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DEPARTMENT OF ECOLOGY
JUN 17 2011
WATER QUALITY PROGRAM

June 15, 2011
WP57930

Harriet Beale
Washington Department of Ecology
Water Quality Program
PO Box 47600
Olympia, Washington 98504

Re: Pierce County Comments on Preliminary Draft Phase I NPDES Permit Language

Dear Ms. Beale:

Pierce County provides the following summary and attached detailed comments on the draft permit language Department of Ecology released May 16, 2011.

Summary of Comments

Low Impact Development Feasibility: Pierce County supports implementing Low Impact Development (LID) and has required it for development activity in sensitive areas of the County for several years. We also participated on Ecology's LID Technical and Policy Committees over the past two years as it has struggled to define "feasibility." Pierce County believes that there is a spectrum of feasibility for each of the different Best Management Practices (BMPs) that is not represented in the draft permit language. The draft permit language presupposes all Low Impact Development BMPs are "feasible" virtually everywhere and all the time.

For example, we are very concerned that as drafted, the proposed permit language and Appendix I would require permeable pavement in travelled roadways where it could impose significant economic hardship as a result of increased long-term preservation/replacement costs. There is a dearth of life-cycle functionality and costs associated with this technique in Pierce County. Similarly, vegetated roofs may be effective and practical in some situations, but even Ecology's *Explanatory Notes* suggests that it is not the case in single-family residences; yet it is listed as a mandatory BMP. On the other hand, rain gardens, bio-infiltration, roof downspout controls, dispersion, soil quality and depth, and other Low Impact Development BMPs may be more readily applicable and "feasible" in many more instances.

In Section 8 "Feasibility Criteria" of the Appendix I document, there is a comment from Ecology about input on feasibility of pervious pavements for road types. As can be seen in the variety of comments and concerns surrounding the use of pervious pavements in roadway applications (Attachment), there are valid concerns as to the life cycle costs, maintenance requirements, and applicability of the use in higher volume roads, heavily freight used routes and intersections where heavy and tight turning

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movements exist. As a first step for utilization of pervious pavements in travelled roadways, Pierce County requests that the permit language be revised to consider its use only on local roads in locations without tight turning radii (e.g., roads within subdivisions but not in the bulb of cul-de-sacs or at intersections). For the higher traffic roads, Pierce County proposes that Ecology work with permittees over the next term of the permit for collecting data through pilot projects. Such pilot projects would be designed specifically to use the porous surfaces in applications that are raising so much concern among the permittees. Prior to the issuance of this 2012 permit Pierce County requests Ecology to establish a stakeholder workgroup for the purposes of reaching an agreement as to what data can reasonably be collected in a five year permit term, and to identify the number of pilot projects to be constructed by each jurisdiction.

We are also greatly concerned that many of the "guidance" documents that key permit requirements reference are not available for review and that are outside of the permit.

Finally, the proposed permit language and accompanying *Explanatory Notes* seem to suggest that Ecology would require approval of local County land development codes.

We encourage Ecology to respond to the numerous issues associated with feasibility of each Low Impact Development BMP with respect to durability, lifecycle costs, and maintenance needs, particularly with respect to travelled roadways; to clarify its intent in oversight of local legislative decisionmaking; and to clarify the role of guidance documents as they relate to permit requirements.

Watershed-scale Planning: We do not see how the language in this section of the permit can be seen as "basin" or "watershed planning." Rather it appears to be a new requirement to model potential water quality impacts from certain planned land use activities. Further, the preliminary permit language does not recognize existing locally adopted Basin and Watershed Plans. We encourage Ecology to clarify its intent with this provision and/or to recognize and credit early investors in Basin and Watershed Plans by supporting the use of those plans to prioritize surface water management needs.

