

## 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.

### A. King County - Approved and In Use

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

- King County Code Chapter 9.04 Surface Water Runoff Policy, as amended by Ordinance 16264 approved October 20, 2008
- King County Code Chapter 9.12 Water Quality, as amended by Ordinance 16264 approved October 20, 2008
- King County Code Chapter 16.82 Clearing and Grading<sup>1</sup>
- 2009 King County Surface Water Design Manual (SWDM)
- 2009 King County Stormwater Pollution Prevention Manual (SPPM)
- King County Code Chapter 21A.24.045 and 318 through 342 Critical Areas<sup>2</sup>.

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<sup>1</sup> Ecology approved the County's rural treatment and flow control exemptions for up to 4% total impervious area and 15% new pervious area because of the County's rural area clearing restrictions contained in King County Code Chapter 16.82.150 and 152 Clearing and Grading and its buffer requirements contained in King County Code Chapter 21A.24.045 and 318 through 342 Critical Areas. Because these restrictions or requirements have been invalidated or revoked, the County must eliminate the "Impervious Surface Percentage Exemption" from Core Requirement #3 in order to maintain Ecology's approval. In addition, the County can no longer allow Small Project Drainage Review for projects in the rural residential, agriculture and forestry zones that result in no more than 4% total impervious surface and no more than 15% pervious surface. Ecology's decision to accept these provisions in King County's program was based on recognizing the cumulative hydrologic benefits of the clearing restrictions embodied in the existing language of King County Code Chapters 16.82.150 and 21A.24.045 and 318 through 342.

<sup>2</sup> 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. Also see footnote #1.

**City of Seattle – Approved and Undergoing Adoption**<sup>3</sup>

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

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

**B. City of Tacoma**

1. City of Tacoma Surface Water Management Manual (2008) as amended in agreement with "3.16.09 Tacoma Letter to Ecology" concluding the Ecology review process.
2. Tacoma Municipal Code Chapter 12.08 Wastewater and Surface Water Management

**C. Pierce County**

1. Pierce County Stormwater Management and Site Development Manual (2008), as amended in agreement with "Pierce County's letter to DOE, date March 6, 2009" concluding the 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"

**D. Clark County**

1. Clark County Stormwater Manual (2008)
2. Clark County Code Chapter 40.35 Stormwater and Erosion Control
3. Clark County Code Chapter 13.26A Water Quality
4. Clark County Code Chapter 40.450 Wetland Permits
5. Conditions:

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<sup>3</sup> If any substantive changes are made to the City of Seattle's March 16, 2009 version of the listed enforceable documents during Seattle's 2009 legislative or administrative adoption process that could result in these documents being no longer equivalent, the City must submit those specific changes for Ecology review and approval.

Upon review, Ecology has determined that these documents do not meet the criteria contained in the Permit for equivalency. Specifically, the following conditions are not approved as equivalent to Ecology's *2005 Stormwater Management Manual for Western Washington*:

- Adopting a flow control policy that the Ecology has determined does not provide equal or similar protection of receiving waters and equal or similar levels of pollutant control as compared to Appendix I; and,
- Failing to adopt as part of their flow control policy a threshold that would require Appendix I flow control standards for projects that through a combination of effective impervious surfaces and converted pervious surfaces cause a 0.1 cubic feet per second increase in the 100-year flow frequency from a threshold discharge area as estimated using the Western Washington Hydrology Model or other approved model.

**E. WSDOT Highway Runoff Manual**

The Department of Ecology completed its review of the June 2008 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*.