



Meeting Phase II permit requirements for new regulations

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Take home messages

- Keep key audiences informed
- Plan for implementation
- Identify policy decisions; pros and cons
- Clarify for decision-makers which are required and which are optional elements
- Find best fit in existing code structure
- Consult with legal counsel as needed

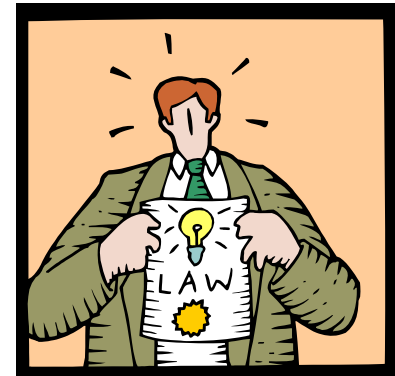
Phase II regulations

- ✓ Keys to successful adoption
- ✓ What the Phase II permit requires
 - ✓ IDDE
 - ✓ Construction and Post-construction
- ✓ Where new regulations fit into your code



Keys to a successful process

- Educate and inform decision makers
- Educate and involve key audiences
- Set realistic timelines for adoption
- Plan for implementation



Decision makers and key audiences

- Elected officials
- Planning Commission
- Related internal departments
- General public
- Development/building community
- Other local interested parties



Developing Phase II ordinances

Presentation outline

- ✓ Keys to successful adoption
- ✓ What the Phase II permit requires
- ✓ Where new regulations fit into your code



Phase II Regulatory Requirements

- Regulations to control runoff from new and re-development during construction
- Regulations to control runoff post-construction
- Permitting process and site plan review
- Long-term operation and maintenance standards *Due Feb 2010*

Regulations to prohibit illicit discharges and connections
(S5.B.3)
Due August 09

Enforcement mechanism



Adopting IDDE Regulations

REQUIRED PROVISIONS (S5.B.3)

Apply to areas draining to MS4

Prohibit illicit discharges (3.b)

- Allowed discharges
- Discharges w/conditions

Definitions

Prohibit and remove illicit connections (3.c.v)

Inspections (3.c.iii)

Procedures to require or conduct abatement and/or removal of source (3.c.v)

Escalating enforcement mechanism (3.b.vii)

OPTIONAL PROVISIONS

Apply to entire jurisdiction

List examples of prohibited discharges

Require operational or structural BMPs (SWMMWW Volume 4)

Right to recover cost of abatement/removal

Community service (public education) in lieu of penalty



Construction and post-construction requirements (S5.B.4. and S5.B.5)

- Regulations to control runoff for new & re-development during construction (S5.B.4)
- Regulations to control runoff post-construction (S5.B.5)
- Site planning process & BMP selection and design criteria.
- Long-term O/M standards (S5.B.4.a)
- Inspections/enforcement
- Consider allowing LID

Adopt Appendix I (or equivalent)

- Core Elements
- Thresholds
- Definitions
- Exemptions, Adjustments, Variances
- Optional: Basin-specific plans (if equal in protection)

Adopt 2004 SWMMEW or other*:

Site Planning Process
BMP selection & design criteria

* Approved equivalent or document how meet MEP/AKART for water quality

Adopt 2004 SWMMEW Chapt 7 OR equivalent

Construction and Post-construction Long-term maintenance

- Provisions to verify long-term operation and maintenance of post-construction facilities and BMPs (S5.B.5.a.ii)
 - Option to adopt 2004 SWMMEW or
 - Equivalent Ecology-approved manual or
 - Document how standards meet MEP and AKART
 - Authority to inspect and require maintenance or require verification by qualified party.

Does your city/county assume maintenance responsibility for private facilities?

- If not, how do you verify that long-term operation and maintenance is adequate?

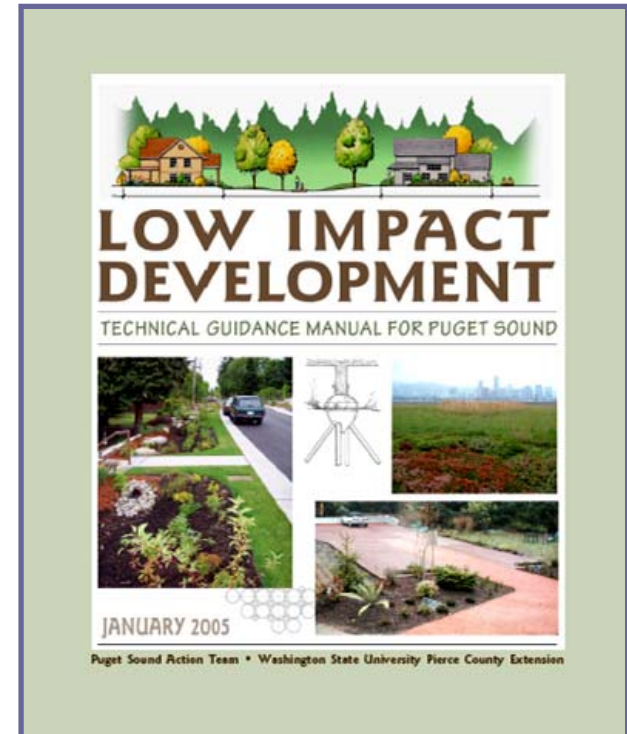
Low Impact Development

- Consider allowing LID under your development standards, not just as a variance
- Variety of approaches



LID

- Local ordinance examples are on Puget Sound Partnership website www.psp.wa.gov
- PSAT/WSU LID Manual
- LID regulations must meet Appendix I standards



Construction and Post-construction Inspections and Enforcement

- S5.B.4.c and S5.B.5.c require that you have the legal authority to inspect before, during and after construction.
- Include enforcement mechanism.



