

Current Issues with NPDES in Washington State

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Agenda

- History of NPDES
- Technical ramifications
- Certified Erosion Control Specialists
- NPDES procedural issues
- Contracting issues
- Conclusion and questions

Coverage under NPDES

- Clean Water Act - Law passed by Congress in 1986
 - Zero discharge standard
 - Covered ALL projects
 - EPA exempted “uncontaminated storm water”
- Water Quality Act of 1987
 - Revised CWA to phase NPDES
 - Called for Comprehensive Conservation and Management Plans



To “restore and maintain the chemical, physical and biological integrity of the Nation’s waters.”

Puget Sound Water Quality Management Plan

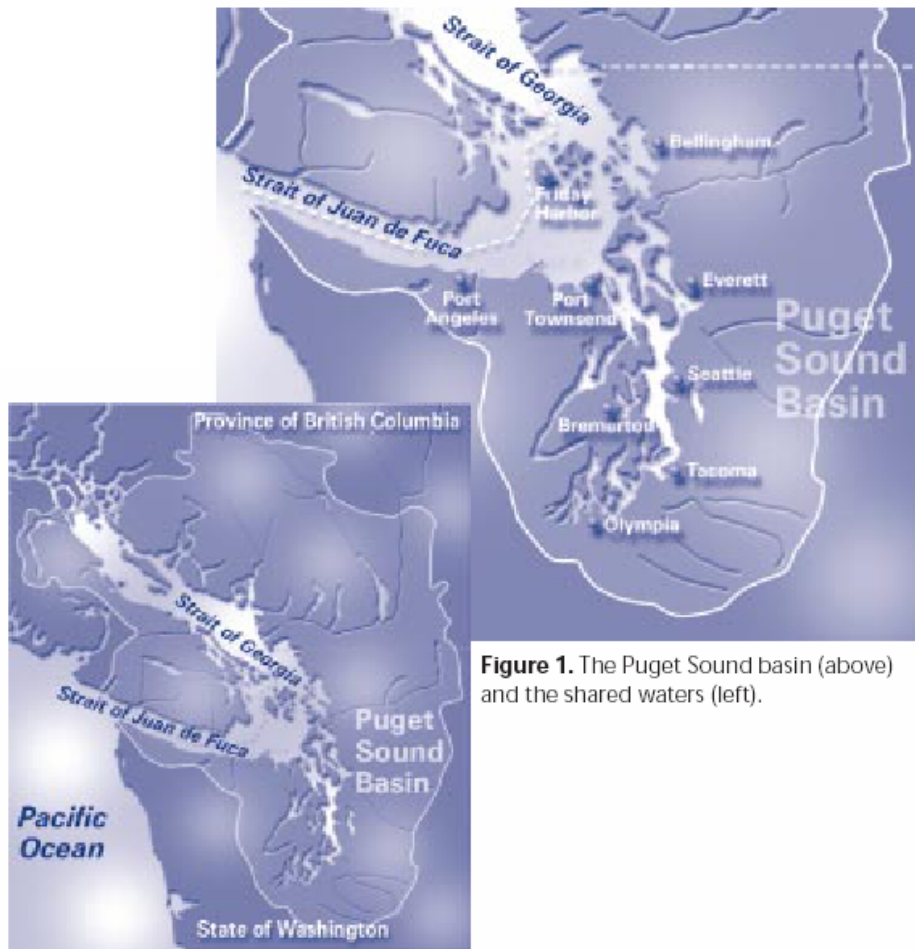
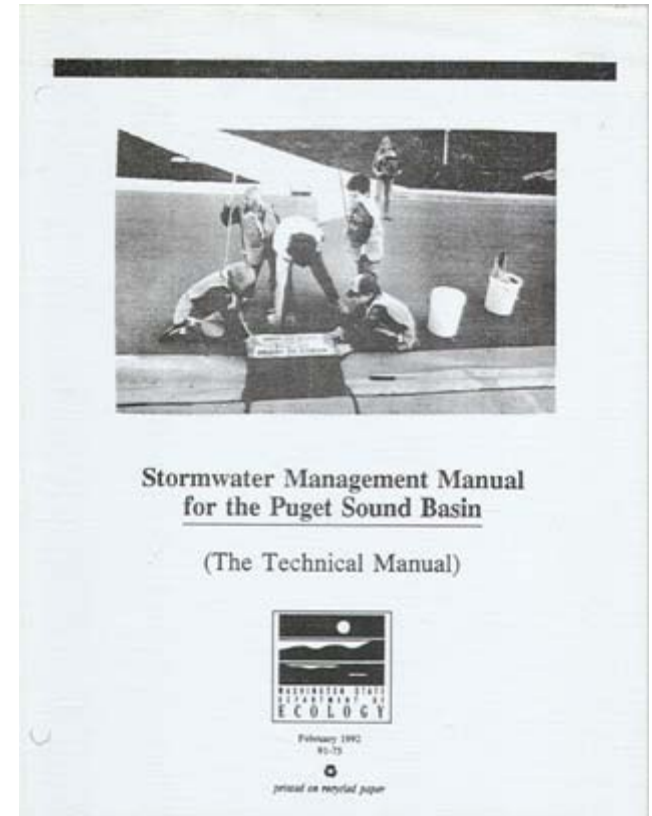


