

CITY OF POULSBO

Public Works Department



February 3, 2012

Harriet Beale
Municipal Permit Comments
WA Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

RE: Comments on the Draft Phase II Municipal Stormwater Permits

Dear Ms. Beale:

The City of Poulsbo would like to thank you for the opportunity to comment on the draft municipal stormwater permits for 2012-2013 and 2013-2018. In addition to this letter, our Engineering Department has sent you a separate letter to comment on technical issues. Some of our comments have been included in a letter to you by the Regional Road Maintenance ESA Forum of which we are a member. In addition to those comments, we also offer the following.

DRAFT 2012 – 2013 WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER

Please clarify further in the Special Conditions section of the permit that the permit is a continuation or extension of the previous permit and that it does not alter, extend, or create new deadlines except for annual reporting.

The Special Conditions of the permit do not address the intent or requirements described on page 7 of the fact sheet issued by Ecology on October 19, 2011 for the Draft Municipal Stormwater Permits.

...Ecology understands that the State Legislature and Governor intend to retain permit requirements at their current level, but not to initiate new requirements for this one-year period. This gives permittees time, and fiscal relief, before the next permit becomes effective. During the one-year permit term, permittees will continue to implement programs that were fully developed during the current permit term, and also will meet permit obligations for conditions such as compliance with standards, general permit conditions, recordkeeping, and reporting.

The draft permit would require that all city, town, and county permittees continue to implement ongoing programs as required for the fifth year of the current (2007) permit. Where minimum performance measures specified an ongoing level of effort,

that level of effort is to continue through the one-year permit. Ecology expects that permittees will, at a minimum implement the program activity at a level of effort commensurate with the level of effort which was necessary to complete the activity during the fifth year of the previous permit cycle.

All permittees must continue to submit annual reports for the one-year permit using a form provided by Ecology in the Appendices or on its website....

An example of a permit section where clarification is important can be found on Permit page 29. We believe Ecology does not intend that all catch basins be inspected during the 2012-2013 permit term.

S5 5.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 Stormwater Management Manual for Western Washington.

DRAFT 2013 – 2018 WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT

Illicit Discharge Detection and Elimination

Pg 21 Line 14

Delete "prevent". It is not possible to prevent all illicit discharges since we cannot control the actions of others before the fact. The permittee can, however, identify, detect, remove (or cause to be removed) illicit discharges and provide education as a preventive measure.

Pg 26 Line 3-6

Delete "conveyances" from the requirement. Given (1) the intermittent nature of illicit discharges, (2) the misleading observance of year-round groundwater in conveyances or exiting an outfall because springs and curtain drains are often connected to drainage systems, and (3) the variation in land uses and conveyance configuration present from MS4 to MS4: conveyance screening can unreasonably burden program resources in an MS4 where conveyance screening is unlikely to produce any results.

Pg 27 Line 36

Add the word "known" to read, "All known illicit connections to the MS4 shall be eliminated". It is unreasonable and logistically impossible for the permittee to have knowledge of all illicit connections at all times. Permittees cannot assume that extent of liability.

Controlling Runoff from New Development, Redevelopment and Construction Sites

Pg 29 Lines 23-26

The requirement for projects started after January 1, 2011 should correctly reflect State vesting law.

Pg 32 Lines 19-21

The requirement for 90% completion is not only unreasonable given that lots may not be built upon for years, but sites must have permanent stabilization before final construction approval is granted in the first place.

Pg 34 Lines 21-32

Tasks which require ultimate approval by elected officials, such as ordinance passage and code changes, require a significant amount of time and procedural actions. In addition, the complexity of this requirement demands sufficient time to thoroughly address the elements and resultant implications or impacts. This task should be extended by at least one year to accommodate the conditions listed above as well as the constraints of a limited staff.

Conflicts between the Permit and both the Shoreline Management Act and Growth Management Act should be resolved. The contradictions impair our ability to fulfill our legal obligations under the various Acts and the liability exposure is significant and easily targeted.

Municipal Operations and Maintenance

Pg 37 Lines 1-2

A 2-year inspection frequency cannot be reasonably applied to all jurisdictions. The variables of MS4 size and configuration, funding, and staffing are unique to each jurisdiction. Current economics do not allow for the increases necessary to meet this requirement. The frequency should be decreased.

If you have any questions on our comments, you may contact me or Barry Loveless, P.E., Public Works Director, at the address or phone shown below.

Sincerely,



Anya Funk, Stormwater Program Manager

cc: Mayor Rebecca Erickson
Barry Loveless, PE, Public Works Director