



*"Building Our Future Together"*

WATER QUALITY PROGRAM  
DEPARTMENT OF ECOLOGY

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Municipal Permit Comments  
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**Sent via email:** [SWPermitComments@ecy.wa.gov](mailto:SWPermitComments@ecy.wa.gov)

**RE:** Eastern Washington Phase II Municipal Stormwater Permits

To Whom It May Concern:

As always, The North Central Home Builders Association appreciates the opportunity to provide comments on your proposed requirements. In addition to this letter, you will also receive a much lengthier letter from our state organization, the Building Industry Association of Washington. As such, rather than repeat all of the same points we will limit this letter to what we believe are some of the more critical points.

The NCHBA represents hundreds of businesses in north central Washington. Most of our members are involved in the housing industry which has been hit particularly hard with the recession. We simply cannot afford additional regulations at this time. Without question, the proposed changes will have a *significant* impact on the cost of housing with, we believe, negligible (if any) improvements to runoff quality. The cost of housing is already well beyond the reach of the average household income in WA. The National Association of Home Builders has estimated that for every \$1,000 increase in price, approximately 246,000 U.S. households are priced out of the market. And remember, it's not just these regulations that are expensive but also Washington's energy code, system of impact fees, high tax rate, etc, that just keep breaking the back of the average family.

Our members are just as concerned about the environment our families live in as you are. After all, our families live here too. To that end, our state organization offers a very successful CESCL training program and we support local Built Green programs, both of which encourage low-impact development.

One purpose of Engrossed Substitute House Bill 1478 is to give counties "fiscal relief during periods of economic downturn". Additional regulations will have just the opposite effect.

Executive Officer

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### EPA Requirements

The EPA has delegated authority to DOE to administer the Stormwater Municipal Permit. However, Ecology's proposed requirements are (once again) well beyond the EPA requirements. We believe that any requirements above and beyond federal law should be removed or modified to comply with federal law. At the very least, the additional rules could be implemented much more slowly to give the economy time to recover.

### Costs

We have discussed the permit with local agencies, and we echo their concerns about the costs. The proposed requirements will be a significant financial burden on these agencies at a time of limited budgets and resources: monitoring, stewardship, training, inspection, reporting, etc. are all very costly. In addition, these requirements increase the complexity of an already burdensome and overly complex permitting process. Once again, this is yet another unfunded mandate - the cost of which will trickle down to the price of a new home. Whatever happened to affordable housing?

### Low Impact Development

Probably the biggest concern we have is the mandate for Low Impact Development. LID is an admirable goal which our members are already achieving on their own. As they are the ones moving the dirt, our members know firsthand how successful LID approaches can be in managing stormwater. However, we see several problems:

- We are concerned with the mandated, prescriptive approach to implement LID requirements. We believe it would be far more successful to encourage voluntary incentive-based solutions.
- Requiring LID goals on every project regardless of the circumstances will be very expensive. LID requirements should be site specific: some sites may be suitable while others may not be. A 'one-size-fits-all' mandate will only lead to further hardship in our industry and further escalation of home prices.
- Currently, there are no guidance or technical manuals for Eastern Washington. So, what LID practices will be acceptable? Many practices for Western Washington will not be suitable in Eastern Washington. So, who decides what is acceptable and who pays for the failure? An example of this is pervious pavement, which is not very suitable for the freeze/thaw challenges we have in the Wenatchee area.
- We understand that Ecology plans to support LID research and a LID manual as funds are available. Shouldn't this come FIRST, before a requirement to use LID?
- We believe that this will have the unintended consequence in Eastern Washington of pushing development out of the urbanized area to rural areas that don't have to deal with this nonsense.

### Long-Term Operations and Maintenance

The new permit imposes unmanageable long-term requirements for verification of O&M measures. While this sounds nice, we foresee several problems:

- This seems logistically nearly impossible. Who will track this? Who is responsible for what record-keeping? How do you impose this on homeowners associations that have no expertise in this matter whatsoever? How do you enforce this?
- But one has to wonder why all of the fuss? If DOE approves the measures, then why monitor? If they're not going to work, then why require installation? Who is responsible if they fail?

- This will become a major concern of lenders and will have detrimental effect on the flow of capital. Lenders will see this uncertainty as heavy-handed overregulation and will become even more cautious with the uncertainty.

#### Five-year vesting

The draft permit includes a five-year time limit for development on projects that are already entitled. In other words, approved projects only have 5 years for development to comply with DOE requirements, while the state legislature recently increased the vesting limit from 5 years to 7 years for project entitlements. So who makes the rules: DOE or the state legislature?

As noted with LID development criteria, this will have a chilling effect on available capital. A lender needs certainty in order to lend money, and this type of conflicting requirements removes any certainty. We believe that vesting timelines should be established by the legislature and not bureaucracy.

In summary, while we understand the goals of the proposed regulations, we believe that they are much too costly. The amount of water quality benefit derived from the proposed ordinance revisions will be minimal (if any) and not justified by the considerable expense. Further, we believe that much of this can be either eliminated or reduced to comply with federal standards, or at least delayed until economic conditions are more favorable.

Thank you for your consideration, and please feel free to contact us with any questions.

Sincerely,



John A. Torrence, PE  
Vice-Chair of Government Affairs  
North Central Home Builders Association