



June 17, 2011

Re: Municipal Stormwater General Permits: Low Impact Development and Monitoring Preliminary Draft Permit Language

To Whom It May Concern:

Staff at the Washington Department of Ecology deserve thanks for their hard work in the preparation of the updated stormwater regulations. Sightline Institute is not a member of an advisory group, but our organization is concerned with the new rules and appreciates Ecology's efforts to make the process transparent and to keep the public updated on its progress. We also appreciate the availability of supporting documents that provide additional insights and background information key to tracking these very important regulatory changes.

Low Impact Development: Phase I

Sightline would prefer to see a broader use of the performance standard in determining the use of LID, but appreciates the more stringent protocol that is now described for the minimum requirement option, including the use of pervious asphalt or concrete in nearly every pavement application.

Sightline also is pleased that Ecology has crafted more clearly defined and narrowly tailored exemptions for cases when LID is not required. As Seattle Public Utilities has inadvertently shown in its Ballard rain gardens project, not every LID strategy is suited to every situation and no one benefits from its inappropriate usage. Our organization also supports the clarification regarding circumstances in which vegetated roofs are not required for commercial projects, and the restriction of the exemption to steeply sloped roofs and buildings for which a green roof is not technically feasible. And while we understand the objective of the "competing needs" exemption for accommodating local aesthetics (e.g. forgiving the rain garden requirement when a local jurisdiction has setback limitations), we are somewhat concerned about the potential for abuse of this option.

We are glad to see a first crack at addressing the need to consider stormwater impacts at the watershed scale. Clearly this is a tremendously challenging and hugely important issue. Sightline appreciates Ecology's attempt to use state development and Growth Management Act data as well as peer-reviewed research to establish the size of projects that will require watershed-level analysis.

Low Impact Development: Western Washington Phase II

Sightline supports the removal of the one-acre threshold requirement for triggering the use of LID. As Ecology notes in its explanation of the change, “if the threshold is not reduced, the LID requirements would not apply to the significant proportion of development activities that occur as infill and/or on project sites smaller than one acre” resulting in cumulative impact that threatens streams, salmon and other aquatic species.

Comments regarding Phase I also apply here.

Low Impact Development: Eastern Washington Phase II

No comment at this time.

Monitoring: Phase I

Ecology’s recently released data on toxic loadings to Puget Sound continues to demonstrate the importance of on-the-ground, local measurements of stormwater pollution. The data are essential for guiding effective stormwater policies and for understanding which LID approaches are most effective in which situations. The new monitoring strategies proposed by Ecology will continue to build this important body of research. Sightline supports the collaborative monitoring design that is being proposed; this strikes us as the best, most cost-effective way to generate consistent, comparable data that will be useful to the region. We are also glad to see the use of benthic monitoring in addition to pollutant and flow monitoring.

Sightline does not support the “opt-out” option as regards the effectiveness study. The inclusive plan proposed by Ecology is structured to be equitable and produce meaningful results, and we fail to see the individual or collective benefit to allowing permittees to opt out of the program.

Monitoring: Western Washington Phase II

See comments regarding Phase I.

Monitoring: Eastern Washington Phase II

No comment at this time.

General LID and Monitoring Comments

Sightline is pleased to see in this latest version of the regulations an increased emphasis on the importance of protecting native vegetation and limiting

development as fundamental strategies key to low-impact development. In general, as interest has grown in LID in recent years, we're troubled by what appears to be an increased reliance on engineering tricks for addressing stormwater challenges as land conservation gets shorter shrift. We're glad to see Ecology stepping away from that trend.

Our organization regrets the slow timeline for implementing the improved requirements, but is impressed by Ecology's attention to making sure there are supporting documents and resources in place for municipalities and developers (e.g. the newly published "Integrating LID into Local Codes," the updated "Stormwater Management Manual for Western Washington," etc.). As mandated by the Pollution Control Hearings Board, Ecology is proposing significant and essential changes to how the Puget Sound region develops. These changes pose potentially sizeable challenges to local governments, but the state is also providing the tools necessary to get the job done in a cost effective, efficient manner.

Sightline is optimistic that this careful planning on the part of the state will help with the spread of the successful use of low-impact development that will aid in the protection of Puget Sound, and can set an example for the rest of the U.S. and Canada.

Sincerely,

Lisa Stiffler, journalism fellow
Sightline Institute