

Fact Sheet for the
Phase I Municipal Stormwater General Permit
Western Washington Phase II Municipal Stormwater General Permit
Eastern Washington Phase II Municipal Stormwater General Permit

National Pollutant Discharge Elimination System and
State Waste Discharge General Permit
For discharges from
Small Municipal Separate Storm Sewer Systems
In Western Washington

October 19, 2011

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON 98504-7600

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1.0 Introduction

This Fact Sheet accompanies the final drafts of the following *National Pollutant Discharge Elimination System (NPDES)* and State Waste Discharge permits:

- *NPDES and State Waste Discharge Permit for Discharges from Large and Medium Municipal Separate Storm Sewers* (the Phase I permit)
- *Western Washington Phase II Municipal Stormwater General Permit* (Western Washington Phase II permit)
- *Eastern Washington Phase II Municipal Stormwater General Permit* (Eastern Washington Phase II permit)

Ecology is proposing to reissue the current Western Washington Phase II permit and Eastern Washington Phase II permit for a period of one year. Ecology is also proposing to reissue the current Phase I permit with minimal changes for a period of one year. This Fact Sheet accompanies the three draft permits which would be effective from August 1, 2012 through July 31, 2013.

The Fact Sheet serves as the documentation of the legal, technical, and administrative decisions Ecology has made in the process of reissuing the permits.

As required by RCW 90.48.260 Ecology is working to issue two Phase II permits by July 31, 2012. RCW 90.48.260 directs:

By July 31, 2012, the department shall:

- Reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit first issued on January 17, 2007; and*
- Issue an updated national pollutant discharge elimination system municipal storm water general permit for any permit first issued on January 17, 2007. An updated permit issued under this subsection shall become effective beginning August 1, 2013.”*

In accordance with this recent state legislation, Ecology plans to issue the existing Phase II permits unchanged for a period of one year (effective August 1, 2012 through July 31, 2013). At the same time, Ecology is required to issue the revised/updated Phase II permits which would be effective starting August 1, 2013 through August 1, 2018. While not required to do so, Ecology is proposing a similar two-permit process for the Phase I permit.

The Washington Department of Ecology (Ecology) first issued the two Phase II permits and last issued the Phase I permit on January 17, 2007. The permits authorize the discharge of stormwater to waters of the State of Washington from municipal separate storm sewers that are owned and operated by the permittees. As required by the federal Clean Water Act, discharges covered under these permits must effectively prohibit non-stormwater discharges into storm sewers that discharge to surface waters and must apply controls to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP). As authorized by RCW 90.48.030 and RCW 90.48.162, Ecology also takes action through these permits to control impacts of stormwater discharges to waters of Washington State, including ground waters, unless the discharges are authorized by another regulatory program.

You may download copies of the draft permit documents at:

www.ecy.wa.gov/programs/wq/stormwater/municipal/2012draftMUNlcom.html

2.0 Public Involvement Opportunities

2.1 Public Comment Period

Ecology invites public comment on the proposed draft permits and fact sheet from Wednesday, October 19, 2011 until 5:00 p.m. on Thursday, February 3, 2012. Ecology welcomes all comments that address the permit requirements in these formal draft documents.

Ecology will issue the final permits after it considers all public comments and makes final changes to the draft permits. Ecology will publish a *Response to Comments* document with the final permit to address comments submitted during the public comment period.

2.2 Information to include with each comment

In order for Ecology to adequately address comments, please include the following information with each comment:

- The permit(s) subject to your comment.
- The specific permit language used in the requirement subject to your comment. Include the page number(s), line numbers, and, where indicated, section reference (i.e., S8.D.2.b).
- A brief, concise comment including the basis for the comment, and in particular the legal, technical, administrative, or other basis for the concern.
- Suggested permit language or a conceptual alternative to address your concern.

2.3 How to submit a comment

Written comments

Send written comments to Ecology by one of the methods below:

- Send permit comments by e-mail to: SWPermitComments@ecy.wa.gov
- Send permit comments in hard copy by mail to:

Harriet Beale
WA Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

Oral Comments

Submit oral comments by attending and testifying at the public hearings. (See Section 2.4 *Public Hearing and Workshop Schedule* for more information).

2.4 Public Hearing and Workshop Schedule

The public hearings will provide an opportunity for the public to give formal comments on the draft permits. Before each public hearing listed below and on two other dates (also listed below), Ecology will host a general public workshop on the proposed changes in the draft permit during the public comment period. The purpose of the workshops is for Ecology to explain the proposed changes to the permit, and to answer questions. Ecology will not accept formal oral testimony or comments on the draft permits or fact sheet during the public workshops, but will during the public hearings. Each workshop will address all the proposed permit changes.

