

City of Des Moines

ADMINISTRATION
21630 11TH AVENUE SOUTH, SUITE A
DES MOINES, WASHINGTON 98198-6398
(206) 878-4595 T.D.D.: (206) 824-6024 FAX: (206) 870-6540



February 3, 2012

Washington State Department of Ecology
Water Quality Program
Attn: Harriet Beale
PO Box 47696
Olympia, WA 98504-769

Re: City of Des Moines Comments
Draft Western Washington Phase II Municipal Stormwater Permit

Dear Ms. Beale—

Thank you for the opportunity to comment on the Draft NPDES Phase II Stormwater Permit. The City of Des Moines has reviewed the draft permit and associated documents and has the following comments and concerns:

- Low impact development code-related requirements, S5.C.4.g.i (page 34)

The draft permit requires that by 2016, permittees revise their local development-related codes to require low impact development (LID) principles and best management practices to “make LID the preferred and commonly-used approach to site development.” Currently, our City drainage standards allow the use of LID practices, provided that a developer demonstrates that the proposed LID practice is technically feasible, but LID is not required to be used.

Low impact development practices, such as permeable pavement, rain gardens, bioretention swales, and dispersion emphasize conservation, use of on-site natural features and site planning to minimize or eliminate the amount of stormwater runoff. These practices are relatively new and, as such, limited information on site applicability, long-term maintenance and life cycle costs is available. Amendments to many City codes in order to implement these standards will be necessary. Designers and staff will require specialized training to prepare and review permit submittal materials. Developers may experience higher development costs for specialized studies to prove whether

or not these practices are applicable or feasible on their sites. Additional development and review costs, training, and staffing requirements impose a substantial burden in a climate of depressed development activity and dwindling City budgets and staffing.

The draft permit includes Ecology's revised stormwater manual and a new LID manual, however, the draft LID manual was not released for review until January 9, 2012 with the public comment period ending concurrently with the draft permit comments. This does not provide ample time to thoroughly review each of the documents.

- Watershed-scale stormwater planning, S5.C.4.h, (page 35)

The draft permit requires that the permittee "participate and cooperate" with a watershed-scale stormwater planning process. The Phase I county (King in the case of Des Moines) would select the watershed and lead the planning process. The City presently participates in watershed planning (WRIA 9) with 17 other jurisdictions in reaction to the Endangered Species Act for the purpose of salmon habitat preservation.

Without additional details on what constitutes "participate and cooperate", cities are unable to assess the potential staffing and funding implications.

- Inspections of Stormwater Treatment and Flow-Control Facilities, S5.C.4.c.ii and S5.C.5.d. (pages 32, 37)

Under the draft permit, inspection frequencies for many municipal and private flow control and stormwater treatment facilities are increased substantially. These include increasing inspections of newly developed private stormwater facilities from 1-2 years to 90% build out threshold, and inspections of municipally owned or operated catch basins from every five years (permit cycle) to every two years. The City's current level of service is to inspect and clean all catch basins every three years; therefore, the permit requirements mean that the maintenance costs for this effort would increase by 50%.

Existing inspection and maintenance requirements were implemented over the course of the original five year permit. Existing staffing and resources will need to be substantially increased to meet the escalated frequencies of inspection required under the draft permit. Under the City's current code, private facilities are required to be maintained and staff is in the process of inspecting all privately owned facilities. Requiring and tracking inspections by

private property owners can be problematic and time consuming for both the City and private property owners.

- Controlling runoff from new development, redevelopment and construction sites, S5.C.4.b (page 31) – Elimination of one acre threshold

One Acre Threshold: The draft permit expands the requirement under the original permit that the city develop and implement a permitting and inspection process to reduce pollutants in stormwater runoff from new development, redevelopment, and construction site activities from those public and private projects meeting the criteria that are greater than one acre to all new development, redevelopment, and construction site projects.

The requirement for all development reviews to undergo drainage review and inspections will necessitate significant additional staff time and training as well as additional review times and costs for smaller developments.

- Monitoring, S8.C; S8.D; S8.E (pages 51, 55, 59)

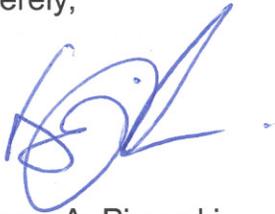
In addition to monitoring required under the previous permit for tracking allowable and illicit discharges, the draft permit requires Phase II permittees to monitor for (1) status and trends, (2) effectiveness studies, and (3) for a source identification and diagnostic monitoring information repository. For each of the three new areas of monitoring, the permittee may choose to either pay into a collective fund to enable Ecology to implement the monitoring program or to opt out and perform the monitoring individually.

The total annual cost to fund Ecology to perform the additional proposed monitoring for Des Moines is \$20,173. Given the specialized equipment and training necessary to conduct the monitoring in-house, the opt out option could potentially cost the City many times more than that per year. Regardless, the implementation of additional monitoring requirements represents a significant financial impact to the City.

The City has appreciated the assistance and collaborative approach from the Department of Ecology during the current permit term as we work towards a common goal of improving water quality in our surface and ground waters. The majority of the requirements of the current permit are proposed to continue essentially unchanged into the next permit cycle. The City's main concern at this time is that many of the proposed additions to the Draft Western Washington Phase II Municipal Stormwater Permit would result in significant increases in

private development costs, and staff time, resources, and expertise in order to comply with the proposed requirements. Additional development and review costs, training, and staffing requirements at this time imposes a substantial private and public sector burden in a climate of depressed development activity and dwindling City budgets and staffing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Piasecki', with a stylized flourish extending to the right.

Anthony A. Piasecki
City Manager

cc: Loren Reinhold