

Resources for Construction and Post-construction Stormwater Management

References and Sample Regulations

Phase II Municipal Stormwater Permit for Western Washington
September 25, 2007 Workshop
Bellevue, Washington
Department of Ecology

References from Ed O'Brien's presentation on S5.C.4 and Appendix I

S5.C.4.a.iv – Provisions to allow low impact development

- Puget Sound Partnership technical assistance to local governments to better integrate low impact development into their regulations and development standards. Information on 2005 and 2006 projects and future site for information on funding opportunities for 2007:
http://www.psat.wa.gov/Programs/LID/assistance/LID_assistance.htm
- Ecology Stormwater Management Implementation Grants Program:
<http://www.ecy.wa.gov/programs/wq/funding/funding.html>
- Website for Washington State American Public Works Association (APWA) to follow information from the Committee on Low Impact Development Standards
<http://www.apwa-wa.org/committees/stormwater.htm>

S5.C.4.b and f - Staff training

- Certified Erosion and Sediment Control Lead (CESCL) training and certification programs: <http://www.ecy.wa.gov/programs/wq/stormwater/cescl.htm>
- Ecology webpage for Western Washington Continuous Simulation Hydrology Model (WWHM) including contact information with AGC Education Foundation on future trainings
http://www.ecy.wa.gov/programs/wq/stormwater/wwhm_training/index.html

Appendix I – Minimum Requirement #2 – Construction Stormwater Pollution Prevention Plan

- Ecology draft Stormwater Pollution Prevention Plan (SWPPP) Template (with instructions): <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> (in the column on right side of page)
- Site Inspection Checklist developed for implementing the Stormwater Construction General Permit:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/>

Appendix I – Minimum Requirement #5 – On-site Stormwater Management

- *Building Soil: Guidelines and Resources for Implementing Soil Quality and Depth BMP T5.13* <http://www.soilsforsalmon.org/> and click on “Soil BMP manual updated...” in lower right corner.

Appendix I – Minimum Requirement #6: Runoff Treatment

- The Natural Resources Conservation Services TR-55 model for single-event rainfall-runoff small watershed hydrologic analysis:
http://www.wsi.nrcs.usda.gov/products/W2Q/H&H/Tools_Models/WinTR55.html
- Information and regulations for Ecology's Underground Injection Control Program: <http://www.ecy.wa.gov/programs/wq/grndwtr/uic/index.html>

Appendix I – Minimum Requirement #7 – Flow Control

- Flow control guidance for highly urbanized basins:
http://www.ecy.wa.gov/programs/wq/stormwater/flow_control.html
- Report, shape files, and data layers for western Washington land cover, 1991, 1996, 2001 <http://www.ecy.wa.gov/services/gis/data/impervious/basins.htm>

Appendix I – Common Plan of Development or Sale

Definition:

Common plan of development or sale means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate builders); 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and 3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility. If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

EPA FAQ language from <http://cfpub.epa.gov/npdes/stormwater/cqpfags.cfm#223> :

My Project Will Disturb Less Than One Acre, But it May Be Part of a "Larger Common Plan of Development or Sale." How Can I Tell and What Must I Do?

In many cases, a common plan of development or sale consists of many small construction projects. For example, an original common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale until the intended construction occurs.

If your smaller project is part of a larger common plan of development or sale that collectively will disturb one or more acres (e.g., you are building on 6 half-acre residential lots in a 10-acre development or are putting in a fast food restaurant on a 3/4 acre pad that is part of a 20 acre retail center) you need permit coverage. The "common plan" in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.)

indicating construction activities may occur on a specific plot. You must still meet the definition of operator in order to be required to get permit coverage, regardless of the acreage you personally disturb. As a subcontractor, it is unlikely you would need a permit.

