

DEPARTMENT OF ECOLOGY

JUN 13 2011

WATER QUALITY PROGRAM

June 1, 2011

Municipal Stormwater Permit Comments
WA Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

City of Duvall Comments: Proposed NPDES Phase II Permit Revisions

Department of Ecology,

The following presents City of Duvall comments on the proposed NPDES Phase II Permit Revisions.

1. Monitoring, Western Washington Phase II, S8.C.1 (page 15): The City of Duvall generally supports collective monitoring as summarized in the revised S8 language. However, the City believes that collective monitoring costs should be distributed on a POPULATION basis (Option #1, S8.C.1). The City of Duvall is very concerned that any other method would disproportionately burden smaller jurisdictions because of the following:
 - a. Stormwater management issues to be monitored generally reflect population density and development as stormwater issues are generally more complex in more populous jurisdictions.
 - b. The 2007-2012 permit required all municipalities to prepare for participation in a long-term monitoring program (S8.C.1). However, outfall monitoring was only required for cities with populations of at least 10,000 and counties with populations of at least 25,000 (S8.C.1.a). This language prevented undue fiscal and staffing hardship on smaller jurisdictions.
 - c. Stormwater fees for most, if not all, jurisdictions including Duvall are collected monthly on a per household or per Equivalent Residential Unit (ERU) basis. This fee burden is evenly shared among the population of each jurisdiction.
 - d. Option #1 provides fair use of funds on a per capita basis for the entire population served by monitoring. This rationale can be justified

to citizens as their fair-share portion to improve monitor and improve stormwater quality.

- e. Options #2 and #3, which places more fiscal hardship on less-populous municipalities, would cost each Duvall household an additional \$10/year, and represents approximately 5% of residential stormwater fees collected. Options #2 and #3 would cost households in larger municipalities an additional \$2 to \$3/year which represents a much smaller proportion of collected stormwater fees. Options #2 and #3 do not represent an equitable solution for a regional monitoring approach and cannot be justified to citizens as their fair-share portion to monitor and improve regional stormwater quality.
- f. If options #2 or #3 are selected, the additional financial hardship to the City of Duvall will result in an inequitable increase in household stormwater fees or loss of the 0.5 FTE staff from a 5.5 FTE stormwater department. Any loss in staff would result in decreased stormwater services, decreased work provided by the stormwater utility, and additional hardship to meet the NPDES regulatory requirements.
- g. If options #2 or #3 are selected, the City of Duvall requests that there be an option be included to "Opt out" of the program and satisfy the individual requirements at a jurisdictional level.

- 2. Low Impact Development, Western Washington Phase II, S5.C.4.a.iv.1 (page 4): The City of Duvall generally supports the Low Impact Development (LID) language as summarized in the revised S5.C.4 language. However, LID techniques may not be suitable at all sites. The draft document "Integrating LID into local codes" (June 2011) refers to "feasibility criteria for LID that the Department of Ecology (Ecology) is developing as part of the effort to add LID requirements to the municipal stormwater general permits".

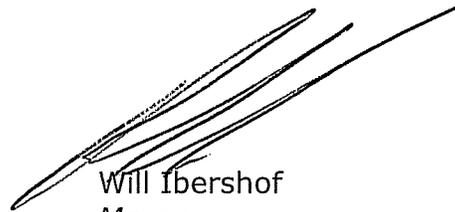
Some LID techniques may not be suitable in some locations, including a large portion of Duvall, where impermeable soils are located at or near the ground surface. The City of Duvall respectfully requests that language be included in the LID section that addresses LID feasibility and constraints. This comment could easily be addressed by re-inserting the following removed language "Provisions for LID should take into account site conditions, access, and long-term maintenance". This language would allow flexibility at locations where physical site constraints such as topography, soils, and other factors may preclude the use of LID practices. This approach would also allow jurisdictions to consider long term maintenance and access issues when evaluating the feasibility of proposed LID measures.

Thank you for the opportunity to comment on the proposed permit language.

Sincerely,



Steve Leniszewski, PE
Public Works Director
City of Duvall



Will Ibershof
Mayor
City of Duvall

cc: File.

