



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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PUBLIC NOTICE

**Announcing final issuance of the
Phase II Municipal Stormwater Permit for Eastern Washington**

On January 17, 2007, the Department of Ecology (Ecology) is issuing a general permit to cover municipal separate storm sewer systems. The title of the final permit is "National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Discharges from Small Municipal Separate Stormwater Sewers in Eastern Washington." The permit is also known as the "Eastern Washington Phase II Municipal Stormwater Permit." This final Eastern Washington Phase II Municipal Stormwater Permit becomes effective February 16, 2007.

What is being regulated by this permit and who is affected?

In December 1999, the federal Environmental Protection Agency (EPA) published the Phase II municipal stormwater regulations. These regulations went into effect in March 2003. This permit regulates discharges from small municipal separate storm sewer systems located in eastern Washington pursuant to EPA regulations and Washington State water pollution control law.

A municipal separate storm sewer system (MS4) is a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and/or storm drains which is:

1. Owned or operated by a city, town, county, district, association, or other public body created pursuant to state law having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer districts, flood control districts or drainage districts, or similar entity;
2. Designed or used for collecting or conveying stormwater;
3. Not a combined sewer system; and
4. Not part of a Publicly Owned Treatment Works (POTW) (see 40 CFR 122.2).

Under EPA rules, entities that need a permit:

- own or operate a MS4 that discharges to surface waters; and
- are located in urbanized areas as defined by the US Census Bureau; and
- serve a population of more than 1,000.

For maps of census defined urban areas in eastern Washington and associated permit coverage areas, please consult Ecology's webpage at:

http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/maps.html

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At a minimum the following cities, towns, and counties in eastern Washington subject to this permit if they own or operate a regulated small MS4.

Cities and Towns: Asotin, Clarkston, East Wenatchee, Ellensburg, Liberty Lake, Kennewick, Millwood, Moses Lake, Pasco, Pullman, Richland, Selah, Spokane, Spokane Valley, Sunnyside, Union Gap, Walla Walla, Wenatchee, West Richland and Yakima

Counties: Asotin, Benton, Chelan, Douglas, Franklin, Spokane, Walla Walla and Yakima.

In addition, EPA rules also require permit coverage for special purpose districts operating a regulated MS4 within census defined urban areas. A special purpose district is subject to this permit if the district's stormdrain system:

1. Is publically owned
2. Is located within or partially within a census defined urban area of western Washington
3. Discharges to surface waters
4. Serves more than 1,000 people, including resident and commuter population

Special purpose districts that could be subject to this permit include public ports, irrigation districts, diking and drainage districts, flood control districts, public schools, public universities, and state agencies. Ecology will regulate special purpose districts subject to this permit as secondary permittees.

This permit will not apply to the Washington State Department of Transportation, which Ecology will cover under a separate permit.

Purpose of the general permit

The general permit covers stormwater discharges from municipally owned or operated separate storm sewer systems in certain urbanized areas of eastern Washington. Federal and state water quality laws require a permit for the discharge of stormwater (Federal Water Pollution Control Act Title 22 United States Code, Section 1251 et seq., State Water Pollution Control Act RCW 90.48). The permit addresses these legal requirements and requires the public entities covered by the permit to control the discharge of pollutants to protect surface water and ground water quality in Washington State.

The general permit will require municipalities and other entities covered by the permit to develop and implement a stormwater management program. A stormwater management program contains the following minimum elements:

1. Public education and outreach,
2. Public involvement and participation,
3. Illicit discharge detection and elimination,
4. Construction site stormwater runoff control,
5. Post construction stormwater management, and
6. Pollution prevention and good housekeeping

The stormwater management program includes requirements for controlling pollution in stormwater from areas of existing development, as well as in areas of expected future growth. In addition, the proposed permit requires programs to address approved total maximum daily loads (TMDLs), or water cleanup plan requirements, and to evaluate the program itself.

How to obtain a copy of the permit

The permit, fact sheet, response to comments and application (also called Notice of Intent or NOI) are available online at:

http://www.ecy.wa.gov/programs/wq/stormwater/municipal/issue_permits.html

To obtain printed copies of the permit, fact sheet, response to comments and NOI, contact:

Kathleen Emmett
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-7386; Fax: (360) 407-6426; E-mail: kemm461@ecy.wa.gov

Ecology will hold public workshops on the final permit; for updated information please visit Ecology's website at

http://www.ecy.wa.gov/programs/wq/stormwater/municipal/issue_permits.html.

How to apply for the NPDES MS4 permit

Appendix 5 of the permit contains the forms, instructions and sample public notice information. If need to apply for coverage under the Phase II municipal stormwater permit, complete these three basic steps:

1. Completely fill out the Notice of Intent
2. Send a complete Notice of Intent to:
Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696
3. Publish a notice at least once a week for two consecutive weeks in a single newspaper of general circulation in the county or city in which your district is located.

Operators of **regulated MS4s** who fail to submit an NOI by February 16, 2007, could be in violation of the clean water act for discharging without a permit.

Changes from the draft to the final general permit

Ecology made numerous changes to improve clarity and readability of the permit. The following are some of the more significant changes made between the draft and final permit:

- The final permit does not authorize the relaxation of thresholds that are less protective of the environment than those currently in effect by the permittee. Permittees may not repeal existing local requirements to control stormwater that go beyond the requirements of the final permit. Specifically, if a local government is currently regulating stormwater runoff at sites that are less than 1 acre they must continue to do so.
- In the final permit, Ecology revised Special Condition S4 *Compliance with Standards* and added a procedure that permittees must follow if Ecology determines that the permittee is causing or contributing to a violation of state water quality standards.
- The final permit contains revised exceptions and variance criteria in Appendix 1. The permittees may use the criteria to determine exceptions and variances to the core elements for new development and redevelopment.
- Ecology extended the deadline for adopting ordinances and implementing the new permit requirements to control stormwater runoff from new development, redevelopment, and construction sites in the final permit from 12 months to 18 months from the effective date of the permit.
- Ecology simplified record keeping and cost accounting requirements in the final permit.

Appeal Process

The permit may be appealed within thirty (30) days. Pursuant to chapter 43.21B RCW, appeals must be filed with the Pollution Control Hearings Board and served on the Department of Ecology within thirty (30) days of receipt of the permit.

Your notice of appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your notice of appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.

In addition, please send a copy of your notice of appeal to:

Department of Ecology
Kathleen Emmett
P.O. Box 47600
Olympia, WA 98504-7600