

Western Washington Phase II Municipal Stormwater Permit

An Overview

Department of Ecology

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The Western Washington Phase II Municipal Stormwater Permit

➤ Decoding the Permit

- Permit program overview
- Key Sections/Where to focus
- Schedule/Timeline/Annual Report
- Year 1 Requirements

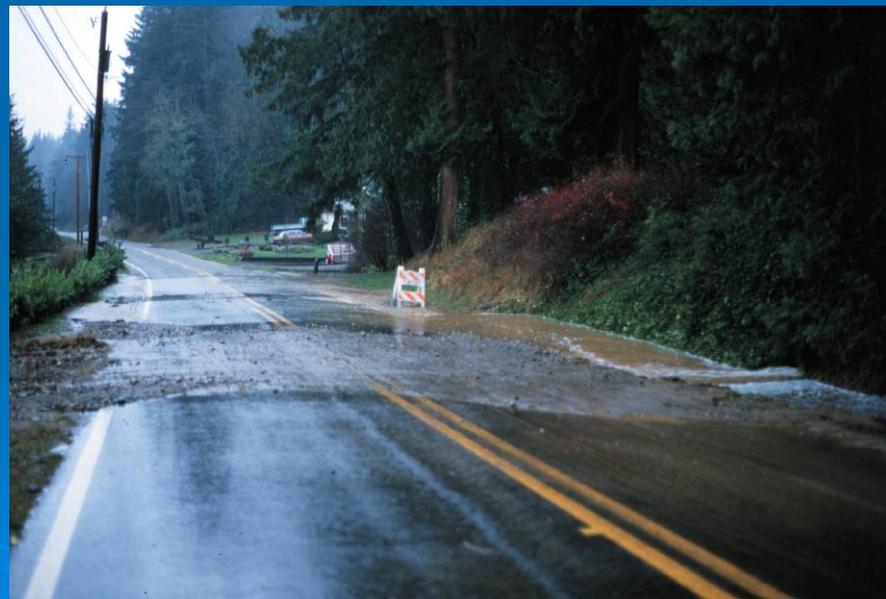
Phase II Municipal Stormwater Permits

- Separate permits tailored for Eastern and Western Washington
- Regulate stormwater runoff from 102 cities and 13 counties across the state
- Phase II local governments are subject to requirements of municipal stormwater regulations for the first time

Municipal Stormwater Permit Documents

- Permits – Special and General Conditions
- Appendices

- Fact Sheet – one for each permit
- Response to Comments – one for all permits



What the Permit Covers

The Phase II municipal stormwater permits regulate discharges from small municipal separate storm sewer systems (small MS4s)

MS4 conveyance systems include:

- Roads with drainage systems
- Municipal streets
- Catch basins
- Curbs and gutters
- Ditches and other man-made channels
- Storm drains



Secondary Permittees

- Public ports
- Irrigation districts
- Diking and drainage districts
- Flood control districts
- Public schools
- Public universities
- State agencies



Options for Permittee Coverage

- Permittee
 - Submits Notice of Intent (NOI) as a single entity
- Co-permittee
 - Small MS4 located within or adjacent to another small MS4
 - Applies jointly with another applicant
 - One NOI, one fee, one Annual Report
- Agreement to rely on another entity
 - Agreement made to satisfy a portion of a SWMP obligations
 - Other entity may be a permittee or non-permittee

Permit Conditions

SPECIAL AND GENERAL CONDITIONS

- S1. PERMIT COVERAGE AREA AND PERMITTEES
- S2. AUTHORIZED DISCHARGES
- S3. RESPONSIBILITIES OF PERMITTEES
- S4. COMPLIANCE WITH STANDARDS
- S5. STORMWATER MANAGEMENT PROGRAM FOR CITIES, TOWNS AND COUNTIES
- S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES
- S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS
- S8. MONITORING
- S9. REPORTING REQUIREMENTS
- G1. Through 20
- Definitions
- Appendices

Key Sections

- S4. Compliance with Standards
 - S5. Stormwater Management Program (SWMP)
 - S7. TMDL compliance
 - S8. Monitoring
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S4. Compliance with Standards



S4. Compliance with Standards

1. Meet Water Quality Standards
2. Reduce pollutants to the Maximum Extent Practicable (MEP)
3. Apply AKART to prevent and control pollutants



S4.F. Required Response to Violations of Water Quality Standards

1. Notify Ecology in writing (30 days)
 - If available, defer to TMDL/other Water Cleanup Plan [S7/Appendix 2]
--OR--
 - If no TMDL, follow *NEW* Required Response to WQS Violations

S4.F. Required Response to Violations of Water Quality Standards (Cont.)