S8 Monitoring: Pierce County supports the Regional Stormwater Monitoring Program (RSMP) proposed in the preliminary permit language and appreciates Ecology's deference to the Stormwater Monitoring Workgroup recommendations for status and trends. Pierce County has been a partner in that effort and we support water quality index and macro-invertebrate monitoring for status and trends. Pierce County has an established program that should coordinate well with that program. Pierce County supports a "Local Needs" option to effectiveness monitoring whereby the County could opt to conduct its own effectiveness studies and be credited for that out of a regional effectiveness monitoring pool.

We have concerns about the magnitude of the new RSMP and encourage Ecology to phase it in over the course of multiple permit cycles as it would phase in requirements for new permittees. We also have concerns about the cost allocation method contained in the supporting materials; in particular, a focus on using population as the primary determinate. Rather, we encourage Ecology to use a cost allocation that assumes funding both regional and local monitoring needs and that protects the local investments in monitoring capacity for early investors and for other permit management needs.

Finally, because the RSMP will be a new regional monitoring effort, we encourage Ecology to drop the existing (2007) Phase I NPDES Municipal Stormwater Permit-required S8 Monitoring effective with the expiration date of the current permit. With both programs in place, there will be a duplication of monitoring expenses.

Stakeholder Involvement: In past permit development, Ecology has used stakeholder groups to work through various implementation topics concerning municipal stormwater management. This has fostered a cooperative partnership between local governments and the State. This cycle, Ecology has yet to establish an overall permit reissuance team approach. Pierce County encourages Ecology to take advantage of the decades of experience of local government implementation of municipal stormwater permit programs by forming an advisory group to assist in the development of implementable stormwater permit program elements.

Purpose of Informal Comment Period: Pierce County notes that Ecology is using the current informal comment permit and has indicated it will not prepare a response to comments as a result. Pierce County believes an effective conversation involves two-way communication. For this reason, we request Ecology to (a) publish a response to comments received during this informal review period; (b) merge the current informal comment period with formal October 2011 comment permit and publish an inclusive response to comments; and/or (c) convene a stakeholder committee as suggested under stakeholder involvement above. We believe the informed conversations will lead to more effective and implementable stormwater permits.

Numerous Missing Parts: Pierce County's review of the preliminary draft permit language was significantly hampered by the permit's reference to multiple guidance documents, most of which were/are unavailable and their role relative to permit requirements is not clear. We encourage Ecology to make these documents available in a complete form and clarify their intent before soliciting additional comments on permit provisions where they play a key role.

The Attachment to this letter provides more detail on these and other topics in the proposed draft permit language.

Thank you for the opportunity to comment. Pierce County looks forward to working with the Department of Ecology as it considers these and other NPDES Phase I Municipal Stormwater Permit changes over the next several months.

Sincerely,

Dan D. Wrye
Water Quality Manager

DDW:kj

cc: File

ATTACHMENT

PIERCE COUNTY DETAILED COMMENTS ON MAY 16, 2011, PRELIMINARY DRAFT NPDES PHASE I PERMIT LANGUAGE

I. Low Impact Development

a. Pierce County Office of the County Engineer, Project Engineering Division

- If permeable pavements will be considered Hard Surfaces when determining thresholds for applicable minimum requirements, then direction must be provide how to model those permeable pavement surfaces when performing hydrological analysis. Does one model the permeable pavement surfaces as a separate basin, whereas you infiltrate all flows and model the remaining project as presently required?

- Section 8 of Appendix I, Feasibility Criteria for Selected LID BMPs, 1B Permeable Pavement feasibility. It is recommended that a combination of criteria be used to determine if permeable pavement is feasible on a particular roadway. Traffic volume, truck traffic volume and soil conditions all must be assessed when determining if permeable pavement is feasible. We recommend that for permeable pavement to be feasible, all three criteria must be met. If only one or two of the criteria can be satisfied, but the third cannot, then permeable pavement is infeasible. First, the AADT should be 5000 or less. Second, the road should be classified T-3 or lower according to the Freight and Goods System (FGTS) Tonnage Classification System (300,000 to 4 million tons per year). Third, the soils need to be able to infiltrate the volume of water anticipated to flow from the road, which type A, B and some C soils. Type D soils are not acceptable.

