

# General Permits Schedule and Process Update

## Water Quality Program Partnership

### January 2010

## General Permits

### **Municipal Stormwater General Permits**

Three separate permits, Phase I Municipal Stormwater General Permit, Western Washington Phase II Municipal Stormwater General Permit, and the Eastern Washington Municipal Stormwater General Permit. The three general permits apply to more than 100 cities and counties and more than 40 secondary permittees (Ports, drainage districts, school districts etc...)

Status: Permits issued January 2007, expire February 2012

Proposed phase I permit modification to incorporate approved manuals for Clark County and Snohomish County

Draft permits scheduled to be out for public comment in early spring 2011

Issues (permit implementation):

Issues (permit re-issuance): Incorporate LID requirements for new development and redevelopment

Monitoring requirements for phase I and II

Additional jurisdictions to be covered

### **Industrial Stormwater General Permit**

Approximately 1200 industrial facilities

Status: Revised permit issued October 21, 2009.

New Permit is effective January 1, 2010

Issues: Permit appeals

Material handling at transportation facilities

Training and technical assistance on the new permit

### **Construction Stormwater General Permit**

Approximately 2700 permittees

Status: Current permit issued November 2005, expires November 2010

Issues: EPA effluent guidelines for the Construction industry published 12/1/2009

Re-applications due June 19, 2010

Draft Permit out for public comment early summer 2010

### **Sand and Gravel General Permit**

Approximately 950 permittees

Status: Current permit issued January 2005, expires January 2010

Draft permit out for public comment January 20, through February 24, 2010

Final permit issued in spring 2010

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### **Boatyard General Permit**

Covers 88 boatyards

Status: Current permit expires November 2, 2010

Draft permit out for public comment winter 2010

Issues: Draft economic impact analysis completed. The draft EIA and the comments received are available at: <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>

Final report completed: *Puget Sound Boatyards: Zinc, Copper, Lead, and Hardness in Receiving Waters*. Report is available at: [www.ecy.wa.gov/biblio/0903051.html](http://www.ecy.wa.gov/biblio/0903051.html)

### **WSDOT Municipal Stormwater General Permit**

Status: Permit issued February 2009, expires February 2014

Permit appealed by Puget Soundkeeper Alliance and People for Puget Sound

Permit appeal appears to have been settled and will require a permit modification in early 2010

Issues: Several appeal issues (SW standards for new development and redevelopment, retrofit requirements) have potential fiscal impacts for WSDOT

### **Irrigation System Aquatic Weed Control General Permit**

The permit covers the use of pesticides in irrigation systems to control plant and algae growth. Currently there are sixteen irrigation districts are covered by the permit.

Status: Permit issued February 2008, expires February 2013.

Draft Permit modification out for public comment January 7, through February 19, 2010

Issues: The modification to the permit would allow the use of the pesticide endothall. Endothall is an alternative to acrolein, the herbicide that irrigation districts have historically used but is being phased out by the manufacturer.

### **Aquatic Mosquito Control General Permit**

Permits the use and discharge of larvicides for the control of mosquitoes

Status: Permit issued March 2007, expires April 2010. Revised permit out for public comment February 3, 2010, target issuance April/May 2010

Issues: Use of pesticides to control adult mosquitoes

### **Confined Animal Feeding Operation (CAFO) General Permit**

Permit issued to operators of confined animal feeding operations (Dairies, feedlots, Chicken Farms etc...) that have a discharge to surface waters.

Status: Permit issued June 2006, expires July 2011. Work on re-issuance should start summer 2010.

Issues: Off-site manure handling, groundwater issues (Yakima basin). Split Dairy Program with Department of Agriculture.

