

STORMWATER ADVISORY GROUP
January 5, 2010
PUD # 1 of Asotin County
1500 Scenic Way, Clarkston
5:30 - 7:30 p.m.

Construction Ordinance Updates

- This document provides an overview of changes made per SWAG recommendations at December 15, 2009 meeting.
- This ordinance deals with land disturbing activities and permanent stormwater facilities.
- Authorizes permit fees, inspections and penalties.

1. Small projects

- ◆ Changed size threshold to < 5,000 sq ft. (page 9)
- ◆ Added exemption for residential infrastructure replacement projects (page 11)

2. Medium projects

- ◆ Changed size threshold to > 5,000 sq ft and < 1 ac (page 9)
- ◆ SWAG had concerns about medium size projects being required to have an Ecology permit and our local permit and this causing an undue burden to homeowners.
 - The Ecology stormwater permit applies to projects less than one acre that are part of a larger plan of development. If the project has the potential to discharge to surface water or the stormwater system that discharges to surface water, a homeowner is required to get the Ecology permit.
 - Our program is not required to ensure builders, contractors, developers, homeowners, etc. file for the Ecology permit. We are required to provide them with information on how to get the Ecology permit.
 - Ecology will not focus on projects that are not causing problems. They respond to complaints. If they conduct an inspection on a property that does not have the Ecology permit, they will deal with that issue at that time.
 - If there is a discharge to the stormwater system, and subsequently to surface water, Ecology has recourse on the municipality through the illicit discharge provisions of the Phase II permit.

3. Large projects

- ◆ Received comment that a stormwater site plan (SSP) should be required for large projects. The SSP includes all of the technical information and analysis to develop a comprehensive plan and includes a stormwater pollution protection plan (SWPPP). Rather than limiting the ordinance to either the SSP or the

SWPPP, we included the 8 core elements outlined in the E WA stormwater manual that should be considered when putting together a large project. The SSP and SWPPP are part of the core elements. (Pages 14 and 15)

4. Special conditions

- ◆ Added section allowing our discretion to require a SWPPP or ESC plan if any of the conditions in Section 1.3.4 apply. (page 17)

5. Inspection

- ◆ A concern was expressed about the agency using third party inspectors at the expense of the contractor/developer. We amended the language to provide for third party inspectors only under certain circumstances. These inspectors will provide written reports to the agency but will not be authorized to approve BMPs, write violations, or issue certificate of completion. (page 19)

6. Violations

- ◆ Notice of violation or stop work order issued. Enforcement officer has discretion after 48 hours to determine whether actions taken by applicant are sufficient to address the problem or whether fines should be imposed. (page 23)
- ◆ Continued noncompliance – fine issued (pages 23 and 24)
 - 1st violation - \$100
 - 2nd violation - \$200
 - 3rd and subsequent violation - \$300 - \$1000
- ◆ Hearings Officer, appeal of penalties – same as IDDE Ordinance (pages 24 and 25)
- ◆ Denial of Permit – additional recourse. Eliminated surety on construction. Deny future building and stormwater permits until issues unresolved. (page 26)

7. General Comments

- ◆ The intention of the municipality is to allow the staff the discretion and flexibility to work with applicants but to have the strict requirements and authority to ensure compliance in the ordinance. If the cooperative approach is not working, the authority to exercise stricter requirements is immediately available.
- ◆ Prefer to work with applicants to install erosion and sediment control BMPs to be protective of water quality at the source rather than capturing sediment and other pollutants and trying to clean up after the fact. The cost of protecting water quality should be placed on those that are benefiting from the project (activity), not the general public.