Frequently Asked Questions about Annual Reporting For Municipal Stormwater Permittees

Updated December 2010

FAQs Added in December 2010

Q: If I missed a permit deadline (for this reporting year) but met the requirement later in the reporting year, how should I answer the question? [Related to Q18 in previous Q&As below.]

A: You must answer the question “N”, because you missed the deadline for implementing the requirement. However, we encourage you to briefly explain in the Comments section that you met the deadline later in the year/are actively implementing the requirement, as appropriate.

Q: If I missed a requirement in a previous year (and reported accordingly in that year’s Annual Report) but fully implemented the requirement during this reporting cycle, what should I answer?

A: The correct response is ”Y” if, in this reporting year, you fully implemented the requirement. Again, your answers cover activities in the reporting year, only. Activities in earlier years are not to be reflected in your answers.

Q: The permit and annual report indicate that the Phase II S8 monitoring reporting (partial reporting for Eastern Washington) is included in the “fourth annual report.” Which year/annual report does this correspond to?

A: The fourth year annual report must be submitted on or by March 31, 2011. Note that you document that you have submitted this information with the report in the following Excel Annual Report form tabs:
  • Western Washington Phase II’s: Info Collection (Section VII-D)
  • Eastern Washington Phase II’s: Annual Report (Section VI), Questions 16 and 17.

Q: How can I send in my annual report via courier or overnight express?

A: The street address is 300 Desmond Drive SE, Lacey, WA 98503.
**Previous FAQs**

**Permittee Information – Relying on another entity**

**Q1:** In the Permittee Information tab, Section III, the report asks about relying on other government entities. Do we need to include in this section information about our interlocal agreements and grant funding OR do we leave it blank. Is this section only for co-permitees?

**A1:** In this section, list your interlocal agreements with other entities for activities to fulfill permit requirements. This section is **not** just for co-permitees. List those who you rely on and for what. Include your “Interlocal Agreement” with the annual report as an attachment only if you have not submitted it with previous annual reports.

**Q2:** Should I list the Secondary permittees in my jurisdiction in this section?

**A2:** No. This section is for a list of other entities that are fulfilling one or more of your permit conditions under an agreement with another entity (see permit condition S3.B) as described in Q1. If you don’t have any agreements with other entities, you can leave this blank.

**Q3:** For Section III, “Relying on another Government Entity,” should we list other entities we are relying on for activities that go beyond the permit in our programs?

**A3:** No. We suggest that you include only those entities that are fulfilling your permit obligations. However, we encourage you to include that information in your SWMP document with a description of “additional activities.”

**Signing the annual report**

**Q4:** Who is the “responsible official” who signs the annual report (AR)? How does the city/county decide this?

**A4:** Permit condition G19 tells you who is authorized to sign the annual report. In all cases, the principal executive officer or ranking public official can sign the annual report. They also may designate someone as the duly authorized representative (e.g., the Public Works director) with the authority to sign the reports. The same person (or position) generally will sign the annual report each year. Ecology suggests you consider authorizing a position rather than a person to avoid having to provide a new letter of authorization every time staff responsibilities change. If your jurisdiction is authorizing someone other than the principal executive officer or ranking public official who signed your permit application, please submit with the annual report a letter of authorization that designates either the position or person. That letter must be signed by the appropriate executive officer or ranking official.

**Q5:** Can I submit a signature delegation letter from the mayor with the annual report, and would my signature then be acceptable on the annual report?
**Q5:** Yes. If the mayor signs a letter giving you delegated signature authority that would be fine. Please include the letter.

**Q6:** How do we know who signed the Notice of Intent (NOI)/permit application?

**A6:** Contact your Ecology permit specialist. They have that information.

**Q7:** Must both hard copies of the AR have an original signature?

**A7:** Yes.

**Q8:** Do supplemental reports (like monitoring reports) require a separate signature by the duly authorized representative, or does the signature on the Annual Report form suffice?

**A8:** The signature on the annual report form covers all accompanying submittals that are noted as a submittal by one of the questions in the annual report form. For example, the form asks specific Yes/No questions about whether the SWMP or Phase I monitoring report was submitted as required. The annual report and its signature covers those submittals.

