



Stormwater Ordinance Update

Frequently Asked Questions

BACKGROUND

What is stormwater (or stormwater runoff)?

Stormwater is rainfall that runs off of buildings, pavement, yards, and fields. It picks up pollutants like sediment, oil, and fertilizer and carries them to streams, lakes, and wetlands.

Stormwater can degrade streams by causing erosion from increased water volume and by carrying pollutants into them. Other problems related to poor stormwater management include flooding, decreased groundwater recharge, and decreased water to streams during dry months (called base flow).

What is stormwater management?

Stormwater management is a broad set of techniques used to control and treat stormwater before it reaches groundwater, streams, and lakes and to control erosion related to stormwater. Well-managed stormwater helps to prevent pollutants and sediment from harming local water bodies and wildlife. Stormwater management can be as simple as dispersing stormwater over an area of native vegetation, or as complex as constructing an underground vault for detention and water quality treatment.

What is the NPDES municipal permit and what does it do?

NPDES is an acronym from the federal Clean Water Act that stands for National Pollutant Discharge Elimination System. In the early 1970s, the federal government instituted an NPDES permitting system to reduce harm to the nation's waterways from factories, public sewers, and other major waste sources. To comply with federal law, the Washington State Department of Ecology began issuing permits to regulate stormwater discharges from city and county drainage systems.

Clark County received its first NPDES municipal permit for stormwater in 1999. The current permit was issued in 2007.

The permit requires Clark County to implement measures to minimize pollutants entering and leaving its storm sewer system. Main components include:

- requiring new development and construction activities to manage stormwater
- building stormwater facilities or enhancing existing facilities to lessen harm from areas that are already developed
- instituting a program to reduce pollutant runoff from businesses and industrial sites
- finding and eliminating pollutant sources such as sewer lines connected to storm drains
- inspection and maintenance of hundreds of stormwater control facilities
- educating the public about stormwater
- monitoring local water quality

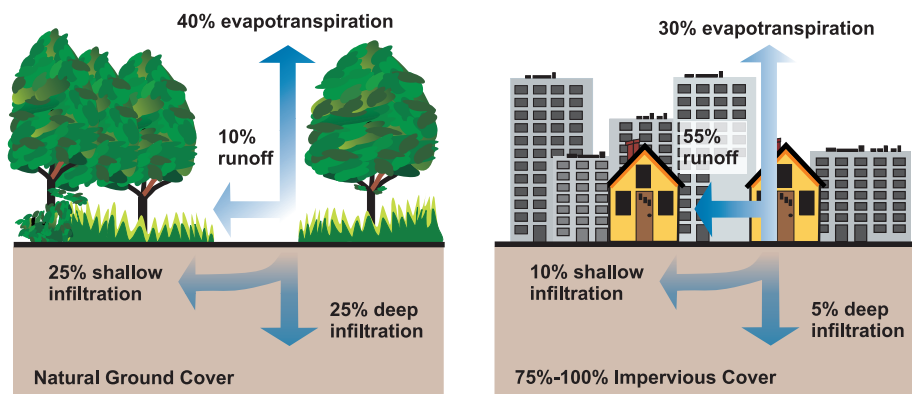
How is the NPDES permit related to clean water?

The federal Clean Water Act created the NPDES permitting process. The NPDES permit requires Clark County to have stormwater and water quality ordinances.

Clark County established the Clean Water Program in 2000 to administer the NPDES permit. The program's mission is to protect local surface water and groundwater through stormwater management.

What is the stormwater ordinance?

The stormwater ordinance regulates how land-disturbing activities deal with stormwater and erosion control. The ordinance is designed to help ensure



Relationship between impervious cover and surface runoff. Impervious cover in a watershed results in increased surface runoff. As little as 10 percent impervious cover in a watershed can result in stream degradation.

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that construction activities and new hard surfaces do not cause harm to local water bodies and groundwater supplies. Unregulated stormwater increases can cause on-site and downstream erosion that destroys fish habitat and damages stream banks.

Land-disturbing activities can include constructing roads, driveways, and buildings, or creating pastures and lawns.

What is the water quality ordinance?

The water quality ordinance helps protect the county's surface and groundwater by setting minimum requirements for reducing and controlling the discharge of contaminants and stormwater flows. It prohibits the discharge of contaminants to surface water, stormwater, and groundwater, and it requires business and government properties to use pollution control best management practices (BMPs) and maintain their stormwater facility. Other activities that discharge pollutants are addressed on a case-by-case basis.

What are BMPs?

BMPs are Best Management Practices. In Washington, BMPs are activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters.

Why do the stormwater ordinance and the water quality ordinance have to be updated?

The county's existing stormwater ordinance does not meet the newest NPDES permit requirements to follow state guidelines for controlling stormwater and erosion on development and construction sites. The new guidelines are more protective of our streams and lakes.

The water quality ordinance must be updated to adopt more recent state standards for preventing pollutants from business and government operations from reaching the storm sewer.

How will these new rules affect me?

In general, if you are planning to construct any type of hard surface, the rule changes may impact you. Nearly all construction projects will be required to control erosion during construction. Larger projects also will be required to use more effective BMPs to control and treat stormwater on the property for the long term.

