

DEPARTMENT OF ECOLOGY

FEB 02 2012

WATER QUALITY PROGRAM

February 1, 2012

Harriet Beale
Washington 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:

The City of Auburn has reviewed the Draft 2012 – 2013, and the Draft 2013 – 2018 Western Washington Phase II Municipal Stormwater Permits. Thank you for the opportunity to provide comments.

General Comments Relating to Permit Review Process

The concurrent review of permit language, 2012 Stormwater Management Manual, and LID Guidance Manuals (note there are two LID manuals) is a substantial undertaking. The permit language review was made very difficult because the supporting technical manuals (Stormwater Management and LID Manuals) were not available until after permit language comment period started. Considering the interrelatedness of the documents, the City of Auburn believes that a complete review is impossible given the February 3, 2012 deadline for comments. We urge Ecology to seek additional input on the most controversial permit issues before issuing final permit language. The most controversial issues will be clear from Auburn's and comments made by other Phase II permittees.

Storm Water Management Manual 2012

The City is still reviewing this document but does have some general comments for Ecology to consider. The 2012 Manual is written as a guidance document which unfortunately does not support the typical municipal end user. The City implements NPDES permit conditions through municipal codes and engineering design standards. In an ideal world the City would use the 2012 Manual as its stormwater design standard but the document does not contain the prescriptive specificity needed to be a design standard. Consequently the City must rely on a Phase 1 Permittee to create an effective document or do it ourselves and this last option appears to be no longer available.

We urge Ecology to reconsider how it writes the Stormwater Management Manual and abandon writing it as a guidance document and instead write it as design standard document. The City of Tacoma's Surface Water Management Manual is a good example of an enforceable document for implementing NPDES permit conditions.

Draft 2012 – 2013 Western Washington Phase II Municipal Stormwater Permit – one year permit

Page	Lines	Reference	Text
29	32 - 37	S5.C.5.d	Inspection of all catch basins and inlets owned or operated by the Permittee at least once before the end of the permit term. Clean catch basins if the inspection indicates cleaning is needed to comply with maintenance standards established in the 2005 <i>Stormwater Management Manual for Western Washington</i> .
30	6 – 10	S5.C.5.e	Compliance with the inspection requirements in b, c and d above shall be determined by the presence of an established inspection program designed to inspect all sites. Compliance during this permit term shall be determined by achieving an annual rate of at least 95% of inspections no later than 180 days prior to the expiration date of this permit.

Comment – Please correct what appears to be an error in permit requirement timing. It is unreasonable (and we believe impossible) to expect all catch basins and inlets to be inspected and cleaned as needed 180 days prior to the expiration of a one-year permit. The permit must be modified to require a continuation of the rate required for compliance in the permit issued January 17, 2007 (i.e. 20% of the catch basins within the MS4 inspected and cleaned as needed per year).

Draft 2013 – 2018 Western Washington Phase II Municipal Stormwater Permit – 5 year permit

Page	Line	Reference	Text
17	13	S5.A.2.b	<i>Requirements.</i>

Comment – Revise to “Requirements, and” to tie in new section c.

19	31	S5.C.1.a.iii	Dumpster maintenance for property owners.
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Comment – Delete “for property owners”. Language is limiting.

21	10	S5.C.2.b	SWMP
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Comment – Typo should read SWMPR.

21	13 - 14	S5.C.3	The SWMP shall include an ongoing program to identify, detect, and remove and prevent illicit connections and illicit discharges into the MS4
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Comment - Suggest rewording for clarity. Remove the words “and prevent” since prevention is not possible in all cases. The SWMP shall include an ongoing program to detect, identify and remove illicit connections and illicit discharges into the MS4.

21	31 - 34	S5.C.3.a.iii	Permittees may rely on permanent stormwater control plans for mapping LID BMPs provided they are spatially referenced to the MS4 map and maintained on an ongoing basis.
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Comment – Please clarify this statement or define “permanent stormwater control plans” so the reader doesn’t need to rely on the fact sheet to interpret.

