



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

To Whom It May Concern:

Please accept these informal public comments on the preliminary draft permit language and supporting documentation covering low impact development (LID) and monitoring requirements for the next permit cycle of the Municipal Stormwater General Permits. The City of Marysville's comments are specific to the Phase II Western Washington Permit.

**1. Public Review Process on Draft Language and Technical Manuals**

Comment: During recent public meetings Ecology staff have identified their intent to run a concurrent public review process for the Draft Permit Language and the Technical Manuals adopted within it (i.e. guidebook for integrating LID into local codes, LID technical guidance manual, Western Washington Hydrologic Model, 2012 Ecology Stormwater Manual, etc). A ninety-day public review process does not allow the majority of Phase II permittees adequate time to review and comment on these complex documents in addition to the Permit.

Recommendation: The public review process for the draft permit language and the technical manuals should be run separately, not concurrently.  
(As recommended by the NPDES Permit Coordinator's Forum)

**2. RSMP Cost Allocations**

Location: S8. Monitoring

Comment: Of the three identified options, option 1: distributing all RSMP cost among Phase I and II permittees according to population, appears to be the most equitable.

Recommendation: As numerous permittees stormwater utility fees are calculated and defended based on impervious surface data, we would like to see that cost breakdown as an additional option for comparison.

### **3. Phase I vs. Phase II RSMP Costs**

Location : Explanatory Notes, page 28

Comment: The Notes describe how Phase I permittees will contribute to the RSMP in advance of the scheduled Phase II contributions and the Phase I draft Permit language identifies a 2012 fee of \$15,000. We were curious whether or not the annual Phase I costs identified in the Permit were less than, equal to, or more than their previous annual budgets for their monitoring programs? If in fact their costs are less, and they may have opportunities to enter into contract to get paid to actually do the field work, is that equitable?

Recommendation: For this next permit cycle, we believe Phase I monitoring costs should be weighted differently than Phase IIs, as Phase I permittees have had a number of permit cycles to ramp up to this financial point where Phase IIs have not.

### **4. Contract Work for the RSMP**

Location: Explanatory Notes, page 22

Comment: The Notes describe a possible process to compete for RSMP contracts to carry out the work. Smaller jurisdictions may not have the capacity to be competitive for these contracts, but may have specific capabilities that may dovetail with their TMDL requirements.

Recommendation: Preference should be given to the local jurisdiction if a monitoring site is identified in their permitted area and the permittee has the capabilities to accomplish portions of the monitoring required.

### **5. Participation in the RSMP**

Location: S8. Monitoring

Comment: Although we feel that permittees should be able to make unique decisions based on their situation, we don't believe it would be realistic to allow for jurisdictions to decline participation in the regional effectiveness studies component of the RSMP. It would be too difficult to identify cost allocations if the number of participants were unknown during Permit issuance. In addition, it would be hard for Ecology to compare studies at such different scales.

Recommendation: As is currently written, require all permittees to participate in all components of the RSMP.

### **6. Watershed-Scale Stormwater Planning**

Location: 4.g, Watershed Scale Stormwater Planning

Comment: The watershed-scale stormwater planning section is difficult to interpret and has the potential to place a large financial burden on permittees.

- No definition of a watershed is given.
- 4.g.ii- reference typo it says S5.C.5.d(i), it should say S5.C.4.g(i)

- 4.g.ii.a- reference typo it says S5.C.5.g.i(a)(2), it should say S5.C.4.g.i(a)(2) and/or S5.C.4.g.i(b)(2)
- Section 4.g.i. b(1) bases the planning effort on a “cumulative” expansion of incorporated area. Planning should occur prior to an expansion. Conducting the process after the cumulative expansions have taken place makes the planning effort irrelevant as the changes have already occurred.
- 4.g.i. b(1) says “A planned land use action” implying one single action that increases the impervious surface area by 5%. The Notes describe this as a cumulative requirement. If this were a cumulative set of actions that occur over the permit term, then planning prior to the action would not be feasible.  
Recommendation: Watershed planning requirements should be eliminated from the Permit and addressed through planning updates.

## 7. Inconsistent Language

Location: Appendix 1, page 1

Comment: The first bullet under Road Maintenance has old language to encourage the use of permeable pavement.

Recommendation: Remove old language

## 8. Flow Control Facilities vs. Flow Control BMPs

Location: Permit, S5.C.4.c.iii and S5.C.5.b

Comment: A rain garden, permeable pavement, vegetated roof, etc. should not be considered a “stormwater treatment and flow control facility” that would require inspections and maintenance as dictated in S5.C.4.c.iii or S5.C.5.b.

Recommendation: Clearly identify that these are onsite stormwater management BMP’s, not facilities.

## 9. One Acre Threshold Removal

Location: Appendix 1, page 8

Comment: Page 10 of the Notes describes that 85% of the permittees already apply stormwater standards to project sites less than one acre. The 2005 Ecology Manual has a minimum requirement threshold applicable if a new project creates 5,000 square feet of new impervious surface or 2,000 square feet of new plus replaced impervious surface.

Recommendation: Rather than completely removing the size based regulatory threshold, we suggest including a regulatory threshold of 5,000 square feet of “hard” surface for new development and a regulatory threshold of 2,000 square feet of new plus replaced “hard” surface for redevelopment.

