



Cities Face New Stormwater Management Requirements:

Ecology issues new NPDES Phase II municipal stormwater permits

In January of 2007 the Department of Ecology (Ecology) issued two new “NPDES Phase II” municipal stormwater permits, one for eastern Washington and one for western Washington, under their delegated authority to implement requirements of the federal Clean Water Act (CWA). The National Pollutant Discharge Elimination System (NPDES) permitting program is one of the primary mechanisms for achieving the goals of the CWA.

How were these new requirements developed?

In 1987 Congress amended the CWA to address stormwater, through the NPDES, with permits being issued in two phases. Phase I addressed the largest municipalities. In Washington, the Phase I permit was issued in 1995 to the cities of Seattle and Tacoma, as well as King, Pierce, Snohomish and Clark (in 1999) Counties. A new Phase I permit for all these jurisdictions was also reissued in January.

The new Phase II permits were issued In January 2007 and they apply to 101 cities and 12 counties across the state.

The Phase II permits have been under development for more than five years. AWC has been part of the team that has worked collaboratively with Ecology in developing the permits. In the end, most impacted cities support a large part of what is required by the permits, but many challenges lie ahead.

The permit’s requirements must be addressed in increments over the next five years and will be costly to implement for both public and private interests. Cities that have extensive stormwater programs and stormwater utilities in place may be meeting some of the requirements of the permit. Cities that have not developed stormwater programs or developed a stormwater utility will face a much greater challenge.

Is my city affected by the new permits?

The list of all affected cities and towns is provided on page 3 of this fact sheet. Cities and towns located within, or partly within an “Urbanized Area” as defined by the 2000 federal census are regulated by this permit. Ten other cities with a population greater than 10,000 were also added based upon an evaluation by the Department of Ecology.

For counties, unincorporated areas within Urban Growth Areas (as designated under the state Growth Management Act) and census defined Urbanized Areas are subject to the permit.

What are the requirements of the permit?

Cities and counties subject to the new permits are required to adopt a stormwater management program. Compliance deadlines for implementation of all the program requirements are spread over a period of five years from the date the permit was issued. The permit requirements are specific and detailed. In summary, the management program must include, among other things, the following components:

- A process for involving the public in the initial and on-going development of the stormwater management program.
- A public education and outreach program to educate the public, businesses and others about reducing stormwater pollution.
- Adoption of ordinances to control runoff from new development and construction activities (and for redevelopment under the western Washington permit). At a minimum this must include a permitting process

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for projects that disturb one acre or more, or projects of less than one acre that are part of a larger common development plan.

- An illicit discharge detection and elimination program to identify and remove improper discharges into the storm sewer system.
- An operation and maintenance program to reduce pollutant runoff from municipal operations

The Phase II permits also require detailed record keeping and reporting for the purpose of evaluating and assessing compliance with the permit. Annual reports will need to be filed with the Department of Ecology, with the first report being due in March 2008.

Is there legal liability?

Clean Water Act citizen suits may be filed against municipalities for failure to comply with the permit.

Under federal law persons found to violate the terms and conditions of the permit may be subject to criminal

prosecution and may also incur civil penalties of up to \$32,500 per violation per day. In addition, knowing violations may subject the violator to criminal prosecutions.

Didn't a group of governments appeal this permit?

Both the eastern and western Washington Phase II permits were appealed by a number of different parties, including a coalition of 33 cities and counties. The initial appeal goes through the Pollution Control Hearings Board and the appeal hearings are currently scheduled to begin in April of 2008. The ultimate outcome of the appeals may not be known for many months. The permits are still valid and in effect while under appeal,

For more information:

More information about the NPDES Phase II Municipal Stormwater permits may be found at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/index.html>.

At AWC, stormwater questions or concerns should be directed to Tim Gugerty or Dave Williams at (360) 753-4137.

Where can my city get help?

Beginning in the Fall of 2007 AWC will sponsor a series of regional workshops, funded by Ecology and targeted to councilmembers, commissioners, mayors, city managers, administrators and public works directors aimed at assisting cities, towns and counties in implementing the Phase II municipal stormwater permits. Workshop announcements will be sent to all Phase II jurisdictions later this summer

Following the workshops, all Phase II jurisdictions will be eligible to request more specific and detailed assistance through individualized consultations with stormwater and management experts working through AWC.

NPDES Phase II Cities—Western Washington

City of Aberdeen	City of Des Moines	City of Lakewood	City of Poulsbo
City of Algona	City of DuPont	City of Longview	City of Puyallup
City of Anacortes	City of Duvall	City of Lynnwood	City of Redmond
City of Arlington	City of Edgewood	City of Maple Valley	City of Renton
City of Auburn	City of Edmonds	City of Marysville	City of Sammamish
City of Bainbridge Island	City of Enumclaw	City of Medina	City of SeaTac
City of Battle Ground	City of Everett	City of Mercer Island	City of Sedro-Woolley
City of Bellevue	City of Federal Way	City of Mill Creek	City of Shoreline
City of Bellingham	City of Ferndale	City of Milton	City of Snohomish
City of Black Diamond	City of Fife	City of Monroe	Town of Steilacoom
City of Bonney Lake	City of Fircrest	City of Mountlake Terrace	City of Sumner
City of Bothell	City of Gig Harbor	City of Mount Vernon	City of Tukwila
City of Bremerton	City of Granite Falls	City of Mukilteo	City of Tumwater
City of Brier	City of Issaquah	City of Newcastle	City of University Place
City of Buckley	City of Kelso	City of Normandy Park	City of Vancouver
City of Burien	City of Kenmore	City of Oak Harbor	City of Washougal
City of Burlington	City of Kent	City of Olympia	City of Woodinville
City of Camas	City of Kirkland	City of Orting	Town of Yarrow Point
City of Centralia	City of Lacey	City of Pacific	
City of Clyde Hill	City of Lake Forest Park	City of Port Angeles	
City of Covington	City of Lake Stevens	City of Port Orchard	

NPDES Phase II Cities—Eastern Washington

City of Asotin	City of Moses Lake	City of Sunnyside
City of Clarkston	City of Pasco	City of Union Gap
City of East Wenatchee	City of Pullman	City of Walla Walla
City of Ellensburg	City of Richland	City of Wenatchee
City of Kennewick	City of Selah	City of West Richland
City of Liberty Lake	City of Spokane	City of Yakima
Town of Millwood	City of Spokane Valley	

NPDES Phase II Counties

Asotin County	Skagit County
Benton County	Spokane County
Chelan County	Thurston County
Cowlitz County	Walla Walla County
Douglas County	Whatcom County
Franklin County	Yakima County
Kitsap County	



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