



Meeting Phase II permit requirements for new regulations

Harriet Beale

Department of Ecology

360-407-7457

hbea461@ecy.wa.gov



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

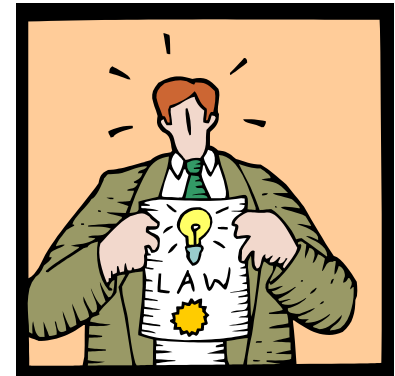
Phase II regulations

- ✓ 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

S5.C.4 Runoff Controls

- Regulations to control runoff from new and re-development during construction and post-construction
- Allow LID
- Permitting process and site plan review
- Long-term operation and maintenance standards

S5.C.3

Regulations to prohibit illicit discharges and connections

Enforcement mechanism



Adopting IDDE Regulations

REQUIRED PROVISIONS (S5.C.3)

Apply to MS4

Prohibit illicit discharges (3.b)

- Allowed discharges
- Discharges w/conditions

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

Inspections (3.c.iii)

Definitions

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

Escalating enforcement mechanism (3.b.v & 3.c.v)

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

Public involvement contribution in lieu of penalty



Construction and post-construction regulatory requirements (S5.C.4)

- Regulations to control runoff from new and re-development during construction and post-construction (S5.C.4.a.i)
- Site planning process and BMP selection and design criteria. (S5.C.4.a.ii)
- Long-term O/M standards (S5.C.4.c)
- Allow for LID (S5.C.4.a.iv)
- Inspections/enforcement

Adopt Appendix I (or equivalent)

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

Adopt 2005 SWMMWW or other*:

Site Planning Process
BMP selection & design criteria

*Other must document how meet MEP/AKART for water quality

Adopt 2005
SWMMWW
Chapt 4 Vol 5
OR
equivalent



Post-construction Long-term maintenance

- Provisions to verify long-term operation and maintenance of post-construction facilities and BMPs (S5.C.4.c)
 - Option to adopt 2005 SWMMWW Chapter 4 Vol 5
 - Develop maintenance standards for other facilities
 - Authority to inspect and require maintenance

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

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

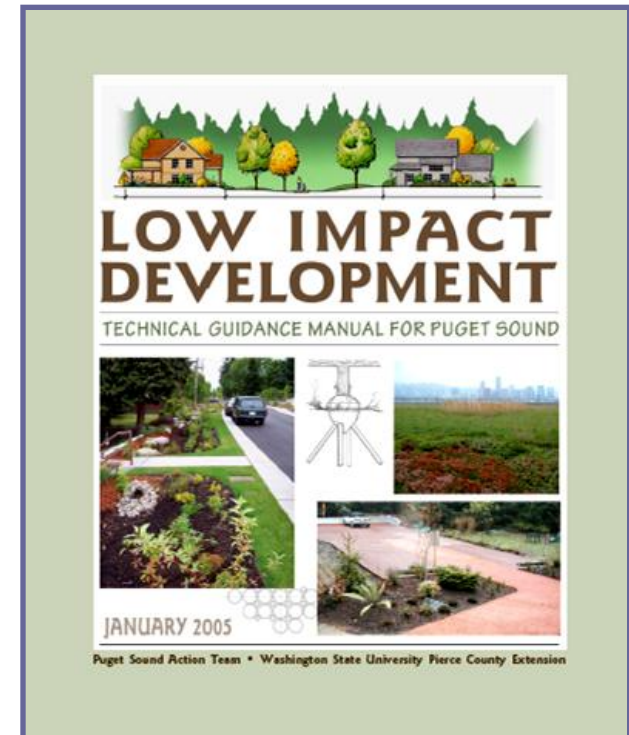
Low Impact Development

- Ecology's view: Allow LID under your development standards, not as a variance
- May use a variety of approaches



