

EMAIL COMMENT

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Posted To: SW Permit Comments

Conversation: Comment Period for Draft Language for LID and Monitoring

Subject: Comment Period for Draft Language for LID and Monitoring

Thank you for the opportunity to provide informal comment on draft language that Ecology proposed for Low Impact Development and Monitoring requirements in the upcoming Municipal Permit. Please consider the following comments while developing the final draft.

Western Washington Phase II Municipal Stormwater General Permit – Preliminary Draft Language

- PG.2 Elimination of 1 acre threshold is supported by the City. Many cities that had lower thresholds before the current Phase II Permit were required to maintain those thresholds, including Kenmore.

- PG 4. Low Impact Development, section 1, change “maximum extent practicable” to “maximum extent feasible”. This will also match draft language in Appendix 1 which uses feasibility, not practicability.

- PG.9 Watershed-scale stormwater planning requirements are land use and long range planning issues and the municipal stormwater permit may not be the appropriate mechanism to address it.

- PG.9 g.b(2) Planned land use action is already defined under the Growth Management Act.

- PG.9 g.b(2) and footnote 3 contains confusing language regarding the term watershed. Provide language to clarify what a watershed is in this context.

- PG.11-15 Monitoring. Payment into the RSMP should be option 1 (population based). This is the easiest and fairest way to distribute costs. Effectiveness monitoring should be voluntary for municipalities if the effectiveness studies chosen do not interest them.

Appendix 1 – Minimum Technical Requirements for New Development and Redevelopment

- PG. 20 of 38. 12.c – Add “or base materials” to end of final sentence; sediment in the base course can be as damaging as sediment in the pavement.

- PG. 22 of 38. For projects that require only MR 1-5. Permeable pavements should only be required at the commercial and subdivision (roads, sidewalks, etc, not on private lot) because average home owner is not going to maintain permeable pavement correctly. Permeable pavement should definitely not be required at the SFR project level. All LID development should be subject to MR9 (O&M). How will long term maintenance of LID BMPs be accomplished?
- PG.24 or 38. LID Performance Standard. It is unclear at this time, but this performance standard appears difficult to meet if feasible at all. Is the intent to force the use of the mandatory list? Also, it isn't stated one way or the other, but it appears that the use of non-LID BMPs could be used to meet this performance standard.
- PG 30 of 38. Standard flow control requirement. Is the standard flow control performance standard changing to 8% of the 2-year peak?
- PG. 35 to 37. Feasibility. O&M and inspection of LID BMPs needs to be considered for feasibility, particularly for green roofs, permeable pavements on private property and bioretention BMPs on private property. Inspections and O&M for "traditional" stormwater facilities and BMPs on private property (that require much less attention) have proved troublesome for municipalities. In a situation where the municipality inspects and maintains the BMPs, it would be practical to require that BMPs be easily accessible from the ROW for staff and equipment. If they cannot, then use of the BMP is infeasible.

GENERAL COMMENTS

The City does not have in-house staff trained on the particular technical details on how well these LID BMPs perform and have not provided comments on several areas of the draft language. We hope that those individuals and groups knowledgeable in the technical aspects of the draft language provide useful comments and that Ecology uses a practical and science based approach when determining how to administer these requirements. In particular, consider the real world issue of dealing with private property owners and the long term O&M of these BMPs. Municipalities have to inspect and maintain these BMPs with budgets that are currently shrinking.

Sincerely,

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