- If any of the LID BMPs of Section 8 of Appendix I are determined to be infeasible, then the project should not have to meet the new LID flow control performance standard. For instance, on a road project, if permeable pavements are determined to be infeasible and moderate to low infiltrating soils exist, there is little to no opportunity to infiltrate the volumes of water necessary to meet the proposed standard. Acquiring additional right of way to provide area to install infiltration facilities in urban areas is not feasible without demolition of homes and relocating residents. If you can't use LID BMPs on a project, you should not be held to the LID performance standard.

b. Pierce County Road Operations Division

- Any new stormwater management method such as Low Impact Development (LID) needs to be carefully implemented and monitored during the life of the project to ensure that their benefit to reducing stormwater impacts are achieved and are done in a cost effective manner.

- Permeable pavements should not be used in the traveled way for motor vehicles until more information becomes available on life cycle and maintenance costs. There is very little peer-reviewed literature which documents what the lifecycle and maintenance costs are for permeable pavements and until more studies are done which answer these questions, permeable pavements should be limited to low risk areas such as sidewalks, parking lots, bike paths and non-motorized trails. Across the nation, municipalities have amassed financially stifling backlogs of deferred maintenance and preservation needs, particularly for road, bridge and stormwater assets. The objective of this permit is to improve and protect water quality and we believe that can only be accomplished with the implementation of proven and fiscally sustainable means and methods. Pavements in the traveled way are the single most valuable and expensive asset in the County's ownership. The small volume of data that is available suggests pervious pavements will have life cycles that are significantly shorter than traditional Hot Mix Asphalt and Portland Cement Concrete pavements. Even in considering the most optimistic data available, the implications to interim and long-term pavement preservation costs are extreme and would likely be insurmountable.

- There are numerous definitions in Appendix I of the Minimum Technical Requirements for New Development and Redevelopment that reference the 2012 Stormwater Management Manual for Western Washington. It is impossible to comment on definitions, which reference something that does not exist. It is difficult to determine what effect these new definitions will have on maintenance activities without this document. In addition, many of the new definitions are difficult to understand and infer how they will be applied. We recommend that all new definitions that reference this manual be removed. It is also recommended that further time be given to agencies to work with Ecology to determine how the new definitions will be applied to maintenance activities which are exempt from the Clean Water Act

- Ecology would like to see LID as the preferred and commonly used approach to site development (5 b iii of the Preliminary Draft Language document dated May 16, of 2011). We believe that this is an acceptable approach but it should be clearly understood that LID only be used where feasible processes of infiltration, filtration, storage, evaporation and transpiration of stormwater can be achieved, but also protect public safety. LID should not be the only tool available to jurisdictions to manage stormwater runoff.

- Currently, permittees are dealing with budgetary issues and would like to focus their limited resources on practices that have proven track records. Insufficient information is available regarding the long-term maintenance and operation of LID facilities to ensure optimal performance. Without that knowledge, developers and permittees will be unable to identify, design and operate LID facilities appropriately. To close this data gap, the next permit should focus on pilot studies rather than changes in requirements. This permit does not discuss maintenance.

Specific comments and suggestions to Appendix I – Minimum Technical Requirements for New Development and Redevelopment are included below:

Section 2 – Definitions Related to Minimum Requirements:

Page 2: Bioretention BMPs: Ecology is citing Volume V, Chapter 7, 2012. Comments cannot be made on a manual that does not exist. Further, a definition should be freestanding and not reference an entire manual.

Page 2: Converted Pervious Surface: How will this definition be applied for maintenance activities?

Page 3: Effective Impervious surface: Impervious surfaces whose stormwater runoff is collected and redistributed below pavement are not considered effective if continuous runoff modeling indicates that all stormwater is infiltrated. Isn't the purpose of LID to infiltrate all stormwater onsite? Please explain how this is to be applied, as it is contradictory.

