



City of Puyallup

Public Works Department

333 S. Meridian

Puyallup, WA 98371

Mark A. Palmer, P.E., LEED® AP

P 253.435.3606 F 253.841-5437

mpalmer@ci.puyallup.wa.us

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Harriet Beale
Washington Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Subject: Western Washington Phase II Municipal Stormwater General Permit Preliminary Draft Language Comments

Dear Ms. Beale:

The following is a comprehensive listing of comments from the City of Puyallup, as Phase II municipality regarding the preliminary draft language for the Western Washington Phase II Stormwater General Permit. The City of Puyallup also participates or is a member of several other organizations which intend to make comments on the preliminary draft language, such as the Association of Washington Cities, Stormwater Work Group Municipal Caucus, the Washington Stormwater Center and the South Sound NPDES Coordinators Committee. While those groups' comments reflect their respective constituent groups as a whole, they may or may not completely coincide with the interests of the City of Puyallup's comments. Our comments expressed herein represent the City of Puyallup's position and only the City's position.

Citation: S5.C.4.b.v-80% of scheduled inspections

Comment: The removal of the 1-acre exemption will greatly increase the workload of both public and private project inspectors for the City. Coupled with other requirements of the permit, existing staffing will be overcommitted. Maintaining the 80% rate for compliance is an important component of mitigating staff workload. While we understand the need to remove the exemption from an environmental protection standpoint, we hope Ecology understands the impact to staffing requirements this will cause, particularly as the economy recovers. State and Federal assistance in funding these staffing needs would be greatly appreciated. Also see later comments on staffing requirements.

Proposed Language Change: N/A

Citation: S5.C.4.c.ii-Maintenance Standards

Comment: Maintenance plans should contain a right of entry agreement for privately owned systems to allow for municipal inspection and corrective maintenance if required. We would anticipate that most private stormwater system owners will report their maintenance activities voluntarily, and will not need the intrusion of City inspection and enforcement. However, since

these systems all discharge to our MS4, the City has a right and duty to assure that these systems are maintained and operating correctly to protect water quality.

As far as standards for maintenance of LID BMPs, we would hope that Ecology's update of the 2005 Stormwater Manual would include maintenance recommendations in addition to design criteria. This may be simply a reference to another source, such as the Low Impact Development Guidance Manual for Puget Sound. However, since neither of these documents is yet ready for review, worthwhile comment is difficult.

Proposed Language Change: Each Permittee shall establish maintenance standards that are as protective as or more protective of facility function than those specified in Chapter 4 of Volume V of the 2005 *Stormwater Management Manual for Western Washington* or *The Low Impact Development Guidance Manual for Puget Sound*, as applicable. For facilities which do not have maintenance standards, the Permittee shall develop a maintenance standard.

Citation: S5.C.4.c.iv-Inspections

Comment: Not sure that "part of a larger common plan of development" clause applies anymore with the removal of the 1 acre exemption.

Proposed Language Change: Inspections of all new flow control and water quality treatment facilities, including catch basins, for new residential developments ~~that are a part of a larger common plan of development or sale,~~ every 6 months during the period of heaviest house construction (i.e., 1 to 2 years following subdivision approval) to identify maintenance needs and enforce compliance with maintenance standards as needed.

Citation: S5.C.4.d-record keeping

Comment: Not sure that "part of a larger common plan of development" clause applies anymore with the removal of the 1 acre exemption.

Proposed Language Change:

The program shall include a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained. Permittees shall keep records of all projects ~~disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre~~ that are approved after the effective date of this Permit.

Citation: S5.C.4.g –Watershed scale stormwater planning

Comment: This requirement would appear to have large potential impacts to the City of Puyallup. The vast majority of the City of Puyallup is contained within three basins meeting the criteria of a watershed as defined by this language (between 2 and 40 square miles). The City has Deer Creek, Highway Drainage Basin, and Clarks Creek watersheds within its boundaries, which all meet the criteria.

As we understand it, if the City annexed more than 80 acres in these basins OR proposed zoning changes which COULD change impervious area by 5%, this watershed level planning would be required. The planning process itself appears technical, complex and lengthy. The process as outlined, does not say who has review and approval authority for this watershed planning effort, nor does it provide any guidance on how to conduct said planning. If

implemented, a guidance manual similar to that for Low Impact Development, would be advisable.

