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# Frequently Asked Questions – New Stormwater Regulations and Rules

Assistance Bulletin

# #95

Effective September 30, 2010

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This FAQ provides information about the new stormwater regulations effective on September 30, 2010. It is not intended to be a complete statement of the laws or rules and should not be used as a substitute.

**Q: What do the new regulations and rules do?**

**A:** The new regulations comply with federal requirements imposed by Snohomish County’s Phase I Municipal Stormwater Permit also known as the National Pollutant Discharge Elimination System permit (NPDES Permit) issued pursuant to the Clean Water Act (CWA). This Permit requires the county to implement a variety of actions that prevent pollution from entering Snohomish County’s rivers, streams and waterways, all of which ultimately lead to the Puget Sound. The new stormwater management requirements apply to land disturbing activities such as clearing and grading and construction or reconstruction of both private and public facilities.

**Q: What does the Federal Clean Water (CWA) Act do?**

**A:** The Federal Clean Water Act prohibits anybody from discharging pollutants through a point source into a water of the United States unless they have an NPDES Permit. The Permit basically translates the CWA and state water quality laws into specific provisions. It limits what can be discharged, requires the use of best management practices (BMPs) for source control, treatment, and flow control and other provisions to ensure that discharges do not hurt water quality or public health.

**Q: Why is regulation of stormwater runoff important?**

**A:** Polluted stormwater runoff is a leading contributor to water pollution in the Puget Sound Region. It can cause and contribute to flooding. When runoff is uncontrolled it could result in the destruction of fish, wildlife, aquatic life habitats, losses in aesthetic values and threats to public health due to contaminated food, drinking water supplies and recreational waterways.

**Q: What is stormwater runoff?**

**A:** Chances are pretty good you’ve seen stormwater runoff. It’s the water from rain or snow that runs off yards, roofs, roadways and other developed land and flows into nearby lakes, rivers and Puget Sound. As stormwater runs downhill into low spots, ditches and storm drains, the water picks up soil, chemicals, oil, grease, bacteria and other pollutants and carries them into our lakes, rivers and marine waters.

**This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to Snohomish County Code.**

**Q: What are “Best management practices (BMPs)” With regard to drainage and LDA?**

**A:** BMPs are the schedules of activities, prohibitions of practices, maintenance procedures, structural practices or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State. The types of BMPs are source control, treatment, and flow control. BMPs that involve construction of engineered structures are often referred to as “facilities.”

**Q: How does compliance with the NPDES Permit protect water?**

**A:** The NPDES Permit regulations and programs ensure that the state’s mandatory standards for clean water and federal minimum standards are met.

**Q: Who issues the NPDES Permit?**

**A:** The Washington Department of Ecology (Ecology) is authorized to administer the CWA and state water quality laws. Ecology issues the permit pursuant to the NPDES program of the Clean Water Act and the Water Pollution Control Act of Washington.

**Q: What does the NPDES Permit regulate?**

**A:** The NPDES Permit regulates stormwater discharges from all new development, redevelopment and construction activities to prevent and control adverse impacts of drainage and stormwater on the public health, safety, and general welfare.

**Q: What do the county’s new stormwater regulations do?**

**A:** The new stormwater regulations require developers to minimize land disturbance, prevent and control erosion, reduce pollutants and provide treatment of pollutants.

**Q: What primary chapters in Snohomish County Code Title 30 regulate stormwater?**

**A:** Title 30 SCC contains the development regulations. The main stormwater management regulations are found in:

- Chapter 30.63A – Drainage
- Chapter 30.63B – Land Disturbing Activity (Clearing and Grading)
- Chapter 30.63C – Low Impact Development (LID)

**Q: Where can I find the new or revised definitions in these ordinances?**

**A:** See chapter 30.91 SCC.

**Q: What Rules are invoked in these code chapters?**

**A:** The proposed regulations invoke standards in the following rules adopted by the Department of Public Works (DPW):

- Snohomish County Drainage Manual (as an equivalent to Ecology’s 2005 stormwater Management Manual for Western Washington (2005 Ecology Manual))
- Chapter 1, 4 (portions relating to permeable pavement) and 5 (Drainage) of the Engineering Design and Development Standards (EDDS)