Page 3: Erodible or leachable materials – Please define "process waste".

Page 4: Low Impact Development (LID) – Delete "mimic pre-disturbed" add "allow" hydrologic processes of infiltration" If pre-disturbed is to be used, it needs to be clearly defined.

Page 4: LID BMPs: Definition should be consistent with above.

Page 4: LID Principles – Please delete this definition. NPDES permit should be geared towards stormwater management and not land use.

Page 5: Pervious Surface –Delete "A" add "Any" surface add "material".

Page 5 – Rain Garden: Clearly state that this is not a flow control or Retention/Detention facility and that these facilities are not subject to a yearly inspection.

Page 6: Receiving waters. Please remove the last sentence. If there is separation between ground water and the stormwater LID, there is no discharge to groundwater and the discharge is to soil. If the last sentence is not removed than any LID that directs infiltration towards groundwater would be waters of the state and not part of the MS4.

Page 6: Source Control BMP – Impossible to comment on something that references a manual that does not exist.

Page 7: Vehicular Use – Please explain how this will be used and why this is included:
Are these the areas that LID may not be used? Recommend that this definition be deleted without further clarification.

Page 8: Section 3: General comment: Applicability of Minimum Requirements. This should be placed at the beginning of the document which is the commonplace format for regulatory documents. To determine if something is applicable, an applicant should not have to read eight pages into the document to see what is applicable.

Page 8: 3.1 Struck out language – What effect will the new language have on road maintenance activities on an existing road?

Page 11: 3.2 – "Regardless of size" should be deleted. Should not need a Construction Stormwater Pollution Plan for small developments or developments that do not disturb soils.

Page 12: 3.3 - Leave "treatment" in second to last paragraph.

Page 12: 3.4 - Unrealistic to remove economic hardship clause. Recommend that this language remain in the document.

Page 13: 4.1 – Please delete additional language, retention of native vegetation may not always prove beneficial and could impede proper function of LID BMPs. Leaving small parts of a 25 year old Alder stand around or in a stormwater facility or in the open after being part of a system results in short term and long term problems and cost without a short or long term water quality benefit. Trying to remove hazardous trees in the built environment can cause more damage than removal and replanting at the time of development with the right tree for the space.

Page 19: 12: Protect Low Impact Development BMPs. Add "during construction": Please describe the protection BMPs in more detail. How is one to prevent foot traffic in rain gardens? This language implies that Low Impact BMPs may need to be fenced.

Page 20: Section 4.5: Project Thresholds: This document consistently references the Volume V, 2012 manual and indicates that changes will be made not only in LID but other areas. It is impossible to comment on a manual that does not yet exist. Rain gardens and permeable pavement are not always feasible and other options for managing stormwater should be included.

Page 33: Section 8: Feasibility Criteria for selected Low Impact Development Best Management Practices:

There is an extraordinary amount of time and cost for public and private owners to determine the feasibility of a site for LID. Several feasibility criteria pertain to exclusion zones from structures such as underground storage tanks, drinking water wells, and septic systems. Complete, accurate, and accessible databases do not exist for all of the features listed, leaving developers and permittees unable to confidently apply these criteria to proposed LID projects. The Department of Ecology recommendations should be clear and based on Ecology's best available information. The best information should be listed to exempt the need to study a known LID failure type.

Page 34/35: Road Type: Determining appropriate surfacing materials/designs require analysis of site-specific factors such as soil properties, drainage, and traffic loading. The calculations for this analysis require inputs including the life cycle, which, at present, is poorly understood for permeable pavements. Current road standards may not allow deviations from traditional road surfacing materials and traditional roadway design seeks to divert water away from the road structure, not infiltrate or convey water into the substrate beneath roads. Until studies show that it is safe to have water beneath the roadway, permeable pavements should be restricted to low risk environments such as islands, shoulders, parking areas, sidewalks, and trails.

