



National Pollutant Discharge and Elimination System (NPDES) Stormwater General Permits Southwest Regional Water Quality Office

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Topics

- Regulations, regulations, regulations.
- Stormwater permit numbers.
- Basic compliance requirements.
 - Construction
 - Industrial
 - Municipal Phase I and II
- Compliance/Enforcement policy.
 - Types of enforcement.





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OVERVIEW OF LAWS AND REGULATIONS



The 1972 amendments to the Federal Water Pollution Control Act (known as the Clean Water Act or CWA) provide the statutory basis for the NPDES permit program and the basic structure for regulating the discharge of pollutants from point sources to waters of the United States. (EPA website 2008)

RCW 90.48 Water Pollution Control law states:
 "Discharge of polluting matter in waters prohibited.
 It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter."

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Types of Stormwater General Permits and the numbers.

Construction Stormwater General Permit (CSWGP)
 Industrial Stormwater General Permit (ISWGP)
 Sand and Gravel General Permit (SGGP)
 Municipal Phase 1 and Phase 2 General permits.

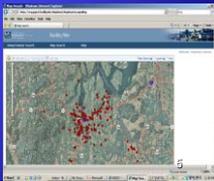


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Types of Stormwater General Permits and the numbers.

Construction Stormwater General Permit (CSWGP)

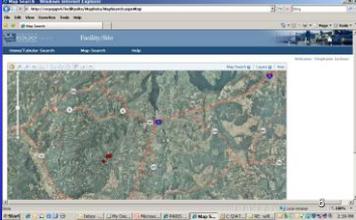
There are approximately 1,963 CSWGP in the State of Washington.
 81 of these are in Thurston County
 67 of which are within the Deschutes Watershed.

Types of Stormwater General Permits and the numbers.

Industrial Stormwater General Permit (ISWGP)

1,183 Industrial Stormwater General Permits
 25 are in Thurston County
 19 of which are within the Deschutes watershed.

Types of Stormwater General Permits and the numbers.

Sand and Gravel General Permit (SGGP)

858 Sand and Gravel General Permits .
39 are in Thurston County
16 of which fall within the Deschutes Watershed.



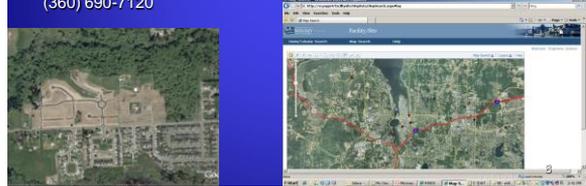
Types of Stormwater General Permits and the numbers.

Municipal Phase 1 and Phase 2 General permits.

There are currently 6 Municipal Phase 1, 115 Municipal Phase 2 and 40 secondary permits.

4 are Phase 2 permits and 3 secondary within the Thurston county area.

Your Municipal contact for Thurston County at Ecology is Lisa Cox
(360) 690-7120



Ecology has approximately 11 stormwater inspectors and 6 Municipal Stormwater Managers covering the state. So.....

How are site inspections prioritized?????



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Site visits are prioritized by:

- Resource risk
- Complaints, both internal and external
- History of non-compliance, missed deadlines, warning letters etc.
- Initial inspections
- General follow up



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Construction Stormwater General Permit



Basic CSWGP compliance requirements.

Who needs coverage?

Anyone that disturbs an acre or more of soil and has the Potential to discharge to Waters of the State.

Waters of the State include but are not limited to, wetlands, lakes, streams both seasonal and non, ditch systems and other surface water bodies.



Common plan of developments are sites that have multiple lots or areas of disturbance that are advertised, sold or planned as part of a larger project.

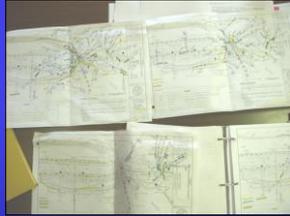
Example: a lot within a development that by itself may be under an acre but is within an area that will also be developed in phases.

This includes forestry conversions. But not strict harvests.

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12 Elements of Construction Stormwater Pollution Prevention. In SWPPP and Onsite.

1. Mark Clearing Limits
2. Establish Construction Access
3. Control Flow Rates
4. Install Sediment Controls
5. Stabilize Soils
6. Protect Slopes
7. Protect Drain Inlets
8. Stabilize Channels & Outlets
9. Control Pollutants
10. Control De-watering
11. Maintain BMPs
12. Manage the Project



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Sampling for the Construction Stormwater General Permit

Sampling must occur at least weekly when stormwater leaves the site or enters waters of the state. Sample data must be submitted to Ecology in the form of an electronic Discharge Monitoring Report (DMR).

