

City of Monroe

February 3, 2012

Municipal Stormwater Permit Comments
WA Department of Ecology
Water Quality Program
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City of Monroe 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 Monroe comments on the proposed permit revisions based on information and discussions with the City of Duvall.

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. \$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.

On the flow chart remove the connecting line "Next Question" after the box, "All Minimum Requirements..." If all minimum requirements are required, why continue the flow chart? There can't be any more than all the requirements. The line is about middle of the flow chart.

Appendix I

I agree with Duvall's comments, particularly these:

- Timing for adopting LID code (2016)
- Vested rights: it seems excessive to allow a project to carry vested rights for 5 years if there is no construction start. Developer agreements should address expiration of vested rights so projects cannot carry vested rights for long periods of time.
- Question: why aren't catch basins included in annual inspections

P.5, lines 19-22 Pre-developed condition

This defines pre-developed as a site prior to Euro-American settlement (forest) unless you provide historic information. This seems to be a far reach into the past, and how far back would they require for historic information to document that the land was not forest? Is this definition a problem?

P37, line 33

Why prohibit bioretention/rain gardens within local setbacks? This severely reduces the available area for bioretention on many lots.