One major concern of road maintenance organizations is how to clean up spills of harmful substances that occur routinely on roads. Spilled substances are relatively easy to clean up from an enclosed drainage system or gravel shoulder. It is entirely unclear how agencies should or could respond if a spilled substance is allowed to percolate through the wear course and into the road substrate. It is not feasible to tear up the road every time there is a vehicle accident or lost load that results in a spill.

Lastly, there are also concerns how pervious roads will react to snow and ice activities and what effect studded tires will have on pavement life.

c. Pierce County Planning and Land Services Department

- Page 6 of the DOE's Explanatory Notes states that "**Permeable pavements** are considered readily available and reasonable technologies to use wherever site conditions make their use feasible." While permeable pavement may be readily available, the elephant in the room has to do with the cost of maintenance and upkeep. There is no data yet available that speaks to what the long-term maintenance costs are for permeable pavements. Whereas currently jurisdictions virtually never have to perform maintenance on the lesser traveled subdivision roads, will jurisdictions now be saddled with an asphalt replacement expense for the same type of road 15 years later? Since we do not yet know what the cost will be, isn't it premature to require permeable pavement everywhere? It is irresponsible for Pierce County to accept a permit requirement that mandates permeable pavement everywhere as compared with requiring it only on the least traveled road classifications (cul-de-sacs, shared accesses, etc.).

- Our review of Section 8 on Feasibility is that it is too vague and that we would have to adopt a more cut and dry version for implementing on a regular basis for single-family home construction.

- Is it the DOE's expectation that jurisdictions will be required to enforce the maintenance of rain gardens and bioretention areas that are located on individual residential lots? It is likely that homeowners will eliminate these BMP's as they change their property to fit their needs. Is the DOE relying on individual homeowner rain gardens as a primary component to address water quality? If so, it would seem this is an unrealistic expectation over the long term.

- Page 7 of the DOE's Explanatory Notes discusses that "projects that are on parcels 5 acres or larger outside the urban growth area must comply with the LID performance standard..." In an effort to maintain maximum flexibility for a property owner, it would seem that the "mandatory list" should be an alternative to the LID performance standard.

- Educating the public, builders, developers, etc. will be crucial to the success of LID practices. Will the DOE be handling this, or will jurisdictions be required to do this?

- We predict that LID requirements will increase the amount of staff review and communication time, as well as inspection time. Local governments do not have the resources.

- As is usually the case, increases in costs to process applications and perform inspections will be transferred to the applicant as higher fees.

Concerning, Urban Growth Area amendments, we offering the following questions/concerns:

- A review of the explanatory notes indicates that the watershed modeling software that is intended to be used for proposed urban growth area expansions is still in the process of being created. If this is the case, isn't it premature to be establishing this modeling as a permit requirement?

- Does the Department of Ecology expect applicants to pay for the watershed analysis, or will this be a cost that the Phase 1 jurisdictions bear?

d. Pierce County Public Works and Utilities Department, Surface Water Management Division.

- Feasibility definition should be modified to the following: ***Implement LID practices where feasible and necessary to infiltrate stormwater to the maximum extent practicable.***

Comments related to Appendix I

Section 2 – Definition of "Rain Garden" (pg 6 of explanatory notes)

- It appears that Rain Gardens can be used on Commercial Development. If so, they should have maintenance standards and meet certain design standards.

- If a plat utilizes rain gardens for roof downspout control then they would be subject to maintenance standards and inspection by the Municipality once a year for compliance. This seems unfair considering we do not inspect other roof downspout controls for compliance on a yearly basis on single-family properties. Yet, it appears that Rain Gardens can be used on Commercial Developments that should have maintenance standards and meet certain design criteria.

- We suggest the following definition: "Similar to bio-retention areas except these are smaller stormwater facilities located on individual lots that receive stormwater from roofs, driveways, and sidewalks only."

