



CITY OF PORT ORCHARD
Public Works Department

216 Prospect Street, Port Orchard, WA 98366
Voice: (360) 876-4991 • Fax: (360) 876-4980
aarcher@cityofportorchard.us
www.cityofportorchard.us

June 17, 2011

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

Re: Western Washington Phase II Permit Review Comments

To Whom It May Concern:

The City has prepared the following comments regarding the draft permit language released on May 16, 2011:

- Section C.4.a.i, page 2, references approved programs from Phase I communities, is there a way for Phase II communities to access these without having to contact each individual Phase I for information regarding their programs? A link page on Ecology's website to each accepted Phase I program, or program information that meets Ecology's criteria for acceptance needs to be provided.
- Section C.4.a.iv.(1), page 3, LID is the preferred and commonly used approach to site development under this permit, but needs to be clearly understood that LID be used only where feasible for infiltration, filtration, storage, evaporation, and transpiration and may safely be achieved with the public in mind. A Puget Sound wide approach seems to have been taken when evaluating soils, but there wasn't much of an analysis done on how glacier's and plates have moved to create soil conditions. If LID were to proceed as a mostly mandated process, it will force developers out of certain areas completely due to the costs associated with including LID on projects were soils are not close to accepting LID practices before development. This will create significant economical hardships on several jurisdictions.
- Section S8.C.2, page 12, payment amounts for monitoring. For small jurisdictions with limited funding to comply with unfunded stormwater mandates, options 2 and 3 would be very significant drains to the annual operating budgets and would either force jurisdictions to sacrifice other areas of the permit or raise the rates charged to citizens dramatically. The City strongly recommends option 1.
- Draft Funding Agreement for monitoring, page 2, access to records. Exhibit "A" explains that Ecology shall review and report on the activities over the year, but if a jurisdiction wants the information it is unclear whether it needs to be requested. Please add language that the annual report that Ecology will complete

will also be submitted to all funding partners, an email similar the method permit information is currently passed to jurisdictions would be a good method to accomplish this.

- Appendix 1, page 6. The definition of receiving waters now includes infiltration into groundwater. Soils are not defined as receiving waters and by presenting the groundwater where most jurisdictions get their drinking water from, you are entering into the area of the drinking water standards.
- Appendix 1 Revisions-Definitions and Minimum Requirement 5, pages 22-24. There is currently no identification as to whether post construction inspections should be performed. Rain Gardens should have post construction inspections since there is typically an overflow that will place stormwater into the jurisdictions MS4, thus making the jurisdiction or Permittee, culpable.
- Appendix 1, the definitions in of the Minimum Technical Requirements for New Development and Redevelopment reference the 2012 Stormwater Manual for Western Washington. It is rather difficult to comment on definitions which reference a document that has not been released for review to date. More comprehensive review on this section will not be able to be completed prior to the October release of the updated Manual.
- Draft Permit Language and Appendix 1, elimination of the one acre threshold will place a tremendous burden on “Small Projects” such as single family construction, small road projects, or projects that only require compliance with Minimum Requirements 1-5 in Appendix 1. Not only will this provide a tremendous burden on developers, contractors, or the single homeowner, but to Staff as well due to the increased work demand. Small jurisdictions do not have staffing to complete these reviews, nor the financial ability to begin on the effective date of the permit to meet this requirement. Fair warning should have been issued, or this threshold needs to move at the midpoint in the permit term to allow jurisdictions time to assess and implement this requirement.

Thank you for the opportunity to comment on this draft language and the City looks forward to the next comment period in the fall of 2011. Please feel free to contact my office should you have any questions.

Sincerely,



Andrea Archer, P.E.
Assistant City Engineer/Stormwater Manager

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c: Lary Coppola, Mayor
Mark R. Dorsey, P.E., Public Works Director/City Engineer
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