**Submitting the annual report**

**Q9:** Do we need to submit multiple copies as well as an electronic copy of our Interlocal Agreements (ILAs)?

**A9:** Generally, yes. If this is not practical (e.g., because your ILAs are extremely large), talk to your permit specialist about submitting a description of the responsibilities of the other entity and submit reference information (e.g., link to a website).

**Q10:** Do we need to resubmit copies of the ILA for each year if there is no change in the Interlocal Agreement?

**A10:** No.

**Q11:** Why won’t Ecology accept early report submittals that are not signed? It takes too much time to route for signatures just to do a preliminary check of answers for completeness.

**A11:** Your Ecology permit specialist may run “validation tests” of early submittals for informal feedback regarding completeness as time allows. However, we will not be able to officially confirm that a report is complete until we have the final, signed version in hand.

**Q12:** Is a current map with the highlighted area(s) of annexation adequate or do you want the legal description?

**A12:** A current map will suffice, with newly annexed areas highlighted.
Q13: If we don’t submit the Excel file in a pdf file format, how can we be sure it won’t be changed?

A13: You will have a copy of the signed hard copy that you sent, and your official permit file maintained at Ecology’s regional offices will also contain the signed hard copy.

Q14: What if we need to change our annual report after we mail it in?

A14: You may send a letter to your Regional permit specialist signed by the duly authorized representative describing the error and providing the correct information.

Answering annual report questions

Q15: With respect to our jurisdiction’s permit requirements to have Construction and Industrial stormwater permits for applicable projects and facilities, must we report in the annual report on our projects and facilities that are outside of the Geographic Area of Permit Coverage?

A15: No. The permit requirements apply to the Geographic Area of Permit Coverage, and therefore do not require you to report on projects and facilities outside of the area of permit coverage. Ecology expects jurisdictions to comply with the Construction and Industrial stormwater permit requirements for all applicable projects and facilities.

Q16: In the Western Washington annual report form, is it mandatory to report “Y” for questions that aren’t due for a few years if our program already meets these requirements?

A16: Yes. The permittee must answer each question truthfully. This also means that if you meet a permit requirement ahead of the deadline, you must answer “Y” for the associated question(s).

Q17: For questions that ask for a number, can we enter a number even if we answered “N” to the question because it is not fully met (e.g., number of inspections conducted, for example)?

A17: You may enter “0” and then include in the comments that you do perform similar inspections under your existing program. Or, you may enter the number and include in the comments what this number refers to (e.g., inspections performed under older program procedures).

Q18: Because we submit the form to Ecology in March, should we answer “Y” if we performed the activity or met a deadline in January, February or March 2011?

A18: No, the reporting period for the annual report is from January 1, 2010 to December 31, 2010. You must answer the questions so that your answers reflect activities that occurred in calendar year 2010. You may note in the “Comments” section if you achieved compliance in the first few months of 2011.
Q19: WWA Phase II Annual Report question 55 says "Number of site plans reviewed during the reporting period". Does each site plan count as one, no matter how many times it is submitted until approved? What if it was submitted but not approved during the reporting period. Or is "reviewed" supposed to mean "approved"? What was the intent?

A19: You do not have to count each plan iteration, but rather the plans for individual sites. So, if a plan for any given site/proposed project is submitted in February and then revised/resubmitted two additional times, you could count that as 1 site plan review (rather than 3) in that calendar year. You may note in the comments for that question how you’re interpreting the question.

Q20: WWA Phase II question 57 is confusing. The permit says to "inspect all known permitted development sites during construction...." The related Annual Report question 57 asks for "Number of qualifying sites inspected during the construction phase for the reporting period." However, S5C4bv says compliance means achieving at least 80% of scheduled inspections, but the information provided in the annual report doesn’t allow for Ecology to evaluate that. Can you please clarify?

A20: We are asking for the number of sites inspected (not the total number that should be inspected—which would let us know if you hit 80%). This lacks the verification that we provide under Q59. We will flag this as a question that may need modifying in the next permit cycle.

Q21: WWA Phase II: What is the difference between questions #66 and #69?

A21: Question #66 is about the post-construction inspections conducted for stormwater facilities and BMPs and any enforcement actions related to those inspections. Question #69 asks to confirm whether or not the permittee is applying the annual or regular maintenance schedule and required standards on their permitted post-construction stormwater facilities and BMPs.

Q22: WWA Phase II: Annual report question 81 to inspect catch basins at least once during the permit term lists a deadline of February 16, 2010. Please clarify the intent of this deadline.

A22: The deadline for question 81 should read “Required to begin by February 16, 2010.”

Q23: EWA Phase II: Where do we find the definition of a major storm event for areas of EWA?

A23: This depends on the jurisdiction and the condition of its MS4 (or parts of the MS4). Permit condition (S5.B.6.ii) references storms of greater than 10-year recurrence intervals). The 10-year, 24-hour design storm may work for many MS4s. There are maps in the Stormwater Management Manual for Eastern Washington for different design storms, including the 10-year, 24-hour storm. Section 4.3 (page 4-30). They are also online at http://www.ecy.wa.gov/biblio/0410076.html. If you go to the EWA Manual, section 4.3, there is an online link to maps that you can print.
out. Because the intent of the requirement is to provide maintenance adequate to protect treatment and flow control functions, if MS4 facilities require more frequent spot checks, municipalities should conduct those as needed.

**Q24: EWA Phase II: What should a permittee answer for the question about providing information to developers from the effective date of the permit if we didn’t fully meet this requirement?**

**A24:** Ecology understands if you didn’t have this requirement met on February 17, 2007. If you don’t feel you fully met this requirement during this reporting cycle, answer “N” and explain what you are doing to meet it. If you did fully meet this requirement during this reporting cycle, answer “Y.”

**Q25: In Section VII B, “SWMP Evaluation,” (WWA) we are instructed to fill in "NA" if we are not yet implementing BMPs for a component of the SWMP. Does that mean that we should not report on individual BMPs we are already implementing until we have fully implemented all the BMPs for that program component?**

**A25:** Yes, answer "NA" until you have fully implemented all the requirements for that program component. The requirements for each program component in S5 are intended to meet MEP (the “maximum extent practicable” standard) as a suite of activities rather than as individual BMPs. For this reason, the BMPs would not meet MEP until you have fully implemented all the requirements for that SWMP component.

**Q26: For Section VII B “SWMP Evaluation,” how should we answer the questions for those programs we are fully implementing?**

**A26:** This reporting is required in the federal rule as follows: "Under today’s rule, operators of regulated small MS4s are required to evaluate the appropriateness of their identified BMPs and progress toward achieving their identified measurable goals. The purpose of this evaluation is to determine whether or not the MS4 is meeting the requirements of the minimum control measures.” Given the short time period since implementing many of your SWMP components, you may not have had time to evaluate them. If you feel you have nothing to report, you may answer for those components that the time has been too short to evaluate the BMPs, and there are no changes to report.

If you have been fully implementing a SWMP component and have assessed the component in some way, your may list any of the BMPs or management actions that you would improve. As an example, for public involvement, if there are BMPs that you would change, such as earlier public information meetings, developing a communications plan, or involving a stormwater advisory committee in the process, you may list those. Ecology does not expect permittees to evaluate activities at a fine level of detail. But if you would like to change some of your higher level implementation BMPs, or communicate your opinion to Ecology about the appropriateness of a required BMP, you may do so in this section.

**Q27: Is it okay to leave Section VII.A and C (for WWA) blank when no N/Y/NA box is available?**
A27: Yes, it is acceptable to leave Section VII A. blank if no relevant stormwater monitoring or studies have been conducted. If, however, you answer “N” to any question in Section VII.B, it may be appropriate to fill out Section VII.C.

Q28: Can you explain how Underground Injection and Control (UIC) rules impact our city’s SWMP? Ecology publication 05-10-067 Guidance for UIC Wells that Manage Stormwater, December 2006 has language that “....municipalities that are under an NPDES stormwater permit may meet UIC program requirements by applying their Stormwater Management Program to areas served by UIC wells.” Does this require us to discuss UICs in our SWMP document?

A28: Permit condition S2.A.1 states that discharges to the ground through facilities covered under the UIC rule are not subject to the municipal stormwater permit. You do not need to discuss them in the annual report or the SWMP document. The language in the UIC guidance refers to the fact that stormwater BMPs can be applied to protect ground water quality.

Ecology Review and Assistance

Q29: What is the difference between Ecology checking the annual reports for completeness vs. compliance?

A29: To check for annual report completeness, Ecology permit specialists will confirm that the annual report submittal includes the appropriate responsible party’s signature and all required attachments. In addition, Ecology will use an automated database process to confirm that you answered all appropriate questions and that the responses are valid (i.e., numeric, Y/N/NA). During Ecology’s “compliance” check, the permit specialist will review your annual report form responses and required attachments to evaluate whether you met deadlines or are meeting applicable ongoing permit requirements. The compliance check may occur at any time throughout the year.

Q30: Does Ecology "approve" the annual report?

A30: No. Ecology does not have specific approval authority over annual reports. We will send you a letter when we determine your annual report is complete. The letter will confirm that you have met the permit requirement to submit an annual report that includes the required information.

Q31: Is Ecology’s Water Quality permit information database available to the public online?

A31: Ecology’s Water Quality Program is converting to a new water quality permits information database. The new permit and reporting information system database is called PARIS. The old database, WPLCS and its web-based interface, WebWPLCS has been phased out. The WebWPLCS database is still available online for archival research purposes. The municipal stormwater permits have not yet been converted to PARIS. The new PARIS database has an online reporting function (WebDMR) that is currently available to some, but not all, NPDES permittees. Ecology hopes to have a municipal stormwater permit annual reporting function available online in future
years. When we make that transition, we will provide outreach and training to permittees. More information can be found at http://www.ecy.wa.gov/programs/wq/permits/paris/index.html.

**Reporting on S8 Monitoring**

Questions in this section refer to Annual Report Form Section VII A, "Information Collection, BMP Evaluation, and Monitoring:"

**Q32: What kinds of monitoring or studies should we report related to S8.B.1?**

**A32:** Describe any monitoring or studies that involve your MS4 or that involve your municipal stormwater. This includes investigations and studies related to your stormwater or MS4 that you conduct as well as studies that other entities conduct and then report to you. This may also include groundwater studies and other monitoring studies that provide information related to your stormwater program. This may include TMDL monitoring called for in Appendix 2 of the permit or elsewhere.

**Q33: Does the permit require that we report the data from the studies listed per S8.B.1?**

**A33:** No. The permit requires a description of the monitoring or study, such as the type of information collected. The annual report asks for information about who to contact for additional information.

**Q34: Must we report ambient water quality monitoring under S8.B.1?**

**A34:** Yes, if it is telling you something about your MS4.

**Q35: Must we report under S8.B.1 monitoring by Ecology for a TMDL study that’s underway?**

**A35:** It is a good idea to describe the study and give the contact information. Although Ecology staff may know about the study, others who review your annual report may not yet know about it.

**Q36: Should a municipality report under S8.B.1 on stormwater monitoring conducted under requirements of a NPDES Construction Stormwater permit?**

**A36:** No. Construction stormwater permittees are already required to submit construction site monitoring data directly to Ecology. Do not report these results in the annual report.

**Q37: Should permittees report water quality sampling for illicit discharge detection and elimination (IDDE) program activities under S8.B.1?**

**A37:** In most cases, no. There is a fine distinction between "sampling" and "monitoring." The intent of this requirement is to report on "monitoring or studies."
That implies some level of a monitoring program, not one-time samples for the single purpose of identifying a potential illicit discharge. Ecology expects to receive the information on IDDE (and Phase I source control efforts) in other parts of the annual report and can follow up as needed. If the IDDE activities require ongoing monitoring to address a problem, you can include it here with a brief description, but this isn't required if you report the ongoing IDDE monitoring activity elsewhere in the annual report.