February 2, 2012

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

RE: City of Longview Comments – Draft Phase II Municipal Stormwater NPDES Permit

Dear Ms. Beale:

We appreciate Ecology's spirit of cooperation in formulating regulatory approaches to improving urban runoff quality in the next Phase II Municipal Stormwater NPDES Permit. The City has reviewed the 2012-2013 and 2013-2017 drafts, and has the following comments:

Draft 2012-2013 Phase II Municipal Stormwater 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…
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 – Deadlines for compliance within the one year permit need to be addressed so it is clear that the permit is a continuation or extension of the previous permit and none of the deadlines, except the annual report requirements, are in effect.

Draft 2013-2017 Phase II Municipal Stormwater Permit

GENERAL COMMENTS

A. Monitoring

Monitoring performance against key permit conditions and BMPs (such as pounds of debris removed, % of applicable projects using MR#5, etc.) suits a municipal stormwater permit better than localized BMP effectiveness studies and sampling receiving waters or outfalls; because:

- BMPs that are not yet sufficiently understood do not belong in the permit – and certainly not with a requirement that permittees themselves figure out how to vet them;
- Permittees have little control over their discharges, they are often not a primary source of impairment for these waters, and monitoring them could expose the jurisdiction to substantial liabilities if impairments are found (or if the MS4 is found to be contributing to any impairment).

However, Ecology's regional approach is the next-best path and will provide cost-effective results that are broadly applicable over the permitted areas. Kudos to Ecology for supporting regional monitoring and for giving Southwest and Eastern Washington time to develop and experiment with this complex, collaborative approach.

B. Impacts on Development

The City of Longview is concerned that the proposed requirements will have significant widespread economic impacts on small businesses, developers, and downtowns, and urges Ecology to slow down and complete an economic impact analysis before proceeding further!

1. The new LID performance standard essentially precludes runoff from many development sites. Some estimate that stormwater mitigation at the 10% exceedance level of rainfall runoff (from about 1% currently) will increase the amount of runoff volume that must be managed by 330% – that's more than triple the highly protective "forested conditions" standard*!* There has been no assessment to determine whether this is technically or economically feasible, particularly for urban redevelopment.
2. As written, retrofits of stormwater flow control at redevelopment sites in urban areas counters GMA's goal of concentrating impacts of development in existing developed area – and will hasten the stagnation of downtowns and drive redevelopment from cities to suburban and rural areas where development costs are lower.
3. Without the 1-acre threshold, small-scale projects will have to navigate the submittal process proposed in the SMMWW Volume I, Chapters 1 and 3 with its multi-stage processes and its cornucopia of required professional services. Rarely do these projects have the sophistication and funds necessary to do so – not to mention to complete the rigorous one-size-fits-all mitigations. During a time when development is struggling, these changes will surely impede the development needed to stimulate the economy.
4. Cowlitz County has neither the private technical capacity (engineering, geotechnical , and erosion control services) nor the approved materials and qualified contractors that these projects will require. 'Mom and Pop' don't have contractors locally who can step them through the 13 Elements of Erosion

Control and write a SWPPP for that demo job downtown. 'Joe Contractor' is not bidding for the engineering required by Vol.III of the SMMWW for that new corner lot house. The florist repaving over 2,000 square feet of parking lot will struggle to find local talent to help install quality soils, rain gardens, and permeable pavements – not to mention the engineering to meet the LID performance standards.

5. Note that removal of the 1-acre threshold and modifications to Volume III of the SMMWW, Section 3.3.5, result in a scenario where most projects, prior to applying for a building permit, must install and operate groundwater monitoring wells through the wet season to measure level (and flow direction). This is an expensive request; but more to the point, it will immediately and substantially retard the pace of growth, which again is needed to climb out of this economic downturn.

