

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	National Pollutant Discharge Elimination System Phase II Permit Application
DEPARTMENT:	Public Works
PRESENTED BY:	Jesus Sanchez, Operations Manager

PROBLEM/ISSUE STATEMENT:

The Environmental Protection Agency (EPA) imposed a March 10th deadline for municipal storm water operators to submit a National Pollutant Discharge Elimination System (NPDES) Phase II permit application. City staff has prepared a Phase II permit application for submittal to the Department of Ecology (the designated authority for the State of Washington).

FINANCIAL IMPACT:

There are no financial impacts resulting from this permit application. The permit application describes ongoing Surface Water Management activities as budgeted in 2003. Although, the application meets the EPA application requirements, Ecology will not issue any permits until it has completed developing a general Phase II permit for Washington State. This process will not begin until Fall of this year and could take a year or longer for Ecology to complete. It will include public review and comment.

Staff will monitor the process and provide input to Ecology. Phase II applicants can work collaboratively with Department of Ecology to develop the general permit requirements that would allow municipalities time, flexibility, and budgetary planning in implementing storm water control measures. An example of one permit approach is that municipalities could prioritize needs within their watersheds to be able to maintain compliance while keeping within budget limitations.

RECOMMENDATION

No Council action is required at this time.

Approved By:

City Manager  City Attorney N/A

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INTRODUCTION

The Environmental Protection Agency (EPA) imposed a March 10th deadline for municipal storm water operators to submit a National Pollutant Discharge Elimination System (NPDES) Phase II permit application. City staff has prepared a Phase II permit application for submittal to the Department of Ecology (the designated authority for the State of Washington). No Council action is required.

BACKGROUND

NPDES Phase II Permit Requirements for Small Municipalities

In 1972, Congress amended the Federal Water Pollution Control Act (referred to as the Clean Water Act) to prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES program is a permit program designated to regulate point source discharges.

Initial efforts to improve water quality under the NPDES program primarily focused on reducing pollutants in industrial process wastewater and municipal sewage. As pollution control measures for industrial sewage were further developed, refined, and implemented, it became increasingly evident that more diffuse sources of water pollution were significant causes of water quality impairments. Specifically, storm water runoff draining large surface areas, such as agricultural and urban land, were found to be a major cause of adverse water quality impairments. In 1987, Congress amended the CWA to require implementation of a comprehensive approach for addressing storm water discharges under the NPDES program. As a first step to implementing this approach the NPDES Phase-I storm water program was issued in 1990. The purpose of this program is to reduce polluted runoff from priority sources, including major industrial facilities, large and medium city storm sewers, and construction sites that disturb 5 or more acres. Larger local jurisdictions such as King County, the City of Seattle, and the City of Bellevue are now permitted under Phase-I.

In October of 1999, the United States Environmental Protection Agency (EPA) set into law the NPDES Phase-II storm water program. Phase-II sets storm water management requirements for municipalities under 100,000 population. The City of Shoreline is included in the EPA listing of incorporated places and counties that were designated under the Storm Water Phase-II rules.

There are six minimum Control Measures that must be met by all Phase II municipal storm water operators to reduce pollutants discharged into receiving waters bodies to the Maximum Extent Practicable (MEP).

1. Public Education and Outreach on Storm impacts
2. Public Involvement/Participation

3. Illicit Discharge Detection and Elimination
4. Construction Runoff Control
5. Post-Construction Stormwater Management in New Development and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

PHASE II Permit Application Process

For the state of Washington, EPA delegated the authority for issuance and administration of the NPDES Phase II permit to the Washington State Department of Ecology (Ecology). EPA imposed a March 10th deadline for municipal storm water operators to submit a NPDES Phase II permit application. At this time however, Ecology has only begun developing a general permit for Phase II storm water system operators. A general permit is developed and issued by the permitting authority to cover multiple facilities within a specific category.

To provide a compliance pathway to satisfy EPA's March 10th application deadline, Ecology collaborated with local storm water managers, the Association of Washington Cities, and the American Public Works Association to develop an application for the Phase II permits. Ecology's position is that completing and submitting this application will satisfy the federal application requirement, and provide a measure of protection against third party lawsuits. However, Ecology will not issue any permits until it has completed developing a general Phase II permit for Washington State. This process could take a year or longer to complete and will include public review and comment.

DISCUSSION

City of Shoreline Phase II Status:

The City has taken significant steps toward compliance with the NPDES Phase II requirements. Highlights of key Stormwater program enhancements are:

- Filled two new positions to develop water quality and storm water education programs.
 - ◇ Education program activities include community outreach programs directed at businesses, residents and schools to encourage public involvement to mitigate potential stormwater concerns. Examples include natural yard care education, supporting environmental education programs in local schools, stream stenciling programs, distributing information that describes and encourages clean water quality practices, voluntary stewardship activities, and clean/green car wash program.
 - ◇ Water quality activities include updating spill response procedures, enhanced staffing for responding to spill incidents and investigation of illicit discharges, conducting ambient water quality monitoring of City streams, and inspecting and maintaining storm water facilities.

- Completed mapping and inventorying 70 percent of the City's constructed storm drain system within the right-of-way.
- Completed final draft of the streams inventory and basin characterization reports.
- Shoreline Development Code, Section 20.60.120, Water Quality, which prohibits discharge of any contaminants into surface water, stormwater, ground water, or Puget Sound. It also prohibits any (illicit) connection that could convey anything not composed entirely of natural surface water and stormwater directly to surface, storm, or ground water. (Ordinance 238, 2000)
- Adopted *Urban Land Use BMPs, Volume IV* of the 1992 *Stormwater Management Manual for the Puget Sound Basin* (DOE SWMM), and future amendments by reference as the Source Control BMP Manual for the City of Shoreline. Ordinance 238, 2000).
- Ordinance No. 238 is enforced under City Development Code, Subchapter 9 of Title 20, Enforcement. The City has filled the position of one full time Code Enforcement Officer.
- Implementing the Regional Road Maintenance ESA BMP Program Guidelines. The key program outcomes include minimizing erosion/sedimentation and containing pollutants from routine maintenance operations.
- Funding was provided in 2003 for the development of a Surface Water Master Plan that will address additional updates to water runoff and water quality control associated with development

Next Steps:


The next step is to submit application for an NPDES Phase II permit. Staff has prepared a Phase II permit application for submittal to the Department of Ecology. This will meet EPA's application compliance requirement.

Staff will also continue to monitor Ecology's development of a General Permit, and provide input to that process. Phase II applicants can work collaboratively with the Department of Ecology to develop general permit requirements that would allow municipalities time, flexibility, and budgetary planning in implementing storm water control measures. An example of one permit approach is that municipalities could prioritize needs within their watersheds to be able to maintain compliance while keeping within budget limitations.

The EPA rule provides for a 5-year implementation period following issuance of a permit.

RECOMMENDATION

No Council action is required at this time.

Approved By: City Manager  City Attorney 

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