APPENDIX 10 – Equivalent Programs for Runoff Controls for New and Redevelopment and Construction Sites

Ecology determined that the following enforceable documents, including codes, ordinances, director's rules, public rules and/or manuals, are functionally equivalent to Appendix I and the required portions of Ecology's 2005 *Stormwater Management Manual for Western Washington.* If Ecology's determination of equivalency is conditioned, the conditions are listed below. Permittees must comply with listed conditions, if applicable, in order to achieve equivalency and comply with associated permit requirements. Links to the documents listed in this appendix can be found on Ecology's website.

A. King County

King County is meeting relevant permit requirements and achieves equivalency with Department of Ecology's *2005 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. King County Code Chapter 9.04 Surface Water Runoff Policy, as amended by Ordinance 16264 approved October 20, 2008.
2. King County Code Chapter 9.12 Water Quality, as amended by Ordinance 16264 approved October 20, 2008.
3. King County Code Chapter 16.82 Clearing and Grading.
4. 2009 King County Surface Water Design Manual (SWDM) as amended in agreement with King County Memo *Impervious Surface Percentage Exemption*, March 22, 2010.
5. 2009 King County Stormwater Pollution Prevention Manual (SPPM).
6. King County Code Chapter 21A.24.045 and 318 through 342 Critical Areas[1].

B. City of Seattle

City of Seattle is meeting relevant permit requirements and achieves equivalency with Department of Ecology's *2005 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. Seattle Municipal Code chapters 22.800 - 22.808 titled "Stormwater and Drainage Control Code" as adopted in 2009.
2. Seattle Municipal Code chapter 22.170 titled "Grading Code" as adopted in 2009.
3. Joint Seattle Public Utilities (SPU)/Department of Planning and Development (DPD) Directors' Rule titled "Source Control Technical Requirements Manual" as approved by the Director of SPU and the Director of the DPD in 2009.
4. Joint SPU/DPD Directors' Rule titled "Construction Stormwater Control Technical Requirements Manual" as approved by the Director of SPU and the Director of DPD in 2009.

[1] The wetlands protection requirement (Minimum Requirement #8) is not contained in the SWDM, but rather is satisfied by the wetland protection requirements contained in King County's Critical Areas Code.

5. Joint SPU/DPD Directors' Rule titled "Stormwater Flow Control and Water Quality Treatment Technical Requirements Manual" as approved by the Director of SPU and the Director of DPD in 2009.
6. Joint SPU/DPD Directors' Rule titled "Stormwater Code Enforcement Manual" as approved by the Director of SPU and the Director of DPD in 2009.

C. City of Tacoma

City of Tacoma is meeting relevant permit requirements and achieves equivalency with Department of Ecology's *2005 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. City of Tacoma Surface Water Management Manual (2008) as amended in agreement with "March 16, 2009 Tacoma Letter to Department of Ecology" concluding the Department of Ecology review process.
2. Tacoma Municipal Code Chapter 12.08 Wastewater and Surface Water Management.

D. Pierce County

Pierce County is meeting relevant permit requirements and achieves equivalency with Department of Ecology's *2005 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. Pierce County Stormwater Management and Site Development Manual (2008), as amended in agreement with "Pierce County's letter to Department of Ecology dated March 6, 2009" concluding the Department of Ecology review process.
2. Pierce County Code Title 11"Storm Drainage and Surface Water Management" and Title 17A"Construction and Infrastructure Regulations – Site Development and Stormwater Drainage," as amended by Ordinance No. 2008-59s.
3. Pierce County Code Title 18E "Development Regulations-Critical Areas".

E. Clark County [2]

Clark County is meeting relevant permit requirements and achieves equivalency with Department of Ecology's *2005 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. Clark County Stormwater Manual (2009).
2. Clark County Stormwater Pollution Control Manual – Best Management Practices for Businesses and Government Agencies (2009).
3. Clark County Stormwater Facility Maintenance Manual (2009).
4. Clark County Code Chapter 40.385 Stormwater and Erosion Control.
5. Clark County Code Chapter 13.26A Water Quality.
6. Clark County Code Chapter 40.450 Wetland Permits.
7. Clark County Development and Redevelopment Flow Control Mitigation Program (Clark County's Flow Control Program), with Conditions.

