

National Pollutant Discharge Elimination System (NPDES) Phase II Permit

Whatcom County Public Works
Stormwater Division
Surface Water Work Session
May 14, 2103



Presentation Objectives

- Summarize NPDES Program and Permit
- Highlight 2012 Permit Compliance
- Provide Overview of 2013-2018 Permit
- Schedule and Actions by Council and Administration

NPDES Phase II Program

- Environmental Protection Agency (EPA) created the **National Pollutant Discharge Elimination System (NPDES)** to address stormwater runoff. The NPDES Phase II Program began in 1970 and applies to small municipal separate storm sewer systems (MS4s).
- MS4s are conveyance systems owned and operated by a municipality...(page 6 of SWMP).
- Whatcom County under Permit since 2007
- 2007-2012 Permit (*With modification in 2009)
- 2012-2013 Permit (*Continuation of the previous year's permit)
- 2013-2018 Permit effective August 1, 2013

Permit Program Areas

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Controlling Runoff from New Development, Redevelopment, and Construction Sites
- Municipal Operations and Maintenance
- Compliance with Total Maximum Daily Load (TMDL) Requirements
- Monitoring and Assessment
- Reporting

2012 Permit Compliance

- Submittal of Annual Compliance Report by March 31, 2013
- Submittal of Stormwater Management Program (SWMP) document and appendices.

The 2013 SWMP is the official document that describes activities performed by Whatcom County in 2012 to comply with Permit requirements, as well as describes what activities are planned for the following year.

The purpose is to be a planning and implementation guide informing the Department of Ecology, the public, and elected officials.



Implementation Responsibilities, Page 7 of 2013 SWMP

Table 1-1 SWMP Implementation Responsibilities		
Program Component	County Department	Partnering Organization
Stormwater Management Program	Public Works	
Public Education and Outreach	Public Works, Planning & Development Services Health	Veda Environmental (subcontractor) Winward Environmental WSU Extension
Public Involvement	Public Works Planning & Development Services Health	
Illicit Discharge and Elimination	Public Works Planning & Development Services Health	Otak RESources for Sustainable Communities Wilson Engineering
Controlling Runoff from New Development, Redevelopment, and Construction Sites	Public Works Planning & Development Services	
Pollution Prevention and Operation and Maintenance for Municipal Operators	Facilities Parks Public Works	Brown and Caldwell Wilson Engineering
Monitoring	Public Works	Brown and Caldwell City of Bellingham Western Washington University

2012 Compliance Highlights

For the calendar year 2012:

- Plan Development
 - Summary Stormwater Outreach and Education Effort
 - Road Maintenance Activity Reduction Plan
 - Integrated Pest Management and Nutrient Control Plan for Parks and Open Space
 - Pollution Reduction Plan for County Property and Facilities
- Completed and Ongoing Tasks
 - Stormwater system inventory , cleaning, and maintenance
 - Tracking and reporting of illicit discharges and development activities
 - Target outreach and education (businesses, homeowners associations, and general public)

2013-2018 NPDES Permit

Effective August 1, 2013:

- Continue efforts required in the 2011-2012 Permit
- New requirements:
 - Increased inspection and monitoring requirements
 - Incorporation of Low Impact Development into regulations
 - Adoption of the 2012 Stormwater Management Manual for Western Washington (SWMMWW)
- Expanded coverage area
 - Inclusion of the Birch Bay Urban Growth Area
 - Other adjustments (additions and removals) based on the final 2010 Census Urban Area Criteria
- Lake Whatcom TMDL
- Regional Stormwater Monitoring Program (RSMP) option

Inspection and Monitoring

- Current requirements:
 - Annual inspection of stormwater treatment facilities for parcels part of a larger development 1 acre or more approved in 2010.
 - Operation and maintenance provisions to verify adequate function of stormwater facilities and BMPs.
 - Adoption of the 2005 SWMMWW for development and maintenance standards.
 - Annual inspection of municipally-owned BMPs and facilities.
- New requirements:
 - By December 31, 2016, annual inspection of all stormwater treatment and flow control facilities for all new development.
 - By December 31, 2016 adoption of 2012 SWMMWW standards for development and maintenance of all facilities.