LID

- Local ordinance examples are on Puget Sound Partnership website:
http://www.psparchives.com/our_work/storm_water/lid/lid_regs.htm
- PSAT/WSU LID Manual and Ecology Manual are cross-referenced
 - SWMMWW: Vol 3, Appendix III-C
 - LID: Chapter 7 on WWHM
 - Adopt by reference
- LID does not replace Appendix 1 of the permit or the manual
- LID regulations must meet Appendix 1 standards



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

Bellingham

Title 1 General Provisions

Title 2 Administration

Title 3 Personnel

Title 4 Revenue And Finance

**Title 6 Business Taxes,
Licenses, And Regulations**

Title 7 Animals

**Title 8 Parks, Cemeteries, And
Public Places**

Title 9 Health And Sanitation

Title 10 Criminal Code

Title 11 Vehicles And Traffic

Title 12 Harbor And Lakes

Title 13 Streets And Sidewalks

**Title 14 Local Improvements
And Public Contracts**

Title 15 Water And Sewers

Title 16 Environment

**Title 17 Buildings And
Construction**

Title 18 Subdivisions

Title 19 Impact Fees

Title 20 Land Use Development

**Title 21 Administration Of
Development Regulations**

A Simple Model - Olympia

Title 13 Utilities

- **13.16 - STORM AND SURFACE WATER UTILITY**

- 13.16.010 Definitions

- 13.16.017 Drainage design and erosion control manual-Adopted

- 13.16.018 Drainage and erosion control manual-Provisions to prevail in event of conflict

- 13.16.020 Permit required

- 13.16.030 Nonpermitted uses of the storm drainage system

- 13.16.040 Connection to the storm drainage system

- 13.16.050 Charges for use of the storm drainage system

- 13.16.090 Credit for additional storm drainage detention retention or water quality treatment

- 13.16.180 - Enforcement--Civil and criminal penalties--Public nuisance

Simple Model – Olympia

Title 13 Utilities Code

Chapter 13.16 Storm and Surface Water

- **13.16.017 Adopts manual with:**
 - **Definitions**
 - **Thresholds, minimum requirements**
 - **Site plan review**
 - **BMP design criteria and standards**
 - **Maintenance standards**
 - **Exemptions, variances, adjustments**
 - **Inspections**
- **13.16.030 Nonpermitted uses of the storm drainage system**
- **13.16.040 Connections to the storm drainage system**
- **13.16.180 Enforcement**



Note: Olympia program not reviewed
by Ecology for permit compliance

Mixed code structure

Public Utilities

- Stormwater Utility
 - Illicit discharges
 - Inspections and Enforcement



Building and Construction

- Stormwater Management
 - Adopt manual
 - Thresholds
 - Minimum requirements
 - Site planning process
 - BMPs
 - Maintenance standards
 - Maintenance responsibility
 - Low impact development
 - Variances, adjustments
 - Exemptions
 - Inspections/Enforcement

Snohomish County – Code structure

Title 30 Unified Development Code

Ch 30.63A Drainage

- Thresholds
- Minimum Requirements
- Definitions (Ch 30.91)
- Site Planning Process
- Manual and EDDS adoption for BMP selection design criteria

Ch 30.63B Clearing and Grading

- Refers to 30.63A

Ch 30.63.C Low Impact Development

- Refers to 30.63A
- Adopts PSAT LID Manual

Ch 30.85 Enforcement

Title 7 Health and Sanitation Code

Ch 7.53 Water Pollution Control

- Illicit discharges and dumping
- Illicit connections
- Enforcement
- Adopts Manual for operational source control BMPs

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



Summary: Decision Points

- Where to locate regulations in your code
- Which department administers the code
- Whether to apply IDDE 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
 - How to allow LID
- Where to locate enforcement provisions and what are the escalating enforcement steps?

Take home messages

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Association of Washington Cities

- Outreach to local government elected officials that are implementing municipal stormwater permits.
- One-on-one or small group consultations for elected officials and policy staff:

Contact: Andy Meyer, AWC

andym@awcnet.org

360-753-4137



Other sources

- Municipal Research and Services Center (MRSC) www.mrsc.org
- EPA NPDES archived webcasts
http://cfpub2.epa.gov/npdes/outreach.cfm?program_id=0&otype=1
- Stormwater Manual Builder at Stormwater Manager's Resource Center:
<http://www.stormwatercenter.net/>

QUESTIONS?

