

From: [Rick Rogers](#)
To: [SW Permit Comments](#)
Subject: Comment on Draft Phase II Eastern Washington Municipal Stormwater Permit
Date: Wednesday, October 26, 2011 9:46:36 PM

Comment:

As it applies to the Low Impact Development (S5.B.5) in the new Draft Permit, and the LID definition i.e.:

*“Low Impact Development” (LID) means a stormwater **and land use management and land development strategy** that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.”*

This entire section seems to have been re-written to be completely new regulatory territory for Ecology. This is **land-use management regulation** rather than **stormwater regulation**, so it is clear that Ecology is using the Clean Water Act as a basis for an unwarranted expansion of its regulatory authority. It is this commenter's opinion that the Clean Water Act does NOT confer on the EPA (or by extension the Washington Department Of Ecology) the power to regulate land use. Consequently this section has no legal place in this or any other stormwater management Permit. This portion of the Draft Permit will likely suffer threat of litigation.

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