January 27, 2012

Municipal Permit Comments
WA Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

Subject: 5-Year Phase I Municipal Stormwater Permit and Western Washington Phase II Municipal Stormwater Permit: Comments on Appendix 1 – Technical Requirements for New and Redevelopment

Dear Permit Coordinator,

Cascadia Green Building Council's mission is to lead a transformation toward a built environment that is socially just, culturally rich and ecologically restorative. Members of the Cascadia Green Building Council, which includes builders, architects, engineers, developers, and planners, are leading the way in creating a roadmap for sustainable building. Locally, this includes consideration of our region's water as a key asset and signature issue of importance for protection and wise stewardship.

Salmon-Safe, also a bioregional organization, seeks to transform land management practices so Pacific salmon can thrive in West Coast watersheds. Salmon-Safe works across the West Coast through their Partner Network, which consists of place-based conservation organizations as well as collaborating certification organizations.

Stewardship Partners is a founding organization in the Salmon Safe Partner Network. Stewardship Partners helps private landowners restore and preserve the natural landscapes of Washington State. We collaborate with diverse interest groups to build bridges and find solutions that achieve mutual goals of environmental protection, economic health, and community well being.

The Northwest EcoBuilding Guild is a community of builders, designers, suppliers, homeowners, and partners concerned with ecological building in the Pacific Northwest. The Guild empowers people through education to transform the built environment for long term sustainability.

Girl Scouts of Western Washington (GSWW) develops leaders who value diversity, inclusion, and collaboration and are committed to improving neighborhoods, communities and the world. Girls learn to be environmental stewards so that they and their environments can thrive. Girl Scouts Forever Green (GSFG) is a global effort to improve the environment and protect natural resources, and includes a national initiative to plant and maintain rain gardens at schools, homes, and other sites.

Cascadia Green Building Council, Salmon Safe, Stewardship Partners, and GSWW broadly support the strengthening of this region's stormwater management practices through the adoption of science based best practices such as Low Impact Development. We have concerns regarding Appendix 1 – Minimum Technical Requirements for New and Redevelopment, and we offer the following items for consideration by Ecology in the upcoming municipal permit re-issuance.

Prescriptive vs. Performance Based Design

Generally it is our belief that performance based criteria provides the greatest opportunity for the design and construction community to develop sites in a way that respect human needs and natural habitats. Stormwater requirements are no exception.

The use of prescriptive criteria appears to be a sound practice only for very small projects, where the cost of a customized performance-based design would overshadow the project construction cost. For larger projects, a performance based standard appears more appropriate, especially due to the larger potential for site impacts from stormwater runoff. We suggest that Ecology consider modification of the table in Section 4.5 to apply performance based standards more broadly to projects. We suggest reserving the option to use mandatory (prescriptive) lists for smaller sites such as those under that disturb less than 1 acre.

Infeasibility Criteria

Much of the infeasibility criteria in Section 8 is too restrictive and does not allow for creativity and adaptive design based on actual site conditions. It also appears that many sites that are good candidates for use of Low Impact Development (LID) techniques could too easily get out of the requirements for bioretention, permeable pavement, and green roofs. It is understood that these requirements relate only to those projects utilizing the mandatory lists. Again, we want to emphasize that only the smallest projects should be subject to the mandatory (prescriptive) lists and that performance based criteria should be applied more broadly. In concert with applying performance based LID standards more broadly, it is imperative that the infeasibility criteria given in Section 8 be updated to provide fewer loopholes that would exempt a project from use of LID techniques.

Retention of Vegetation / Site Disturbance
The Minimum Technical Requirements do little to encourage the retention of vegetation and limit the overall site disturbance. There are many techniques to lessen the impacts of development to the ground and surrounding vegetation that are barely mentioned or considered in Appendix 1. At a minimum, the technical requirements should incentivize the retention of site vegetation to the extent feasible on a project site. Some techniques to consider include utilization of minimum excavation foundations, restricting the building footprint, minimizing hard surfacing, preserving natural hydrologic features, and minimizing the construction impact limits.

Integrated Design
Stormwater is one piece of an overall integrated water system design approach that encompasses natural and built systems and ultimately can contribute to a restorative built environment. Stormwater permitting should incorporate best practices in stormwater management such as Low Impact Development techniques, and also adapt to integrative water system designs such as greywater management, rainwater harvest and re-use, heating and cooling systems design, and irrigation needs. This list is by no means exhaustive, but is offered as an example of integrative system components. Unfortunately, the minimum requirements are silent on many commonly used integrative techniques for stormwater management in the context of the overall site water planning. We suggest that Ecology provide affirming language to the performance based LID criteria that would encourage the use of integrative water management techniques in meeting LID performance standards.

Closing Thoughts
The undersigned represent a large and passionate group of design and building professionals and stewardship advocates who believe we can design spaces that meet both human and environmental needs. We offer the following highlighted points for final consideration by Ecology.

- Stormwater regulations should not shy away from challenging the creativity of design teams. Good stormwater policy will challenge the design and building community to reach for solutions that provide greater resiliency, environmental protections, and smarter use of human spaces.
- Perceived cost of implementing LID techniques will decrease as more design and building professionals gain experience and confidence with applying LID techniques.
- The permit language as written provides too many loopholes.
- The Appendix 1 draft needs additional work to incentivize retention of vegetation and minimization of new and replaced hard surfaces.

The scheduled re-issuance of the 5-year Phase I/II Municipal Stormwater Permits is a significant opportunity to strengthen our region's policies concerning stormwater management. Although the draft permits can benefit from additional modifications, we support adoption at this time to provide the needed initial framework for implementation of Low Impact Development techniques for new and redevelopment projects. We encourage the Department of Ecology to

put in place a procedure that allows for adaptive beneficial modifications to Appendix 1, so that modifications can be implemented quickly as needed after the initial issuance of the permits.

The Department of Ecology appears to be walking a difficult path that attempts to balance our region's ecological health against economic pressures associated with growth and development. Low Impact Development can help bridge this difficult path, providing for more ecologically appropriate designs and in many cases more economically feasible projects. This letter is intended to support Ecology's efforts in the broad based implementation of Low Impact Development techniques and provide feedback to strengthen those efforts.

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