December 5, 2011 9am	Ellensburg workshop and public hearing Hal Holmes Center 209 North Ruby Street Ellensburg, WA 98926 www.halholmes.org
December 6, 2011 9am	Spokane Valley workshop and public hearing CenterPlace Regional Event Center 2426 Discovery Place Spokane Valley, WA 99216
January 9, 2012 10am	Lacey workshop and public hearing WA Dept of Ecology 300 Desmond Drive SE Lacey, WA 98503 www.ecy.wa.gov
January 10, 2012 10am	Vancouver workshop and public hearing WA State School for the Blind Fries Auditorium 2214 East 13 th Street Vancouver, WA 98661 www.wssb.wa.gov
January 17, 2012 10am	Mount Vernon workshop and public hearing Skagit Transit Station 105 E. Kincaid Mount Vernon, WA 98223 www.skagittransit.org

January 24, 2012 Renton workshop and public hearing
9am Renton Community Center
 1715 Maple Valley Highway
 Renton, WA 98057
 www.renton.wa.gov

Ecology will hold informational public workshops without a public hearing on the final draft permits at the following dates, times and locations:

December 12, 2011 Walla Walla workshop
9am Port of Walla Walla
 45 Terminal Look Road
 Walla Walla, WA 99362

January 19, 2012 Poulsbo workshop
10am City Council Chambers
 200 NE Moe Street
 Poulsbo, WA 98370

Please direct questions about the public hearings/workshops and requests for printed copies of the Draft Permits, Fact Sheet, and Notice of Intent to Jocelyn Jones, jocelyn.jones@ecy.wa.gov or 360-407-7529.

Please direct questions about the Notice of Intent, the Phase II Draft Permits, or Fact Sheet for Phase II permits to Harriet Beale, harriet.beale@ecy.wa.gov or 360-407-6457.

Please direct questions about the Phase I Draft Permits, or Fact Sheet for the Phase I Permit to Carrie Graul, carrie.graul@ecy.wa.gov or 360-407-7221.

2.5 Issuance of the Final Permit

Ecology will issue the final permits after receiving and considering all public comments. Ecology expects to issue the final permits in June of 2012 accompanied by a *Response to Comments*. Ecology will send a copy of the Notice of Issuance to all persons who submitted written comment or gave public testimony at the public hearings. Ecology will append to this fact sheet the summary of response to the comments and the resulting changes to the draft permit.

3.0 EXPLANATION OF PERMIT REVISIONS

3.1 Western Washington Phase II Permit Proposed Revisions

The conditions and requirements of the Western Washington Phase II draft permit are unchanged from those in the existing permit. Ecology provides a statement in the draft permit explaining the expectations for implementation of the current permit during the one-year effective period.

The 2011 legislation that directed Ecology to reissue the current (2007) Phase II permits for a period of one year established the intent of the legislation as follows in Engrossed Substitute House Bill 1478, Section 1:

“The legislature does not intend to remove any existing statutory requirement, but rather modify the time under which a local government must meet statutory requirements.”

Ecology understands that the State Legislature and Governor intend to retain permit requirements at their current level, but not to initiate new requirements for this one-year period. This gives permittees time, and fiscal relief, before the next permit becomes effective. During the one-year permit term, permittees will continue to implement programs that were fully developed during the current permit term, and also will meet permit obligations for conditions such as compliance with standards, general permit conditions, recordkeeping, and reporting.

The draft permit would require that all city, town, and county permittees continue to implement ongoing programs as required for the fifth year of the current (2007) permit. Where minimum performance measures specified an ongoing level of effort, that level of effort is to continue through the one-year permit. Ecology expects that permittees will, at a minimum implement the program activity at a level of effort commensurate with the level of effort which was necessary to complete the activity during the fifth year of the previous permit cycle.

All permittees must continue to submit annual reports for the one-year permit using a form provided by Ecology in the Appendices or on its website. This is consistent with procedures during the previous (2007) permit term. Ecology staff will notify permittees when the annual report form and guidance are available for permittees for the one-year reporting period.

Secondary Permittees that have been covered by the permit for a full five years would continue to implement ongoing and recurring activities as required for the fifth year of permit coverage. Secondary Permittees that have been covered by the permit for less than five years must continue implementing their requirements on the schedules established at the date of permit coverage. For example, a Secondary Permittee that is currently in its third year of coverage would continue to implement its program requirements for the fourth year of coverage, and would fill out the annual report accordingly.

3.2 Eastern Washington Phase II Permit Revisions

The conditions and requirements of the Eastern Washington Phase II draft permit are unchanged from those in the existing permit. Ecology provides a statement in the draft permit explaining its expectations for implementation of the current permit during the one-year effective period.

The 2011 legislation that directed Ecology to reissue the current Phase II permits for a period of one year established the intent of the legislation as follows in Engrossed Substitute House Bill 1478, Section 1:

“The legislature does not intend to remove any existing statutory requirement, but rather modify the time under which a local government must meet statutory requirements.”

Ecology understands that the State Legislature and Governor intend to retain permit requirements at their current level, but not to initiate new requirements for this one-year period. This gives permittees time, and fiscal relief, before the next permit becomes effective. During the one-year permit term, permittees will continue to implement programs that were fully developed during the current (2007) permit term, and also will meet permit obligations for conditions such as compliance with standards, general permit conditions, recordkeeping, and reporting.