### **Aquatic Noxious Weed Control General Permit – Kathy Hamel, (360) 407-6562**

Issuance date: January 16, 2008

Expiration date: February 16, 2013

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

Application received: March 29, 2006

Currently working on initial draft permit and fact sheet

Planned issuance: Late 2010

**Fish Management Individual Permit (WDFW Rotenone Permit) – Jon Jennings (360) 407-6283**

Permit issued: June 5, 2002

Permit expired: July 5, 2007

No current plans to re-issue the permit

**Water Treatment Plant General Permit – Dewey Weaver, (360) 407-6443**

New Permit issued: July 15, 2009

Expiration date: August 31, 2014

**Fresh Fruit Packing General Permit – Corey Hixon, (509) 454-7298**

New Permit issued: June 11, 2009

Expiration date: July 1, 2014

**Upland Fin-fish Hatchery General Permit – Lori LeVander, (425) 649-7039**

Permit issued April 22, 2005

Permit expires June 1, 2010

**OTHER WATER QUALITY/PERMIT RELATED ISSUES**

**Effluent Guidelines for the Construction and Development Sites**

Final effluent guidelines to be published December 1, 2009 to control the discharge of pollutants from construction sites

For more information see: <http://www.epa.gov/guide/construction/#proposed>

**EPA Proposal to Modify the EPA Construction Stormwater General Permit**

Proposal announced October 19, 2009, Comments due November 18, 2009

Proposed modification is to extend the expiration date from June 30, 2010 to June 30, 2011 to allow time for EPA to incorporate the new effluent guidelines into the new permit.

**Proposed EPA Post-Construction Stormwater Rule making**

Proposal published in the Federal Register on October 30, 2009

Two elements of the proposed rule:

- Notice of proposed national rulemaking (estimated completion November, 2012) to strengthen stormwater regulations and to establish a comprehensive program to reduce stormwater discharges from newly developed and redeveloped sites, and
- A proposed information collection request (ICR) to inform the national rulemaking. The proposed ICR consists of three separate mandatory questionnaires: one specific to the

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construction industry, one directed to owners and operators of MS4s, and one directed to States and U.S. territories

Comments on the proposed EPA rule are due December 29, 2009

For more information see: <http://cfpub.epa.gov/npdes/stormwater/rulemaking.cfm>

### **Low Impact Development Committees**

Ecology has initiated a process to develop definitions and standards for low impact development (LID) stormwater requirements which will be incorporated into the phase I and phase II municipal stormwater permits. The Pollution Control Hearings Board (PCHB) ruled in August 2008 that Ecology must add requirements to the Phase I permit that apply to local governments covered under the permits. The PCHB ruled in February 2009 that Ecology begin to prepare Western Washington Phase II permittees for future implementation of LID. Ecology is convening this stakeholder advisory process to provide input on those requirements. For more information:

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

### **Stormwater Monitoring Workgroup**

The Stormwater Workgroup has been meeting since October 2008 to identify objectives for monitoring stormwater and to develop an approach to provide needed information about stormwater impacts and the effectiveness of stormwater management actions and share results in a way that helps the region make better decisions.

The Draft *Stormwater Monitoring and Assessment Strategy for the Puget Sound Region Volume 1: Scientific Framework* is now available for public review and comment. Comments are due by November 30, 2009. Volume 1 provides the scientific framework for future monitoring and assessment activities. Volume 2, due in June 2010, will describe the implementation plan for conducting the activities in a coordinated, efficient manner and with standardized methods.

For more information:

<http://www.ecy.wa.gov/programs/wq/psmonitoring/swworkgroup.html>

### **Stormwater Grants of Regional or Statewide Significance**

This \$3 million dollar grant program will provide funding for Phase I and Phase II local governments or ports for projects that benefit stormwater management programs across a region or statewide and support implementation of NPDES municipal stormwater permit programs. Final offer list to be published December 1, 2009. For more information:

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

Stormwater Technical Resource Center: HB 2222 provided Ecology the authority to establish a technical resource center "as funding to do so becomes available". Ecology solicited proposals for the development of Stormwater Technical Resource Center. A proposal was submitted and tentatively selected to be funded by the City of Puyallup in association with Washington State University Puyallup Campus, the UW and a number of other local jurisdictions.

New Stormwater Technology Review (TAPE): Working with local governments, WSU and UW to re-start the TAPE review process.

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**Copper Break Pad Legislation:** Agency request legislation (HB 3018 and SB 6557) has been introduced to phase out the copper content of brakes