



Memorandum

June 1, 2017

TO: City Council
David M. Campbell, City Manager

FROM: Jeff D. Cameron, Public Works Director

SUBJECT: 2017 Stormwater Code Update

OVERVIEW

In order to comply with the City's NPDES Phase II Municipal Stormwater Permit, staff has completed an update of the stormwater regulations in LMC Title 17.80, which cover the stormwater requirements for development and land disturbing activities, and the prohibition of illicit connections and discharges to the municipal storm sewer system.

REGULATORY BACKGROUND

The Western Washington Phase I and II Municipal Stormwater Permits require 81 cities and 5 counties in western Washington to manage stormwater runoff collected and discharged by their municipal separate storm sewer system or MS4. The City of Longview, as a small MS4 community, falls under the Phase II permit. The Permit combines requirements from the federal National Pollutant Discharge Elimination System (NPDES) Phase II Permit program and the State of Washington Water Pollution Control Law (RCW 90.48). Administered by the Washington Department of Ecology, the Phase II Permit was first issued in 2007 and was subsequently reissued in 2012.

The Permit requires the City to develop a stormwater management program focused on five minimum measures. Two of these measures, *Controlling Runoff from New Development, Redevelopment and Construction Sites* and *Illicit Discharge Detection and Elimination*, require the adoption of an ordinance and/or other regulatory mechanism(s) to implement the program provisions. The City adopted a new stormwater ordinance in 2009 to meet the program requirements based on the 2007 Permit. The 2012 Permit added new requirements and provisions to these programs, which requires the current Longview Municipal Code to be updated.

The Permit states in part:

Each Permittee shall implement and enforce a program to reduce pollutants in stormwater runoff to a regulated small MS4 from new development, redevelopment and construction site activities. The program shall apply to private and public development,

including roads...Implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects...For Permittees in Lewis and Cowlitz Counties the ordinance or other enforceable mechanism to implement (i) through (iii), below, shall be adopted and effective no later than June 30, 2017.

Each Permittee shall implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illicit discharges into the Permittee's MS4 to the maximum extent allowable under state and federal law...The Permittee's ordinance or other regulatory mechanism in effect as of the effective date of this permit shall be revised if necessary to meet the requirements of this section no later than February 2, 2018.

Staff reviewed the existing stormwater code found in LMC 17.80 and has prepared a revised set of code sections in conjunction with the Longview Stormwater Advisory Committee (LSAC) to address the Permit requirements.

SUMMARY OF MAJOR CHANGES

- **New Code Organization:** Currently, both development-related stormwater management requirements and illicit discharge prohibitions are contained in LMC 17.80. In order to facilitate better clarity on the distinct programs and regulatory mechanisms required, the two topics were broken into separate code sections. The updated development-related code will continue to reside in LMC 17.80 (Stormwater Management), with a new code section addressing illicit connections and discharges: LMC 17.90 (Stormwater Illicit Discharge Prevention).
- **New Thresholds for Stormwater Management Submittals:** The updated Permit requirements for new development, redevelopment and land disturbing activities reduce the minimum size of a project that is required to submit stormwater plans to receive a building permit. Currently, the City requires projects adding or replacing 5,000 square feet or more of impervious surfaces, to must meet local stormwater management requirements. Projects with one acre or greater of land disturbance are currently required to meet the state Minimum Requirements from the Stormwater Management Manual for Western Washington. Under the updated code, *all* projects adding and/or replacing 2,000 square feet or more of impervious surface area will be required to meet the state Minimum Requirements. These include submission of a stormwater site plan, controlling construction site runoff, pollutant source control, preservation of natural drainage, on-site stormwater management, water quality, flow control and wetlands protection. These submittals are required at the time of permit application.
- **Adoption of the State Stormwater Manual:** Under the Permit, the City is required to provide technical requirements, limitations, and criteria that will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy the State requirement under chapter 90.48 RCW to apply all known and reasonable technologies prior to discharge. Under the updated code, the City will adopt the guidance in the Stormwater Management Manual for Western Washington (SWMMWW) to meet this requirement, which will apply to all development projects required to meet the state Minimum Requirements. The current Longview Stormwater Manual will become defunct, to be replaced with a stormwater management

guidelines document containing local design standards and criteria to supplement information contained in the SWMMWW.

- Low Impact Development (LID): Low impact development (LID) is a strategy of managing stormwater runoff on-site by infiltrating, dispersing, and/or retaining stormwater runoff closer to its source. The intent of LID is to reduce a development's onsite and downstream stormwater impacts (pollution, erosion, and increased runoff) by minimizing impervious surfaces, native vegetation loss, and stormwater runoff volumes and rates. Consideration of LID best management practices is included as part of the state Minimum Requirements; therefore, under the updated code, low impact development stormwater techniques are now considered the preferred and commonly used approach to site development and.
- Flow Control Requirement: Current state stormwater regulations require attenuation (detention) of one-half of 2-year through the 100-year frequency interval storm events to prevent downstream flooding, which is the state criterion from the SWMMWW. As a large portion of Longview is diked and within the boundaries of the CDID #1 flood control system, the current detention/flow control requirements may not be necessary and may in fact cause unintended consequences and add unnecessary expense to development. The Washington Department of Ecology considers the CDID #1 area to be "flow control exempt" as they are managed by the diking district's series of man-made waterways and pumps. As such, the City is not obligated to adopt the state's flow control and detention criteria. Under the updated code, detention requirements within CDID #1 boundaries are reduced to require attenuation of runoff from the post-development 25-year storm event down to pre-development runoff levels, with considerations for various alternatives to on-site detention. Typically, the 25-year storm event criteria provides a reasonable level of protection of property from flooding in the immediate downstream vicinity of the project, as well as controlling runoff to discharge rates that will not overwhelm the capacity the stormwater drainage system during larger storm events.
- Soil Quality and Depth: Under the updated code, all areas of disturbed soils that are replanted with landscaping, lawn or native vegetation are required to meet a minimum set of criteria from the SWMMWW for soil quality and depth. This may require the enhancement of on-site soils with compost or other suitable amendments.
- Construction Inspection: The updated code provides for preconstruction inspection of project sites to ensure that stormwater and erosion and sediment control practices are in place prior to the start of construction. This is a requirement under the Permit for all projects meeting the state Minimum Requirements.
- Variances: The updated code includes a new variance section designed to provide for variances if the requirements of the regulations will impose a severe and unexpected economic hardship on an applicant, as defined in the Permit. The code provides a mechanism and criteria for obtaining a waiver on one or more of the state Minimum Requirements. The section also provides for minor variances to cover adjustments and exceptions to technical requirements and standards.

- Definitions: Legal terms and definitions for both development-related stormwater management requirements and illicit connection and discharge prohibitions were updated for consistency with the Permit.

Timeline for Adoption and Implementation

Per the requirements of the Permit, the City is required to adopt and make effective the updated development-related stormwater regulations no later than June 30, 2016. These regulations apply to all applications submitted on or after July 1, 2017 and to applications submitted prior to July 1, 2017, which have not started construction by June 30, 2022.