

# General Permits Schedule and Process Update

Water Quality Program Partnership

January 15, 2009

## **Construction Stormwater General Permit - Jeff Killelea, (360) 407-6127**

Issuance date November 16, 2005

Effective date December 16, 2005

Appeal complete: June 2007

PCHB decision appealed to Superior Court – PCHB decision was upheld

Draft permit modification out for public comment: TBD

## **Boatyard General Permit - Gary Bailey, (360) 407-6433**

Permit issuance date: November 2, 2005

Appealed: PCHB ruling will require permit modifications

PCHB ruling appealed to Superior Court: Settled July 6, 2007

Draft Permit modification out for public comment: Nov 19, 2008

Comment period on proposed permit modification closes January 30, 2009

Target issuance date: TBD

## **CAFO General Permit – Jon Jennings, (360) 407-6283**

Issuance Date: June 21, 2006

Effective date: July 21, 2006

PCHB ruling: August 2007

PCHB decision appealed to Superior Court – Hearing was 1/13/09, decision expected in 30-60 days.

## **Industrial Stormwater General Permit – Jeff Killelea, (360) 407-6127**

Public comment period for permit re-issuance: August 6, 2008 through September 12, 2008

Target re-issuance of current permit: October 1, 2008, Effective date November 1, 2008

Working with a small group of external stakeholders to revise the permit, information on this process is available at: <http://www.ecy.wa.gov/programs/wq/stormwater/industrial/advcomm.html>

## **Phase I Municipal Stormwater Permit – Julie Lowe, (360) 407-6470**

Permit issuance date: January 17, 2007

Permit expires February 15, 2012

PCHB decision on compliance with standards (S4) and the phase I permit appeal was announced August 7, 2008.

Two parties (PSA and PacifiCorp) have appealed the Board's decision on compliance with standards (S4) to Superior Court – PSA dropped their appeal, close to a settlement with PacificCorp.

Permit modification of phase I permit to incorporate equivalent manuals and the PCHB rulings/decisions scheduled for March 4, 2009. Public comment period ends April 18, 2009.

## **Phase II – Western Washington – Harriett Beale, (360) 407-6457**

Permit issuance date: January 17, 2007

Permit expires February 15, 2012

Permit appealed

PCHB decision on compliance with standards (S4) was announced August 7, 2008.

In early September, the PCHB has announced how they intend to rule on the phase II summary judgment motions

Phase II hearing was held in late October, 2008, PCHB phase II decision is expected late January, or February 2009.

**Phase II – Eastern Washington – Harriett Beale, (360) 407-6457**

Permit issuance date: January 17, 2007

Permit expires February 15, 2012

Permit appealed

PCHB decision on compliance with standards (S4) was announced August 7, 2008.

In early September, the PCHB has announced how they intend to rule on the phase II summary judgment motions

Phase II hearing was held in late October, 2008, PCHB phase II decision is expected late January, or February 2009.

**WSDOT Municipal Stormwater Permit – Bill Hashim (360) 407-6467**

Preliminary draft permit public comment period: Dec 19, 2005 – Feb 21, 2006

Preliminary draft permit: February 2008

Public comment period on the final draft permit: May 21 – June 23, 2008

Permit issuance date is scheduled for February 4, 2009

**Sand and Gravel General Permit – Position Vacant**

Permit issuance date: May 17, 2007

Permit modified: May 17, 2006

Current permit expires in January 2010

Currently internally exploring options for permit re-issuance

**Aquatic Plant and Algae Management Permit – Position Vacant**

Public comment period: December 7, 2005 – January 27, 2006

Issuance date: March 1, 2006

Permit appealed with stay request. Stay denied. PCHB decision complete July 2007

Permit appealed to Superior Court: February 6, 2008 (hearing)

Superior court upheld Ecology on one issue (individual applications), and ruled against Ecology on a second issue (outstanding penalties).

Permit modification is not planned or required.

**Irrigation District Aquatic Pesticide Permit - Andrew Kolosseus (360) 407-7543**

Issuance date: February 20, 2008

Expiration date:

**Aquatic Mosquito Control General Permit – Position Vacant**

Preliminary draft for review: August 2006

Draft for public comment period: November 2006 – December 2006

Target issuance date: March 7, 2007

Appealed and settled: June 2007

Draft modification to include adulticide conditions (per Governor's request):

General permit modification not going forward if needed will issue orders

### **Aquatic Noxious Weed Control General Permit – Position Vacant**

Preliminary draft for review: September 2006

Draft out for public comment: October 2007

Issuance date: January 16, 2008

### **Invasive Species Control General Permit – Kathy Hamel (360) 407-6562**

Application received: March 29, 2006

Public comment: TBD

### **Fish Management General Permit (WDFW Rotenone Permit):**

Permit issued: June 5, 2002

Permit expired: July 5, 2007

No current plans to re-issue the permit

### **Water Treatment Plant General Permit**

Permit issued June 16, 2004

Permit expires July 15, 2009

### **Fresh Fruit Packing General Permit**

Permit issued June 15, 2004

Permit expires July 1, 2009

Contact: Cory Hixon (509) 454-7298

### **Upland Fin-fish Hatchery General Permit**

Permit issued April 22, 2005

Permit expires June 1, 2010

Contact: Lori LeVander (425) 649-7039

## **Other relevant items or permit related news**

### **EPA Vessel General Permit – Randall Marshall (360) 407-6445**

EPA issued permit in December 2008, applies to all states. Ecology declined to either certify or deny certification under Section 401 of the CWA. Northwest Environmental Advocates filed a petition for review.

### **Draft EPA Hatchery General Permit for Washington**

EPA released for public comment a proposed hatchery general permit that would apply to hatcheries on tribal and federal lands. Comment period closed late December.

### **EPA Draft Construction Stormwater Effluent Guidelines out for public comment**

**EPA Pesticide rule overturned by 6<sup>th</sup> circuit court** – NPDES permits are required for pesticide residuals

**Pinto Creek Decision** – Supreme court declined to hear appeal of the 9<sup>th</sup> circuit court decision which restricts issuing NPDES permits for new discharges into waters that are impaired.