26	20	S5.C.3.c.iv	associate
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Comment – Typo should read associated.

27	36	S5.C.3.d.iv	All illicit connections to the MS4 shall be eliminated.
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Comment - Add the word *confirmed* or *known* to read “All **confirmed** illicit connections to the MS4 shall be eliminated”.

29	15 – 27	S5.C.4.a	The program shall implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects. Pursuant to S5.A.4., existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds than required pursuant to S5.C.4., shall be retained. The ordinance or other enforceable mechanism to implement (i) through (iii), below, shall be adopted and effective no later than December 31, 2015.
34	21 – 32	S5.C.4.g.i	No later than December 31, 2016, Permittees shall review and revise their local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID Best Management Practices (BMPs). The intent of the revisions shall be to make LID the preferred and commonly-used approach to site development. In reviewing the local codes, rules, standards, and other enforceable documents, the Permittees shall identify opportunities to minimize impervious surfaces,

			<p>native vegetation loss, and stormwater runoff in all types of development situations. Permittees shall conduct a review and revision process similar to the steps and range of issues outlined in the following document: <i>Integrating LID into Local Codes: A Guidebook for Local Governments (Puget Sound Partnership, 2011)</i>.</p>
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Comment – All ordinance, procedure, standard, technical manual revisions related to development should be scheduled to occur at the same time. These tasks will represent a tremendous undertaking across multiple municipal departments therefore the due date should be December 31, 2016 or later.

35	15	S5.C.4.h	Change “must” to “should”
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Comment – The City does not believe Ecology has the authority to order one permittee to participate with another regarding watershed scale planning. The City is willing to cooperate when the planning effort is in the City’s best interest but in the case where it may not be the City should be able to decline.

35	15	S5.C.4.h	S5.C.4.c
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Comment – Confirm reference, it appears that it should actually be S5.C.5.c.

37	2	S5.C.5.d	Inspection of all catch basins and inlets owned and operated by the Permittee at least once every <u>two years</u> before the end of the permit term.
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Comment – Inspection of all catch basins every two years is unreasonable and will either require hiring of additional staff or deferral of other mandated permit activities. Keep the condition of inspection once during the permit term as stated in the 2007 permit or restate as inspect 20% of the catch basins every year.

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Comment – Correct typo.

68	23	G9.B	the Ecology.
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Comment – Should read Ecology.

79	36	Definitions	interflow
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Comment – Define interflow.

Appendix 1 pg 10	5		Minimum Requirements #2 applies.
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Comment – Typo, correct to Requirement.

Appendix 1 pg 15	25	Construction SWPPP 2.c	constructions entrance
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Comment – Typo, correct to construction

Appendix 1 pg 23	22		All known, available and reasonable source control BMPs must be required for to all projects approved by the Permittee.
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Comment – Correct “for to all” typo.

Appendix 1 pg 24		Minimum Requirement # 5	List #1 and List #2
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Comment – Since developers can opt out of following these lists by using the Low Impact Development Performance Standard the lists should not be called “Mandatory”.

Appendix 1 pgs 24- 26		Minimum Requirement # 5	Entire MR #5 section
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Comment – This entire section is difficult to understand and follow, even when looking at the fact sheet. Consider rewriting for clarity.

Appendix 1 pg 24	10-12	Minimum Requirement # 5	Projects triggering only Minimum Requirements #1 through #5 shall use On-site Stormwater Management BMP’s from Mandatory List #1 for all surfaces within each type of surface listed below
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Comment - ...for all surfaces within each type of surfaces listed below. What does that mean? What surfaces listed below? The next thing below is a table that applies to projects that trigger Minimum requirements 1 – 9.

Appendix 1 pg 25	21	Mandatory List #1	SMWW ¹
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Comment – Typo, revise to SMMWW¹.