Will the development rules that have been in place since 1998 change significantly?

Yes. The updated stormwater ordinance will apply different stormwater runoff measurement methods, and use more effective mitigation techniques. The new rules also will allow more flexibility in managing runoff and will be supported by an updated stormwater management manual.

Why does the county regulate activities on private property?

Stormwater from both public and privately owned land runs into public surface water bodies or groundwater, often through the county storm sewer system. The county's goal is to protect surface water and groundwater resources, as well as to meet federal and state legal requirements to control pollutants in the storm sewer system.

Will there be a change in the stormwater management fee that I have to pay?

The cost of updating the ordinances and the expected increase in cost to review development applications will be absorbed into the existing Clean Water Program budget.

For the present, the county will continue to meet its other NPDES permit requirements for maintaining the public storm sewer system, educating the public, and monitoring surface water quality with revenue from the current fee. In the near future, a change in the fee may be considered to pay for the increased stormwater program costs.

What will happen if Clark County does not follow its NPDES permit?

Clark County might be subject to fines and penalties by the Washington Department of Ecology, and could lose state grants for stormwater and road improvements. Under the federal Clean Water Act, any person could initiate a citizen lawsuit in federal court to force the county to implement the water quality protection measures required by the NPDES permit.

The collective and cumulative effect of the requirements should benefit all county residents by stabilizing or improving water quality in streams and lakes.

What happens if I ignore these rules?

Ignoring the rules can result in violations of the Clark County code, the state Water Pollution Control Act, and the federal Clean Water Act. Clark County code enforcement action begins with notifications and discussions of the violation. If the violation is not being addressed, fines and other penalties can be levied. The Department of Ecology enforces the Water Pollution Control Act and the Clean Water Act. Clean Water Act violations can be pursued by the Environmental Protection Agency or through citizen lawsuits.

Who do I speak to about my concerns with these regulations? Who is accountable for this effort?

The Clark County Clean Water Program coordinates the county's stormwater management effort and the associated regulations. The Board of Clark County Commissioners sets policy and adopts regulatory ordinances.

The Washington State Department of Ecology develops best available science and BMPs that are presumed to meet the requirements of the state Water Pollution Control Act and the federal Clean Water Act. The *2005 Stormwater Management Manual for Western Washington*, published by Ecology, describes the best available science and recommends methods for controlling and treating stormwater.



BUSINESS OPERATIONS FAQ

What is the difference between the county's water quality ordinance and the stormwater ordinance?

The stormwater ordinance regulates new development, redevelopment, and land-disturbing activities. The water quality ordinance regulates discharges from existing land uses that cause water quality concerns.

Can the county give information to business operators to help them meet the requirements of the water quality ordinance?

Yes. The county provides technical assistance in complying with the water quality ordinance to any business or homeowner that requests it.

The county published the *Stormwater Pollution Control Manual: Best Management Practices for Businesses and Government Agencies* and the *Stormwater Facility Maintenance Manual* to help business owners comply. Each of these manuals will be updated in 2008 to comply with the new NPDES permit. Visit www.clark.wa.gov/water-resources/techassist/business.html to download the current manuals and to contact Clean Water Program staff for assistance.

Does meeting the requirements of the water quality ordinance require business operators to construct stormwater facilities or other improvements?

Not usually. The water quality ordinance focuses on using non-structural practices, such as cleaning up spills in work areas, to control pollutants. Existing business activities are unlikely to trigger a new requirement to construct facilities to control and treat pollutants. In the last eight years, fewer than a dozen businesses have been required to build a roof, berm, or oil/water separator to contain materials.

How will changes in the water quality ordinance impact business operations?

Most businesses that comply with the current water quality ordinance should not notice a change. The revised ordinance will adopt more recent and clearer standards for stormwater facility maintenance and practices for controlling pollutants at businesses and public facilities.

I have a construction business. Will these changes affect the way I do business?

Changes to the water quality ordinance and the stormwater ordinance may affect the way contractors do business, depending on the types and sizes of projects undertaken. Some projects will no longer be exempt from erosion control measures, and discharges such as chlorinated water will be prohibited.



RURAL FAQ

How will these changes affect me as a rural homeowner?

The revised stormwater ordinance will not affect you unless you propose to develop or redevelop your property, or you want to increase the amount of hard surfaces on it. Many projects will require erosion control during construction. Larger projects also

will be required to use more effective best management practices (BMPs) to control and treat stormwater on the property for the long term.

Are there exemptions related to agriculture?

Yes. Day-to-day commercial agricultural practices that involve working the land for production generally are exempt from the stormwater ordinance. However, the exemption does not include construction activities that create hard surfaces or convert timberland to other uses.

Activities that increase or replace hard surfaces or convert native vegetation to another land cover may require the landowner to address the stormwater impacts.

The county is developing a manual to help landowners meet these requirements with the least expense and effort while still protecting water bodies.

Are there exemptions related to forestry?

Yes. Forest practices generally are exempt from the stormwater ordinance. However, converting timberland to a different use is not exempt.

