



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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**January 17, 2007**

## **Petition Criteria**

### **The process to get additional areas covered under the permits**

The factors Ecology will consider in evaluating municipal separate storm sewers include, but are not limited to, the factors listed below. Ecology's evaluation will be on a case by case basis, and in the exercise of its discretion Ecology may rely on other factors to evaluate municipal separate storm sewers. The factors listed below are provided to give potential petitioners guidance regarding the factors Ecology will typically consider, but are not intended to restrict Ecology's exercise of its discretion.

#### Factor 1: Does the municipal separate storm sewer discharge stormwater to impaired or sensitive waters?

Ecology will consider whether the municipal separate storm sewer discharges to impaired or sensitive waters that need protection to maintain or restore uses.

- "Impaired waters" are Clean Water Act section 303(d)-listed water bodies.
- "Sensitive waters" include public drinking water intakes and their designated protection areas; designated public swimming areas; shellfish beds; State-designated Outstanding Resource Waters; National Marine Sanctuaries; State Aquatic Reserves; and waters determined to be critical habitat for threatened or endangered species.

Ecology will also consider whether stormwater management practices are likely to contribute to the necessary protective and/or restoration measures for the water body of concern, e.g. if the impairment is due to a constituent of concern in stormwater.

Constituents of concern in stormwater typically include: arsenic, cadmium, copper, chromium, lead, zinc, heat, oil and grease, organic toxins, oxygen-demanding organics, nutrients, sediments, bacterial/viral agents and other pathogens.

#### Factor 2: Is the municipal separate storm sewer a significant contributor of pollutants to waters of the United States?

Ecology will consider whether the activities that take place in the municipal separate storm sewer contribute a loading of pollutants that are considered to be sufficient to cause or exacerbate the deterioration of receiving water quality or instream habitat conditions. This consideration will be based on best available science and readily available information. The types of information or metrics that may be considered and applied include, but are not limited to:

- Water quality monitoring data;
- Landscape metrics such as total impervious surface area, road network density, or number of stream crossings by roads;

- Quantification of the vehicular traffic in the municipal separate storm sewer at levels that would correspond to a high pollutant loading in stormwater discharges;
- Other indications of increased potential for stormwater pollutant loading, including a large non-resident population (such as seasonal or year-round tourism, university students, adjacent military bases, or other types of commuters) or high-use commercial traffic areas.

Factor 3: Does the municipal separate storm sewer serve a substantial population or area?

Management of stormwater runoff from growing municipal separate storm sewers is a primary goal of the regulations. High growth may be measured by a rate of increase in population, or directly by the number of people added, or by the increase in the amount of impervious surfaces in the municipal separate storm sewer. Ecology will evaluate whether the municipal separate storm sewer has experienced high growth by one or more of the following measures:

- Residential population has grown or is projected to grow by a rate of 15% (the average rate of growth in Washington State from 1990-2000) or more within a 10 year period; this applies only to municipal separate storm sewers serving a minimum population of 1,000.
- The municipal separate storm sewer is projected to serve a population of 10,000 or more outside an Urbanized Area, or a population of 1,000 or more inside an Urbanized Area, when the next census takes place. (Note: Municipal separate storm sewers that met this criterion for the 2000 census have already been designated by Ecology as regulated municipal separate storm sewers.)
- The amount of total impervious area served by the municipal separate storm sewer has increased by a rate of 10% or more within a 10 year period; this applies only to municipal separate storm sewers serving a minimum population of 1,000.

Ecology's determination will be based on the best available information, including the latest U.S. Census Bureau or State of Washington Office of Financial Management data.

Factor 4: Is the municipal separate storm sewer contiguously located to an already regulated municipal storm sewer?

Potential impacts on a neighboring regulated municipality and shared water bodies will be considered for jurisdictions that are directly adjacent to an already regulated municipal separate storm sewer.

Factor 5: Is the municipal separate storm sewer physically interconnected to another, already regulated municipal storm sewer?

If a municipal separate storm sewer is physically interconnected to another municipal separate storm sewer that is regulated by the NPDES stormwater program and contributes substantially to the pollutant loading in the regulated municipal separate storm sewer, then it must be designated as a "regulated municipal separate storm sewer." Ecology will determine whether the physically interconnected municipal separate storm sewer contributes substantially to the pollutant loadings of the already regulated municipal separate storm sewer.

To determine whether a physically interconnected municipal separate storm sewer is a "substantial contributor" to the regulated municipal separate storm sewer, Ecology will consider the following factors and any other factors Ecology's determines are appropriate:

- The total contributing area of the candidate municipal separate storm sewer;
- What portion of the receiving regulated municipal separate storm sewer’s discharge is contributed by the interconnected candidate municipal separate storm sewer; and/or
- What portion of the municipal stormwater discharge to the receiving water body is contributed by the interconnected candidate municipal separate storm sewer.

Factor 6: Are the water quality impacts of the municipal separate storm sewer already being addressed under other regulations or programs?

A designated “regulated municipal separate storm sewer” may be determined to be exempt from the requirement for permit coverage if the stormwater runoff from the municipal separate storm sewer is effectively addressed by other water quality programs. Ecology will consider, on a case-by-case basis, whether the stormwater runoff from a potentially designated “regulated municipal separate storm sewer” is effectively addressed under other regulations or programs.

Information in support of this criterion should be provided directly to Ecology by the candidate municipal separate storm sewer and should include a description of each of the following elements of the stormwater management program to prevent and minimize pollutant runoff:

- Public education and involvement: actions to promote greater understanding and support of stormwater management activities among various audiences within the local community and to involve them in the program planning process.
- Illicit discharge detection and elimination: actions to identify and reduce non-stormwater discharges to the municipal separate storm sewer.
- Construction stormwater runoff control: specific actions to prevent discharge of sediment and other construction-related pollutants from entering the municipal separate storm sewer.
- Post-construction stormwater management: specific actions to control stormwater runoff from new development and redevelopment projects.
- Pollution prevention and good housekeeping for municipal operations: specific actions to reduce pollutant loading in stormwater runoff from publicly-owned roadways, parking areas, maintenance and storage yards, waste transfer stations, parks, and other areas.
- Special actions to address local water quality problems, such as monitoring, retrofitting, or basin planning, being undertaken by the jurisdiction.
- Record-keeping and program evaluation to adaptively manage the program and report to the public on stormwater management activities.

The descriptions should include budget and staff allotments, scheduled inspection and maintenance activities, and copies of adopted ordinances or other rules supporting the actions.

Submit Petitions to :

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