



WASHINGTON STATE
DEPARTMENT OF
ECOLOGY

Phase II Permit Requirements
for
New and Re-Development
&
Construction Sites

April 10, 2008

Kennewick

Outline

- Local Ordinances
- Exemptions, Exceptions, and Variances
- Adopting Requirements into Local Codes



Permit Framework

S5 Stormwater Management Program for Cities, Towns and Counties

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 SW management for new development and redevelopment
6. Pollution prevention and good housekeeping for municipal operations

Local Ordinances

- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post Construction Stormwater Management for New Development and Re-development

Illicit Discharge Detection and Elimination

Develop, implement and enforce a program to detect and eliminate non-stormwater discharges into the storm drain system



Illicit Discharge Detection and Elimination

- Adopt ordinance prohibiting illicit discharges by August 15th, 2009
- On-going program to detect and address non-stormwater discharges including spills, illicit connections and illegal dumping by August 2011



Construction Site Stormwater Runoff Control

Develop, implement
and enforce a
program to reduce
pollution in
stormwater runoff
from construction
sites



Construction Site Stormwater Runoff Control

- Adopt construction sediment and erosion control ordinance. Ordinance must be effective no later than February 15, 2010
- Apply to one acre threshold, or <1 acre if part of a common plan of development or sale
- Must retain previous regulations that apply to smaller sites

Construction Site Stormwater Runoff Control

Ordinance must:

- At a minimum, require construction site operators comply with Appendix 1, Core Element #2
- Include appropriate enforcement provisions
- Include provisions for access to inspect construction sites

Construction Site Stormwater Runoff Control

- Plan review, inspection, enforcement - implement by Feb 2011
 - Staff training for plan review, field inspections, enforcement
 - Recordkeeping
- Information on CESCL training – required now
- Hotline for public to report spills – by Feb 2009

Post Construction Stormwater Management for New Development and Re-development

Develop, implement and enforce a program to address post construction stormwater runoff from new development and redevelopment projects



Post Construction Stormwater Management for New Development and Re-development

- Adopt ordinance for post construction stormwater controls at new development and redevelopment. Ordinance must be effective no later than February 15, 2010
- Apply to one acre threshold, or <1 acre if part of a common plan of development or sale
- Must retain previous regulations that apply to smaller sites

Post Construction Stormwater Management for New Development and Re-development

Ordinance must:

- At a minimum, meet the requirements outlined in Appendix 1
- Include provisions for ongoing long-term operation and maintenance
- Include appropriate enforcement provisions
- Include provisions for post-construction site access

Post Construction Stormwater Management for New Development and Re-development

- Plan review, inspection, enforcement - implement by Feb 2011
 - Staff training for plan review, inspections, enforcement
 - Recordkeeping
- Information on training for design professionals – required now
- Hotline for public to report spills – by Feb 2009

Exemptions, Exceptions and Variances

- **Exemptions** – practices or activities that are exempt by the permit from the minimum technical requirements in the permit
- **Exceptions & Variances** – Projects that are relieved by the Permittee from meeting the minimum technical requirements.



Appendix 1 – Exemptions

- All projects/activities which do not discharge into the permittee's Municipal Separate Storm Sewer System (MS4)
- Forest practices
- Commercial agriculture
- Oil/gas field activities or operations
- Certain road/parking area preservation/maintenance activities

Appendix 1 – Exemptions

Partial Exemptions (must do Core Elements 1 and 2)

- Underground utility projects
- Certain road/parking area preservation /maintenance activities
- Safety improvement projects

Appendix 1 Local Exceptions/Variations

Severe and unexpected economic hardship

- Findings of Fact based on list of considerations to show why necessary
- Must meet these criteria:
 - No increased risk to public health and welfare, injury to properties or water quality
 - Least possible exception to comply with intent of Minimum Requirements

Adopting Requirements into Local Codes

- Must meet Core Elements in Appendix 1
- Include BMP selection, design, and standards to meet MEP and AKART
- Adopt a policy to encourage LID
- Manual options:
 - Adopt portions of Ecology EWA manual
 - Adopt portions of an equivalent regional manual
 - Adopt BMPs - document how achieve MEP & AKART

Adopting Requirements into Local Codes

- Can be one comprehensive stormwater ordinance covering IDD&E, Construction stormwater runoff, and new development/re-development or multiple ordinances
- Can be incorporated into existing ordinances or as stand-alone ordinance(s)

General Questions



Enforcement Strategy





Training