[2] In January 2011, the Pollution Control Hearings Board struck down Clark County's alternative flow control mitigation program. Clark County and others have appealed the PCHB decision. The appeal is currently before Division II of the State Court of Appeals. In December 2011, a federal judge issued an injunction against Clark County, ordering Clark County to follow Ecology's default stormwater requirements while the County's development standards are under review by the State Court of Appeals.

a. Conditions: The County must implement Clark County's Flow Control Program in addition to the following items:
   i. The County will report the amount of the flow control obligation incurred in each of the calendar years, beginning with 2009, as an attachment to the annual report required by the Permit. These progress reports shall include the information identified in Clark County's Flow Control Program. In addition to the annual progress report above, the County will submit quarterly, Tables 1, 2, and 3 from Clark County's Flow Control Program for the first year (2010). The tables will be submitted no later than 15 days following the end of the calendar quarter, starting April 2010.
   ii. The County shall maintain funding sources adequate to comply with these requirements.
   iii. The County shall keep all records associated with this section for at least five years and shall make records available to Ecology upon request.
   iv. The County shall immediately notify Ecology of any occurrence which is likely to result in noncompliance with the requirements of this section. Such notification will state the nature of the potential non-compliance, the reason(s) for the occurrence, and the actions taken by the County to address the potential noncompliance.
b. Conditions: Required actions for failure to mitigate runoff from new development and redevelopment to the historic condition:
   i. If the County fails to implement the items in (7.a) above and as further described in Clark County's Flow Control Program it must, notify Ecology in writing of non-compliance with this provision in accordance with General Permit Condition G20 and immediately initiate amendment of its development regulations to require flow control at new and redevelopment sites equivalent to that required in S5.C.5 of the Permit. Furthermore, the County shall not grant any approvals or permits for development or redevelopment projects which do not mitigate post-project runoff to the historical land cover in accordance with the Permit and which are submitted after April 13, 2009 until the County has brought itself into full compliance with the requirements above. In the event of non-compliance with these provisions, the County shall remain responsible for providing the entire flow control obligation thus far incurred.
c. Conditions: Any permittee interested in adopting and implementing Clark County's Flow Control Program must meet the conditions in (7.a) above including the provisions in Clark County's Flow Control Program and the requirements listed below. In addition, review is required by Ecology.
   i. A financial plan capable of supporting the capital program. The financial plan shall identify a reliable funding source to guarantee timely construction of capital projects and to provide operation and maintenance.
   ii. Administrative procedures to track flow control obligations and construction of capital facilities, and to produce annual reports.
   iii. Engineering capability to determine amount of credits earned by capital facilities.

iv. Staffing for current tracking and reporting; to develop a program to identify and prioritize capital projects; to manage construction of capital projects; and to maintain capital projects.

8. Clark County version of the Western Washington Hydrologic Model, dated January 20, 2010 with Conditions:
   a. Conditions: Validation and calibration of the Clark County hydrology model.
      i. For validation and possibly recalibration purposes, the County shall collect at least three years of continuous flow records for Mill Creek and Gee Creek in addition to the records used for the initial calibration in a final report submitted to Ecology entitled "Development of Clark County Version of the Western Washington Hydrology Model, January 20, 2010.
      ii. By October 1, 2010, the County shall contract with an engineering firm of sufficient expertise in HSPF model calibration to develop procedures for collecting the data necessary for model validation. By February 1, 2014, the County shall perform the model validation analysis, and make recommendations for any adjustments to the model parameters.
      iii. By July 1, 2014, the County shall submit a final report to Ecology including recommendations for any adjustments to the model parameters.

F. WSDOT Highway Runoff Manual

The Department of Ecology completed its review of the ~~June~~ November 20~~08~~11 Highway Runoff Manual and found that it meets minimum design requirements and best management practices for public road projects equivalent to Ecology's *2005 Stormwater Management Manuals for Western Washington* and *Eastern Washington.*

G. Snohomish County

Snohomish County is meeting relevant permit requirements and achieves equivalency with Department of Ecology's *2005 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. Snohomish County Code Chapter 30.63A Drainage, effective September 30, 2010.

2. Snohomish County Code Chapter 30.63B Land Disturbing Activities, effective September 30, 2010.

3. Snohomish County Code Chapter 30.63C Low Impact Development, effective September 30, 2010.

4. Snohomish County Drainage Manual, Volumes I through V, September 2010.

5. Snohomish County Engineering Design and Development Standards, Chapters 1 and 5, 2010.