**Q: What is in the Snohomish County Drainage Manual?**

**A:** The Drainage Manual contains methods for achieving compliance with the stormwater requirements addressed in Chapters 30.63A, 30.63B, 30.63C and 7.53 SCC. Upon adoption, it shall be used in place of the 2005 Ecology Manual. The Drainage Manual includes the following volumes:

- Volume I: Introduction and stormwater site plans
- Volume II: BMPs for short-term stormwater management at construction sites
- Volume III: Hydrologic analysis and BMPs to control flow volumes from developed sites
- Volume IV: BMPs to minimize pollution generated by potential pollution sources at developed sites
- Volume V: BMPs to treat runoff that contains sediment or other pollutants from developed sites.

The following Drainage Manual Appendices may be of special interest while reviewing the code:

- Appendix I-A: Low Impact Development BMPs
- Appendix I-D: Wetlands and Stormwater Management
- Appendix I-F: Stormwater Pollution Prevention Plan (SWPPP) Submittal requirements for Small Projects Pursuant to SCC 30.63A.810

**Q: What was updated in the Engineering Design and Development Standards (EDDS)?**

**A:** The EDDS provides design specifications that let a project applicant know how to construct a project. Proposed Chapters 1 (General Considerations) Chapter 4 (amendments related to permeable pavement) and 5 (Drainage) of the EDDS provide updated processes, standards, and specifications necessary to implement the proposed stormwater regulations and Drainage Manual. Work performed and materials installed pursuant to the requirements of Chapters 30.63A, 30.63B and 30.63C SCC shall conform to the EDDS. The EDDS has been updated to include standard Washington State Department of Transportation (WSDOT) specifications when possible.

**Q: Where can I find the Snohomish County Drainage Manual and the EDDS?**

**A:** These rules are posted on the DPW Stormwater Management Division website:

[http://www1.co.snohomish.wa.us/Departments/Public\\_Works/Divisions/SWM/Work\\_Areas/drainagemanual.htm](http://www1.co.snohomish.wa.us/Departments/Public_Works/Divisions/SWM/Work_Areas/drainagemanual.htm)

**Q: Snohomish County did not adopt the 2005 Ecology Manual. Should developers and engineers use it after September 30, 2010?**

**A:** Under the NPDES Permit, several parts of the 2005 Ecology Manual were required to be codified. To comply with the county's stormwater regulations in Title 30 SCC, applicants should design new projects (not vested to existing regulations) that will be submitted on, or after September 30, 2010, to the new regulations. The new regulations invoke the use of the Snohomish County Drainage Manual and the EDDS. Effective September 30, 2010, new projects should be designed using the Snohomish County Drainage Manual when it is invoked by code.

**Q: What are some of the major changes in the stormwater regulations?**

**A:** The following bullets provide a small sample of the changes:

- Exemptions from the proposed stormwater regulations are more limited
- The right to farm exemptions are now located in the exemptions in SCC 30.63A.200 and 30.63B.070
- LDA permits are required for clearing, grading, and creation of new, replaced, or new plus replaced impervious surface at NPDES Permit thresholds (unless the activity is exempt)

- Minimum stormwater control requirements (MRs) are required depending upon the new permit thresholds for new, replaced, or new plus replaced impervious surface or land disturbing activity
- There are new requirements for redevelopment (sites already with 35% impervious surface)

**Q: What is new about erosion control?**

**A:** The regulations in chapter 30.63A SCC require the following:

- New development or redevelopment must comply with MR 2: Stormwater Pollution Prevention Plans (SWPPPs for erosion control) unless not required with an exemption
- Projects disturbing more than 1 acre must be managed by a Certified Erosion and Sediment Control Lead (CESCL)
- Small project SWPPPs are only allowed for projects with up to 2,000 square feet of new, replaced, or new plus replaced impervious surface when the project meets the criteria in SCC 30.63A.810. In this case, an engineer may not be required to produce the SWPPP. See Volume 1, Appendix 1-F for small project SWPPP requirements.