Section 4.5 – Bullet 5

- This refers to the Rain Garden Handbook for Western Washington Homeowners. Pierce County has different requirements than what is referenced in the Handbook. Would like Ecology to let us use our own regulations as an option.

Section 4.5 – Bullet 5

- "Infiltration below pavement (permeable pavement or impermeable pavement with stormwater collection and redistributed below) at all projects for new and replaced hard surfaces, e.g. roads, parking lots, public and private walks, driveways, patios, sports courts:" This option is too restrictive. It doesn't allow for a portion of the hard surfaces to be permeable pavement (with no infiltrating below the impervious area). It seems by being so restrictive this would force one to utilize the performance standard in lieu of the mandatory list and otherwise justify off-ramps.

Minimum Requirement #5

- Page 21 (first box). Question: Should permeable pavements be included in the above list of required on-site management BMP's that apply to projects subject only to requirements #1-5? Answer: No. Permeable pavements should be encouraged for all projects but not required as long as performance standards can be met.

- Page 21 (second box). Question: Should Ecology allow local governments to accept LID performance standard compliance as an option to the specific BMP requirements as listed for projects in this size range? Answer: Yes. Ecology should allow local governments the option to accept LID performance standard compliance for all projects.

- Page 22 (Table)

Project Type and Location	Requirement
New development inside the UGA, or new development outside the UGA on a parcel less than 5 acres	Performance Standard and/or Mandatory List (applicant option)
Redevelopment inside the UGA or redevelopment outside the UGA on a parcel less than 5 acres	Performance Standard and/or Mandatory List (applicant option)

- Low Impact Development Performance Standard. Stormwater discharges shall match developed discharge duration to pre-developed durations for 50% of the 2, the 10, and 100 year 24 hour storm peak flows.

II. Watershed-scale planning

Pierce County supports watershed and basin planning. The County has completed and adopted basin plans for most of its 26 surface water management basins and has completed adopted watershed plans at the Water Resource Inventory Area scale. These Basin and Watershed Plans are comprehensive and approaches surface water management holistically. As a result, they have identified and helped prioritize water quality, water quantity and habitat projects and programs, and have involved the public in these resource management programs.

The proposed permit language and its companion *Explanatory Notes* propose to add a new requirement to model potential water quality impacts from a change in the urban growth or incorporated area and when a planned action is projected to increase impervious area of a watershed by 5% or more.

In describing the intent of this requirement, Ecology cites "the PCHB Phase I ruling acknowledged the need for a watershed-scale approach to stormwater management...." In fact, the Board concluded that "...city and county permittees ***should identify such areas*** where potential basin planning would assist in reducing the harmful impacts of stormwater discharges upon aquatic resources..." And because the Clean Water Act and state water quality laws anticipate more stringent requirements for all, not just municipal discharges, "...efforts to further basin and watershed planning efforts in order to incorporate the known and available LID techniques should begin in anticipation of the next [current] permit cycle." (Pages 59 - 60, PCHB, No. 07-021, -026 through -030, &-037. Emphasis added.)

Rather than (1) identifying areas where basin planning would assist in reducing harmful impacts from stormwater and (2) take in considerations of impacts from all discharges, the preliminary draft permit language proposes to require modeling of two local government land use actions. Additionally, the proposed permit language does not recognize that some local governments, such as Pierce County, have made the local investment in developing and adopting basin and watershed plans. We request Ecology take these factors into consideration as it prepares formal draft and final permit language.