## 10. Figure 3.1

Location: Appendix 1, page 9

Comment: As is currently written, this flow chart continues to allow projects that are not discharging stormwater directly or indirectly into a MS4 to be exempt from the MRs.

Recommendation: Provide a definition for “indirectly,” making it clear to permittees how to regulate 100% infiltration LID sites.

#### **11. SWPPP**

Location: Appendix 1, page 20, section 4

Comment: Now that there is an additional element proposed in the SWPPP a new template should be developed.

#### **12. SWPPP Element 12**

Location: Appendix 1, page 20, section 4

Comment: SWPPP element number 12 requires all bioretention and rain garden BMP’s to be protected from compaction. It may not be possible to prevent compaction at every location throughout a site because the BMPs will be small, numerous and widespread. This element also requires foot traffic to be excluded. This is an unrealistic expectation. In order to complete and plant these areas foot traffic will be necessary.

Recommendation: This section should require protection to the MEP. This Element should include BMPs that can be used to correct areas that may become compacted during construction if it was unavoidable, as it does for sedimentation.

#### **13. Projects Meeting MRs 1-5**

Location: Appendix 1, page 22 and 35

Comment: The definition of a “Rain Garden” states that engineering is not needed, yet soil types and infiltration rates are needed to determine if an under drain is required. Additionally, the last paragraph in the feasibility criteria states that soil hydraulic conductivity needs to be identified for their design. Infiltration calculations and soil analysis will need to be done by a licensed professional. These items would be a burden on smaller projects.

It is also unrealistic to expect a homeowner to properly maintain, in the long term, permeable pavement or a rain garden. Jurisdictions typically do not work on private property, so driveways, walkways, patios and plazas around each home would need to have an easement or be owned by the permittee. Whether they are supposed to be maintained privately or publicly, tracking and inspecting these BMPs to insure their functionality would be a challenge.

Recommendation: Small projects that are only required to comply with MR 1-5 should not be required to install rain gardens or permeable pavement. The requirements currently applied to projects of this size should remain unchanged as they already meet the other principals of LID.

#### **14. Infiltration Below Pavement**

Location: Appendix 1, page 22, section 4, MR 5

Comment: The Explanatory Notes page 5 describe that “infiltration below pavement” was introduced to allow permeable pavement or impervious pavement with runoff directed below the wearing course, implying that they can be used

interchangeably. This is not reflected in the required lists of LID options applied in MR 5. The smaller projects are only allowed to apply permeable pavement, but the larger projects are allowed either, permeable pavement or impervious surfaces with infiltration below pavement.

Recommendation: Please provide clarification that these two techniques are equivalent.

#### **15. BMP Feasibility to the MEF**

Location: Appendix 1, page 24

Comment: In MR 5 the mandatory on-site BMPs are required to be implemented to the MEF, unless proven infeasible. It is not clear if there is a threshold for the percentage of runoff area that needs to be treated using the specific BMPs.

Recommendation: Please provide clarification on how the MEF should be applied related to these requirements that can be relied on during project plan reviews.

#### **16. Table 4.1**

Location: Appendix 1, page 25, section 4, MR 6

Comment: The first sentence says “(see Table 4.1 below)”, yet the table has been deleted.

#### **17. Pollution Generating Impervious Surface and Pollution Generating Pervious Surface**

Location: Appendix 1, page 25, section 4, MR 6 bullet one and two

Comment: The first bullet was changed from “impervious” to “hard” but it is in reference to pollution-generating impervious surface (PGIS). This new language now expands the threshold to pervious pavements because of the definition of hard surfaces.

The second bullet explains the treatment thresholds for pollution generating pervious surfaces (PGPS). The threshold excludes permeable pavements in this bullet, yet the definition for pollution generating pervious surfaces includes permeable pavements.

The two bullets are unclear as written because their references to pervious pavement overlaps and do not clearly explain what thresholds should be applied.

Recommendation: Do not replace the “impervious” with “hard” in the first bullet. Include pervious pavements in PGPS as defined, and allow pervious pavement thresholds to be determined in the second bullet. Or, change the definition of PGPS to be consistent with these two thresholds and add a definition of PGHS.

#### **18. Feasibility Criteria for Pervious Paving**

Location: Appendix 1, page 36, item B

Comment: There are still many concerns and unanswered questions related to the broad use of pervious paving techniques in public roads and high travel areas. These concerns include, but not limited to: 1) long term durability, especially at

intersections; 2) spill containment and clean up and resulting traffic impacts; 3) maintenance, repair and tracking of these assets; and 4) durability and maintenance when subjected to snow and ice treatments (i.e. sand, gravel, salt brine etc.).  
Recommendation: Until these questions are answered, permeable pavement should be encouraged, but not a requirement as is currently written.

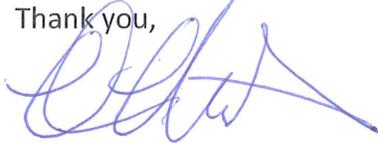
#### **19. Use of a Vegetated Roof**

Location: Appendix 1, page 24 and 37; Explanatory Notes, page 7

Comment: The Mandatory List states that a cost analysis may be used to claim the infeasibility of a green roof, but Section 8,I,C does not cite that in the infeasibility list. Page 7 of the Notes states that their costs in comparison to standard roof construction can be substantial, and their potential benefits in stormwater runoff reduction are limited.

Recommendation: Vegetated roofs should be recommended, but removed from the Mandatory List.

Thank you,



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