Figure 1. The Puget Sound basin (above) and the shared waters (left).

- Addressed storm water drainage
- Addressed sewage pollution
- Restore shellfish beds
- Reduce toxic pollutants
- Clean up of contaminated sediment
- Monitored affected waters
- Increased public education and outreach

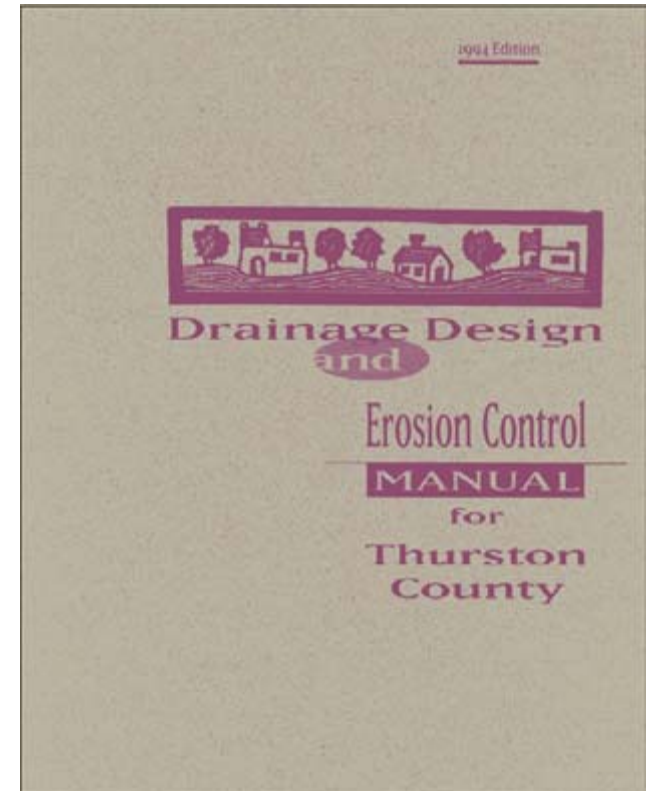
Storm Water Management Manual for the Puget Sound Region

- The DOE Manual, first published in June 1991, *DRAFT* version
- February 1992, *Stormwater Management Manual for the Puget Sound Region*
- Treatment & detention of storm water first introduced



Successors to DOE Manual

- Thurston County – *Drainage and Erosion Control Manual for the Thurston Region*, 1994 (orig. ver. 1991)
- Washington State Department of Transportation – *Highway Runoff Manual*, 1995 (orig. ver. 1991)
- DOE updated their manual in August 2001. Cities still working on updates



NPDES in a nutshell

- National Pollutant Discharge Elimination System
- Municipal Storm Water General Permit
 - Cities, counties, and other municipalities
- Industrial Storm Water General Permit
 - Discharge from industrial sites > 5 ac
 - Construction activities on existing sites
- Construction Storm Water General Permit
 - > 1 ac or part of total project > 1 ac
 - Full OR partial discharge of stormwater

Construction storm water regulatory compliance

- Small Sites (< 1 acre)
 - See local agency (or DOE) flowchart for minimum requirements, but if over 2,000 ft² new impervious area then a Construction Storm Water Pollution Prevention Plan is required (SWPPP)
- Medium Sites (< 5 acres)
 - NPDES permit will be required soon if the site discharges to surface water
 - DOE intends to provide permit coverage in late 2005
- Large Sites (> 5 acres)
 - NPDES permit is required
 - DOE has field inspectors for these permits



Grass mulching is applied to stabilize exposed soils and to reduce storm water runoff velocity.

