

February 3, 2012

Bill Moore  
Washington Department of Ecology  
Water Quality Program  
PO Box 47696  
Olympia, WA 98504-7696  
[via e-mail: [SWPermitComments@ecy.wa.gov](mailto:SWPermitComments@ecy.wa.gov)]

RE: Comments on Phase II Municipal Stormwater General Permit

Dear Mr. Moore:

RE Sources appreciates the opportunity to comment on the Draft Municipal Stormwater Permit. We view this permit as an opportunity to address the water quality and ecological problems facing Puget Sound, and other waters of the state. As the recently released *Puget Sound Toxic Loading Study* indicates, stormwater from urban areas remains the most common pathway for toxic chemicals to enter Puget Sound. Closed shellfish beds, declining salmon populations, toxic waste cleanups, and other problems indicate that the traditional methods of managing toxic chemicals and stormwater are taking too long or are not working. We support making big changes in how we manage runoff, and we believe this permit is a key tool in making these changes.

Our comments are as follows:

1. We support adding the cities of Lynden and Snoqualmie, and Clallam, Island, the entire Lake Whatcom Watershed, and Clallam, Island and Lewis Counties for the UGAs of Port Angeles, Oak Harbor, and Centralia, respectively.
2. We request that permit coverage be extended to Whatcom County for the Blaine and Birch Bay UGAs. We are submitting a separate detailed “petition,” as requested, to both you and Kathleen Emmett.
3. We support the new timelines and provisions for response, investigation, and enforcement for eliminating illicit discharges.
4. We strongly support eliminating the “one acre exemption” from section S4 (Controlling Runoff from New Development, Redevelopment and Construction Sites). Construction projects under 1 acre can have very significant impacts on our receiving waters. In our experience small projects, especially single family residential projects, are not inspected frequently, and are not managed sufficiently to prevent stormwater problems.
5. We strongly support the additional requirements for inspections and enforcement for small projects, especially inspection of stormwater treatment facilities to ensure proper installation. It is very important to include the new provision that verifies responsibility for maintenance of new stormwater facilities. We have observed a lack of follow-up and inspection of small projects, and we’re concerned about their cumulative impacts to water quality.
6. We support the new requirement for annual inspections of all stormwater treatment and flow control BMPs/facilities permitted by the permittee, especially the new provision requiring 6 month inspections until 90% of the lots are constructed. We have observed that when individual lots are sold in a large

development there is no overall effort to manage stormwater for the whole development.

7. We support the new section requiring “appropriate application of fertilizer, pesticides, and herbicides including reducing nutrients and pesticides using environmentally friendly alternatives” for lands and parks owned or maintained by the permit holders. If the permit holders lead by example, we hope others will follow.
8. We strongly support the expansion of the definition of receiving waters to include saturated soils under infiltration BMPs. We have observed many construction sites that maintain that they “drain to ground” even under saturated conditions, in winter. We have observed sediment releases from these sites, so we support the change.
9. We support requiring new LID development-related codes, but request that the new codes be further strengthened to require protection of existing vegetation and minimize creation of impervious surfaces on development sites. While these techniques are mentioned, the language is vague and permissive. Without strong requirements to insure retention of vegetation and reducing new impervious surfaces, the remaining LID approaches are unlikely to succeed.
10. The proposed standards for green roofs in Appendix 1 is weak. The standards should be revised to state “vegetated roofs are infeasible if slope is over 40%.” Please revise this statement.
11. The proposed soil standards for engineered rain gardens is overly conservative. Studies by Washington State University and others indicate that rain gardens perform well in less than ideal soils. Please revise the standard.

Thank you for considering our comments. Please include the North Sound Baykeeper as a party of record in any decisions made in this matter.

Sincerely,

Lee First, Pollution Prevention Specialist  
North Sound Baykeeper Team  
RE Sources for Sustainable Communities  
2309 Meridian Street  
Bellingham, WA 98225