6. Section 19.85.030(1)(a) of the Regulatory Fairness Act requires agencies to prepare a small business economic impact statement if a proposed rule will impose more than minor costs on businesses in an industry. The fact that Ecology has come this far into the process, proposing with such sweeping changes without such an economic analysis is disappointing, and unfortunately, will not go unanswered.

C. Impacts on Rate Payers

Sections of this draft permit go well beyond the minimum requirements of the EPA and the Clean Water Act, and will create significant financial burdens on municipalities during a time when cities can ill afford additional costs. *Conservatively*, these requirements translate to a politically untenable 24% increase in Longview's current Stormwater utility rate (or about $1.40 per month per household) because:

1. The City does not currently employ the geotechnical, engineering, and inspection resources necessary to handle (much less assist) projects through the building and public improvement process if most developments trigger one or more of Appendix I's minimum requirements (MR's). In the preliminary draft, Ecology recognized that "reducing the one-acre threshold will significantly increase the number of site reviews, inspections, and maintenance obligations of cities." Indeed, small projects (5,000 square feet of new impervious) outnumber the larger ones (1-acre disturbed) easily by 10:1. Projects subject to MR #2 or those which merely replace 2000 square feet of impervious surface will increase the number of affected projects by another order of magnitude …then there's the perpetual post-construction inspection responsibilities for all these new BMPs – which are increasingly smaller, more disperse and numerous, and typically not in the right-of-way or a dedicated tract which would facilitate efficient (or any) access.

2. The City has neither the heavy equipment nor the staff to execute (including follow-up and enforcement) any of the following permit mandates:

a) Clean all catch basins every two years and all conveyances every five years,
b) Inspect all private treatment and flow control systems city wide, including existing catch basins,
c) Expand field screening to cover 40% of the MS4 by 2/2/2016 and 20% every year thereafter, and
d) Conduct source control inspections [if these are not required directly by S5.C.3.b.v, then, they will be indirect consequences of items b) and c) above.]

The pace of change proposed in this draft is remarkable given the ongoing Great Recession. The City of Longview requests that the financial impacts to permittees be assessed and considered as a matter of top priority during the permit writing process.

D. Local Control

This permit has been characterized by some reputable legal analysts as the strictest Phase II permit in the nation. While admirable and at times helpful, its highly prescriptive approach could backfire politically and technically. For example, the Northwest's first privately-built pervious concrete public street and other green developments in Longview could not be built today because local conditions would be deemed infeasible by the current one-size-fits-all approach. *In order to maximize use of LID at this early stage of adoption and experimentation, it should be encouraged and administered locally for now.*

Likewise, the City of Longview strongly urges Ecology to let jurisdictions retain or implement their own development controls below the one acre-threshold (if comparable to those proposed in the permit). This will help avoid many unnecessary, contentious battles and a backlash among voters, contractors, and elected officials if the Appendix I technical requirements are applied to routine, single-family projects and minor commercial work. Many jurisdictions, including Longview, have regulated stormwater at the 5,000 square feet threshold for years now and developers and staff are accustomed to the approach. Significant effort and political capital was invested into the 2009 revisions of the Longview and Kelso stormwater manuals and municipal codes (visit www.cleanstormwater.org). The revisions include a popular package of LID incentives and a ground-breaking amenity requirement. Unfortunately, the draft permit obviates that entire effort and replaces it with something much more onerous to the development community and much less familiar to staff at a time when jurisdictions have shrinking budgets and face an array of other higher priority changes with monitoring, LID, IDDE, O&M, outreach, and public involvement.

E. Timeline

Please do not rush to issue the 2013 – 2017 permit by the summer of 2012. During the three month review window, the public had to study the broad and significant changes presented in the draft permit concurrently with volumes of supporting technical manuals and guidance. Particularly galling is that one of those manuals, the PSP LID Manual (a >335 page technical document) became available for review less than three weeks ago. The City of Longview requests more time for review and would appreciate knowing the final outcome of the SMMWW and PSP LID Guidance Manual prior to providing final comments on the draft Phase II permit.