I know some things will change under the new rules.

Will I have to build a stormwater facility if I:

- **continue with my current rural activity?**

It is unlikely unless current activities are causing water quality violations. Activities covered under the stormwater ordinance include development, redevelopment, or other land-disturbing activities that occur on your property. This would include creating hard surfaces, such as expanding the footprint of a building or grading or clearing land.

- **clear forest for a pasture or future home site?**

Possibly. Land conversions from timberland to other uses not associated with a commercial timber operation will require you to follow the requirements of the stormwater ordinance. The extent of stormwater management will depend on how much land is disturbed. There will be a range of options, from constructing a facility to natural approaches.

- **clear 2.5 acres or more of native vegetation for pasture?**

Yes. Any conversion of native vegetation to pasture that exceeds 2.5 acres will require stormwater to be managed. There will be a range of options, from constructing a facility to natural approaches.

- **convert ¾ acre (32,670 square feet) or more of native vegetation to lawn?**

Yes. Any conversion of native vegetation to lawn or landscaped area that exceeds ¾ acre will require stormwater to be managed. There will be a range of options, from constructing a facility to natural approaches.

- **pave or gravel 5,000 square feet, such as for a driveway, parking, or storage area?**

Yes. Building a paved or gravel area that exceeds 5,000 square feet will require stormwater to be managed. There will be a range of options, from constructing a facility to natural approaches.

- **build a 5,000 square foot or larger building?**

Yes. Constructing a building that exceeds 5,000 square feet will require stormwater to be managed. There will be a range of options, from constructing a facility to natural approaches.

- **create or replace 2,000 square feet or more of buildings, pavement, or gravel?**

No. However, the landowner will be required to provide erosion control during construction.

How does the county define “native vegetation”?

Native vegetation is plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas fir, western hemlock, western red

cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

Will there be a guide to tell people how to manage stormwater?

Yes. Clark County is currently working on a manual to provide large lot owners with the means to manage stormwater with the least possible expense.

How are the stormwater ordinance and the habitat conservation ordinance related?

The federal Clean Water Act created the NPDES permitting process. The NPDES permit requires Clark County to have stormwater and water quality ordinances.

The Growth Management Act is a Washington law; part of it requires local governments to designate and protect critical areas within their jurisdictions. The Clark County habitat conservation ordinance is a response to that requirement.

The ordinances are complementary. The stormwater ordinance focuses on protecting surface water from certain land-disturbing and construction activities. The habitat ordinance is focused on protecting fish and wildlife habitat. The Clark Conservation District assists land owners with implementing BMPs that meet the County's ordinance requirements

What happens if Clark County does not adopt stormwater rules for rural clearing and construction activities?

There could be two types of consequences for failing to apply stormwater rules in the rural area – legal and environmental.

Clark County might be subject to fines and penalties by the Washington Department of Ecology, and could lose state grants for stormwater and road improvements. Under the federal Clean Water Act, any person could initiate a citizen lawsuit in federal court to force the county to implement the water quality protection measures required by the NPDES permit.

Like runoff from urban areas, stormwater runoff from rural clearing and construction activities can pollute local streams and lakes if not managed properly. Stormwater runoff carries contaminants such as chemicals and sediment. It can also increase the volume of water heading to streams, which causes erosion and flash flooding and damages habitats. As Clark County grows and more buildings and roads are built in the rural areas, these impacts will increase unless stormwater is properly managed.



URBAN FAQ

How will these changes affect me as an urban homeowner?

Like the current ordinance, the revised stormwater ordinance will not affect you unless you propose to develop or redevelop your property, or you want to increase the

amount of hard surfaces on it. Many projects will require erosion control during construction. Larger projects also will be required to use more effective best management practices (BMPs) to control and treat stormwater on the property for the long term.

Is the county considering changing other codes to facilitate low impact development (LID)?

Yes. Through a grant from Community Trade and Economic Development, the City of Vancouver and Clark County are in the process of reviewing all development and building codes to identify barriers in existing regulations that would prevent a successful LID project.

Will green roofs, rain barrels, rain gardens, and pervious pavement be allowed under the new stormwater ordinance?

Yes. The county is preparing a manual to guide the use of these measures.

Will the new code include options to fencing public stormwater facilities?

Yes. The county is developing design standards that could be used in place of a fence.

Will the new code allow the reasonable use of dedicated right-of-way for stormwater facilities?

Yes. Underground closed systems will be allowed within dedicated rights-of-way, provided they do not hinder potential future road or utility expansions.

How will the new regulations affect infill and redevelopment projects?

The proposed draft of the stormwater ordinance could reduce the stormwater detention requirements for some redevelopment projects compared to current code. And, the new ordinance will allow LID methods such as pervious pavement that can reduce the cost to manage stormwater. Although these changes will help many sites, some sites will remain difficult to develop or redevelop.

Under the new rules, will I have to take any action if I convert ¼ acre (32,670 square feet) or more of native vegetation to lawn?

Yes. Lawns have long been known to contribute to poor water quality, and the new regulation requires runoff from large new lawn areas to be managed. Native vegetation is plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.

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