2. Ecology affirms violation and requests report
3. Review SWMP, submit report describing:
 - existing BMPs to prevent/reduce pollutants
 - additional BMPs to be implemented
 - implementation schedule
4. Ecology approves report or requires modifications
5. Implement new BMPs
6. Describe in Annual Report



S5. Stormwater Management Program for Cities, Towns, and Counties



S5. Stormwater Management Program for Cities, Towns, and Counties

- **Develop and Implement a Stormwater Management Program (SWMP)**
 - Required SWMP actions and activities = permit components
 - Based on EPA Phase II rules
 - 6 program components + TMDL implementation and SWMP evaluation
 - SWMP components are designed to:
 - Reduce the discharge of pollutants to the Maximum Extent Practicable (MEP)
 - Meet state AKART requirements
 - Protect Water Quality

SWMP Components

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Controlling Runoff from New Development, Redevelopment, and Construction Sites
 - *Combines construction and post-construction components*
- Pollution Prevention and Operation and Maintenance for Municipal Operations



Public Education and Outreach

- Education program aimed at residents, businesses, industries, elected officials, policy makers, planning staff, and other employees

Goal:

- Reduce or eliminate behaviors or practices that contribute to adverse stormwater impacts
- Program may be developed regionally or locally
 - 2 years from effective date of permit
- Minimum Performance Measures
 - Target audiences and subject areas
 - Designed to achieve measurable improvements in target audience's understanding of problems and solutions
 - Measure understanding and adoption among target audiences
- Track and maintain records of education and outreach activities

Public Involvement and Participation

➤ Minimum Performance Measures:

- Create opportunities and process for public participation in SWMP development and implementation
- Make SWMP and reports available to the public
- Establish a web site one year from effective date



Illicit Discharge Detection and Elimination (IDDE)

- Program to detect and remove illicit connections, discharges, and improper disposal, including spills, into Permittee's MS4
 - Fully implement program 180 days prior to permit expiration



IDDE Minimum Performance Measures

➤ Storm Sewer Map

- 4 years from effective date of permit; periodically updated

➤ Ordinance to prohibit non-stormwater discharges

- 30 months after effective date of permit

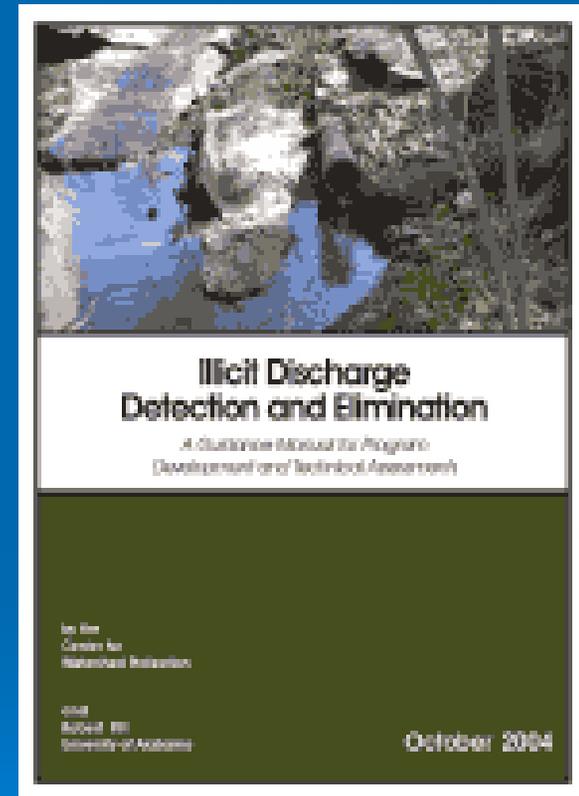
➤ On-going program to detect and address non-stormwater discharges