DETAILED COMMENTS

Page	Lines	Reference	Text
14 - 16	17-40 1-41 1-14	S4.F	A Permittee remains in compliance…..

Comment –

- *Kudos to Ecology. Do not change this section.* During the 2008 appeals of Municipal Stormwater NPDES Permits, the PCHB held that Washington law allows for the use of adaptive management in those permits. This approach is a key tool for jurisdictions needing to manage various unavoidable situations which, by a municipal stormwater system's very nature, may be difficult to control and may require complicated, staged responses to effect a suitable resolution.
- Immediately upon permit modification, please clarify, such as in the Fact Sheet and/or updating the existing Focus sheet, the differences between the S4.F, G3 and G20 notifications (and how Ecology intends them to be used – including how they relate to S5.C.3.d).

Page	Lines	Reference	Text
18	21-23	S5.B	The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the maximum extent practicable (MEP), meet state AKART requirements, and protect water quality.

Comment – Please go one step further and state that: "Implementation of the SWMP as described herein constitutes MEP and AKART." This is logical given the highly prescriptive nature of this permit and the jurisdictions' need for protection against frivolous lawsuits.

19	31	S5.C.1.a.iii	Dumpster maintenance for property owners.

Comment – Please delete "for property owners." This language is too limiting.

20	15	S5.C.1.c	<u>new</u> targeted audience in at least one <u>new</u> subject area

Comment – Please remove the word "new" in the two places it appears in this sentence. Permittees are more than capable deciding whether scarce resources should be used to evaluate a new program or re-evaluate and update an existing program.

21	10	S5.C.2.b	SWMPR

Comment – Please correct this typo. Text should read SWMP.

Page	Lines	Reference	Text

21	13 - 14	S5.C.3	The SWMP shall include an ongoing program to identify, detect, and remove and <u>prevent</u> illicit connections and illicit discharges into the MS4.

Comment – Please change the word "prevent" to "help prevent" as prevention is not possible in all cases. The use of the term "prevent" opens permittees up to increased liability and non-compliance challenges.

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.

Comment – Please define "permanent stormwater control plans" in the permit so the reader doesn't need to rely on the fact sheet to interpret. [Permanent stormwater control plans are required in Appendix 1 as part of stormwater site plans and are detailed in Volume 1, section 3.1.5 of the 2012 Stormwater Management Manual for Western Washington. These plans or final corrected plans, commonly referred to as "as-builts," typically contain the information to support inspections, provided they are maintained to reflect any modifications made to the facilities.]

24 & 25	37-41 1-2	S5.C.3.b.v	v. The Permittee shall implement a compliance strategy that includes informal compliance actions such as public education and technical assistance as well as the enforcement provisions of the ordinance or other regulatory mechanism. i. The compliance strategy should include the application of operational and/or structural source control BMPs for pollutant generating sources associated with existing land uses and activities. The source control BMPs referenced in this subsection are in Volume IV of the 2012 *Stormwater management Manual for Western Washington*, or an equivalent manual approved by Ecology under the Phase I Permit. ii. The compliance strategy should address the maintenance of permanent stormwater treatment facilities, flow control facilities and catch basins which discharge into the Permittee's MS4 in accordance with maintenance standards established under S5.C.4 and/or S5.C.5 where necessary to prevent illicit discharges or violations of surface water, ground water, or sediment management standards.

Comment – Whether or not this section (and its subsections) requires a source control program for private operational and/or structural source control BMPs (and maintenance thereof) hinges on the combination of words "shall implement a compliance strategy" that "should…" The Fact Sheet states that

"Ecology does not intend this as a requirement for pro-active business inspections." Encourage, but do not require, pro-active business inspections for Phase II jurisdictions this permit cycle.

Page	Lines	Reference	Text
26	3-6	S5.C.3.c.i	Permittees shall prioritize conveyances and outfalls and complete field screening for at least 40% of the MS4 within the Permittee's coverage area no later than February 2, 2016 and 20% each year after.

