



The Municipal Stormwater Challenge

Background

In 1987 Congress amended the Clean Water Act (CWA) to address stormwater through NPDES permits issued in two phases. Phase I addressed the largest municipalities. In Washington, the Phase I permit was issued in 1995 to 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 2007,

Ecology also issued the new Phase II permits in January 2007 which apply to 98 cities and 12 counties across the state (Please see the reverse side for a listing).

The permits' requirements phase in over the next five years and will be costly to implement for both public and private interests.

Cities with stormwater programs and stormwater utilities in place are already meeting some of the permit requirements. Cities that have not developed stormwater programs or developed a stormwater utility face a much greater challenge.

What are the requirements of the permits?

Cities and counties subject to the permits are required to adopt a stormwater management program. Compliance deadlines for implementing all the program requirements are spread over five years from the date the permit was issued.

Permit requirements are specific and detailed. The management program must include 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, redevelopment and construction activities. At a minimum this must include a permitting process 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 evaluating and assessing compliance with the permit and program effectiveness.

A challenging environment

Cities, and their municipal surface water managers, are attempting to address surface water quality and quantity in a dynamic environment. Increasing regulatory obligations, changing climate, and economic uncertainty are challenges that must be addressed if cities are to successfully manage surface water.

Surface water is a major pathway for transporting toxins to the waters. And with the more intense storm events associated with a changing climate, surface water is increasing. These trends are expected to intensify in the future. Surface water pollution is associated with more intense urban development, transportation systems, an increase in impervious surfaces and chemical/fertilizer use.

AWC survey gauges concerns, costs

AWC surveyed cities that are required to comply with Phase I and Phase II rules or those that are within the 12 counties surrounding Puget Sound. The survey sampled the magnitude of concerns and costs regarding surface water issues. 48 jurisdictions responded.

The survey found a wide variety of responses to surface water management and a significant unfunded liability facing local taxpayers and rate payers.

Thirty-four respondents provided specific cost estimates for surface water projects and they accounted for over \$730 million in surface water projects planned in the next six years.

Many of these projects are not yet funded, but are believed to be required to meet NPDES Phase I & II requirements.

continued

Costs too high to absorb alone

Failure to comply with NPDES rules will result in significant liability and potential penalties under federal and state laws. Local tax payers and rate payers will bear the cost of litigation, penalties and damages associated with non-compliance.

Compliance with NPDES rules is an unfunded mandate and all parties to the appeals process agree that additional funding is necessary if the rules are to be successfully implemented. Legislative action is necessary to address this unfunded mandate and provide a revenue stream to clean-up surface waters.

Legislation introduced to fund municipal stormwater projects

Legislation has been introduced this session that would establish and permanently fund, a grant program to help pay

for stormwater projects in communities across the state. **SB 5518/HB 1614** as currently drafted, would impose a fee of \$1.50/barrel of oil would be at the refinery. This would yield approximately \$100 million per year – at least 97% would be available as grants to cities meeting stormwater challenges and obligations.

Status: These companion bills have been heard in both the House and Senate Committees. The House version is scheduled for Executive Session in the House Agriculture and Natural Resources Committee for Thursday, February 19 at 8 am. Interested cities are encouraged to contact Committee members or your legislators with your support.

For more information

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NPDES Phase I Stormwater cities and counties

Cities	Counties
Seattle	King
Tacoma	Pierce
	Snohomish

NPDES Phase II Stormwater cities, towns and counties

Cities

Aberdeen	Brier	Edmonds	Kent	Monroe	Poulsbo	Steilacoom
Algona	Buckley	Ellensburg	Kirkland	Moses Lake	Pullman	Sumner
Anacortes	Burien	Enumclaw	Lacey	Mount Vernon	Puyallup	Sunnyside
Arlington	Burlington	Everett	Lake Forest Park	Mountlake Terrace	Redmond	Tukwila
Asotin	Camas	Federal Way	Lake Stevens	Mukilteo	Renton	Tumwater
Auburn	Centralia	Ferndale	Lakewood	Newcastle	Richland	Union Gap
Bainbridge Island	Clarkston	Fife	Longview	Normandy Park	Sammamish	University Place
Battle Ground	Clyde Hill	Fircrest	Lynnwood	Oak Harbor	Selah	Vancouver
Bellevue	Covington	Gig Harbor	Maple Valley	Olympia	Sea Tac	Walla Walla
Bellingham	Des Moines	Granite Falls	Marysville	Orting	Sedro-Woolley	Washougal
Black Diamond	DuPont	Issaquah	Medina	Pacific	Shoreline	Wenatchee
Bonney Lake	Duvall	Kelso	Mercer Island	Pasco	Snohomish	West Richland
Bothell	East Wenatchee	Kenmore	Mill Creek	Port Angeles	Spokane	Woodinville
Bremerton	Edgewood	Kennewick	Milton	Port Orchard	Spokane Valley	Yakima

Counties

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

In addition, cities in the 12 counties that surround Puget Sound that are not subject to Phase I or Phase II permits but still subject to Puget Sound clean-up efforts include:

Blaine	Coupeville	Gold Bar	Lyman	Port Townsend	Sequim	South Prairie	Tenino
Bucoda	Darrington	Hunts Point	Lynden	Rainier	Shelton	Stanwood	Woodway
Carbonado	Eatonville	Index	Mount Vernon	Roy	Skykomish	Sultan	Yarrow Point
Carnation	Everson	La Conner	Nooksack	Ruston	Snoqualmie	Sumas	Yelm
Concrete	Friday Harbor	Lagley	North Bend				