Size of Soil Disturbance	Sampling w/ Turbidity Meter	Sampling w/ Transparency Tube	pH sampling
Less than 1 acre	No	No	No
1 to 5 acres	Beginning October 1, 2008 Yes, either meter or tube	Beginning October 1, 2008 Yes, either meter or tube	Beginning October 1, 2006 Yes
5 acres or more	Beginning October 1, 2006 Yes	No	Beginning October 1, 2006 Yes

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CSWGP, Monitoring Benchmarks.

Benchmarks are:

25 Nephelometric Turbidity Units (NTUs) or 33(cm) of Transparency and
250 NTUs or 6 cm of Transparency

Benchmarks are **NOT**:
Water Quality Standards.
They are used to evaluate BMP effectiveness and flag for adaptive management.



Water Quality standards:

- When natural conditions are ≤ 50 NTU, turbidity must not increase > 5 NTU
- When natural conditions are > 50 turbidity must not increase more than 10%.

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303(d) listed waterbodies and TMDLs

- For 303(d) listed waterbodies, the effluent limit is 25 NTU or discharges must defer to the WQ standards.
 - If the discharge parameter chosen is the 25 NTU effluent limit and an exceedance occurs, this is an automatic **violation**.



For TMDLs the site must not exceed the specific allocations established. Some TMDLs do not allow sediment discharges of any kind and may prevent sites from being able to obtain permit coverage.

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New discharger form and info....

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Industrial Stormwater General Permit.



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Industrial.....who needs coverage?

"facilities conducting industrial activities that discharge stormwater to a surface waterbody or to a storm sewer that drains to a surface waterbody."
See table 1 of the permit for applicable SIC codes.



Who is exempt?

Facilities that apply for and obtain a "conditional No exposure exemption."

Conditional "No Exposure" Exemption

Facilities that discharge only to sanitary sewer or groundwater.
Office buildings and or administrative parking lots whose stormwater does not comeingle with stormwater from areas associated with industrial processes...
ETC, see full exemptions on pages 8-10 of the Industrial Stormwater General Permit.

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Basic SWPPP requirements for the Industrial Stormwater General Permit.

Narrative shall address:

- Inventory of materials
- Facility assessment
- Responsible parties contact information
- BMPs consistent with the Western Washington Stormwater Management Manual
- Spill prevention and emergency clean up plan.
- Employee training.
- Inspections and records
- Illicit discharges
- Structural source control
- Flow control
- Erosion control
- Sampling plan

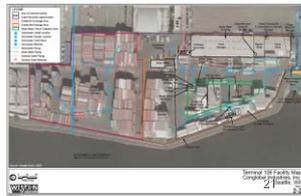


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Industrial Stormwater. . . SWPPP Map

Must include:

- Storm Drainage and Discharge Features
- Stormwater Drainage Areas for Each Discharge
- Sampling Locations
- Areas of Pollutant Contact
- Paved Areas and Buildings
- Surface Water Locations



Sampling for the Industrial Stormwater General Permit

Sampling must occur at least once per quarter:

- 1st quarter = Jan, Feb and March
- 2nd quarter = April, May and June
- 3rd quarter = July, Aug and Sept
- 4th quarter = Oct, Nov and Dec.



The ISWGP also uses benchmarks to determine the adequacy of the onsite BMPs. Please see Tables 2 and 3 for those specific benchmarks.

The ISWGP has effluent limits for non-hazardous Waste Landfills. Sample data must be submitted in the form of an electronic DMR.

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The Industrial Stormwater General Permit and 303(d) listed waterbodies and TMDLs

New dischargers that discharge to a 303(d) listed waterbody are not eligible for coverage unless they meet the following:

- They must prevent ALL exposure to stormwater of the pollutants for which the waterbody is impaired.
- Document that the pollutant for which the waterbody is impaired is not present at the facility.
- Provide data to support that shows the discharge is not expected to cause or contribute an exceedance of water quality standards

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TMDL and 303(d) cont...

- Specific effluent limits are set for discharges to 303(d) listed waterbodies and can be found in Table 5 of the permit.
- If a TMDL has been completed and issued, the applicant must comply with the applicable TMDL requirements.

- For more information go to:
<http://www.ecy.wa.gov/programs/wa/stormwater/industrial/index.html>

Your Contact person for the Industrial Stormwater General permit is Paul Stasch (360) 407-6273, Paul.stasch@ecy.wa.gov

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Municipal Phase I and II.