Comment – Restore the previous permit's language. The proposed field screening requirement (and its quickly snowballing backlog of follow-ups and enforcement) takes an existing time-consuming job (survey at least one priority receiving water per year) and multiplies it into a new FTE position – excluding management and legal. Also, expanding screening to include conveyances will not catch a commensurately greater number of illicit discharges due to their intermittent nature.

27	36	S5.C.3.d.iv	All illicit connections to the MS4 shall be eliminated.

Comment - Add the word *known* to read "All <u>known</u> illicit connections to the MS4 shall be eliminated." The existing language exposes permittees to too much liability.

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)…

Comments –

- Strike one of the "Pursuant to S5.A.4" clauses to eliminate the redundancy.

- 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 please move the due date to December 31, 2017.
- Add a final line akin to: "In lieu of applying Appendix I requirements to sites disturbing an acre or more (or less if part of a larger common plan of development or sale), permittees may retain or implement a set of stormwater mitigation requirements tailored to local circumstances. Such local requirements shall provide comparable protection to receiving waters and be approved by Ecology on a case-by-case basis."

Page	Lines	Reference	Text
29	23-26	S5.C.4.a	The local program adopted to the requirements of S5.C5.a(i) through (iii), below shall apply to all applications submitted after January 1, 2016 and shall apply to projects approved prior to January 1, 2016 and shall apply to projects approved prior to January 1, 2016 which have not started construction by January 1, 2021.

Comment – This vesting language is clear in regards to projects <u>approved</u> prior to January 1, 2016. However, it does not address vesting for projects whose applications are under review and accepted as complete prior to January 1, 2016. Please provide clear vesting language to address projects under review and accepted as complete prior to the deadline. Said vesting language should be consistent with state law and legal precedent.

32	19-21	S5.C.4.c	Inspection of all new stormwater treatment and flow control BMPs/facilities and catch basins for permanent residential developments every 6 months until 90% of the lots are constructed to identify…

Comment – A 90 percent construction threshold is too high of a standard. In the case of a five lot subdivision, the last lot may remain unconstructed/vacant for many years or even decades, during which time there would likely be no environmental benefit from bi-annual inspections. Please change this language back to match the 2007 Phase II permit "every 6 months during the period of heaviest house construction (i.e. 1 to 2 years following subdivision approval)…"

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, 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: *Integrating LID into Local Codes: A Guidebook for Local Governments (Puget Sound Partnership, 2011).*

Comments:

- Timeframe – Revisions to the codes, standards, and regulations in multiple land use documents is labor intensive. Longview, like most other cities, has limited resources and is already committed to completion of other substantial planning projects including a mandatory Shoreline Management Plan update. We request that the timeframe be revised to December 31, 2017 or later rather than imposing December 31, 2016 as the deadline.
- Requirement to incorporate LID principles and BMPs into enforceable documents – The City of Longview remains committed to reducing the impacts of development on drainage systems and natural habitats. However, the City objects to the imposition of stringent mandatory LID and BMPs requirements. Those standards will replace the City's successful package of credits that have already jump-started LID adoption locally. Moreover, the public and private capacity to design, review, install, and inspect is not yet sufficient to move from the "facilitating LID" to the "mandating LID" stage.
- Integrating LID into Land Use Codes and Documents – Exacting set changes to comprehensive planning documents such as growth and shoreline management plans could add a layer of litigation exposure to permittees. For example, the broad-scale regulatory review of non-development codes that may open other city codes to third-party challenges under the Clean Water Act. Given the complexity and uncertainty associated with those processes, please require that only the LID accommodations be identified and planned, and direct agency staff to update the Shoreline and Growth Management Acts directly.

37	1-2	S5.C.5.d	Inspections of all catch basins and inlets owned or operated by the Permittees at least once every two years.