Developing Phase II ordinances

Presentation outline

- ✓ Keys to successful adoption
- ✓ What the Phase II permit requires
- ✓ Where to locate regulations in your code



Municipal Codes Yakima

Title 1 General Provisions

Title 2 Administration

Title 3 Funds and Accounts

Title 4 Health and Sanitation

Title 5 Licenses and Business Regulations

Title 6 Public Safety and Morals

Title 7 Public Services and Utilities

Title 8 Streets and Sidewalks

Title 9 Traffic

Title 10 Fire

Title 11 Buildings

Title 12 Development Standards

Title 13 Parks and Playgrounds

Title 14 Subdivisions

Title 15 Yakima Urban Area Zoning Ordinance

Title 16 Administration of Development Permit Regulations



A Simple Model – Spokane Valley

- **Title 22 DESIGN AND DEVELOPMENT STANDARDS**
- **Chapters:**
- [22.10](#) **Authority**
- [22.20](#) **Concurrency**
- [22.30](#) **Performance Standards and Incentives**
- [22.40](#) **Evacuation and Emergency Response Standards**
- [22.50](#) **Off-Street Parking and Loading Standards**
- [22.60](#) **Outdoor Lighting Standards**
- [22.70](#) **Fencing, Screening and Landscaping**
- [22.110](#) **Sign Regulations**
- [22.120](#) **Wireless Communication Facilities**
- [22.130](#) **Streets, Sidewalks and Public Places**
- [22.140](#) **Street Vacations**
- [22.150](#) **Stormwater Management Regulations**
- [Appendix 22-B](#) **Regional Pavement Cut Policy**

Simple Model – Spokane Valley

Title 22 Design and Development Standards

Chapter 22.150 Stormwater Management Regulations

- **22.150.020 Regulated activities**
- **22.150.040 Adopts manual with:**
 - **Definitions**
 - **Thresholds, minimum requirements**
 - **Exemptions, variances, adjustments**
 - **Site plan review**
 - **BMP design criteria and standard**
 - **Maintenance standards**
- **22.150.090 Inspections**
- **22.150.110 Public Drainage System (illicit discharges)**
- **22.150.120 Failure to comply – Nuisance (illicit connections)**
- **22.150.130 Enforcement**

Note: Structural example only, as the Spokane Valley code is not yet updated to comply with Phase II permit.

Mixed code structure

Utilities/Water and Sewers

- Stormwater Utility
 - Illicit discharges
 - Inspections and Enforcement

Building and Construction

- Stormwater Management
 - Adopt manual
 - Site Planning Process
 - Thresholds
 - Core elements
 - BMPs
 - Maintenance standards
 - Maintenance responsibility
 - Variances, adjustments
 - Exceptions
 - Inspections/Enforcement



Note: Structural example only

Snohomish County – Code structure

Title 30 Unified Development Code

Drainage

- Thresholds
- Minimum Requirements
- Definitions
- Site Planning Process
- Manual adoption for BMP selection design criteria

Clearing and Grading

Low Impact Development

Enforcement

Note: Snohomish County program not yet approved by Ecology for permit compliance

Title 7 Health and Sanitation Code

Water Pollution Control

- Illicit discharges and dumping
- Illicit connections
- Enforcement



Marysville – Rely on the code

- Title 14
- WATER AND SEWERS
- Chapters:
- 14.01 General Provisions
- 14.03 Rules for Construction, Installation and Connection
- 14.05 Rules for Customers – Payment and Collection of Accounts
- 14.07 Fees, Charges and Reimbursements
- 14.08 Water Shortage Emergency
- 14.09 Water and Sewer Conservation Measures
- 14.10 Water Supply Cross-Connections
- 14.15 On-Site Storm Water Drainage Code
- 14.16 Public Storm Drainage System Code
- 14.17 Private Storm Water Disposal Systems
- 14.18 Storm Water Drainage Assessments in Certain Designated Drainage Basins
- 14.19 Surface Water Utility
- 14.20 Wastewater Pretreatment
- 14.32 Utility Service Area

Marysville

14.15 On-Site Storm Water Drainage Code

- **Adopts Ecology manual**
- **Applicability**
- **Thresholds, minimum requirements**
- **Low impact development (adopts LID manual)**
- **Site planning process (some – refers to manual)**
- **Variances, exemptions and adjustments**
- **Inspections**
- **Maintenance Responsibility**
- **Enforcement (refers to general provisions)**

14.16 Public Storm Drainage System Code

- **Illicit discharge and illicit connection prohibitions**

Note: Example for code structure, as Marysville has not yet updated regulations to meet permit requirements.

Take home messages

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- Identify policy decisions; pros and cons
- Clarify for decision-makers which are required and which are optional elements
- Find best fit in existing code structure
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Decision points discussed:

- Where to locate regulations in your code
- Which department administers the code
- IDDE – apply code to entire jurisdiction?
- Construction & post-construction
 - Who maintains private facilities and what tools to include
 - Whether to apply to entire jurisdiction
 - Which manual to use
 - What's in the manual and what's in the code
 - Whether to allow LID
- Where to locate enforcement provisions and what are the escalating enforcement steps?

Association of Washington Cities

- Program to assist local government elected officials implement municipal stormwater permits (Ecology grant).
- One-on-one or small group consultations for elected officials and policy staff:

Contact: Andy Meyer, AWC

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360-753-4137



Other sources

- Municipal Research and Services Center (MRSC) www.mrsc.org
- Stormwater Manual Builder at Stormwater Manager's Resource Center:
<http://www.stormwatercenter.net/>