Expanded Coverage Area

Background for inclusion of Birch Bay Urban Growth Area

- Petition filed with Ecology in February 2012 to include the City of Blaine, and the unincorporated urban growth areas of Blaine and Birch Bay.
- Ecology evaluated other areas for designation based on 6 factors regarding the MS4, discharge into an impaired water body, and current regulations and programs. (Discretion for designating is given by the State.)

Current Status of Birch Bay Urban Growth Area

- Effective August 1, 2013, Birch Bay UGA will be part of the coverage area.
- Birch Bay will have to comply with the deadlines associated with the 2013 Permit.
- Staff is coordinating with Ecology on the timing of Birch Bay UGA complying with current requirements of the Permit (e.g. catch basin inspections, illicit discharge and elimination, development standards, etc.).
- Staff is coordinating on the shared priorities of the BBWARM Advisory Committee and NPDES Phase II requirements.
- Staff is presenting to BBWARM Advisory Committee on June 19th.

Expanded NPDES Permit Coverage Area Effective August, 2013 Birch Bay UGA



Whatcom County Public Works
May 2013



Other Boundary Adjustments

- Some areas have an adjusted boundary due to the 2010 Census Urban Area Criteria.
- Change in boundary passed down from EPA to Ecology, with Ecology's initial outreach to jurisdictions in March 2013.
- Whatcom County conducting a boundary analysis regarding adjustments.
- Staff coordinating with Ecology on applicable regulations to adjustments.

Lake Whatcom TMDL

- Lake Whatcom TMDL comment period closes on May 28, 2013.
- After responding to submitted comments, Ecology will submit TMDL to EPA.
- EPA has 60 days to approve or amend TMDL.
- Once EPA approves the TMDL, Ecology will seek an agreed order to incorporate TMDL requirements into the permit.
 - Permit currently includes an appendix on approved TMDLs.

Regional Stormwater Monitoring Program (RSMP)

- The Regional Stormwater Monitoring Program was proposed to achieve goals of assessing stormwater impacts and the effectiveness of stormwater management actions regionally.
 - Stormwater monitoring and assessment strategy developed by the Stormwater Work Group (SWG) – (SWG is coalition of federal, tribal, state, local govt's, business, environmental, agriculture, and research interests convened by Puget Sound Partnership and Ecology.)
 - Pay annually into a fund managed by Ecology that provides stormwater monitoring throughout Puget Sound.
- As part of the 2013-2018 Phase II Permit, jurisdictions must decide by December 1, 2013 to opt into the RSMP, or conduct specific monitoring on their own.
 - Status and trends of small streams and marine nearshore
 - Effectiveness studies

Regional Stormwater Monitoring Program (RSMP) cont.

- For Whatcom County, opting into the RSMP is \$10,476 a year for the 2013-2018 Permit cycle starting August 15, 2014. This equals **\$52, 380**.
 - Opting in achieves monitoring compliance requirements.
 - It does not replace current monitoring efforts.
 - Staff will provide final recommendations at a later date.

Schedule and Actions

- Stormwater Division staff currently coordinating with all departments on plans for achieving permit compliance (ongoing tasks and new requirements).
- Staff currently attending/following various stormwater working groups in Puget Sound regarding the Permit.
- Staff working on recommendations for Ecology on compliance schedule for Birch Bay Urban Growth Area before August 1, 2013.
- Staff currently working on public education and outreach on the 2013-2018 Permit to all areas within the new permit.
- Staff presenting to BBWARM Advisory Committee on June 19th.
- Staff currently exploring options for additional funding for Phase II efforts.
- Council will receive update on recommendations on RSMP before December 1, 2013.
- Council will receive ongoing updates and recommendations on proposed programmatic changes.

Questions?

Whatcom County NPDES Phase II website:

<http://www.npdes.whatcomcounty.org/home>

(2013 SWMP, presentation, and links)

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