

**Washington Department of Ecology**  
**Municipal Stormwater Permit Criteria for Designating Phase II Bubble Cities**

*The Washington Department of Ecology developed these criteria in 2004-2005 in consultation with cities with populations over 10,000 located outside of federally defined Urban Areas.*

A municipal separate storm sewer will be designated as a “regulated municipal separate storm sewer” that requires NPDES permit coverage if:

- Criterion A.1 *or* Criterion A.2 is met; *and*
- Criterion B.1 *or* Criterion B.2 is met; *and*
- The exemption criterion in part III below does not apply.

Criterion A.1: Does the municipal separate storm sewer discharge stormwater to impaired or sensitive waters?

Ecology will determine whether the municipal separate storm sewer discharges to impaired or sensitive waters that need protection to maintain or restore uses. This determination will be based only on the presence of impaired or sensitive waters as compared with jurisdictional boundaries, since actual discharge points are generally not known to Ecology staff. The jurisdiction may provide information about actual discharge points of the municipal separate storm sewer.

- “*Impaired waters*” are Clean Water Act section 303(d)-listed water bodies. If an EPA-approved Total Maximum Daily Load (TMDL) analysis has determined that the municipal separate storm sewer is not a “contributing source(s) of pollutants” then the municipal separate storm sewer does not meet this criterion for designation. A municipal stormwater discharge that is specifically named and required to reduce loading through an EPA-approved TMDL analysis meets this criterion for designation.
- “*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 include: arsenic, cadmium, copper, chromium, lead, zinc, heat, oil and grease, organic toxins, oxygen-demanding organics, nutrients, sediments, bacterial/viral agents and other pathogens.

Criterion A.2: Is the municipal separate storm sewer a significant contributor of pollutants to waters of the United States?

Ecology will determine 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 determination will be made using best available science and readily available information. The types of information or metrics that may be considered and applied include:

- 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.

Criterion B.1: 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 determine 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.

Criterion B.2: Is the municipal separate storm sewer contiguously located to an already regulated municipal storm sewer?

Part III - 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.