Washington Phase II Municipal Stormwater General Permits.

Ecology issued the current Eastern and Western Washington Phase II permits in 2007. Ecology will reissue the current permits without changes in July 2012. These permits will be in effect for one year only—until August 2013. The requirements in these permits will not change during that year.

At the same time, in July 2012, Ecology will issue two more Phase II permits—the Eastern and Western Washington Phase II general permits for the next permit cycle. These two Phase II permits will have updated permit requirements and new deadlines for permittees to meet during the five-year permit cycle. Although Ecology will reissue these updated Phase II permits in July 2012, they will not become effective until August **2013**. The two updated Phase II permits will be in effect until August 2018.

Issuing the permits in 2012 allows local governments a year to prepare to meet requirements in the updated permits. During this year they can budget for and begin working toward the deadlines for the next permit cycle.

### **What does this accomplish?**

By issuing all four permits at the same time and staggering the effective dates, Ecology can reissue the permits as required by the Clean Water Act. The legislation allows local jurisdictions to continue implementing their current stormwater management programs while preparing for the next permit cycle a full year ahead.

### **What does this mean for the Phase I Municipal Stormwater General Permit?**

To keep the Phase I and II permit cycles consistent, Ecology is considering re-issuing the Phase I general permit with timelines similar to those for the Phase II permits. Ecology is considering re-issuing the existing Phase I permit in July 2012 for one year. At the same time Ecology would reissue the updated Phase I permit to be effective in August 2013. The only difference from the approach to the phase II permits is that the Phase I permit issued in July 2012 for one year could include some minor updates such as a requirement to discontinue the current monitoring program to prepare for the next stormwater monitoring program.

### **Summary of municipal stormwater permits to be reissued in July 2012**

Three existing (2007) permits to be in effect from August 2012 to August 2013:

- Phase I (with possible minor changes)
- Eastern Washington Phase II (unchanged)
- Western Washington Phase II (unchanged)

Three updated (2012) permits to be in effect from August 2013 to August 2018:

- Phase I
- Eastern Washington Phase II (updated)
- Western Washington Phase II (updated)

### **Ecology contacts**

Bill Moore, 360-407-6460, [bill.moore@ecy.wa.gov](mailto:bill.moore@ecy.wa.gov)

Harriet Beale, 360- 407-6457, [harriet.beale@ecy.wa.gov](mailto:harriet.beale@ecy.wa.gov)

#### **Special accommodations:**

If you need this document in a format for the visually impaired, call the Water Quality Program at 360-407-6401. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.