

## **Working with Interest Groups to Develop the 2012 Municipal Stormwater Permits**

For more than three years, the Washington Department of Ecology (Ecology) has worked with interested parties and advisory groups to develop permit requirements for three updated general National Pollution Discharge Elimination System (NPDES) municipal stormwater permits. On August 1, 2012, Ecology updated and reissued these permits, which were last issued in 2007. The permits and Response to Comments are available at

<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/2012comments.html>

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 rain gutters. The three permits are:

- Phase I permit, which covers the most populated areas of our state.
- Phase II Western Washington Municipal Stormwater Permit (Phase II WWA permit), covering the second most populated areas of Western Washington.
- Phase II Eastern Washington Municipal Stormwater Permit (Phase II EWA permit), covering the second most populated areas of Eastern Washington.

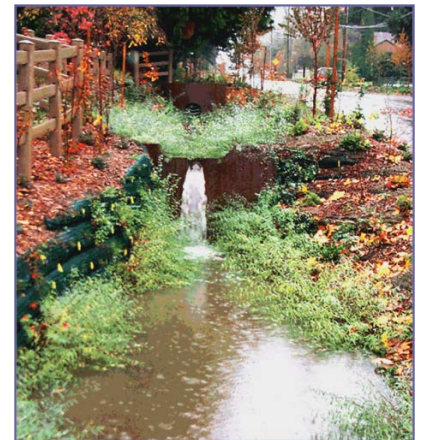
In the summer of 2008, Ecology began this work by forming and staffing a stakeholder driven Monitoring Consortium. This work intensified shortly after the Pollution Control Hearings Board (PCHB) issued rulings on the appeals to the 2007 permits.

### **Pollution Board 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](http://www.ecy.wa.gov/programs/wq/stormwater/municipal/appeals.html)



### **Ecology responds to Pollution Board 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 interest groups about LID requirements in the next permit cycle that would apply to new development and redevelopment in permitted communities.

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.
- 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.

Ecology released preliminary draft permit language for informal review and comment in May 2011. Find more information about the LID advisory committees and their work at:

[www.ecy.wa.gov/programs/wq/stormwater/municipal/LIDstandards.html](http://www.ecy.wa.gov/programs/wq/stormwater/municipal/LIDstandards.html).

### **Stormwater Monitoring Workgroup**

A February 2009 PCHB ruling 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.

A coalition of interested parties from the Monitoring Consortium formed the Stormwater Workgroup:

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

Over the course of three 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 was to guide the Puget Sound Partnership and Ecology's monitoring efforts and improve monitoring policy and management decisions regarding monitoring requirements. The Stormwater Work Group developed recommendations that Ecology incorporated into the preliminary draft permit language for the Phase I and Phase II Western Washington permits.

### **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 from August to October 2010. 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 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](http://www.ecy.wa.gov/programs/wq/forms/listeningsessionscomments.html).

### **Public review of draft permits**

Based on more than two years of stakeholder and public feedback, Ecology developed language for the next updated municipal stormwater permits and released draft permits for public review and comment from October 19, 2011 to February 3, 2012. Ecology used the public comment on the draft permits to develop the final permits issued on August 1, 2012.

### **Permit development schedule**

Ecology provided almost 200 days of informal and formal public comment opportunities on draft versions of the updated Municipal Stormwater Permits before issuing the final permits in the summer of 2012 as summarized below:

#### **Informal public comment period** (May 2, 2011 – June 3, 2011)

Ecology held an informal public comment period from May to June 2011 on preliminary draft permit language and supporting documentation covering LID and monitoring. This informal comment period offered by Ecology is not required but was designed to help facilitate input from local governments and others on some of the more challenging aspects of the new permits.

#### **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. Ecology offered a more than 100-day public comment period to provide sufficient time for public review and comment. A 30-day public comment period is all that is required.

#### **Workshops and public hearings** (December 1, 2011 – February 3, 2012)

Ecology held eight public workshops to explain draft permit requirements and six public hearings to take oral and written testimony, more than the one public hearing requirement.

#### **Review comments from formal public comment period** (February 3, 2012 – August 1, 2012)

Ecology reviewed and considered public comments received on all permit sections. During this time, Ecology also completed a formal Response to Comments document. Ecology incorporated changes to the permits, where applicable, based on comments received.

#### **Ecology issues final permits** (August 1, 2012)

Ecology issued the final permits and the Response to Comments document with formal notification in the State Register.

#### **30-days Appeal Period** (August 1, 2012 – August 31, 2012)

The public has 30-days to file an appeal of the permit(s).

#### **Permit effective date** ( September 1, 2012)

The reissued permits become effective 30-days after the permit issuance date. As directed by 2012 legislation, Ecology is reissuing two versions of each Phase II permit, including:

- The Western Washington Phase II permit unmodified from the 2007-2012 permit to be effective until August 2, 2013, when the updated permit to becomes effective.
- The Eastern Washington Phase II permit unmodified from the 2007-2012 permit to be effective until August 1, 2014, when the updated permit becomes effective.

Although not required to do so, Ecology also reissued the Phase I permit with minor modifications of the 2007-2012 permit to be effective until August 1, 2013, when the updated permit becomes effective. The appeal period of all these permits is from August 1, 2012 until August 31, 2012.

## **More information**

### **Ecology's Municipal Stormwater General Permits**

[www.ecy.wa.gov/programs/wq/stormwater/municipal/index.html](http://www.ecy.wa.gov/programs/wq/stormwater/municipal/index.html)

### **Stormwater Workgroup**

[www.ecy.wa.gov/programs/wq/psmonitoring/swworkgroup.html](http://www.ecy.wa.gov/programs/wq/psmonitoring/swworkgroup.html)

### **Low Impact Development Advisory Committees**

[www.ecy.wa.gov/programs/wq/stormwater/municipal/LIDstandards.html](http://www.ecy.wa.gov/programs/wq/stormwater/municipal/LIDstandards.html)

### **Permit Reissuance**

[www.ecy.wa.gov/programs/wq/stormwater/municipal/2012Reissuance.html](http://www.ecy.wa.gov/programs/wq/stormwater/municipal/2012Reissuance.html)

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