**Q: How do I determine if a land disturbing activity permit is required?**

**A:** Start by answering the following questions:

- Is the project new development or redevelopment?
- Is the project exempt from all requirements (some are exempt from all requirements except Minimum Requirement 2 soil erosion controls) and outside of critical areas except floodplains and aquifer recharge areas of low to moderate sensitivity?
- Does the project create new, replaced, or new plus replaced impervious surface and trigger a threshold (2,000 square feet)?
- Does the project have LDA (clearing or grading) of more than 7,000 square feet of land?
- Does the project convert three-quarters of an acre or more of native vegetation to lawn or landscaped areas?
- Does the project convert 2.5 acres or more of native vegetation to pasture?
- Does the project create more than:
  - 100 cubic yards or less of grading on a site in any 18 consecutive months (except fills and associated compaction intended to support structures or private roads)?
  - 500 cubic yards or less of excavation in any 18 consecutive months for a basement foundation, or for improvements to a single-family dwelling and/or accessory structures, provided that excess excavated material shall be disposed of at a permitted site approved by the director and provided further that the activity shall only commence after a building permit is secured by the applicant?
  - 500 cubic yards or less of grading in any 18 consecutive months for construction of underground drainage systems, provided that the construction shall only commence after a right-of-way use, utility, single-family or commercial building permit is obtained by the applicant?

All land disturbing activity that is not exempt requires an LDA permit and compliance with the drainage regulations in Chapter 30.63A SCC including the submittal of a stormwater site plan. All new development and redevelopment must comply with soil erosion control requirements through the submittal of a Stormwater Pollution Prevention Plan (SWPP) except for those that are exempt from all requirements.

**Q: Where can I find the drainage review and LDA exemptions and minimum project thresholds?**

**A:** These are found in chapters 30.63A (Drainage and 30.63B (Land disturbing activity) in the following code sections:

Chapter 30.63A Drainage

- 30.63A.200 General exemptions.
- 30.63A.300 Drainage review thresholds and requirements for new development.
- 30.63A.310 Minimum drainage review thresholds and requirements for redevelopment.

Chapter 30.63B Land Disturbing Activity.

- 30.63B.070 Land disturbing activity permit exemptions.

**Q:** What makes the proposed regulations and standards easier to use?

**A:** The proposed stormwater regulations and standards contain many features and provisions that will make them easier to understand and use including:

- The stormwater regulations are organized in order of the NPDES Permit minimum requirements.
- Low impact development (LID) requirements are easier to understand. LID BMPs are identified in Appendix 1-A of the proposed Snohomish County Drainage Manual. Several categories of LID BMPs are identified: those that must be used when feasible if LID is required and those that are not required. In removing barriers to the use of LID, parking and landscaping codes may be modified to accommodate LID.
- The proposed Snohomish County Drainage Manual is tailored to Snohomish County Code definitions and land use regulations. Information, standards and feasibility criteria for all BMPs is consolidated.
- EDDS is updated to contain Washington State Department of Transportation (WSDOT) specifications when possible for greater standardization.

**Q:** What do some of the common acronyms used in the stormwater regulations mean?

**A:** Common acronyms include:

- BMP – Best management practices
- CESCL – Certified Erosion and Sediment Control Lead
- CWA – Clean Water Act
- EDDS – Engineering Design & Development Standards
- LDA – Land disturbing activity
- LID – Low impact development
- NPDES – National Pollutant Elimination Discharge Permit
- SWPPP – Stormwater pollution prevention plan (MR 2)
- MR – Minimum requirements

**Q:** If I need a land disturbing activity permit for clearing or grading, what do I do?

**A:** An LDA permit application packet is available from the PDS Permit Counter, 2nd Floor, Admin-East Building, 3000 Rockefeller, Everett, WA, or at [www1.co.snohomish.wa.us/Departments/PDS](http://www1.co.snohomish.wa.us/Departments/PDS).

**Q:** What if I have other questions?

**A:** Call (425) 388-3311 or submit questions online at [AskPermitTech@snoco.org](mailto:AskPermitTech@snoco.org). Remember, asking questions first can save lots of headaches, heartaches and money!