III. S8 Monitoring

Pierce County recognizes and commends Ecology for supporting the work of the Stormwater Monitoring Workgroup by proposing the key elements of its recommendations into the proposed permit language. Specifically, we support a coordinated, regional stormwater monitoring program, with local needs supported, that uses a cost-effective, cost-share allocation method. Further, we support use of water quality index and macro-invertebrates monitoring for status and trends. Pierce County has an established status and trends approach using these parameters which we believe can coordinate well with the regional stormwater monitoring program (RSMP) proposed in the permit. Pierce County's monitoring program was supported and cited by one of the three PCHB members at the time of the appeals of the 2007 permit as one "...which would yield information that would be quite valuable to Ecology and assist in the development of future phases of the permit." (Page 2. PCHB, No. 07-021 et.seq Concurrence and Dissent)

Similarly, we support a discontinuation of the 2007 permit's Stormwater Monitoring (S8.D), Targeted Stormwater Management Program Effectiveness Monitoring (S8.E), Stormwater Treatment and Hydrologic Management Best Management Practice Evaluation Monitoring (S8.F9). In addition, we request Ecology facilitate the transition from the 2007 monitoring regime to the RSMP by ending the 2007 permit monitoring requirement with the expiration of that permit. In support of Pierce County's monitoring program at the 2007 appeals, one of the three PCHB members concluded that ..."Ecology's efforts to collect data regarding the effectiveness of BMPs [S.8E] would not significantly suffer from the absence of BMP effectiveness data from Pierce County." (Page 2. PCHB, No. 07-021 et.seq Concurrence and Dissent)

While we support the transition to the RSMP by using a cost-effective coordinated approach as proposed in the proposed permit language, we have the following concerns and suggestions about the size of the program and its first five-year permit cost allocation method.

- **Balancing regional and local needs.** Regional status and trends are important for the overall health of Puget Sound and other receiving waters. Local governments also have site specific and stream specific data needs that do not easily roll to the regional level. Local governments also have limited financial resources to invest in monitoring. Pierce County believes a "Local Needs" option where permittees are allowed to conduct Ecology approved effectiveness studies outside of the RSMP whereby local effectiveness monitoring costs be "debited" from the overall effectiveness pool. Thus, cost allocations of the regional program needs to consider and balance overall funds availability and the relative proportion of those funds being spent on regional and local monitoring needs.

- **Institutional capacity at the local level.** Since 1995 and with greater rigor, since 2007, Pierce County and other Phase I permittees have made substantial investment in personnel, contracted services, and equipment for stormwater monitoring. This institutional investment needs to be considered in allocating regional monitoring costs.

- **Increasing complexity of municipal stormwater management.** Further, the institutional capacity of monitoring resources invested in by Phase I jurisdictions, including Pierce County will be needed in other areas of the Phase I permit in order to continue to assure permit compliance, to model potential water quality impacts from planned land use actions, to monitor and analyze illicit discharges, to respond to TMDLs, and to conduct permittee-specific program effectiveness activities. Thus, cost allocation of a regional monitoring program must not assume 100% of historic monitoring resources are automatically available to be shifted to the RSMP. A more reasonable assumption would be between 10 and 20%.

- **RSMP Program Phase In.** Ecology's overt practice of extending NPDES permit coverage to new permittees is to focus on bringing the permittee into permit coverage for the first five year life cycle of the permit and gradually over time "ratcheting down" with additional permit conditions in subsequent five-year permit cycles. Pierce County believes Ecology should follow the same suit for the transition to the RSMP; that is, operate a minimal program, focusing on completing and establishing the monitoring priorities for the initial years, establishing the accountability and fiscal management system of the program, continuing the integration of other financial

contributors to the coordinated Puget Sound Monitoring Program, integrating with the Puget Sound Partnership's Ecosystem Monitoring function and target setting bench marks, as well as negotiating and deploying equipment and personnel resources. This system deployment approach would suggest a first permit cycle program substantially less, perhaps 50 to 75% less, than the $5 to $5.5 Million monitoring program contained in the proposed permit language. This approach would also bring the benefit of local governments unaccustomed to paying for monitoring to be more supportive of this pay-in program rather than conduct monitoring unilaterally and thus improve the chances of a successful RSMP, which Pierce County supports.