

# Stormwater Permit Update

October 2007

Work is now underway by the Clark County Public Works and Community Development departments to revisit and revise existing stormwater management programs, practices and related county ordinances. The program is designed to prevent or reduce pollution in stormwater runoff from sources such as construction sites, roads, and parking



*The County's stormwater management program protects water quality in our streams.*

lots. The county must submit updated stormwater-related ordinances to the Washington Department of Ecology by mid February 2008, and an overall stormwater management program plan by March 31. The management

program plan will describe actions the county will take to comply with the new National Pollution Discharge Elimination System (NPDES) permit. Emphasis will be on work to control, treat and monitor stormwater runoff before it reaches county rivers, streams and groundwater. The county must adopt a final stormwater management program by August 2008.

Clark County, along with other Washington jurisdictions, has appealed certain portions of the stormwater permit. However, work to meet all compliance requirements must continue during the appeal process.

## Permit calls for expanded stormwater program

The new permit increases county responsibilities to include enhanced inspections and maintenance of stormwater facilities, a program to plan and build treatment facilities and, increased stormwater monitoring, and updating ordinances governing construction activities to current state standards for stormwater facilities.

The county has formed a Stakeholder Advisory Committee (SAC) and a related technical group specifically to help revise existing county stormwater ordinances, and develop new code language to support innovative approaches to managing stormwater runoff from development projects.

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## Clean Water Act Directs Water Quality Protection Measures

The federal Clean Water Act covers a variety of activities that may pollute lakes, rivers, streams, and wetlands throughout the United States. In Washington State, the Department of Ecology administers this program through issuance of National Pollution Discharge Elimination System (NPDES) permits.

NPDES permits include a variety of requirements that set standards or limits on what can be discharged to water from a range of sources, establish procedures for preventing pollution from entering waterways, and call for monitoring to track effectiveness of water quality protection measures. This includes stormwater discharges into waterways.

Failure to meet permit requirements can result in enforcement actions from the state. The Clean Water Act also allows enforcement by third-party citizen lawsuits filed in federal court.

The Clean Water Act, and the related NPDES permitting process, regulates potential pollution sources caused by stormwater runoff washing across surfaces such as yards and fields, construction sites, roads and parking lots. This stormwater runoff can carry sediments, chemicals and other potential pollutants to waterways.

(cont. from cover)

The Clean Water Commission, county residents appointed by the Board of Clark County Commissioners, will provide public oversight for the entire stormwater program update.

The updated program will help protect water quality and aquatic habitat in the county's waterways, but the changes will also affect some property owners and developers by changing regulations that govern new land development, redevelopment and other construction activities.

## Permit Sets Future Stormwater Management Course

The new municipal stormwater permit offers a variety of opportunities for the county to improve on its existing program. But some mandates also challenge the county's ability to implement certain elements as required. Some of these latter items are under appeal. Following is a summary of major permit components.

### **Compliance with Standards:**

Requires actions beyond the basic permit requirements for areas draining to outfalls causing or contributing to a water quality violation. This section is being appealed.

### **Stormwater Management Program (SWMP) Update:**

Requires a written update of the stormwater management program implementation plan to describe how the county will comply with each permit component. This document must be submitted to Ecology by March 31, 2008.

### **Stormwater Regulations for Development:**

Requires adoption of development regulations and procedures for development and erosion control equivalent to the Department of Ecology's 2005 Stormwater Management for Western Washington by August 2008 and submit the draft program by February 16, 2008.

### **Water Quality Ordinance Update:**

Requires an update of the



*New Clark County stormwater ordinances will allow use of Low Impact Development approaches for managing stormwater runoff. Using a "rain garden" planter to capture and help clean stormwater improves water quality and potentially reduces stormwater management costs in developments.*

existing water quality ordinance and the associated BMP manuals governing maintenance of stormwater facilities, and the use of simple practices to reduce stormwater pollutants from public facilities and businesses.

### **Storm Sewer Mapping and Inventory:**

Sets deadlines on storm sewer mapping and directs a level of mapping that includes an inventory of nearly all county and private infrastructure.

### **Public Involvement for the SWMP:**

Calls for a public involvement process to make yearly updates to the SWMP.

### **Stormwater Capital Improvement Program:**

Requires an ongoing program to plan and build projects to mitigate for stormwater impacts from existing development and from areas where impacts are anticipated due to new development.

