

Proposed Updates to Phase I and Phase II Western Washington Municipal Stormwater Permits

On October 19, 2011, the Washington Department of Ecology (Ecology) released two updated Western Washington Municipal Stormwater General draft permits for formal public comment:

- **Phase I Municipal Stormwater General Permit** (Phase I permit) covering the cities of Seattle and Tacoma, and King, Snohomish, Pierce, and Clark counties.
- **Phase II Western Washington Municipal Stormwater General Permit** (WWA Phase II permit) covering 80 medium and small cities, and the urban portions of 4 counties.

The two draft permits are National Pollutant Discharge Elimination System (NPDES) permits that authorize discharges to surface waters under the Clean Water Act. Due to 2011 legislation, in addition to the updated permits Ecology issued a draft of each of the current permits. The reissued current permits are also subject to public review. They are to be in effect from 2012 to 2013, with no changes except proposed revisions of monitoring requirements in the Phase I permit. The updated permits will be in effect from 2013 to 2018.

In addition to cities and counties, the permits cover publicly owned stormwater systems within those permitted jurisdictions for entities such as ports, school and park districts, drainage districts, colleges and universities, and state government campuses. Ecology is also issuing a draft Eastern Washington Phase II Municipal Stormwater Permit and fact sheets explaining the proposed changes for all three permits.

The draft permits represent years of work with permittees and other interested parties to identify areas for improvement and address lessons learned.

Ecology invites public comments on the draft permits until 5 p.m., Feb. 3, 2012. For copies of the draft permits, fact sheets, and more information about the workshops and public hearings, and how to comment, go to:

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

Ecology will consider all public comments and revise the draft permit. We expect to issue a final permit in June 2012, along with a response to comments.

MORE INFORMATION

Public Hearings and Workshops

www.ecy.wa.gov/biblio/1110078.html

2012 permit reissuance

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

New permittee evaluations

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

Legislation regarding time-lines for permit reissuance

www.ecy.wa.gov/biblio/1110037.html

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Ecology municipal stormwater contacts

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

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Proposed changes in draft permits

Ecology last issued the permits in 2007 for a five-year permit term. Since then, cities and counties have made a lot of progress to build local stormwater programs and improve water quality. Ecology has been working with interested parties since that time to prepare for the next round of permits. The updated draft permits propose changes to permit requirements in the following areas:

- Low impact development (LID) requirements for new development and redevelopment.
- Monitoring requirements.
- Phase I only: Structural Stormwater Controls Program.
- WWA Phase II only: Requirements for smaller development sites
- A proposed list of new permittees that Ecology is evaluating for Phase II permit coverage.

Low Impact Development - LID

The draft permits propose requirements for LID stormwater techniques in new development and redevelopment. Ecology drafted these requirements to address 2008 and 2009 rulings by the Pollution Controls Hearing Board (PCHB).



LID stormwater designs mimic the natural drainage processes by using stormwater site design and best management practices that retain vegetation, limit impervious surfaces, and infiltrate runoff on-site.

The proposed LID requirements are based on input from a 2009-2010 LID advisory group as well as informal public comments on preliminary draft requirements in May and June of 2011.

Ecology drafted the requirements to set goals and standards with flexible and variable tools to meet them, including:

- Site and subdivision standards including a hydrologic performance standard and a menu of approved LID best management practices to meet the standard. All sites are subject to feasibility review that can lessen the LID requirements, such as where soils are too poor to soak up the runoff.
- Updated development codes to achieve LID goals of retaining vegetation and limiting paved areas. Examples include reducing hardened surface areas through clustered developments, smaller parking spaces, narrower roads, and landscaping with plants that filter pollutants from the runoff.

To align these with the Phase I permit requirements and the Ecology stormwater manual, the WWA Phase II draft permit also proposes a requirement to apply these standards to sites smaller than one-acre.

Ecology proposes that Phase I cities and counties adopt and begin implementing the LID site requirements by December 31, 2014, which includes both site requirements and an update of broader development codes.

Phase II communities would have until December 31, 2015, to adopt the site-scale standards and December 31, 2016, to update broader development codes.

Proposed monitoring requirements

The draft permits propose monitoring requirements that will answer important questions about stormwater impacts and the effectiveness of stormwater management practices.



Since October 2008, Ecology has worked with a group of permittees and other interested parties in Puget Sound to design a Regional Stormwater Monitoring Program (RSMP).

The consensus-recommended program defines several components included in the draft permit:

- **Receiving waters:** In Puget Sound, permittees will collect information on the status and trends in water quality and habitat in small streams and marine near shore areas affected by stormwater.
The permits will not require southwest Washington permittees to conduct receiving water monitoring during this permit term. These ten permittees will explore and prioritize monitoring questions during the coming permit term.
- **Program effectiveness:** Permittees will conduct regional studies of stormwater practices to collect information that will improve their programs and future permit requirements.
- **Source identification:** Permittees will develop an information repository that will serve as an illicit discharge detection and elimination (IDDE) manual for Western Washington.
- **Data management and analysis:** The regional program monitoring data will be publicly accessible. Permittees will fund the data management and analysis. Ecology proposes that Phase I permittees be required to upload data collected under their current permits into publicly accessible databases.
- **RSMP administration:** The stakeholder group recommended that Ecology serve as the RSMP administrator for this permit term. This means each permittee will pay their share of costs to Ecology, which will conduct open competitive proposal processes to contract with multiple entities in the region to conduct the monitoring.

Proposed changes to Phase I Structural Controls Program

Ecology also proposed revisions to the Phase I Structural Stormwater Controls Program requirements. This program requires permittees to identify municipal stormwater projects such as facilities retrofits that improve water quality or flow control. The proposed changes include incentives for projects based on type, project size, and water quality benefits. The changes also improve reporting on measurable benefits, which will help Ecology make decisions and build a more objective program in the future.

Phase II possible new permittees

Ecology is evaluating new, additional jurisdictions for possible permit coverage in the reissued WWA Phase II permit. The federal rule for the NPDES program requires that Ecology evaluate cities that have grown to over 10,000 since the last permit. The 2010 U.S. Census identifies those cities in Western Washington as:

- Snoqualmie in King County.
- Lynden in Whatcom County.

Ecology is also evaluating for coverage the following unincorporated Urban Growth Areas (UGAs) around the cities over 10,000 population that came under the 2007 permits:

- Island County for the Oak Harbor UGA
- Clallam County for the Port Angeles UGA
- Lewis County for the Centralia UGA

Ecology invites public comment on the proposed new areas for coverage in the Phase II permit. As Ecology completes its evaluation of these areas, it will bring into the permit those that meet the criteria established for coverage.

For more information go to www.ecy.wa.gov/programs/wq/stormwater/municipal/2012NewPermitteeEval.html