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CLARK COUNTY  
WASHINGTON

## CLEAN WATER COMMISSION

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February 1, 2012

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

To Whom It May Concern:

RE: Phase I Municipal Stormwater Permit

The purpose of this letter is to comment on the draft Phase I Municipal Stormwater Permit recently published by the Washington Department of Ecology (DOE). Clark County's Clean Water Commission (CWC) is a nine person appointed body whose pledge is, *"We, the members of the Clean Water Commission, will in all our actions and recommendations strive to achieve healthy watersheds throughout Clark County and to ensure the integrity of the water cycle, as defined by commonly accepted best standards. We will do so recognizing the importance of the community's needs, seeking and recommending actions that can be implemented at a rate and with methods that are achievable with our conditions."*

Our mission is to provide communication between the public and the Board of County Commissioners with regard to environmental quality, specifically clean water. Stormwater management is a critical element of the CWC's purview and the NPDES permit is central to the regulation of stormwater management practices. We believe that the draft language of the Phase I Municipal Stormwater Permit fails to establish a framework and timeline that can realistically be met by local governments. It sets forth expectations for technologies that are unproven in the construction industry in our county and it does not go far enough in terms of allowing the local governments to use and manage the financial and staff resources adaptively.

We appreciate that Ecology is the permit writer and that the permit itself is mandated and must be approved by the State legislature, and we are grateful that there is a public process to review and approve the proposed changes. We also believe the sheer number



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of changes between 2007 permit and the draft permit dictates close evaluation to determine the potential impact to the citizens of Clark County.

There are so many significant changes to the permit that individual comments and suggestion for word changes would not be appropriate at this juncture. Particularly because the updates to the Western Washington Stormwater Manual and the Low Impact Development Manual that provides detailed instruction "incorporated by reference" were not available to review with the draft Permit revisions until recently. Upon early perusal, the newly released Low impact Development Manual is significantly different from the county's previously approved stormwater manual. The staff of Clark County Environmental Services department has recently updated the stormwater manual and now it is supposed to be obsolete as this new manual is required.

Following each new minimum requirement for LID, measuring impacts and monitoring has the potential to result in missteps or mistakes in administering the new permit, and cause confusion on the part of the citizens and the development community that will be required to follow these regulations. In our view, the new requirements are full of risk for Public Works projects that are funded by scarce local and state programs.

It is incumbent upon reviewers to provide the feedback that will allow average citizens to know what additions, new requirements, and unresolved uncertain aspects of this new interpretation of the federal statute, the Clean Water Act Section 402, may affect their lives.

We are also very concerned that the new monitoring requirements would result in the destruction of a valid monitoring program that has operated successfully for the past ten years providing valid site-specific data that is rich and valuable for Southwest Washington. The county's Stream Health report goes above and beyond current permit requirements and provides valuable information to the county's residents. As written, it appears that the permit will require monitoring that is less valuable to the county and may divert limited funding to these broader efforts.

In essence, we absolutely agree with the end result of the Phase 1 Permit, however, we recognize and are concerned about the tremendous burden and likelihood of mismanagement and lack of success that would occur if these modifications are approved and adopted within a short time frame.

Compliance with the terms of the permit is uncertain when so many requirements are modified in one permit update. Vague, complex, and incompletely developed requirements can be simplified, made more conclusive for Southwest Washington, and more fully developed based upon experience if the changes are anticipated but not enforced during this next permit update.

The Clark County Clean Water Commission recommends that Department of Ecology reissue the current Phase I Permit with minimal changes. This would provide local

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governments time to prioritize local needs, to analyze the extensive monitoring results that are currently required by the existing permit, and to consider the appropriate types of low impact development technologies that would be most appropriate for Southwest Washington.

Yours respectfully,



Nancy Olmsted, Chair  
On behalf of the Clean Water Commission

Clean Water Commission Members  
James Carlson, Vice Chair  
David Darby  
Don Moe  
David Morgan  
Nancy Olmsted, Chair  
Susan Rasmussen  
Art Stubbs  
Virginia Van Breeman

cc: Board of County Commissioners  
Environmental Services