

DEPARTMENT OF ECOLOGY
JAN 23 2012
WATER QUALITY PROGRAM

January 15, 2012

Mr. Bill More
Washington Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504 – 7696

Dear Mr. Moore;

I want to thank you for the opportunity to comment on the Draft Municipal Stormwater Permits. I am writing as a private citizen although I should admit that I am active in and support a variety of environmental organizations. I am concerned about water quality and ecological problems facing Puget Sound and other waters from polluted runoff. I believe we need to make fundamental changes in how we manage runoff-especially polluted runoff. These permits could be the vehicle for many of the changes that could have genuinely positive environmental results.

First I support the inclusion of new Low Impact Development (LID) requirements to include expanded requirements to monitor discharges and the expansion of permit coverage in key areas-for example, the 1 acre exemption for Phase II jurisdictions. These changes are essential for positive environmental benefits. I do however have some concerns with specific elements of the permit, particularly the LID standard. I hope you can successfully address these concerns in the final version of the permit.

Traditional storm water management techniques have failed to stop the flow of pollutants into our freshwater and marine Waters and our streams and rivers. The outstanding violation is the “curb and gutter” collection of storm water and detention ponds. While the rest of the nation is moving toward mandatory LID standards, the draft municipal storm water general permit has some serious flaws.

First, the new standard fails to embrace the most crucial LID procedures, especially the protection of on-site vegetation and the reduction of impervious surfaces. Experts agree these two points are the most effective way to reduce runoff from any given site. Unfortunately the language in the permit is vague and could be interpreted to be permissive allowing developers and jurisdictions to do almost anything. Without this core foundation for protecting the vegetation and reducing impervious surfaces, the remaining LID approaches will likely not succeed.

Second, the permit requires no requirements to consider water reuse. Also the standards for green roofs are quite weak. This leaves rain gardens and impervious pavement as the primary LID technique for most sites. If we do not have full application of all LID techniques, the techniques outlined by the draft permit will only make a marginal difference. Furthermore, the new draft has an extremely conservative soil standard for engineered rain gardens. This area of the permit needs to be revised and expanded.

Third, some of the exemptions regarding “feasibility” and “competing” needs are far too broad. I appreciate the need for flexibility but the broadness of this section of the permit simply allows developers and jurisdictions to avoid compliance with new requirements.

Fourth, the section requiring updates of local codes for development and building is appropriate. Updates to the code can lead to significant improvements in terms of vegetation retention and reduction of impervious surfaces. Unfortunately the permit is lacking sufficient detail in this area and the guidance is not prescriptive. This will lead to challenges in its interpretation and implementation.

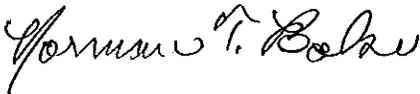
Fifth, I also support the watershed/basin planning requirements. However it needs to be expanded to include additional jurisdictions. I believe a better performance standard for retaining existing vegetation is needed. Also it needs to be much clearer that the Department of Ecology not only reviews plans, but also has the authority to approve or reject such plans.

Sixth, I support the new monitoring requirements contained in the permit. Unfortunately, the funding that will be generated for a project under monitoring option #1 is not adequate to pay for the type of monitoring necessary to establish the success of storm water programs.

Lastly, I strongly support the decision by the Department of Ecology to make Phase I and Phase II permits consistent in terms of the size of the projects being regulated. Unfortunately, projects that are under 1 acre are often significant contributors of pollutants. Phase 2 jurisdictions should be required to evaluate and minimize those impacts.

Thank you for the opportunity to provide my input on this matter.

Sincerely,

A handwritten signature in black ink that reads "Norman T. Baker". The signature is written in a cursive style with a large initial 'N'.

Norman T. Baker, PhD
3789 Lost Mountain Rd.
Sequim, Washington, 98382
360-683-8046
ntbakerphd@gmail.com