Comment – Please decrease the inspection frequency. A two year inspection standard of all CB and inlets leaves scant room for error at current staffing levels.

37	17-23	S5.C5.d.i	Inspections at least once every two years may be conducted on a "circuit basis" whereby a sampling of catch basins and inlets within each circuit is inspected to identify maintenance

			needs. Include in the sampling an inspection of the catch basin immediately upstream of any system outfall. Clean all catch basins within a given circuit for which the inspection indicates cleaning is needed to comply with maintenance standards established under S5.C4.a., above.

Comments

- Please decrease the inspection frequency (see above comment). A two year inspections standard of all CB and inlets is unattainable for many Phase II's, especially given these economic times.
- Please change the second sentence to read "Include in the sampling an inspection of the catch basin immediately upstream of any system outfall, if applicable." CB inspection circuits are often based on land use or traffic areas and do not necessarily include system outfalls. This change will clearly give permittees the flexibility needed to effectively and efficiently manage these assets.

Page	Lines	Reference	Text
37	25-26	S5.C5.d.ii	The Permittee may clean the entire MS4 within a circuit, including all conveyances and catch basins, once during the permit.

Comments – Please define "conveyances" in the Definitions and Acronyms section; or better, delete this silly requirement. It is doubtful that permittees could actually do this and in every case it represents vastly more work than the original requirement.

49	17	S7	…issuance of the permit oro priot to the date…"

Comments – Please fix typos.

51-63	All	S8.C, D & E	Monitoring Requirements

Comments – Consider adding a third option similar to the language in Eastern Washington's permit, where "Stormwater discharge monitoring is intended to characterize stormwater runoff quantity and quality at a limited number of locations in a manner that allows analysis of loadings and changes in conditions over time and generalization across the Permittee's jurisdiction … [using permanently installed and operated] flow-weighted composite sampling equipment." The City of Longview does not advocate use of this option, but others may appreciate the flexibility.

Page	Lines	Reference	Text
74	18-19	Definitions Common plan of development or sale	…and 4) linear projects such as roads pipelines, or utilities.

Comments – Please remove the language regarding linear projects from the definition of Common plan of development or sale. Would disparate repairs under the City's Pavement Management Plan or a Utility Master Plan qualify and how might that affect its street network and utility systems?

74	31-34	Definitions	Circuit means a portion of the municipal separate storm sewer system (MS4) discharging to a single point and serving a discrete area determined by both topography and the configuration of the MS4….

Comments – Please revise the above language to read as follows: "Circuit means a portion of the municipal separate storm sewer system (MS4) discharging to a single point ~~and~~ <u>or</u> serving a discrete area determined by ~~both~~ <u>traffic volumes, land use type,</u> topography ~~and~~ or the configuration of the MS4". CB inspection circuits may need to be based on land use or traffic areas and do not necessarily include system outfalls or single discharge points. These changes will allow permittees the flexibility we need to effectively and efficiently manage these assets.

75	35-39	Definitions	Illicit Discharge means any discharge into <u>or from</u> municipal separate storm sewer that is not composed entirely of stormwater or which is not an allowed discharge as specified in this permit. Illicit discharges include, but are not limited to, spills, discharges associated with illicit connections, <u>and infiltration/exfiltration of non-stormwater that takes place in pipe bedding.</u>

Comments

- Please remove the words "or from" from the first sentence. This additional language opens permittees up to too much liability potential from non-compliance and third party lawsuits, as we cannot control non-point source discharges into the MS4 and the resulting cumulative impacts to the MS4 discharge.
- Please remove the words "and infiltration/exfiltration of non-stormwater that takes place in pipe bedding" from the last sentence. This additional language also sets permittees up for non-compliance as we have no control over infiltration/exfiltration of stormwater into pipe bedding. Further, we do not have the ability to effectively trace and remove discharges into from groundwater or pipe bedding. Specifically, the City of Longview is concerned that this definition may be interpreted to mean that leaking sanitary pipes are an illicit discharge. Waste water pipe inflow and infiltration (I&I) is a common pollution problem (particularly in older cities). Please clarify here and in the Fact Sheet

