



City of Arlington
Public Works Division

Memo

To: Harriet Beale
From: Bill Blake, Stormwater Utility Director
cc: James Kelly PW Director, Ken Clarke Stormwater Technician
Date: February 3, 2012
Re: **Comments on Draft NPDES Permit, Appendices and LID Manual**

Harriet,

Thank you for the opportunity to comment on the Draft NPDES permit and associated documents. The majority of our comments in the attached document are based on adopting a permit and set of requirements that are achievable with resources available to both the State and City of Arlington. Many of the items identified in the appendices are of course desirable, but questionable on if they actually result in improved Water quality. It is important we are able to prioritize and target our limited resources on the actions that are effective.

Please feel free to contact me if further explanation of my comments may assist with creating a set of documents that leads to a recovery Puget Sound.

Thanks,

Bill Blake, Stormwater Utility Director

City of Arlington 360-403-3440

February 3, 2012

Harriet Beale
WA Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

RE: Comments of the Draft Phase II Municipal Stormwater Permits

Dear Ms. Beale: Thanks for the opportunity to comment. I have attempted to identify which document and section. Phrase a question or comment to the content, and provide a suggestion when applicable.

S.5.C.c. – Recommend providing specific audience and behavior choices to allow common messages and measurable results across Western Washington. Otherwise there will be a broad set of data that would be hard to use for adaptive management.

S.5.C.2.b.ii - Added language states shall be thermally controlled to prevent an increase in temperature of the receiving water. Suggest adding a reference to “prevent an increase in temperature of the receiving water to at or above the standard”. Increasing the water from 48 to 50 degrees may not actually be causing harm

C.4.g.i – Should amendments also address how effective impervious surface target is being met by LID in comparison to traditional stormwater management practices? It states that we should make LID the preferred and commonly used approach, which indicates that alternative means are still allowed. If so, is the basic rule still to meet the requirements of the Stormwater manual? It should state that regardless of method the manual still needs to be met.

S.8 – Monitoring

General comment: If a jurisdiction does agree to participate in the RSMP, how can we be assured that our investment helps to characterize our local situation in order to address site specific pollution sources? Suggest adding language that all contributors will have the opportunity to submit future candidate water bodies to be monitored based on the need for additional information. Ecology will have a much better chance of the reports generated being used to target actions if local participation begins up front. The historical knowledge bank provided by local WQ practitioners in regards to analysis, actions and failure to solve WQ problems is key to effectiveness and source identification monitoring.

Appendix 1

4.2.5 – Stabilizing Soils references the use of PAM. Isn't there a risk of PAM leaving the site and entering a salmon spawning stream? PAM can cause embeddenes of the fines around spawning gravels reducing the quality of the spawning gravels. Has Ecology been provided literature review to assure there is no risk from PAM?

4.2.9.c – Third reference to tank says “Take”.

4.2.10.b Controlling water quality during dewatering. I don't see any reference to dissolved oxygen. Groundwater may sometimes be low in DO and pumping it to a fish bearing stream during summer months may lead to anoxic conditions. It should be required to check groundwater from DO prior to introducing to a fish bearing stream.

Appendix 4

S6.D.1.2 – The yes or no box doesn't allow a jurisdiction to show how much they have done in the one year period. Suggest adding a box to indicate what % of the drains has been labeled. Can still retain the sentence saying 10% required in the 4th year. I realize there is the comment box below, but still a good opportunity to track progress by adding % done.

Appendix 5 – When to apply is vague, and does not give a specific date when a jurisdiction would have to submit their NOI. Please add a date that we could put on our calendar as a reminder.

Appendix 9

Page 2 monitoring frequency – doesn't reference how many sites? Can the 14 total be at a single site, or at each site? Suggest confirming which sites will be monitored.

I am unable to determine how the storm sampling is integrated with the RSMP effort of 50 sites. A statement reference should be included as to how the storm data will be assessed in relation to the RSMP data.