- 180 days prior to permit expiration



IDDE Minimum Performance Measures

- Outreach on illegal discharges
 - Public hotline by Feb 09
 - Ongoing program by 180 days prior to permit expiration
 - *IDDE Manual* - <http://www.cwp.org>
- Program evaluation and tracking
- Field staff training
 - 30 months after effective date of permit



Controlling Runoff from New Development, Redevelopment, and Construction Sites

- Develop, implement, and enforce a program to reduce pollutants in stormwater runoff for:
 - Sites 1 acre or greater
 - Projects < 1 acre that are part of a common plan
 - Private and public projects, including roads
- Apply technical thresholds in Appendix 1



Controlling Runoff from New Development, Redevelopment, and Construction Sites

➤ Minimum Performance Measures

Within 30 months of permit effective date:

- Adopt runoff ordinance
- Establish permitting process with plan review, inspection, and enforcement capability
- Provisions for long-term O & M
- Train staff



Controlling Runoff from New Development, Redevelopment, and Construction Sites

➤ Minimum Performance Measures cont.:

- Establish recordkeeping procedures
 - Keep records starting from effective date of permit
- Provide Ecology NOIs for construction and industrial activities



Permittees shall continue to enforce local ordinances controlling runoff from sites.

Pollution Prevention and O&M for Municipal Operations

- Develop and implement program within 3 years
- Minimum Performance Measures:
 - Adopt O&M standards as protective as Vol. V of Ecology's 2005 Stormwater Manual
 - Scheduled inspections of facilities
 - Other than catch basins



Pollution Prevention and O&M for Municipal Operations

- Minimum Performance Measures cont.
- Spots checks after major storm events
 - Inspect and repair as necessary
- Inspect all catch basins and inlets
 - At least once by end of permit term
 - Clean as needed
 - Compliance = presence of program + achieve 95% site inspection



Pollution Prevention and O&M for Municipal Operations

➤ Minimum Performance Measures cont.:

- O& M for Streets, Parking Lots, Roads, or Highways
 - Reduce stormwater impacts from runoff and road maintenance
- Policies to reduce pollutants from municipal lands such as parks
 - Address routine activities that may generate pollution



Pollution Prevention and O&M for Municipal Operations

➤ Minimum Performance Measures cont.:

- Implement an on-going training program for employees whose jobs may impact stormwater quality
- Implement a Stormwater Pollution Prevention Plan for heavy equipment maintenance or storage yards, and material storage facilities not otherwise covered under the Industrial Stormwater General Permit
- Maintain records

SWMP Documentation and Reporting

- Track development and implementation costs
- Track and report inspections, enforcement, and public education activities
- Evaluate program effectiveness and compliance
- SWMP to be fully developed and implemented 180 days prior to expiration of permit
- Reporting requirements summarized in Appendix 3

Final SWMP Considerations

- Permittees already implementing some or all of the SWMP components shall continue implementation and not repeal existing requirements that go beyond permit requirements
- Coordination among permittees may be necessary to comply with certain SWMP conditions



Photo courtesy of PSAT

S7. TMDL-Related Requirements



S7. TMDL-Related Requirements

- Detailed in Appendix 2
 - Are specific to MS4/stormwater
 - Are specific to EPA-approved TMDL
 - May include monitoring (including prep, Ecology approval of QAPP)
 - Included in Annual Reports
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TMDLs in Appendix 2

- Nooksack River Watershed Bacteria
- Snohomish River Tributaries Bacteria
- North Creek Bacteria
- Swamp Creek Bacteria
- South Prairie Creek Bacteria



NOTE: For all other TMDLs, *“compliance with this Permit constitutes compliance with those TMDLs.”* [S7.B]

