

February 3, 2012

Municipal Stormwater Permit Comments  
WA Department of Ecology  
Water Quality Program  
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### **City of Duvall Comments: Draft 2013-2018 NPDES Phase II Permit**

Department of Ecology,

Thank you for providing the opportunity to comment on the Draft 2013-2018 NPDES Phase II Permit. The following presents City of Duvall comments on the proposed permit revisions.

1. Permit Requirement S5.C.3.c.i (page 26, lines 4-6): This requirement requires field screening for at least 40% of the MS4 by 2016 and 20% each following year. This requirement does not specify whether the percent coverage is aerial extent or linear distance and also does not provide guidance for minimum screening standards. The City recommends that percent coverage be defined and that a minimum screening standard such as 25% of catch basins or other metric be considered.
2. Permit Requirement S5.C.3.d.iv (page 27, line 36): This requirement requires that all illicit connections be eliminated which would be extremely difficult to document. The City recommends that that the wording be revised to *all identified* illicit connections to the MS4 be eliminated.
3. Requirement S5.C.3.d.iv (page 27, line 37): The timeline for removing illicit connections does not include flexibility for long-term, high-cost repairs such as sanitary sewer Inflow and Infiltration. The City recommends that a 2-year timeline category be included for capital construction costs of less than \$25,000 along with a category for circumstances beyond the Permittees control similar to the language in S5.C.4.c.iii (page 33, lines 11-19).
4. Requirement S5.C.4.a (page 29, lines 25-26): The proposed vesting limitations require that projects approved prior to 2016 lose stormwater vesting if construction does not commence by 2021. The City is concerned

about this requirement and how it relates to existing vesting requirements and longer-term vesting contained within approved developer agreements. The City recommends that the appropriate supporting RCW, WAC, or case law be included in this section to support the vesting limitations.

5. Requirement S5.C.4.g.i, .ii (page 34, lines 21-34): As proposed, LID code and standard revisions are required by December 31, 2016. This timeline may not be possible because of code complexity, required public involvement, review and hearing periods, and limited staffing, budget, and workload. The City requests that the timeline for this requirement be delayed to December 31, 2018 or a minimum of December 31, 2017."
6. Requirement S5.C.5.b (page 36, line 22): The annual inspection section has been revised to remove "other than catch basins". Removing the catch basin exception could cause confusion because catch basin inspection is not required annually as described in S5.C.5.d. The City requests that the "other than catch basins" language be retained.
7. Appendix 1, 4.2 (page 13, lines 38 and 39): An abbreviated SWPPP format will be allowed for projects less than an acre if the permittee develops the abbreviated format. The abbreviated format should be standard among all jurisdictions. The City requests that DOE develop this form as opposed to local jurisdictions.
8. Appendix 1, 4.5 (page 24, lines 12, 21): If required or selected, On-Site Stormwater Management BMP's are to be selected from Mandatory Lists #1 or #2. However, there is no language stating what to do if the BMP's on Mandatory List #1 or #2 are infeasible. The City recommends that the language "unless written documentation is provided to demonstrate that the listed BMP's are infeasible" to the end of lines 12 and 21.
9. Appendix 1, 4.6 (page 26, lines 44-45): The existing text refers to Table 4.1, which has been deleted. The City recommends that the reference to Table 4.1 be deleted.
10. Appendix 1, 6 (page 35, lines 30-33): The definition of "severe and unexpected economic hardship" does not provide specific thresholds. The City recommends that thresholds be defined as a specific percent value loss (possibly 20%), for the stormwater portion of the project. Alternatively, the City recommends that language be included stating the "jurisdiction codify the percent value loss as part of the S5.C.4.g.i requirement."
11. Appendix 1, 8.I.B (page 38, line 33): The permeable pavement infeasibility requirement for landslide hazard areas does not include the associated buffer. The City requests that the language be revised include "landslide Hazard Area and associated Buffer."

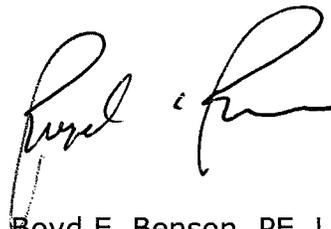
12. Appendix 1, 8.I.B (page 38, line 35-37): The geotechnical infeasibility requirement as stated is valid only if the infiltration cannot be used anywhere within the project area. This statement is vague for areas where only portions of the site have appropriate infiltration and does not include enough flexibility should other geotechnical issues arise. The City requests that the lines 35-37 be revised to state "In portions of the project where geotechnical engineering evaluation recommends infiltration not be used due to reasonable concerns about erosion, slope failure, flooding, or other valid geotechnical issues."
13. Appendix 1, 8.I.B (page 40, line 4-5): The hydraulic conductivity/infiltration rate infeasibility requirement does not sufficiently characterize geotechnical parameters such as soil thickness, depth to groundwater, and low-permeability soil horizons needed to judge site suitability. The City recommends that language be added to line 5 that states "...conductivity less than 0.3 inches per hour or other geotechnical constraints such as soil thickness, depth to groundwater, or low-permeability soil horizons."
14. Appendix 1, 8.I.B (page 40, line 5-7): The option for excavating and installing underdrains beneath permeable pavement results in excessive construction costs, operations/maintenance costs, and lower design life. This approach uses more resources and has the potential for failure that may not be in accordance with LID goals. The City recommends that this language be deleted or that the word "can" be replaced with "may" on line 6.

Thank you for the opportunity to comment on the proposed permit language.

Sincerely,



Steve Leniszewski, PE  
Public Works Director  
City of Duvall



Boyd E. Benson, PE, LEG  
City Engineer  
City of Duvall

cc: File.