

NPDES MUNICIPAL STORMWATER MANAGEMENT PROGRAM  
SNOHOMISH COUNTY, WASHINGTON  
S7B3 - LEGAL AUTHORITY

**S7B3 Legal Authority**

**Permit requirement**

Adequate legal authority to control discharges to and from municipal separate storm sewers owned or operated by the permittee.

This legal authority, which may be a combination of statute, ordinance, permit, contract, order, or interjurisdictional agreements with other permittees which have existing legal authority, shall include the ability to:

- control the contribution of pollutants to municipal separate storm sewers owned or operated by the permittee from stormwater discharges associated with industrial activity, and control the quality of stormwater discharged from sites of industrial activity;
- prohibit illicit discharges to the municipal separate storm sewers owned or operated by the permittee;
- control the discharge of spill and the dumping or disposal of materials other than stormwater into the municipal separate storm sewers owned or operated by the permittee;
- control through interagency agreements or interjurisdictional agreements among permittees, the contribution of pollutants from one municipal separate storm sewer to another;
- require compliance with conditions in ordinances, permits, contracts or orders; and
- within the limitations of state law, carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance with local ordinances.

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**Clarifications**

The permittee [will propose] a strategy and a schedule to obtain the authority within 2 years of permit issuance. The authority should provide the ability to:

- control industrial discharges
- prohibit illicit discharges
- control spills and dumping
- control discharges from one jurisdiction to another
- require compliance through appropriate legal tools
- carry out inspection and enforcement to ensure compliance

Permittees may emphasize technical assistance, business outreach programs, and public education as long as basic legal authority is in place.

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**Proposed program for developing legal authority**

**PROSECUTING ATTORNEY (PA), PLANNING AND DEVELOPMENT SERVICES (PDS), SURFACE WATER MANAGEMENT (SuWM)**

**Activity: Adoption and enforcement of ordinance containing standards equivalent to the minimum requirements of Ecology's Stormwater Management Manual**

Special Condition S7B8a of the permit requires the County to adopt a program "...to control runoff from new development, redevelopment, and construction sites that discharge to the municipal separate storm sewers owned or operated by the permittee. The program must include: ordinances, minimum requirements and best management practices equivalent to those found in Volumes I-IV of Ecology's Stormwater Management Manual for the Puget Sound Basin (1992 edition and as amended by replacement), permits, inspections, and enforcement capability..."

The County agrees to adopt an ordinance and a technical manual which will provide protection of receiving waters and levels of pollution treatment equivalent to those provided by Volumes I-IV of Ecology's Stormwater Management Manual. The County recognizes that equivalence means that the methods and technical standards chosen need not be identical to Ecology's, but that they must provide an equal or greater level of protection.

PDS will continue to enforce the County's grading and drainage codes, as described in Section S7B8a.

As shown in the following schedule, the County will adopt an ordinance containing standards equivalent to the minimum technical requirements of Ecology's Stormwater Management Manual by July, 1998, with adoption of an equivalent County stormwater Management Manual by February, 1999.

TIMELINE FOR REVISIONS TO TITLE 24, SNOHOMISH COUNTY'S DRAINAGE CODE, 1997

**DIVISION:** PDS Director  
**SECTION:**  
**TEAM:** Title 24 Revision Team

REQUIRES INTER-DEPARTMENTAL COORDINATION  
 DPW: (SWM)       Reg. Reform       Other: \_\_\_\_\_  
 Parks       PAO

TASK #	OBJECTIVE AND TASK	Duration*	1997												1998								
			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1.	Revise & adopt Title 24 to comply with NPDES permit requirements, integrate with grading code, and make regulatory reform improvements.																						
1.	County Staff Review Of 1994 Draft	2 mo		S.....	.....F																		
2.	Policy Check-In W/ Key Stakeholders	1.5 mo				S.....	.....F																
3.	Prepare 1997 Working Draft	5 mo					S.....	.....F															
4.	Review Draft; Informal Review by Ecology	2.5 mo									S.....	.....F											
5.	Finalize Draft & Issue Threshold Determination	2 mo										S.....	.....F										
6.	Planning Commission Public Hearing/Action	2 mo												S.....	.....F								
7.	Prepare Ordinance for Council, DCTED 60 day notice	1 mo														S.....	.....F						
8.	Council Public Hearing/Action	2 mo															S.....	.....F					
	<b>Total Months</b>	<b>18 mo*</b>																					
9.	Submit Adopted Ordinance to DOE (& DCTED)	1 wk																					
10.	Prepare for Implementation: train staff & public	1-3 mo																					
11.	Effective date: implementation begins																						
12.	Issue County Stormwater Manual by Feb, 1999**	12 mo																					

\* NOTE: This 18-month schedule is predicated on the project receiving a Determination of Non-Significance, and requiring no EIS.  
 \*\*NOTE: Manual to be adopted administratively by Public Works Director in February 1999, six months after adoption of Title 24.

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The following numbered points reference the individual task elements listed in the schedule shown on the previous page for the development of Snohomish County Code Title 24, the County's grading and drainage ordinance. The information presented below is intended to clarify the nature of the tasks listed in the timeline. Within the 18 month timeline specific dates for individual tasks may change, and the nature of the tasks may be modified as work progresses.

1. County Staff Review of 1994 Draft

In 1993 and 1994 an interdepartmental team developed a draft of Title 24 with extensive public involvement. The draft was put on hold while the County worked on Growth Management Act compliance. The first step in developing a new ordinance will be to review the current draft of Title 24 as a starting point. Staff will assess the draft in light of current technical information, Ecology's standards, and public comment as a basis for preparing a 1997 draft.