Construction Storm Water Pollution Prevention Plan (CSWPPP)

- Twelve Required Elements of the plan
 - Mark clearing limits
 - Establish construction access
 - Control flow rates
 - Install sediment controls
 - Stabilize soils
 - Protect slopes
 - Protect inlet drains
 - Stabilize channels and outlets
 - Control pollutants
 - Control de-watering
 - Maintain Best Management Practices (BMP's)
 - Manage the project
 - Certified Erosion and Sediment Control Specialist (CESCS)



Sediment basins are used to trap sediments and temporarily detain runoff on larger construction sites.

NPDES procedural issues

- Public notice required 38 days before work begins
- Default is to presume compliance until there is a possibility of standard violation
- Measured Results
 - Water quality criteria set forth in WA's Water Quality Standards Guide
 - Petroleum, pH and turbidity
- Draft revised permit has new requirements
 - New monitoring requirement
 - Medium sites – during wet season
 - Large sites – continual monitoring
 - CESCO notification requirements



Applicant certification

“I certify that under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

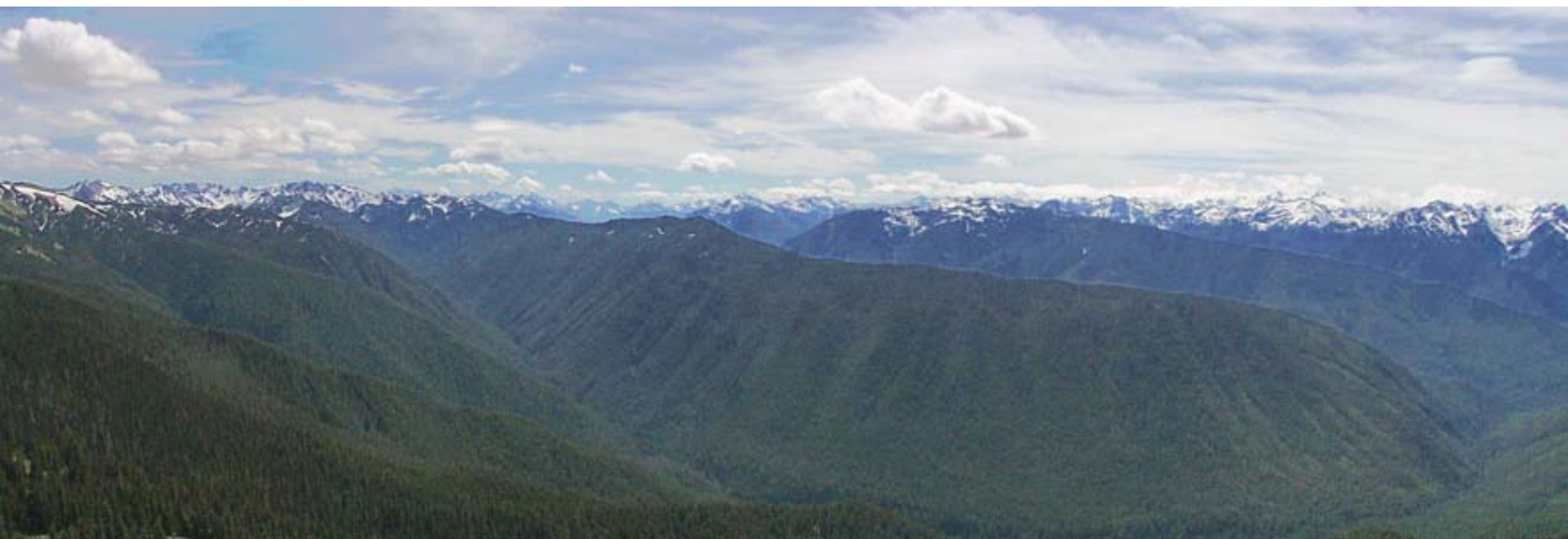
Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Contracting Issues

- Liability rests with the permit holder
- Civil and criminal violations
- Contracting services for ESC
 - Contractor
 - Engineer
 - Third party
- Construction contract language
 - Experience and expertise of contractor
 - Indemnification for penalties
 - Owner monitoring of contractor's work

Conclusion



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