The draft permit would require that all city, town, and county permittees continue to implement ongoing programs as they were required for the fifth year of the current (2007) permit term. Where minimum performance measures specified an ongoing level of effort, that level of effort is to continue through the one-year permit. Ecology expects that permittees will at a minimum, implement the program activity at a level of effort commensurate with the level of effort which was necessary to complete the activity during the fifth year of the previous permit cycle.

All permittees must continue to submit an annual report for the one-year permit using a form provided by Ecology in the Appendices or on its website. This is consistent with procedures in the previous (2007) permit term. Ecology staff will notify permittees when the annual report form and guidance are available for permittees for the one-year reporting period.

Secondary Permittees that have been covered by the permit for a full five years would continue to implement ongoing and recurring activities as required for the fifth year of permit coverage. Ecology intends for Secondary Permittees that have been covered by the permit for less than five years to continue implementing their requirements on the schedules established at the date of permit coverage. For example, a Secondary Permittee that is currently in its third year of coverage would continue to implement its program requirements for the fourth year of coverage, and would fill out the annual report accordingly.

3.3 Phase I Permit Proposed Revisions

3.1.1 Implementing Unchanged Existing Permit Conditions

Except for monitoring, the conditions and requirements of the Phase I draft permit are unchanged from those in the current (2007) permit. Ecology provides a statement in the draft permit explaining the expectations for implementation of the current permit during the one-year effective period.

Ecology understands that the State Legislature and Governor intend to retain permit requirements at their current level, but not to initiate new requirements for this one-year period. This gives permittees time, and fiscal relief, before the next permit becomes effective. Ecology is applying a similar approach to the Phase I permit, except where necessary to clarify the completion of ongoing monitoring studies.

During the one-year permit term, permittees will continue to implement programs that were fully developed during the current (2007) permit term, and also will meet permit obligations for conditions such as compliance with standards, general permit conditions, recordkeeping, and reporting.

Permittees must continue to implement stormwater programs at a level of effort sufficient to reduce and prevent harm from discharges of pollutants to the maximum extent practicable and to meet state requirements to control impacts of stormwater discharges to waters of the state. The current permit requires permittees to fully implement the stormwater management program and activities no later than August 19, 2011. Permittees should continue implementing the full suite of program activities and other activities as necessary to meet the conditions in the permit.

Ecology intends that all city, town, and county permittees continue to implement ongoing programs as they were required for the fifth year of the current (2007) permit. Where minimum performance measures specified an ongoing level of effort, that level of effort is to continue through the one-year permit. Ecology expects that permittees will, at a minimum implement the program activity at a level of effort commensurate with the level of effort which was necessary to complete the activity during the fifth year of the previous permit cycle.

All permittees must continue to submit an annual report for the one-year permit using the forms provided by Ecology in the Appendices or on its website. This is consistent with procedures during the previous permit term. Ecology staff will notify permittees when the annual report form and guidance are available for permittees for the one-year reporting period.

Secondary Permittees that have been covered by the permit for a full five years also must continue to implement ongoing and recurring activities as required for the fifth year of permit coverage. Secondary Permittees that have been covered by the permit for less than five years must continue implementing their requirements on the schedules established at the time of coverage, which are based on the Secondary Permittee's initial date of permit coverage. For

example, a Secondary Permittee that is currently in its third year of coverage would continue to implement its program requirements for the fourth year of coverage, and would fill out the annual report accordingly.

3.1.2 Completion of Current Monitoring Studies

In the Phase I permit, the only proposed revisions are to Special Condition S8 Monitoring. The current Phase I permit (issued February 16, 2007) requires permittees to implement monitoring programs for the following:

- S8.D Stormwater Monitoring
- S8.E Targeted Stormwater Management Program Effectiveness Monitoring
- S8.F Stormwater Treatment and Hydrologic Best Management Practice Monitoring
- S8.F.7 Flow Reduction Strategy (with the exception of the Port of Seattle and Port of Tacoma)

Ecology added the draft permit language in S8.C.1 to help permittees determine end dates for their monitoring programs that were initiated in the current (2007) permit cycle. Different QAPP goals and objectives indicate that some programs would extend past the February 2012 expiration date of the permit. Ecology wants permittees to complete these studies to achieve the intent of these programs and to use the information for stormwater management activities. In the proposed permit section S8.C.1, Ecology describes the end points for the monitoring to help clarify this intent. It is important that permittees successfully complete their studies in accordance with QAPP goals, objectives and schedules for full program completion.

The draft permit language also includes the requirement that permittees submit all relevant data they have collected pursuant to the current permit requirements to Ecology's Environmental Information Management (EIM) database and the International Stormwater BMP Database where applicable. Uploading these data will allow for comprehensive analyses and sharing among stormwater professionals. The findings will inform future regional studies and help target the design of various components of the regional stormwater monitoring program.