However, where only a small portion of the original common plan of development remains undeveloped and there has been a period of time where there is no ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), you may re-evaluate your individual project based on the acreage remaining from the original "common plan." If less than five but more than one acre remains to build out the original "common plan" a permit may still be required, but you can treat your project as part of a "small" construction activity and may be eligible for the waivers available for small construction activities (e.g., one of six lots totaling 2 acres in a 50 acre subdivision can be treated as part of a 2 acre rather than 50 acre "common plan"). If less than one acre remains of the original common plan, your individual project may be treated as part of a less than one acre development and no permit would be required.

Ecology Construction Stormwater General Permit Guidance

For purposes of clarifying what EPA means by "where only a small portion of the original common plan of development remains undeveloped and there has been a period of time where there is no ongoing construction activities", Ecology has developed the following internal guidelines, defining "significant period of time" as 3 or more years:

- Where only a small portion of the original common plan of development remains undeveloped and there has been a **significant period of time (i.e., 3+ years)** where there is no ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), Ecology will re-evaluate the individual project based on the acreage remaining from the original "common plan".
 - If less than five but more than one acre remains to build out the original "common plan" a permit will still be required, but the project will be treated as part of a "small" construction activity and may be eligible for the erosivity waiver (e.g., one of six lots totaling 2 acres in a 50 acre subdivision would be treated as part of a 2 acre rather than 50 acre "common plan").
 - If less than one acre remains of the original common plan, the individual project (lots, parcels, etc.) will be treated as part of a less than one acre development, and no permit would be required.

Ecology Stormwater Technical Assistance Resources including the Stormwater Management Manual for Western Washington:

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

Sample Regulations for Construction and Post-construction Stormwater Management

The Department of Ecology has not reviewed the regulations listed below for compliance with the January 2007 Phase II Municipal Stormwater General Permit.

The sample regulations on the websites below pre-date Ecology's issuance of the Phase II permit and have not yet been amended to meet the permit requirements. Ecology provides these examples as different structural approaches to incorporating construction and post-construction regulations into their development codes.

City of Marysville - On-site Stormwater Drainage Code (Chapter 14.15 MMC)

<http://mrsc.org/codes.aspx> (go to Marysville Municipal Code Chapter 14)

The City of Marysville incorporates detailed requirements into the stormwater code itself. It adopts the 2005 Ecology *Stormwater Management Manual for Western Washington* as a technical reference manual. The code includes a site plan review process, thresholds for development review and minimum requirements for stormwater management listed with some specifics and reference to the stormwater manual for more detail.

City of Olympia – Storm and Surface Water Utility (Chapter 13.16 OMC) and Stormwater Drainage Manual

<http://www.ci.olympia.wa.us/cityutilities/stormwater/policies/>

The City of Olympia's stormwater code has a limited amount of detail. It includes definitions and enforcement procedures. It also adopts by reference a Stormwater Drainage Manual developed by the city. The manual includes thresholds for development review, minimum requirements, a site planning process, and BMPs and design standards.

City of Bellingham – Stormwater Management (Chapter 15.42 BMC)

<http://www.cob.org/web/bmcode.nsf>

The City of Bellingham's municipal code includes detailed thresholds, site planning review requirements and minimum requirements. The General Requirements section identifies Best Management Practices as those found in the most current edition of the Ecology manual. The code also includes a section of Approval Standards with thresholds for review and a site planning process. An additional section covers maintenance, inspections and enforcement.

City of Redmond – Clearing, Grading and Storm Water Management (Chapter 15.24 RMC) <http://mrsc.org/codes.aspx>

The City of Redmond integrates stormwater management with clearing and grading regulations. It adopts the 2001 Ecology *Stormwater Management Manual for Western Washington* including the application of minimum requirements, BMPs and design standards. The code includes minimum thresholds for approved plans and permits, but the detailed site planning process and design standards are in the manual.

To review regulations from a number of cities and counties, go to the webpage for the Municipal Resources and Services Center of Washington - <http://mrsc.org/codes.aspx>