General comment: Has Ecology calculated the cost of this level of sampling, and do they plan on contributing funding for the large amount of sampling required? Monitoring is an essential component of understanding, but can't be so excessive that the monitoring uses up the funding available that would otherwise fix and address pollutants at the source. The Appendix 9 should allow a jurisdiction to establish a doable monitoring plan that still provides data necessary to estimate loading contributions.

Appendix 10

It isn't clear how Appendix 10 actions will build on long-term sampling efforts and actions to address the WQ conditions. This should be an element to assure that we aren't starting from scratch on status and trends.

Table B-1 Wadable stream survey sites in the Stillaguamish appear to be up in the undeveloped areas. Snohomish County has already performed wadable stream surveys throughout the Stillaguamish. This provides little value to the downstream UGA contributors. Suggest wadable stream occur in both UGA and non-UGA locations.

Table B-2 During the workshop it was stated that this will be a paradigm shift to have the regional monitoring program. Has the problem been the collection of data, or is it how effective we have been in using that data to understand pollutant sources and reduce them? We have seen many ongoing status reports since the Puget Sound Water Quality Authority. I strongly suggest there is clear paradigm shift on how we use the data to solve problems, but don't see that in the document.

Table C – It appears that this is truly a wish list of what we could do if there were unlimited resources. Yet we are faced with long-term issues to solving water quality that have generally gone unanswered around Puget Sound.

1. How are septic tanks actually contributing to fecal coliform or nutrient problems in local streams, and how do we prevent those impacts?
2. How will we deal with the issue that in restored and protected stream systems our fecal levels continue to be measured above the standard?
3. Our wadable stream survey and sampling efforts have shown the highest fecal levels are in restored areas where wild mallard ducks and beaver have established residency. What is the procedure with Ecology to establish cause of WQ exceedance does not require further action beyond preventing things from getting worse?

Many of the BMP's listed for additional social marketing were adopted based on literature review and previous testing. (Example) Do we really need to ask if reducing phosphorous from a water body will reduce algae, not? Once again I encourage Ecology to reduce the list to the necessary social marketing questions that can change social behavior or allow a jurisdiction to focus their investments on solving WQ and habitat problems. It must be recognized that people are intelligent enough to give the answer they know "government" wants to hear. I encourage Ecology to think of questions modeled for the non-choir members that are phrased in a manner they may find benefit in by participating in the activity.

LID Draft Guide book

Page 36 references LID should not be used in buffers. Suggest adding in areas adjacent to streams or wetland that were developed prior to buffers being established that using LID practices to reduce impacts from run-off would be a benefit and are allowed. Example is where an existing buffer area is parking lot or lawn, a landowner could install a forested rain garden or simply augment the soil and plant native plants. Currently there are no mechanisms for mandatorily planting or restoring buffers without a land use permit or violation triggering action. The existing language in the book saying no stormwater facilities in a buffer would prevent those positive actions from occurring.

I will keep looking but I don't see created forested wetlands included as a means to reduce stormwater impacts? They should be included for the wide variety of function they provide.

Please include them as an alternative. They have worked well in Arlington with no observed problems.

Page 58 Example of LID Checklist. Do the writers of the document realize that the suggested Surveyor, Landscape Architect, Biologist and Geotech would run the average project between \$15,000 and \$50,000 before they even know if they can get a permit. I realize the benefit, but authors should recognize that local jurisdictions have professional staff that can also provide applicants the same information through previous adjacent studies or other modern methods of site analysis. Suggest you have some reference that states: If professionals are not on staff to provide landowners accurate information they may be required to hire.....

Table 17.80.030-1

65% Native vegetation in a residential lot is desirable, but when 35% of a standard urban lot is home you can expect the majority to stay in lawn for children to play in. If this has actually worked in communities with standard single family lots maybe share that example. Otherwise it is impractical that it would be retained. Didn't King County already lose a challenge when trying to retain 65% in forested conditions?

General comment: Has Ecology actually performed studies that show since the 2005 manual was created and jurisdiction have been meeting the standards that flow and water quality conditions have gotten worse? If so those studies should be shared so jurisdiction can share the evidence with elected officials for the need to greatly change standards.