Since any changes to areas incorporated into Puyallup or within areas of contemplated zoning changes would presumably have to comply with the new requirements of this new NPDES permit, water quality should be protected by that measure. Neither the NPDES permit nor the Watershed Planning Process can dictate retrofit remedies. To our minds, the Watershed Stormwater Planning, as currently proposed, would handcuff jurisdictions wanting to make zoning changes and would significantly delay any annexation efforts without providing any reasonable benefit. This section needs to be significantly more defined or deleted in its entirety. Given the other work load requirements of the permit, unless a clear, quantifiable benefit can be demonstrated by instituting this requirement, we recommend removing this section.

Proposed Language Change: Delete entire section.

Citation: S8.C.1-Permit Fee Due Date/Amount

Comment: We would need to have the amount available July/August of the proceeding year to get the fee into our budget, assuming we stay on a one year budget cycle. As far as payment due dates, the time of year is not very important to us.

While Option 2 results in the highest cost for the City of Puyallup, we believe this is the most fair distribution of costs since we believe Southwest Washington jurisdictions should not be subsidizing the higher cost efforts of Puget Sound jurisdictions.

Proposed Language Change: Show only option 2 for permit fees.

Citation: S8.C.1-Opt Out Option (not shown)

Comment: During Stormwater Work Group (SWG) meetings several larger municipalities expressed interest in continuing their own effectiveness studies and did not want to contribute to the regional collaborative effort. The City of Puyallup feels strongly that opting out of any of the regional effort should not be an option in the permit. We feel that the regional effort will direct scarce resources to studies and efforts that are most beneficial to the community as a whole rather than to studies which may only benefit a small number of jurisdictions. Allowing some organizations the option to not participate dilutes the abilities and capacity of the regional effort, particularly if it is the larger jurisdictions with their correspondingly larger fees that choose not to participate. This should be an all in or all out requirement.

LID Performance Standard: Since Ecology states that they “cannot quantify the relative benefits to the beneficial uses of this more stringent standard”, we feel this is an ill advised move. To establish a standard of performance simply because it seems better seems an invitation to challenge.

Section 8 Feasibility: With the heavy reliance on infiltration testing to verify a site’s suitability for specific LID BMPs, Ecology needs to specify an accurate, cost effective test that can be utilized so that sieve analysis can be eliminated from the tool box.

While we admire the desire of Ecology to get out information early to permittees to review and comment, the heavy reliance of the permit document on at least five other documents which have not yet been published makes thoughtful comment on this draft language difficult.

Also, while the intent of watershed level planning is clear, the proposed implementation appears to be ill defined and bureaucratic. Further, since any development which may occur as a result

of annexation or rezoning would be subject to these new permit requirements, we have a hard time visualizing the value, particularly at the enormous effort required, of watershed level planning. As written, we feel watershed level planning would be more or less a complete halt to annexations or major zoning changes. At best it would appear to be a years long process to determine a development standard that would be overly restrictive.

Finally, some consideration to the effects on staffing levels required to meet the regulations as written needs to be considered. Requirements such as a report explaining how LID regulations were implemented in a jurisdiction are time consuming and ultimately not useful to the permittee. Given staffing level concerns at Ecology, we highly doubt that such reports would rise above the status of shelf filler. Please gear requirements to focus on actions that improve conditions on the ground rather than divert staff time towards paper shuffling. Stormwater Management sections throughout Western Washington are assigned a myriad of responsibilities, many of which are not related directly to NPDES requirements. Use the requirements of the permit to guide the municipalities to the correct course of action without burdensome, unproductive reporting.

We are in the process of conducting a Stormwater Management Staffing Comparison Survey to begin the effort to identify realistic staffing levels for stormwater management and maintenance sections. While the survey is still ongoing, we have attached some of the preliminary results for your consideration of broad responsibilities assigned to the generally small staff's of Phase II permittees as you draft the next set of requirements for us.

Sincerely,

Mark A. Palmer, P.E., LEED® AP
Stormwater Engineer, City of Puyallup

Enc: Stormwater Management Survey Summary
Stormwater Management Detailed Survey

CC: Rob Andreotti, Public Works Director
Ralph Dannenberg, City Manager
Donald Henry, Collections Supervisor
Tom Utterback, Development Services Director
Colleen Harris, Development Services Engineering Manager
Cheryl Carlson, City Attorney