



# Clallam County Public Works Department

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

**Re: Comments on the Draft 2012 Western Washington Phase II Municipal Stormwater General Permit**

The Clallam County Board of Commissioners commented in a letter dated July 5, 2011 (attached) in which the County stated reasons that the unincorporated Port Angeles Urban Growth Area (PAUGA) should not be subject to coverage under the 2012 storm water NPDES phase II permit. We hereby re-submit those comments for the record on the draft 2012 storm water NPDES phase II permit for western Washington. This letter is intended to supplement the Commissioner's letter with the comments of the County Public Works Department.

The unincorporated PAUGA is comprised of nine non-contiguous areas on the perimeter of Port Angeles. These nine discrete areas are drained by all or part of eight identifiable natural drainage basins which discharge directly into the Strait of Juan de Fuca (see map on the disc enclosed with this letter.) The limited number of storm water facilities maintained by the County in these areas are designed only to collect roadway runoff and conduct it to the nearest natural water course. County facilities are not intended and for the most part, do not intercept drainage from private property. The unincorporated PAUGA is further transected by highway 101, and the storm water system associated with it. This is by far the largest storm water system in the unincorporated PAUGA, is not under the control of the County, and appears not to be included in the WADOT storm water NPDES permit.

The total population of the unincorporated PAUGA is 2692 as of 2010 according to the Washington Office of Financial Management. This represents a decrease of 45 people between 2000 and 2010. Population growth in this area is stagnant, in fact the population decline in the past decade has been mainly from annexations. A corridor of low to medium density

commercial zoning is centered on highway 101, and the rest of the area is low to medium density residential.

With participation and funding from the Department of Ecology, Clallam County has been working to develop a storm water management plan, ordinances, and design manual that can serve to better manage storm water throughout the County. Vince McGowen and Derek Rockett of Ecology were active participants on the County Storm water Work Group that helped develop the draft comprehensive storm water plan and complementary ordinances. We are working within the constraint of very limited resources to finalize the storm water management plan, ordinances and manual. Inclusion of the unincorporated PAUGA in the NPDES permit will drain resources from storm water efforts in the rest of the County. We believe that this would be extremely counter-productive. We would be required to exhaust the limited resources currently available for storm water management to comply with the NPDES permit for a very tiny portion of the County that does not have serious documented storm water problems. This could come at the expense of making any significant progress with storm water issues in areas of the County that have higher priority storm water problems.

The draft permit currently lists the unincorporated PAUGA as subject to coverage under the permit, but a footnote states that the unincorporated PAUGA is currently under evaluation for permit coverage, and will be included in the final permit if this evaluation determines that Ecology's criteria for coverage are met. It is our understanding that this determination will not be made until after the comment period on the draft permit has ended. We object to this on procedural grounds. If we wish to comment substantively on the draft permit, we are forced to invest time and resources reviewing a lengthy complex permit, without knowing whether we will be subject to it. For this reason our comments at this time are focused on the issue of whether the unincorporated PAUGA should be subject to permit coverage, however basic due process and fairness should require that Ecology identify who will be affected by a proposed action before ending the opportunity for public comment.

We further point out that our opportunity to testify on the permit in a workshop and hearing in Mt. Vernon was eliminated when this hearing was cancelled due to the recent snow storm. Ecology has since rescheduled the workshop in Mt. Vernon, but is not now allowing public testimony. We were intending to attend and present testimony on the draft permit at the hearing in Mt. Vernon. And now find that we are not allowed this opportunity. Since this draft permit will not go into effect until the middle of 2013, it appears that Ecology has time to extend the public comment period to make up for the opportunity lost due to the snow storm. We recommend you do so. We also recommend that Ecology make a final determination on the unincorporated PAUGA before our opportunity to comment ends.

We are convinced that Ecology's stated criteria for inclusion in the storm water NPDES phase II permit are not met in the unincorporated PAUGA. It appears Ecology staff member Mr. McGowen agrees, judging from our discussions with him after his inspection visits. There exists nowhere in the unincorporated PAUGA a Municipal Separate Storm Sewer System (MS4) that serves anything approaching 1000 residents. In fact Mr. McGowen seems to have concluded that not even all the disparate County storm sewer elements in aggregate throughout the unincorporated PAUGA serve 1000 residents or more. Obviously there is no single combined

MS4 serving the entire unincorporated PAUGA. There are several small storm water systems in portions of some of the discreet areas of the unincorporated PAUGA that discharge roadway runoff into separate natural drainage basins. None of these "systems" comes close to serving a population approaching 1000 as required by Ecology's criteria.

The eastern part of the unincorporated PAUGA, the most populous part, is not hydrologically connected to the City of Port Angeles storm sewer system. As you can see from the enclosed map, Lee's Creek follows closely the eastern city limits, and constitutes a natural barrier between the City and the unincorporated PAUGA. In those relatively small low populated areas of the unincorporated PAUGA that do drain into the City, the flow rates are small and there is no evidence that these flows pose water quality problems in Port Angeles.

There is no evidence that any of the minor MS4s under County control in the unincorporated PAUGA are a significant contributor of pollutants to waters of the United States. The small streams that receive small quantities of runoff from County roads also receive far larger quantities of runoff directly from private property and from the State highway. None of the monitoring done in the area by our Streamkeepers has shown a clear pattern of storm water contamination of the primary streams in the unincorporated PAUGA. Indeed the benthic monitoring in the area shows the streams to be relatively healthy.

In 2005 Clallam County and the City of Port Angeles entered into a pre-annexation agreement that spells out a plan for orderly annexation of the eastern portion of the unincorporated PAUGA. This is the most populous area of the UGA and contains most of the commercial establishments in the unincorporated PAUGA. We also entered into a revenue sharing agreement that calls for pre and post annexation sharing of tax revenue from the area. Finally Clallam County funded an expansion of the Port Angeles sewer system to meet the future needs of the eastern portion of the unincorporated PAUGA. With these arrangements in place, we have provided for the orderly expansion of the City into the unincorporated PAUGA as demand for urban services (including storm water services) builds. Thus as annexation of the PAUGA proceeds, the area will automatically be subject to the NPDES phase II general permit when the need arises.

In summary:

1. The PAUGA does not meet the criteria Ecology has established for coverage under the draft permit.
2. Inclusion of the PAUGA would impose an unfunded mandate forcing the County to drain resources from higher priority storm water problems.
3. Inclusion of the PAUGA would interfere with our efforts to complete a storm water plan, ordinance, and design manual.
4. If the PAUGA is covered by the permit, Clallam County will have effectively been denied an opportunity to comment substantively before knowing if we are affected.

5. The PAUGA will inevitably be covered by the Port Angeles storm water program, which is already subject to the NPDES general storm water permit, once annexation occurs.

For these reasons we believe the PAUGA should not be covered under the draft phase II NPDES storm water general permit. Don't hesitate to contact me if you have any questions regarding this information and thank you for this opportunity to comment.

Sincerely,



Bob Martin, P.E.

Public Works Administrative Director

- c. Jim Jones, Clallam County Administrator  
Ross Tyler, Clallam County Engineer  
Sheila Miller, Director, Clallam County Department of Community Development  
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