



**THE LEAGUE OF WOMEN VOTERS
OF SEATTLE**

WATER QUALITY PROGRAM
DEPARTMENT OF ECOLOGY

JAN 30 2012

January 26, 2012

Ms. Harriet Beale
WA Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Re: Phase I Municipal Stormwater General Permit

I am the President of the League of Women Voters of Seattle/King County. I am writing on behalf of the League to advise you that we support the inclusion of the new Low Impact Development requirements to monitor discharges and the expansion of permit coverage in key areas.

Several League positions and studies on Resource/Water Management support the Department of Ecology proposed regulations for Municipal Stormwater Permit and Low Impact Development (LID) Standards .

The League supports the strict enforcement of laws affecting water quality and quantity management. Those activities that are dependent upon natural elements must be balanced with the needs of people, the uniqueness or scarcity of the resource, its importance to the community as well as the irreversibility of the decisions.

Water quality experts, People for Puget Sound, Puget Soundkeeper Alliance, Washington Environmental Council and Earthjustice, have pointed out the following considerations and we believe that their comments should be seriously considered when finalizing the standards:

Low Impact Development (LID) Standard

Traditional stormwater management techniques (gutters and retention ponds) have failed to prevent the flow of pollutants into our waters. Although this permit requires the development of mandatory standards at the local level, the approach has serious flaws.

First, the new standard fails to adopt the most important LID techniques - the protection of vegetation and reduction of impervious surfaces. The language pertaining to these techniques is vague and potentially permissive. Without these core requirements, the remaining approaches are unlikely to succeed.

Second, the permit has no requirement for water reuse, and its standards for green roofs are weak, making rain gardens and pervious pavement the primary LID techniques for most sites. However, without full application of all potential LID tools, these techniques alone will have minimal impact. Further, the new draft permit uses too conservative a soil standard for rain gardens; studies have shown that rain gardens perform well in less than ideal soils. This standard should be modified.

Third, the draft permit contains broad "feasibility" and "competing needs" exemptions. While it is important that application of the new standards be flexible, these loopholes may allow jurisdictions and developers to avoid compliance altogether. We suggest revisions to the exemptions to provide better guidance to municipalities.

Update of Local Codes and Watershed Planning

We support the requirements for the updating of local codes contained in S5 of the draft permit. However, since the language is not prescriptive it will likely result in implementation challenges.

We support the watershed/basin planning requirements and suggest it be expanded to include additional jurisdictions. We also support language requiring plans to achieve protection of "beneficial uses," but believe that a more specific performance standard, that includes a vegetation goal, is necessary. Finally, it should be clearly stated that Ecology not only reviews plans but also has the authority to approve or rejects them.

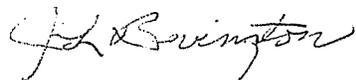
Monitoring

We agree with the new monitoring requirements contained in Section S8 of the permit but believe that the funding for appropriate monitoring is inadequate.

One Acre Exemption

We strongly support the decision by Ecology to harmonize the Phase I and Phase II permits in terms of size of projects regulated. Less than 1 acre projects have significant impacts on our waters and Phase II jurisdictions should be required to evaluate and minimize those impacts.

Very truly yours,



Judy Bevington
President, LWVSKC