that it would be an exempt non-stormwater discharge because it is covered under the waste water plant's NPDES Permit. Generally, cities are required to line or replace a percentage (0.5-2%) of their waste water system annually to address this problem. In addition, EPA has a limit at which I&I is deemed to be excessive. If a jurisdiction exceeds this limit, additional remediation and controls are required. The City wants Ecology to help avoid any confusion and minimize risk of being forced through a settlement agreement to tackle waste water system I&I much sooner and in a much larger percentage of their system than is currently required in the municipal wastewater NPDES permit. The Stormwater Permit's current illicit discharge definition has no limits (as in the EPA I&I requirement) and requires the Cities to drive I&I to 0. This is nearly technically infeasible and tremendously expensive.

Page	Lines	Reference	Text
77	36-40	Definitions	Outfall means point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to surface or ground waters of the State. Outfall ~~and~~ does not include ~~open conveyances connecting two municipal separate storm sewer systems, or~~ pipes, tunnels, or other conveyances which connect segments of the same stream or other ~~waters of the State~~surface waters and are used to convey primarily surface waters of the State.

Comment – The Fact Sheet states that the addition of groundwater to the outfall definition was consistent with Ecology's obligation under state law to regulate discharges to waters of the State (which include both surface and ground waters). Doesn't the UIC Rule already address this? At this time, the City of Longview wishes to express its unease about this change and requests more time to evaluate its ramifications.

79	14	Definitions Sediment/Erosion –Sensitive Feature	…Appendix 7 Determining Construction Site Sediment Transport Potential…

Comment – Incorrect reference. Please change to Appendix 6.

79	35-36	Definitions	Stormwater means runoff during and following precipitation and snowmelt events, including surface run-off, drainage or interflow.

Comment – Please define "interflow" in the definitions section.

Page	Lines	Reference	Text
Appendix 1 pg 5	31-33	Definitions	Receiving waters – Bodies of water or surface water systems to which surface water runoff is discharged via point source of stormwater or via sheet flow. <u>Ground water to which surface water is directed by infiltration.</u>

Comment – Please remove the last sentence from this definition and return it to its original form. Adding ground water to this definition opens permittees up to a new world of liability. Further, this broadened definition would result in conflicts with the intent and benefits of LID – filtration and infiltration, as well as its implementation. This would also create conflicts with state water standards: For example: Based on this definition, sediment ponds that infiltrate would meet the definition of receiving waters, and by definition violate state water quality standards when turbid water is discharged to them.

Appendix 1 pg 11	2-3		All new development, regardless of size, shall be required to comply with Minimum Requirement # 2.

Comment – Please remove the new language "regardless of size." This requirement is far too burdensome for smaller developments, which generally create minimal off-site impacts anyway. This is yet another argument against the State's over-reach and an argument for a modicum of local control, at least. The City of Longview requires all developments to control erosion form their site, but does not dictate how unless the project plans to disturb 5,000 square feet or more.

Appendix 1 pg 23	22	Minimum Requirement # 3	All known, available and reasonable source control BMPs must be required <u>for to all</u> projects approved by the Permittee.

Comments

- Please correct typo. Text should read "for all."
- Recognize that this sets permittees up for numerous battles. The most common of which is the reputable small business deferring improvements because taking out a building permit would trigger major source controls. Longview got around this dilemma in 2009 by requiring source controls only for projects involving a *change* in the property's use to one requiring source controls. In the meantime, the owner is put on notice that his controls are deficient and s/he could be subject to enforcement later, should IDDE's be identified from the property.

Appendix	10-12	Minimum	Projects triggering only Minimum Requirements # 1

1 pg 24		Requirement # 5	through # 5 shall use On-site Stormwater Management BMP's from Mandatory List # 1 for all surfaces within each type of surface listed below

Comment - *…for all surfaces within each type of surface 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. Please provide clarifying language.

