

DEPARTMENT OF ECOLOGY

JUN 20 2011

WATER QUALITY PROGRAM



The City of Centralia would like to thank the Department of Ecology for allowing us the opportunity to informally comment on the two areas of significant changes expected in the next permit cycle of the Municipal Stormwater General Permits. These two areas of significance include low impact development (LID) and stormwater monitoring.

Comments for the Stormwater NPDES permit

The following were identified as the major issues of concern with the Preliminary Draft Language for the Western Washington Phase II Municipal Stormwater General Permit.

Low Impact Development

Permittees shall review and revise their local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and Best Management Practices (BMPs) to the maximum extent practicable. The intent of the revisions shall be to make LID the preferred and commonly-used approach to site development.

City of Centralia Comment:

- 1) LID should be encouraged and incentivized rather than required. The LID code updates should be focused on encouraging the use of LID by emphasizing potential benefits and providing incentives for their use.
- 2) The term "Maximum Extent Practicable" must be clearly defined or it is impossible to measure against.
- 3) Maximum Extent Practicable (MEP) vs. Maximum Extent Feasible (MEF)
Location: Preliminary Draft Permit Language – Pg 3, item iv.(1)
Comment: This language requires code updates to incorporate LID principles and BMPs to MEP, while language used later in Appendix 1 requires LID to MEF. These are two very different standards and inconsistency in their use will likely cause problems for both the permittees and the state. Further, the Pollution Control Hearings Board clearly identified that LID be used where feasible, therefore MEF is the appropriate standard.
Recommendation: Make all references to development and implementation of LID principles and BMP's be to MEF within both the revised permit language and Appendix 1.

Elimination of One Acre Threshold

Ecology recognizes that reducing the one-acre threshold will significantly increase the number of site reviews, inspections, and maintenance obligations of cities and counties. The 80% compliance level in (v) below was adopted in the 2009 permit modification to address limits on local capacity during the economic downturn. Ecology is considering continuing the 80% level of effort in the 2012 permit rather than increasing it to 95% to allow for a ramping up of local capacity to meet the increased workload of the reduced threshold. Ecology welcomes input on this and other options for addressing this increased workload.

City of Centralia Comment:

- 1) Elimination of the one acre threshold will place a tremendous financial burden on those “small projects”, such as single family construction and small road projects, which are only subject to Minimum Requirements 1-5 in Appendix 1, while offering little to no environmental benefits. Existing BMPs, such as soil amendments, infiltration, identified within the stormwater manuals already meet the goals of LID without specifically requiring rain gardens or pervious paving.
- 2) Retain the one acre threshold within the Phase II Permit or allow greater flexibility for small projects (projects only subject to Minimum Requirements 1-5). Maintain 80 % compliance level as adopted in the 2009 (PCHB recommendation) permit modification. If increased to 95 % the increased workload for already financially burdened phase 2’s would be nearly impossible to achieve at best.
- 3) The 2005 DOE Stormwater Management Manual for Western Washington was adopted by the City so the 5000 sq ft of impervious surface threshold in the manual should be reflected in the new permit to provide consistency.

Technical/Guidance Manuals Adopted by Reference in Permit

City of Centralia Comment:

- 1) The” Integrating LID into Local Codes: A Guidebook for Local Governments” (Puget Sound Partnership 2011) draft manual for stormwater and LID facilities is not currently available and must contain clear standards for design, inspection and maintenance to be useful and effective. Requiring LID without documented standards would place too great a burden on permittees. If it is Ecology’s position that LID facilities are proven stormwater facilities, then clear standards for design, inspection and maintenance of said facilities should be included in the technical documents adopted by reference within the permit.
- 2) Delay issuance of technical/guidance manuals until clear standards for design, inspection and maintenance are included and documents have been evaluated for economic impacts to permittees. Delay permit requirements that depend on this technical/guidance manual until they have been available for at least one year.

Watershed Planning Requirements

Watershed3-scale stormwater planning

After the effective date of this permit, Permittees shall conduct an analysis (described in ii, below) of the impacts to hydrology and water quality for the following actions, prior to taking any of these actions:

For cities:

- (1) A cumulative expansion of the incorporated area of the city of >80 acres within a watershed, or
 - (2) A planned land use action that is projected to increase the total impervious surface area of a watershed by 5% of existing impervious area (e.g. from 10% to 10.5% or from 20% to 21%).
- ii. The analysis required in S5.C.5.d(i) shall include at a minimum the following:
- (a) An assessment of the predicted water quality impacts of the proposed land use action (as outlined in (S5.C.5.g.i(a)(2) above). The assessment shall be conducted at the appropriate scale to address impacts to hydrology and water quality and shall quantify such impacts using computer modeling and other best available science.
 - (b) The combination of site, structural, or managerial approaches to minimize the impacts to water quality, such as pollution prevention, treatment, and low impact development measures.
 - (c) Measurable targets established to protect the water quality and aquatic habitat of the watershed.
 - (d) A statement of the public benefits and costs of the proposed action, including the social, environmental, and economic benefits.

Minimum performance measures

- (a) An analysis that demonstrates compliance with water quality standards in receiving waters and protection of designated beneficial uses.
 - (b) Compliance with this requirement is achieved by completing the analysis and conducting a public process for review and comment. The Permittee may conduct the public process as part of the State Environmental Policy Act (SEPA) review, or under the Growth Management Act public process, or separate from other processes.
- iii. Reporting
- (a) The Permittee shall submit with the annual report for the year in which the proposed land use action is taken a description of the land use action taken and the analysis completed.
 - (b) The Permittee shall track progress toward meeting measurable targets established in the analysis.
 - (c) Permittees shall submit with the Fifth Annual Report a report summarizing progress toward achieving these targets

City of Centralia Comment:

- 1) Watershed planning requirements should be eliminated from permit and addressed through the SEPA checklist or planning updates such as GMA comprehensive plan updates.
- 2) Once the expansion of >80 acre or 5% increase in impervious surface threshold expansion of the unincorporated area of the city has been crossed will an analysis have to be done for each additional expansion or will this requirement be applied for each individual expansion?
- 3) Are these analysis requirements going to be enforced statewide if adopted?
- 4) Under "Minimum Performance Measures" an analysis that "demonstrates compliance with water quality standards" must include monitoring data. How will the permit address this?
- 4) Does the existing permit address minimum performance measures in Appendix 7 Determining Construction Site Sediment Damage Potential?

S8. MONITORING

City of Centralia Comment:

- 1) The City is actively involved with all southwest Washington cities and counties to develop a southwest regional approach to monitoring. It is this city's intent to continue and progressively move towards a southwest regional approach with the other cities and counties. It is not appropriate for the Department of Ecology to determine how permittees meet the monitoring requirement. The Department of Ecology may have authority to establish a monitoring requirement and set guidelines or standards for monitoring protocols but nothing more.
- 2) Section C strike " and enter into an agreement with the Department" It is inappropriate for the Department of Ecology as the regulatory authority for the Phase 2 Stormwater permit to require permittees to fund the Department of Ecology to implement a regional stormwater monitoring program. The Department of Ecology can set compliance measures but it should not dictate how these measures are achieved. We will aggressively resist being forced to fund the Department of Ecology to serve as the monitoring agency.
- 3) Note to reviewers regarding allocation of monitoring costs. This is not up to the Department of Ecology to determine.