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Phase I went into effect 1990

WA permits issued 1995 (reissued in 2007)

6 largest cities and counties
Also Ports of Seattle and Tacoma



What do they regulate?????

Phase II added to federal rule in 1987

Defined municipal stormwater discharges under permits as "point source discharges"
WA permits issued 2007



Eastern WA 18 cities & parts of 6 counties
Western WA 80 cities and parts of 5 counties

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Municipal Separate Storm Sewer Systems (MS4):

- Publicly owned
- Designed or used to collect or convey stormwater
- Not a combined sewer system or part of a publicly-owned sewer treatment plant
- Agricultural discharges are exempt, they are covered under other programs.



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Phase 1 requirements....in a nutshell

Source control

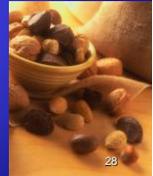
Inspect businesses and require source control

Structural stormwater controls

Develop a program to construct structural stormwater controls to reduce impacts from MS4 discharges

Stormwater monitoring

Stormwater characterization
Best management practice (BMP) monitoring
Effectiveness monitoring



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Phase II, what they require....

Stormwater Management Program – (Phase II)

- Public education and outreach
- Public involvement and participation
- Illicit discharge detection and elimination
- Runoff controls for new development, redevelopment, and construction sites
- Post-construction stormwater management
- Operation and maintenance



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What they require cont....

Stormwater Management Program – (Phase II)

- Public education and outreach
- Public involvement and participation

Target audiences and subject areas
Measure understanding and adoption (behavior change)
Involve public in decision-making
Make program and annual report available for public comment



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What they require cont....

Stormwater Management Program – (Phase II)

1. Illicit discharge detection and elimination

- Map the stormwater system
- Prohibit non-stormwater discharges
- Publicize a reporting hotline
- Inspect outfalls
- Train staff
- Investigate and eliminate illicit connections



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What they require cont....

Stormwater Management Program – (Phase II)



1. **Runoff controls for new development, redevelopment, and construction sites**
2. **Post-construction stormwater management**
 - Adopt ordinances & Appendix 1
 - Site plan review
 - Inspection and enforcement
 - Staff training
 - Allow LID (in WWA)
 - Require long-term maintenance



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Low Impact Development after the appeal:

Phase I modification requirements – 2009

- LID to minimize impervious surfaces & land disturbances where feasible
- ID areas where basin planning can protect aquatic resources



Western WA Phase II modification requirements – 2009

- Permittees must eventually require LID where feasible
- ECY has discretion to determine the timeline
- **TMDL reporting requirements on progress toward LID**
- Stakeholder advisory committee to refine requirements

All materials posted at:

<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/LIDstandards.html>

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What they require cont....

Stormwater Management Program – (Phase II)

1. Operation and maintenance

- Maintenance standards
- Annual inspection of stormwater facilities
- Inspect and maintain catch basins once per term
- Pollution prevention procedures
- Staff training
- Facility plans (SWPPPs)



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303(d) TMDL and Municipal Phase I and Phase II Permits.

- Appendix 2 of the permit has a list of TMDLs approved at the time the permit was written. The appendix addresses the specific requirements of the approved TMDL for specific water bodies.
- If a TMDL is not in appendix 2, it is not regulated under the Municipal Phase I or II permit and would just be mandated under the TMDL.



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Enforcement, all permits....



Informal Enforcement

- Verbal Notification
- Inspection reports with Violations noted.
- Warning Letters
- Corrective actions required forms.

Formal Enforcement

- Administrative Orders.

• Notice of Penalty in the form of Field tickets (up to \$3,000) or Full Penalty (up to \$10,000 per day per violation)

• Recommend enforcement to EPA for both civil and criminal cases. Criminal cases can include jail time.

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Enforcement summary

- Since July 1, 2005, Ecology's Water Quality Program has issued:
 - 161 formal notices of non-compliance, 13 of these were issued within Thurston County.
 - 336 administrative orders, 18 of which were issued in Thurston County.
 - 297 penalties ranging from a few hundred dollars to the \$300,000+ level. 19 penalties have been issued within Thurston County.



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Who do I call if I see a site that is out of compliance?

- Please call our ERTS (Environmental Report Tracking System) Coordinator at 360-407-6300 and the report will be given to all of the appropriate programs and contacts for follow up.
 - http://www.ecy.wa.gov/programs/spills/forms/nerts_online/SWR_O_nerts_online.html
- If it is a construction site and you have questions, please contact:
 - Stephanie Jackson at 360-407-6294
 - Stephanie.jackson@ecy.wa.gov

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QUESTIONS?



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