Page	Line	Reference	Text
Appendix 1 pgs 25	6-7	Minimum Requirement # 5 – LID Performance Standard	…Project sites that must also meet minimum requirement # 7 – flow control – must match flow durations between 8% of the 2-year flow through the full 50-year flow.

Comment – This standard has not been tested on a regional scale, only modeled. The City is concerned that this increased flow standard is too burdensome and may be unattainable. As a result this increased standard may result in hindering the use of LID practices. Please remove this language.

Appendix 1 pg 31	3-6	Minimum Requirement # 7	Except as provided below, the Permittee must require all projects to provide flow control to reduce the impacts of stormwater runoff from <u>impervious surfaces</u> and land cover conversions. The requirement below applies to projects that discharge stormwater directly or indirectly through a conveyance system, into a fresh water.

Comments –

- Is use of the term "impervious surfaces" instead of "hard surfaces" here intended to encourage the adoption of pervious pavements and green roofs? If yes, then kudos to Ecology! Keep the wording unchanged.
- The last words should be changed from "into a fresh water" to "into a fresh water body."

Appendix 1 pg 32	8-9	Thresholds	Projects in which the total of effective <u>impervious</u> surfaces is 10,000 square feet or more in a threshold discharge area, or

Comment – Is use of the term "impervious surfaces" instead of "hard surfaces" here intended to encourage the adoption of pervious pavements and green roofs? If yes, then kudos to Ecology! Keep the wording unchanged. Please note however, the term effective hard surface is not listed in the definitions.

Page	Lines	Reference	Text
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

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 37	35	Section 8. Feasibility Criteria	Where the drainage area is less that 5000 sq. ft….

Comment – Please revise language to read "Where the project drainage area…" to clarify the limits of the drainage area. Also please include a definition of what is considered the drainage area. For example: Is it the disturbed area or the entire parcel?

Appendix 1 pg 38	33	Section 8. Feasibility Criteria – Permeable Pavements	Within an area designated as a Landslide Hazard Area.

Comment – Please revise language to read "Within or draining to an area designated as a Landslide Hazard Area." Projects that would increase drainage (surface or groundwater flows) to landslide hazard area are also hazardous and should be classified as infeasible.

Appendix 1 pg 39	1-5	Section 8. Feasibility Criteria – Permeable Pavements	Where a site cannot reasonably be designed to have porous asphalt surface at less than 5 percent slope, or pervious concrete at less than 6 percent slope, or a pervious paver surface (where appropriate) at less than 10 percent slope…

Comment – Any type of pervious paving could be installed on steeper slopes if its base was benched and engineered accordingly.

Appendix 1 pg 39	12	Section 8. Feasibility Criteria – Permeable	Where native soils below a road or parking lot do not meet the soil suitability criteria…

		Pavements	

Comment – Please provide clarifying language indicating where the "soil suitability criteria" can be found.

Page	Lines	Reference	Text
Appendix 6 pg 1	24		Discharge to a ~~municipal sanitary sewer~~ MS4 requires approval of the sewer authority.

Comment – Please return language to its previous form. Municipal sanitary sewer providers do not have regulatory authority over discharges to MS4s.

Appendix 7 pg 1	37		The feature or a buffer to protect the feature is within 200 feed downstream of the site.

Comment – Please correct typo, "feed" to read "feet".

We thank Ecology for releasing the draft Phase II Municipal Stormwater NPDES Permit for review. We look forward to cooperation with Ecology to protect surface water in a way that is both affordable and effective. Feel free to contact me at 360 442-5210 or josh.johnson@ci.longview.wa.us.

Sincerely,

Josh Johnson, PE
Street / Stormwater Manager
City of Longview

cc. Jeff Cameron, PE, Public Works Director

Bob Gregory, PE, City Manager
Steve Warner, Stormwater Inspector