Appendix 1 pg 25	2-7	Low Impact Development Performance Standard	SMWW ¹
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Comment – As written developed stormwater discharge durations shall match for the range of pre-developed rates from 8% of the 2 – year peak flow to 50% of the 2 – peak flow. The 50% of the 2 – year target has some basis in fluvial geomorphology but where did the 8% come from? Please explain the origin and justification for this standard.

Does the standard apply only to discharges from Low Impact Development BMP's or does it to apply to all project sites that require flow control? Please clarify Ecology's intent for the application of the performance standard.

Appendix 1 pg 26	1-40	Minimum Requirement # 5	Mandatory List # 2
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Comment - Mandatory List # 1 is for projects that trigger Minimum Requirements 1-5. What is Mandatory List # 2 for?

Appendix 1 pg 26	14 & 21	Mandatory List #2	Section 3.1.1 Section 3.1.2
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Comment – Revise to include “of Volume III”

Appendix 1 pg 27	2	Minimum Requirement # 6	(PGIS)
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Comment – Revise to (PGHS) to match previous line in text.

Appendix 1 pg 30	18	Minimum Requirement # 6	PGIS
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Comment – Revise to PGHS to match language in threshold.

Appendix 1 pg 31	3-6	Minimum Requirement # 7	Except as provided below, the Permittee must require all projects provide flow control to reduce the impacts of stormwater runoff from impervious surfaces and land cover conversions. The requirement below applies to projects that discharge stormwater directly or indirectly through a conveyance system, into a fresh water.
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Comment – The words “hard surfaces” has replaced the words “impervious surfaces” in most other instances. Should this read impervious surface or hard surface?

Appendix 1 pg 32	8-9	Thresholds	Projects in which the total of effective impervious surfaces is 10,000 square feet or more in a threshold discharge area, or
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Comment – The words “hard surfaces” has replaced the words “impervious surfaces” in most other instances. Should this read impervious surfaces or hard surfaces?

Appendix 1 pg 32	10-13	Thresholds	Projects that convert ¾ acres or more of native vegetation to lawn or landscape, or convert 2.5 acres or more of native vegetation to pasture in a threshold discharge area, and from which there is a surface discharge in a natural or man-made conveyance system from the site, or
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Comment – The word native was removed from flow charts Figure 3.2 and 3.3. Should it remain in this list of triggers for flow control?

Appendix 1 pg 32	8-9	Thresholds	Projects in which the total of effective impervious surfaces is 10,000 square feet or more in a threshold discharge area, or
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Comment – The words “hard surfaces” has replaced the words “impervious surfaces” in most other instances. Should this read impervious surfaces or hard surfaces? The term effective hard surface is not listed in the definitions.

Appendix 1 pg 33	6	Minimum Requirement # 7	Appendix I-G of the 2012 Stormwater Management Mangual for Western Washington
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Comment – The draft 2012 manual includes no Appendix I-G. Reference the actual location or add this referenced Appendix to the noted manual.

Appendix 1 pg 36	10-12	Section 7	Reference basin/watershed planning to Minimum Requirement #'s 5, 6, 7 and 8.
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Comment – In accordance with Appendix I-A in the draft 2012 SMMWW, at least Minimum Requirement #3 needs to be added to this section.

Appendix 6 pg 1	24		Discharge to a municipal sanitary sewer <u>MS4</u> requires approval of the sewer authority.
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Comment – Delete this appendix as it appears to serve no useful purpose. Discharging wastewater of any kind (stormwater related included) to the sanitary system is controlled by the wastewater treatment providers and therefore a special Appendix in the permit is not needed.

Appendix 7 pg 1	37		The feature or a buffer to protect the feature is within 200 feed downstream of the site.
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Comment – Correct typo, “feed” should be “feet”.

Once again, thank you for the opportunity to comment on the draft NPDES Municipal Stormwater Permits.

If you have any questions on our comments, please contact Chris Thorn, Water Quality Programs Coordinator, at 253-804-5065.

Sincerely,


Dennis R. Dowdy, P.E.
Public Works Director

DRD/dr/hg

cc: Dan Repp, Utilities Engineer
Chris Thorn, Water Quality Program Coordinator