

Clark County's CLEAN WATER PROGRAM



Clark County's Clean Water Program began in 2000 following Ecology's issuance of the county's stormwater permit



HOW WE GOT HERE - A CHRONOLOGY

Clark County's Clean Water Program- A Chronology

1972 Congress passes what becomes known as the Clean Water Act, which substantially expands and strengthens legislation enacted in 1948. This landmark law creates the National Pollutant Discharge Elimination System (NPDES), which is a permit system to limit pollution from specific sources, such as industrial plants and feed lots. The NPDES program requires the use of best available technology to meet water quality standards.

1987 Congress approves the Water Quality Act. The law expands the NPDES program to include polluted storm runoff, which is created when rain and melting snow picks up fertilizers, pesticides, detergents, oil, pet waste, dirt and other contaminants. Local governments are required to obtain permits by certain dates and apply controls to reduce the discharge of pollutants to the maximum extent practicable, or "MEP".

1995 The Washington State Department of Ecology, which manages the NPDES program for the U.S. Environmental Protection Agency, notifies Clark County that it needs a permit.

1997 Ecology approves the first part of Clark County's permit application regarding the county's legal authority to control stormwater discharges and manage programs in place at the time..

1999 Ecology approves the county's application and issues an NPDES permit. Clark County begins to implement actions required under the second part of its permit application.

2000 The county begins collecting clean water fees in unincorporated Clark County. Most homes in urban areas pay \$33 a year. Homes in rural areas pay between \$20 and \$30 depending on the amount of acreage. Larger developed commercial properties pay according to the amount of hard surface, such as parking lots and rooftops.

2007 Ecology issues new permit requirements that expand coverage to include other smaller local governments with stormwater systems, including cities in Clark County.

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A healthy community needs clean water.

The requirements include:

- Develop and implement a stormwater management plan
- Inventory and map existing stormwater facilities
- Maintain facilities to provide treatment and flow control
- Provide public involvement and participation opportunities
- Enact local ordinances to control runoff from new development, re-development, and construction sites to historic conditions
- Maintain a capital program to reduce pollutants in runoff to the stormwater system
- Provide education and outreach aimed at residents, businesses, and industries.

2009 Ecology issues a NPDES permit violation to the county for adopting less stringent rules for development projects. Ecology and Clark County reach an agreement on the county's alternate plan to meet the flow control requirement by constructing new stormwater facilities or modifying older inadequate ones in areas where they would have the most benefit. Property owners are required to "do no harm" by ensuring the rate of runoff from their sites is no greater after development than it was before. They also must comply with more stringent water quality regulations the county previously adopted

2011 In response to an appeal by the Rosemere Neighborhood and Columbia River Keepers, the state Pollution Control Hearings Board rules against Ecology's approval of the county's alternate flow control. The county appeals the ruling in the state court system. The Rosemere Neighborhood files suit in Federal District Court asserting violations of the Clean Water Act. In December a federal judge issues an injunction requiring Clark County to approve development projects under Ecology's default standards, pending the outcome of ongoing litigation.