2. Policy Check-in with Key Stakeholders

A variety of key interest groups such as developers, environmental groups, etc., will be contacted and informed of the proposed ordinance content and process. A consensus building effort on basic objectives will be initiated. Arrangements will be made for the continued involvement of interested groups in developing the ordinance.

3. Prepare 1997 Working Draft

Based on a review of available technical information, applicable standards, and public involvement, a draft of the County's new grading and drainage ordinance will be developed under the supervision of the County Executive's office. Informal review by Ecology will be requested.

4. Review Draft

The draft will be released for public review. Members of the general public, public agencies, and interest groups will be invited to comment. At least one public workshop will be held.

5. Finalize Draft and Issue Threshold Determination

Staff will review comments, evaluate them and propose revisions based on comments. This step will involve policy consultation with both the County Executive and the Council for guidance on responding to controversial issues. After evaluation and consultation, staff will prepare a final draft for hearings by the Planning Commission and Council. At this time a SEPA threshold determination will be prepared.

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6. Planning Commission Public Hearing/Action

The Planning Commission will review the ordinance and hold one or more hearings, evaluate comments, and make a recommendation to the County Council.

7. Prepare Ordinance for County Council, DCTED 60-day notice

Depending on the nature of the Planning Commission's recommendations, the code may be revised before it is submitted to the County Council for action. An adoption ordinance will be prepared and adequate notice given for a public hearing. A 60-day notice will be given to the State Department of Community, Trade, and Economic Development (DCTED).

8. County Council Public Hearing/Action

The County Council will hold one or more public hearings on the proposed ordinance and adopt the ordinance as proposed or amend it before adoption.

9. Submit Adopted Ordinance to DOE and DCTED

The adopted ordinance will be submitted for Ecology's equivalency review and to DCTED. This will not affect the schedule for implementation.

10. Prepare for Implementation: Train Staff and Public

In house training on the new ordinance for staff in the Department of Planning and Development Services will be provided and an orientation offered to developers, engineers and other interested parties.

11. Effective Date: Implementation Begins

Applicable provisions of the new ordinance begin applying to land development and construction in the County.

12. Adopt County Stormwater Manual by February, 1999

Title 24 will establish the framework for the County's new stormwater manual, so the manual will follow the adoption of the new code. Work will begin during the preparation of the draft ordinance and be completed six months after its adoption.

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**Activity: Adoption and enforcement of ordinance prohibiting pollution discharges to the County's municipal storm sewer**

The County's regulations relating to control of discharges to and from its municipal separate storm sewer owned or operated by the County are set forth in numerous Titles within the Snohomish County Code (SCC). The Prosecuting Attorney's Office has reviewed the SCC and found that approximately 24 separate Titles may be affected by requirements of Section S7B3 of the NPDES permit. Some legal authority required by Section S7B3 exists in current County Titles. However, revisions or additions to some Titles may be required.

As shown in the following schedule, the County will adopt the required legal authority prohibiting pollution discharges to the County's municipal storm sewer in the form of new or revised ordinances by February, 1998. The ordinance and related ordinance revisions will contain all authority required in paragraphs S7B3a(i)-(vi) of the permit. The legal authority will be enforced by the agencies authorized therein.



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The following numbered points reference the individual task elements listed in the schedule shown on the previous page for the development of the county's water pollution control ordinance which will be developed in response to the "legal authority" requirements of the county's NPDES permit. The additional information presented below is intended to describe briefly the nature of the tasks listed in the timeline chart. Within the 12 month timeline, specific dates for individual tasks may change, and the nature of the tasks may be modified as work progresses.

1. County Staff Review of CWA and Model Ordinances

Staff will complete a review of the Federal Clean Water Act's requirements for municipal legal authority to control stormwater. Staff will review similar ordinances developed by King County, Seattle, and other municipalities. Informal discussions with these municipalities and Ecology will be initiated to learn from their experience.

2. Develop Outline of Key Code Elements

Based on an evaluation of the legal requirements and existing ordinances developed to satisfy these requirements, staff will develop an outline of substantive provisions of the proposed code.

3. Brief County Council; Receive Policy Direction

The County Council will be briefed on the requirements of the Clean Water Act and the proposed substance of new code. The County Council will provide policy direction for developing draft code.

4. Check-in With Key Stakeholders

A variety of key interest groups such as developers, environmental groups, etc., will be contacted and informed of the proposed ordinance content and process. A consensus building effort on basic objectives will be initiated. Arrangements will be made for the continued involvement of interested groups in developing the new code.

5. Prepare Working Draft; Informal Review by Ecology

Based on a review of available technical information, applicable standards, and public involvement, a draft of the County's new water pollution control ordinance will be developed under the supervision of the County Executive's office. Informal review by Ecology will be requested.

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5. Hold Public Workshops: Finalize Draft

The draft ordinance will be released for public review. Members of the general public, public agencies, and interest groups will be invited to comment. At least one public workshop will be held. Staff will review comments, evaluate them and propose revisions based on these comment. This step will involve policy consultation with both the County Executive and the County Council for guidance on responding to controversial issues. After evaluation and consultation, staff will prepare a final draft for hearings by the County Council. At this time a SEPA threshold determination will be prepared.

7. Prepare Ordinance for the County Council

An adoption ordinance will be prepared and adequate notice given for a public hearing before the County Council.

8. County Council Public Hearing/Revisions/Action

The County Council will hold one or more public hearings on the proposed ordinance and adopt the ordinance as proposed or amend it before adoption. The adopted ordinance will be submitted for Ecology's equivalency review. This will not affect the schedule for implementation.