### **Pollutant Source Controls for Businesses:**

Increases over the existing program inspections and enforcement

requirements for existing commercial, industrial and multifamily land uses that discharge to the stormwater system.

### **Operation and Maintenance Standards:**

Requires an update to the current stormwater facility maintenance manual for county-owned facilities and county regulated private facilities.

### **Private Facility Inspections:**

Requires a program to inspect and require maintenance of all regulated, private stormwater facilities.

### **Public Storm Sewer System Maintenance and Inspection:**

Requires an expanded program to conduct routine maintenance and begin yearly stormwater facility inspections to ensure compliance with state maintenance standards.

### **Road Maintenance Practices:**

Continues the current road maintenance standards applied under the 2000 Best Management Practices manual and the Endangered Species Act Regional Road Maintenance Program.

**Outreach/Education:** requires specific messages be delivered to target audiences and surveys to measure changes in understanding and adoption of the targeted behaviors.

**Monitoring:** Includes large, new monitoring projects for ongoing stormwater sampling, testing the effectiveness of stormwater pollution treating facility designs from the state

stormwater manual, evaluation of targeted stormwater actions, and evaluation of flow control practices such as Low Impact Development (LID) facilities.

## QUESTIONS AND ANSWERS ABOUT THE STORMWATER PROGRAM UPDATE

**Q: Why is the county updating the stormwater program and ordinances at this time?**

**A:** Clark County received the new stormwater management permit, officially known as a Municipal Separate Storm Sewer System (MS4) permit, from the Washington Department of Ecology in February 2007. This replaces the existing permit issued in 1999. According to state and federal law, Clark County must now meet new permit requirements by updating existing stormwater programs and related county ordinances governing stormwater management and erosion control.

**Q: How will complying with this new permit affect county property owners and businesses?**

**A:** The most visible change will be for individuals or businesses seeking county stormwater management and/or erosion control permits for construction projects. Complying with the new permit will require the county to update stormwater design requirements from the current standards in use since 1992 to the 2005 state stormwater manual.

**Q: What happens if the county does not meet Ecology's stormwater management permit requirements?**

**A:** If the county fails to meet permit requirements, this could lead to regulatory fines being levied by the state. In addition, other individuals or organizations could take legal action to force compliance through court orders.

**Q: What does the acronym LID mean?**

**A:** In the case of stormwater management, LID stands for Low Impact Development. LID is also commonly referred to as green streets or green development practices. The goal of using LID construction methods is to reduce the amount of stormwater runoff flowing into county waterways when development creates new hard surfaces such as roads and parking lots.

As currently written, county ordinances limit the use of LID methods such as rain gardens and pervious pavements due to the lack of adopted standards to follow.

The updated ordinance will include the design and maintenance standards needed to apply these innovative approaches where it's appropriate.

**Q: Will this update process include increasing the current stormwater management fees?**

**A:** No. The program update process to comply with the Ecology stormwater permit will not consider any changes in the stormwater management fees.

**Q: How do I get involved in the update process?**

**A:** Watch the county's stormwater management public involvement web page at [www.clark.wa.gov/water-resources](http://www.clark.wa.gov/water-resources) for regular updates. This site will include announcements of advisory group meetings, minutes of past meetings, and a range of documents related to the update process.

## Public Meeting

Thursday, November 15

6:30 to 8:00 p.m.

*Public Works Maintenance & Operations Center*

4700 NE 78th Street

Vancouver, WA 98665



### **FOR MORE INFORMATION:**

For specific information about the stormwater ordinance revision process contact Robin Krause at (360) 397-6118 Ext. 4911 or e-mail at [Robin.Krause@clark.wa.gov](mailto:Robin.Krause@clark.wa.gov).

For general information about the stormwater program update contact the Clean Water Program at (360) 397-6118 Ext. 4345 or e-mail at [cleanwater@clark.wa.gov](mailto:cleanwater@clark.wa.gov).

For online information about the program update, including relevant documents and details on the public involvement process, please visit the Clark County website at [www.clark.wa.gov/water-resources](http://www.clark.wa.gov/water-resources).

### **OPEN HOUSE INFORMATION**

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**6:30 to 8:00 p.m.**

**Clark County Maintenance & Operations Center**

**4700 NE 78th Street**

**Vancouver, WA 98665**



For an alternative format, contact the Clark County ADA Compliance Office.  
V (360) 397-2025; TTY (360) 397-2445; E-mail [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov)