

MEASURE YOUR PERMIT COMPLIANCE DOWNLOAD FREE SELF-AUDIT CHEKLIST

Stormwater Permit Compliance

An environmental group says it will sue the Port of Olympia for alleged violations of the Clean Water Act if the group and port can't come to an agreement in the next 60 days.

Waste Action Project of Covington filed a notice of intent to sue by stating "The Port of Olympia has violated and continues to violate the Clean Water Act and the terms and conditions of (two stormwater permits) with respect to operations of, and discharges of stormwater and pollutants, including unpermitted discharges."

Additional allegations are, according to the letter: stormwater pollution plan violations, monitoring and reporting violations, corrective action violations, illicit and prohibited discharges, violations of recordkeeping requirements.

The group also says in its letter the port faces penalties of as much as \$37,500 per day for each violation committed through Nov. 2, 2015, and as much as \$51,570 per day for each violation committed afterward.

The industrial stormwater permits issued to the port by the state Department of Ecology took effect in 2010 and 2015.

The National Stormwater Center is making two presentations at the annual conference of Waterkeepers Alliance International. The conference is being held June 7-10 in a Park City, Utah resort. John Whitescarver and Fred Heitman are presenting, "Stormwater Management to the international attendees and Using Volunteers to Report Illicit Discharges to their local government," to the domestic waterkeepers. Laurie Murphy, a waterkeeper from Pensacola, Florida will participate in both presentations.

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Visit NPDEScompliance.org

NPDES is a comprehensive clean water program. It includes sanitary waste (water and sludge), industrial pretreatment and their wastewaters, feedlot permits, vessel permits, pesticide discharges and stormwater runoff discharges from 7,450 municipal, one million construction and 100,000 industrial activities.

All of the effort to issue NPDES permits is a total waste of resources if EPA and states fail to assure permit compliance. The FY 2018 EPA budget reduction will effectively end EPA enforcement, but not state or citizen enforcement.

Permit compliance remains the law and penalties for non compliance can be severe. The federal penalty is \$51,570 per day, per violation, while state penalties are significantly less. False reports and knowing violations carry criminal penalties.

NPDES permits have many requirements and specific conditions. The failure to comply fully with all requirements make the permittee holder in violation of the Clean Water Act. However, some permit requirements are more important than others.

The NPDES Compliance Center offers all stormwater permit holders a free self audit checklist on NPDEScompliance.org. These are initial templates and best used by removing the template language and inserting the actual permit condition. Look for monthly additions and improvements.

The self-audit template will result in an average % compliance number. There are four checklists: Phase 1 and Phase 2 municipal, construction and industrial, all in excel format. ♠

Certified Stormwater Volunteers (CSV)

Waterkeepers Invited To Teach NPDES

The National Stormwater Center is reaching out to Waterkeepers to train volunteers to report NPDES violations. Leaders of record in the Waterkeeper Alliance organization are invited to take the *Certified Stormwater Inspectors (CSI)*TM course so they can train citizens to work with local governments to comply with NPDES.

The Waterkeeper Alliance has 300 waterkeepers in 34 countries, with 165 protecting U.S. Waters. The Alliance is a nonprofit organization, lead by Robert Kennedy, Jr., that is solely focused on making public waters swimmable, drinkable and fishable.

Waterkeeper Alliance is the umbrella organization for Basinkeeper, Baykeeper, Bayoukeeper, Canalkeeper, Channelkeeper, Coastkeeper, Creekkeeper, Deltakeeper, Gulfkeeper, Inletkeeper, Lakekeeper, Riverkeeper, Shorekeeper, Soundkeeper, and Waterkeeper.

The *National Stormwater Center*TM would like for Waterkeeper leaders to train local residents, to work with municipalities, to do several things:

- (1) report illicit discharges to drainage systems,
- (2) assist the municipal permittee to comply with the public information and participation requirements,
- (3) request a public hearing on new proposed permits.

Residents, after training, will be certified by the National Stormwater Center as *Certified Stormwater Volunteer (CSV)* and may join the nonprofit organization to support permit compliance activities.

Report Illicit Discharges

NPDES Stormwater Permits issued to local governments require they write and enforce an ordinance to prohibit illicit discharges to draining systems. The drainage system includes roads with ditches and streets.

An illicit discharge is defined as “any discharge that is not entirely stormwater.” Discharges that are not “entirely stormwater” would include litter, dirt, grass, oil, and waste. The source may be from dumpsters, landscaping, construction activity, parking lots, pressure washing and illegal dumping.

Citizens will be trained by waterkeepers and certified by the National Stormwater Center to observe and report illicit discharges to their local government.

Developing Permit Requirements is a Public Process

When expiring small municipal permits are reissued, the new rule requires that all permit requirements must be “*clear, specific, and measurable.*” EPA regulations require an opportunity for public comments on small municipal permits and an opportunity to request a public hearing.

Waterkeepers are invited to request a full scholarship to attend any of the CSI classes that are scheduled across the Nation. See the list on the last page of this Quarterly or visit NPDES.com for the complete list. Applicants should call the office at (772) 288-6852 or send an email to info@NPDES.com to request an application. ♣

SHIP WOULD ROUTINELY PUMP OUT OIL AND WATER

Video shot by a deckhand was used to convict the owner of a Puget Sound fishing vessel for intentionally dumping oily bilge water into the Port of Blaine, Washington. After the week-long trial of Bingham Fox, owner of the 80 foot Native Sun, received a five-year prison sentence and a \$250,000 fine. His son Randall Fox, who also pled guilty to conspiracy charges, faces 11 years and a \$500,000 fine.

The U.S. Coast Guard was alerted to the pollution scheme by a deckhand named Anthony, who shot a cell phone video of the makeshift pump that sucked oily sludge from the Native Sun's hull and pumped it into the ocean and the Puget Sound.

Authorities believe the Native Sun did not have a working oily water separator for at least two years. The device is a filter commonly found on commercial vessels. It removes oil from seawater and allows the filtered seawater to be pumped back into the ocean.

The Coast Guard says Native Sun would routinely pump out oil and water at night.

Charging documents say that owner Bingham Fox and his son Randall Fox purchased bulk soap and emulsifiers to help disperse the oily sheen that would collect around their ship during the dumps.

On the incriminating video, Anthony introduces himself and says "I got to show you this, authorities." The tape shows him walking down into the ship's engine room and pointing to a blue pipe that is pumping the oil and bilge water above decks and overboard into Blaine harbor.

This story was initially reported by the Associated Press. ♠

Stormwater Permit Compliance

(Continued From Page 1)

The City of San Diego has agreed to pay the state water board \$3.2 million for water pollution resulting from lax enforcement of sediment-control measures at construction sites near the Los Peñasquitos Lagoon, Tijuana River Estuary, and San Diego Bay.

The regional water board filed the complaint against the city in July of last year. The complaint found that city officials and construction site investigators routinely allowed construction companies to bypass sediment-control measures, resulting in storm water runoff that destroyed wildlife habitats and added significant sediment pollution to the San Diego Bay and other waterways.

Since 2010, investigators for the state water agency issued numerous violations to the city for failing to enforce the runoff regulations.

The city will pay \$1.6 million to a state cleanup and abatement fund. The remaining \$1.6 million will be used to fund the completion of four restoration projects. If the city does not meet the requirements of the settlement, it would then be responsible for the initial \$4.6 million in fines as well as penalties.

The Associated press reported (May 17) that the captain of a Washington fishing vessel Mark Bowers plead guilty in May to violating the Clean Water Act by allowing a diesel fuel spill from his ship while docked at the Warrenton Marina in northwestern Oregon last August.

The Emerald Sea spilled about 150 gallons of fuel into the Skipanon River, a tributary of the Columbia River. The captain was not on board when the spill occurred but he did not report the spill until confronted by U.S. Coast Guard investigators.

The Oregonian/OregonLive reports that (<https://is.gd/YT3lh9>) Bowers will be sentenced on Sept. 5. Prosecutors will recommend he serve five years on probation. The vessel's home port is in Aberdeen, Washington. ♠

Trump and EPA

Taken from: WILLIAM D. RUCKELSHAUS
MARCH 7, 2017 — *We've been here before*

In March of 1983, President Ronald Reagan asked Bill Ruckhouse to return to Washington to run the Environmental Protection Agency. The agency came under attack during the 1980 presidential campaign. The agency was seen as bloated, inefficient, exceeding its congressional mandates and costing jobs. The Reagan administration and its new administrator were going to fix that. Sound familiar?

Halfway into President Reagan's first term, EPA was dispirited and in turmoil. Its administrator, Anne M. Gorsuch, (mother of new Supreme Court Judge Gorsuch), had been cited for contempt of Congress. Its budget had been reduced by almost 25 percent, with more cuts promised. Staffing had been slashed.

There were internal conflicts, resignations of key officials, complaints of documents being destroyed and reports of secret meetings with officials from companies under investigation by the agency. One political appointee, Rita Lavelle, was facing accusations of lying to Congress, for which she would later be convicted.

Voters were taking notice. President Reagan discovered that government backsliding on protecting Americans' health and the environment would not be tolerated by an awakened, angry and energized public.

The EPA's Administrator, Scott Pruitt, comes to his job with this historical backdrop. Are

there changes that can be made to improve how the agency operates? Certainly. But those changes can never be seen as undercutting or abandoning the E.P.A.'s basic mission. That was the mistake made during the early Reagan years.

Budget cuts that hurt programs that states now have in place to meet those duties run the risk of returning us to a time when some states offered industries a free lunch, creating havens for polluters. This could leave states with strong environmental programs supported by the public at a competitive disadvantage compared to states with weak programs. In other words, it could lead to a race to the bottom.

Voters may have supported Donald J. Trump believing his campaign rhetoric about the E.P.A. But they do not want their kids choking on polluted air or drinking tainted water any more than Hillary Clinton voters, and as soon as the agency stops doing its job, they are going to be up in arms.

The public will not tolerate changes that threaten their health or the environment. These are the lessons President Reagan learned in 1983. We would all do well to heed them. ♣

Trump's Attack on EPA & the Clean Water Act Meets State Resistance

This is a May 14 Statement by Former Commissioners, Secretaries and Directors of State Environmental Agencies on the President's Proposed FY' 18 Budget for EPA

We are former Commissioners, Secretaries and Directors of State Environmental Protection Agencies. We have worked for both Republican and Democratic Governors. We've come together to express our profound concern with the President's proposed Fiscal Year 2018 Budget for the U.S. Environmental Protection Agency (EPA). The White House Budget would reduce the EPA's funding by 31 percent and cut state grant funding by almost 45 percent. The proposal includes cutting EPA staff by 3200, and would result in similar harsh employee reductions for states. These cuts go too far, and will imperil EPA and state efforts to protect human health and the environment.

Federal environmental laws are based on the principle of cooperative federalism with both the EPA and the States having defined roles and responsibilities. In broad terms, the EPA is responsible for setting minimum, nationwide protection standards, conducting oversight of state agency activities in meeting these standards, and addressing matters that are uniquely national in scope and significance. The states are delegated the responsibility to operate the vast majority of federal environmental programs, to prepare plans and write rules to meet program requirements, and to issue pollution control permits to businesses and other regulated operations within their jurisdictions. To operate the federal environmental programs, the states are provided federal funds referred to as state "Categorical Grants." These grants, on average, make up about 27 to 30 percent of state environmental agency budgets.

The President's proposed Budget would reduce state funding support to historically low levels. This would occur at the very same time that the Administration is looking to the states to assume

greater responsibilities under the nation's environmental laws. Yet, it is difficult to imagine how requiring the states to do more with substantially fewer dollars will achieve this goal. In fact, if the President's Budget is approved, the following negative outcomes, among others, can be expected:

- ◆ lacking funds to meet payroll, many states may have little choice but to lay off significant numbers of staff;
- ◆ businesses will experience lengthy delays in obtaining permits, necessary approvals and regulatory interpretations required for jobs growth and economic development;
- ◆ voluntary cleanup efforts and redevelopment of contaminated properties will languish without necessary federal and state staff time to review cleanup plans, at the very time communities are striving to revitalize their economies;
- ◆ state environmental agencies may discontinue operating certain environmental programs and return them to the EPA to administer;
- ◆ a disruption in the continuity of federal and state environmental programs will lead to uncertainty which is detrimental to sound business planning;
- ◆ states will not have the resources to timely respond to public complaints and emergencies, and public health will be compromised;
- ◆ states will lack the capacity to maintain air and water monitoring networks and data bases relied on by both the public and the business community; and
- ◆ third party litigation will increase as advocacy groups lose confidence in federal and state actions to protect the environment.

As former state public officials, each one of us has had our differences and frustrations with the EPA.

(Continued on next page)

Statement by Former Commissioners, Secretaries and Directors of State Environmental Agencies on the President's Proposed FY' 18 Budget for EPA

May 24, 2017 *(Continued)*

Despite our disagreements, however, we believe a balanced partnership between the EPA and state environmental agencies best serves the public's interest. The national organization of state environmental agencies, the Environmental Council of States, continually strives to achieve a balanced federal-state relationship. The President's Budget makes that balance unattainable. Both the EPA and the states have legitimate roles and responsibilities under the environmental laws of our nation. Congress has long recognized that the states are best situated to operate most federal environmental programs, while the EPA is best suited to monitoring state performance and assuring national pollution standards are applied fairly and consistently by all states with no one state gaining an economic advantage over another.

In the following months, Congress will debate next year's funding for the EPA and, by extension, the states. We urge Congress to reject the severe and unprecedented cuts included in the President's FY' 18 EPA Budget. If adopted by Congress, these cuts will undermine the ability of the EPA and the states to protect human health and the environment and will hamper business planning. We ask Congress to avoid this outcome and provide the EPA and the states with the funding essential to ensuring all Americans have access to and the enjoyment of clean air, clean water and clean land. The opinions contained in this Statement are personal opinions of the authors.

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Words Are Important!

Understanding Illicit Discharge and Taking Action

By John Whitescarver

Understand

There is wide-spread misunderstanding of the illicit discharge permit requirement.

Looking at municipal permit language written by some states, you see “non stormwater” instead of the words - illicit discharges. Also, those permits that use the term illicit discharge fail to define the term. Some state water directors appear to be attempting to change the intent of the Clean Water Act.

EPA defined illicit as a discharge into a drainage system that is not *entirely* stormwater. The Act requires that stormwater permits can only be issued for “discharges composed *entirely* of stormwater.” [402(p)(1)]

EPA, understanding that contaminated stormwater runoff is not *entirely* stormwater, uses the term “illicit” with the definition in the regulations. Therefore, if a discharge to a drainage system is not entirely stormwater, its illicit. Examples are waste water from improper waste management (dumpsters), muddy or oily stormwater runoff.

Another misunderstanding is definition of a drainage system. Some government inspectors see it at the curb or drop inlet. In fact, the drainage is the road that has a drainage ditch or the street. Dirt, trash, leaves and grass in the street is waste and it is illicit. It violated municipal codes.

Finally, some municipalities think they have the authority to call some illicit discharges insignificant. NPDES stormwater permits allow only a limited and specific category to non stormwater discharges to be insignificant. The law prohibits any the following discharges to the drainage system: charitable car washes, rental car washing and all power washing.

Take Action

The National Stormwater Center has offered Waterkeepers across the nation to take the Certified Stormwater Inspector (CSI)TM two-day course so they can train residents to look for illicit discharges and report their finding to their local government.

The Center will work with other environmental groups to do the same.

The desired result is thousands of volunteers to take the training and organize a citizens campaign in cooperation with their local government.

Once a volunteer is a Certified Stormwater Volunteer (CSV), they may become a member (\$25/yr.) of the nonprofit organization known as NPDES Compliance Center. Members will receive continuous webinar training on public participation in NPDES permit compliance.

Self Audit Checklist

NPDES stormwater permittees are encouraged to download self audit checklist template from NPDEScompliance.org. Citizens can do the same so they understand the requirements of these permits.

Finally, any person that is concerned about the cuts of EPA personnel and the 31% EPA budget reduction, is encouraged to take action now.

The NPDES Compliance Center is prepared to provide assistance. 💧

**Instructor for the
National Stormwater Center:**



Laurie Murphy

- ⇒ Laurie is the Executive Director and Waterkeeper for Emerald Coastkeeper Incorporated in Pensacola, Florida.
- ⇒ She has a bachelor's degree in Oceanography and a Master's Certification in Geographical Information Science from the University of West Florida.
- ⇒ As a citizen action group, her primary responsibility is to locate, identify and enforce violations of the Clean Water Act.
- ⇒ Laurie is also a major stakeholder in the development of strategic plans to restore impaired waterbodies in the panhandle of Florida. She works alongside government, county and city officials as well as scientists from several universities on these projects.
- ⇒ She is currently the Vice Chairwoman for the Climate Adaptation and Mitigation Task Force, appointed by the City of Pensacola.

**2017-2018 Training Schedule
Certified Stormwater Inspector**

June 14-15	Cincinnati, OH
June 19-20	Myrtle Beach, SC
June 19-20	San Diego, CA
June 21-22	LAX, CA
<u>June 22-23</u>	<u>Hilton Head, SC</u>
July 10-11	Indianapolis, IN
July 13-14	Topeka, KS
July 13-14	Marlborough, MA
July 17-20	Online
July 24-25	Houston, TX
July 27-28	Oklahoma City, OK
<u>July 27-28</u>	<u>St. Louis, MO</u>
Aug 1-2	Phoenix, AZ
Aug 3-4	Tucson, AZ
Aug 7-8	Raleigh, NC
Aug 15-16	Anchorage, AK
Aug 17-18	Charlotte, NC
Aug 24-25	Seattle, WA
Aug 28-29	Buffalo, NY
<u>Aug 30-31</u>	<u>Portland, ME</u>

**Please refer to www.npdes.com for
upcoming trainings.**

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National Stormwater Center also Offers:

- ◆ Certified Stormwater Director (CSD)
- ◆ Certified Stormwater Inspector (CSI)
- ◆ Certified Stormwater Volunteer (CSV)
- ◆ Analytical Sampling Assistance
- ◆ Compliance Evaluations
- ◆ Online Training for Industry
- ◆ Online Training for MS4s

Call us for information:

888-397-9414

Or

Email: info@npdes.com

Our Nation's waters are a valuable resource that ought to be protected from illegal pollution. We support compliance with the Federal Clean Water Act by providing training and services to government and business.



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