S8. Stormwater Monitoring

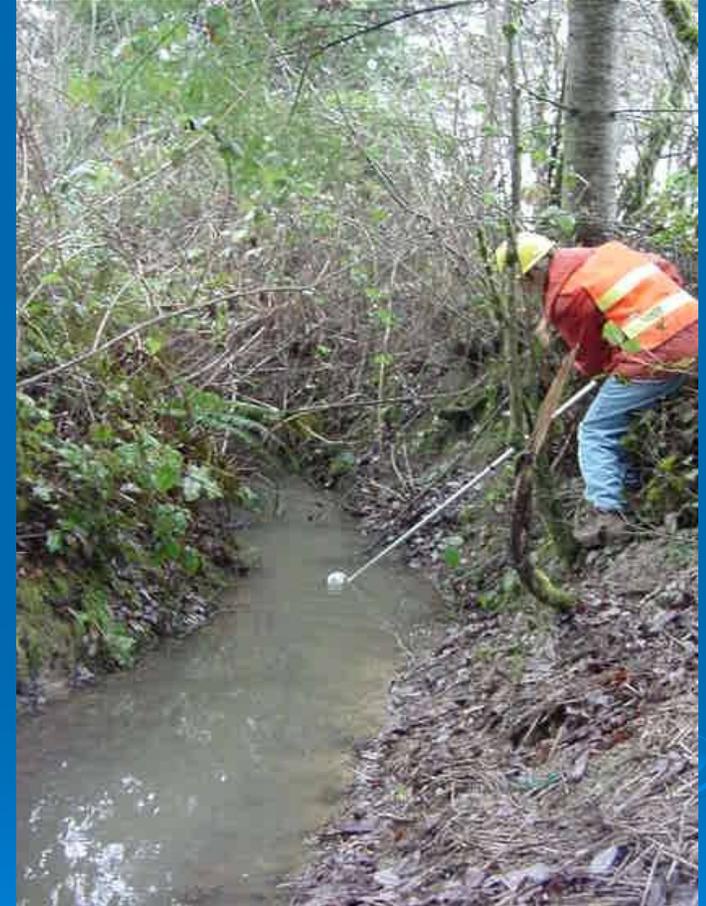


S8. Stormwater Monitoring

➤ Phase II permit does not require routine stormwater monitoring during this permit cycle

➤ Exceptions for:

- TMDL monitoring (S7)
- Illicit discharges (S5.C.3)



What monitoring actions are required?

- Report on any stormwater monitoring or studies
- Assess BMPs used in the SWMP (S5)
- Prepare for possible monitoring in future permits



Timeline for Phase II Western WA MS4 NPDES Permit 2007-2012

- Jan 17, 2007
 - Permits issued
- Feb 16, 2007
 - Permit went into effect



Immediate Actions under Phase II Municipal Stormwater Permit

- Submit Notice of Intent (NOI) (if needed)
- Begin to document SWMP efforts.
- Provide copies of Ecology construction and industrial NOIs
- Notification of Spill – immediately (G3)
- Non-compliance notification - 30 days (G20)
- Develop a QAPP, if there is a TMDL requirement

Recommended Activities—Year 1

Very few actual requirements, but setting up a SWMP takes time...

- Develop Public Involvement Program and Public Education Program
- Establish process to track costs, actions, and activities
- Permit coordination as necessary
- Prepare for staff training
 - IDD&E
 - Construction
 - Post Construction
 - Municipal facilities



Recommended Activities—Year 1 cont.

- Begin developing local regulations
 - E.g., Post-construction controls—operation and maintenance of BMPs and facilities
- Develop inspection program
 - Construction
 - Post Construction O&M
 - Municipal facilities
- Recordkeeping for inspections, enforcement on construction sites
- Develop TMDL QAPP (S7 B1)



Recommended Activities—Year 1 cont.

- Conduct 'gap analysis' of existing SWMP in relation to SWMP requirements in permit



Annual Report – Municipalities

➤ Appendix 3

- Answer Yes-No questions
- Include attachments for specific questions
- Explain why permit conditions were NOT met by required deadline, and when requirement will be met
- TMDLs may require additional reports
- Record keeping and cost tracking
 - Revised appendices 3 & 4 help permittees track, evaluate, and report on their SWMP
 - Cost information to be made available upon request
 - Ecology will audit SWMPs for compliance

Annual Report – Secondary Permittees

➤ Appendix 4

- Each year has different reporting form
- Answer Yes/No questions
- Include attachments when needed
- Explain why any permit conditions were NOT met and when they will be completed
- TMDLs may require additional reports
- Record keeping and cost tracking
 - Revised Appendix 4 to help permittees track, evaluate and report on their SWMP
 - Cost information made available upon request
 - Ecology will audit SWMPs for compliance

Phase II Regional Contacts

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