Denis Law
Mayor

City of Renton

Mayor's Office

February 1, 2012

Municipal Permit Comments
Washington State Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

RE: Comments on the Draft NPDES Phase II Municipal Stormwater General Permit

Dear NPDES Permit Staff:

The City of Renton would like to thank the Department of Ecology for the opportunity to comment on the Draft Western Washington NPDES Phase II Municipal Stormwater permit.

The City of Renton has reviewed the Draft Western Washington NPDES Phase II Municipal Stormwater permit that is proposed to be issued in July 2012 and become effective in August 2013. We have a number of concerns regarding the additional and more stringent requirements included in the new permit and the additional cost associated with implementing the new requirements. We request that Ecology delay the issuance of the proposed new NPDES permit for 5 years and extend the current NPDES permit requirements for the next 5-year NPDES Phase II permit cycle. This is consistent with the approach that was taken with the initial Phase I permits, where the first permit was in effect for 12 years while Ecology worked with stakeholders to develop the second permit. The reason for this request is due to the following concerns:

- The timelines in the Draft NPDES permit are too aggressive, increasing the potential for non-compliance and risk of litigation. Due to the current economic recession, jurisdictions are currently struggling to provide funding needed to meet the staffing, equipment, and other costs associated with complying with the current 2007 NPDES Phase II permit.

- The current 2007 NPDES Phase II permit already far exceeds the minimum federal requirements as established by the EPA. The proposed new NPDES permit will increase the regulatory requirements and create more of an economic disadvantage

to the State of Washington and its cities to retain existing business needed to achieve economic recovery.

- More time is needed to fully assess the economic impacts to jurisdictions and the State of Washington versus the benefits of the proposed new NPDES Phase II permit. The cost of implementing the new permit requirements will have a significant cost impact to jurisdictions and the benefits of implementing these requirements have not been fully determined.

- The Regional Storm Water Monitoring Program proposed in the new NPDES permit is overly aggressive, excessive, and needs to be tested on a smaller scale to prove the proposed approach will function as conceptualized.

- Ecology's proposed permit language and Appendix 1 includes numerous references to "Low Impact Development Standards" (LID) defined in the 2012 Stormwater Management Manual for Western Washington, the 2012 LID Technical Guidance Manual for Puget Sound, and the Rain Garden Handbook. The 2012 Ecology Stormwater Management Manual for Western Washington came out for public review and comment on November 4, 2011, and the Low Impact Development Technical Guide for Washington was not available for review until January 2012. Both the new NPDES permit and the adoption of all the documents are undergoing separate review processes with the same timelines. There is insufficient time and detail to evaluate and assess the costs and potential impacts of the requirements included in these technical manuals to adequately evaluate the requirements of the new permit language. Typically, Ecology would have already developed the manual, published it, and received public review and comment before such mandates become imbedded in the permit as proposed requirements. We are being asked to review the Draft WW Phase II Municipal NPDES permit language with insufficient time to understand the technical aspects of the new requirements, which is a backward approach. Ecology's proposal to develop and adopt these technical manuals concurrently with the issuance of the new 2012 NPDES permit, which will not become effective until August 2013, reduces or eliminates the time needed by jurisdictions to review and fully understand the implications of the requirements in these technical manuals and the requirements proposed in the new NPDES permit.

In general, the Department of Ecology continues to implement and propose new NPDES permit requirements that far exceed the federal minimum requirements established in the Clean Water Act. These higher regulatory standards place a tremendous financial burden on jurisdictions to administer and implement. The higher regulatory requirements also make it more difficult for existing business in the state to grow and

operate and are a deterrent to the recruitment of new businesses and employment to the State of Washington.

Enclosed please find comments identified by the city as the major issues of concern with the Draft Western Washington NPDES Phase II Municipal Stormwater permit.

We look forward to working cooperatively with Ecology and other jurisdictions to better understand and establish reasonable requirements for the new NPDES Phase II permit. If you have any questions, please contact Gregg Zimmerman, Public Works Administrator, at 425-430-7311, or Ron Straka, Surface Water Utility Engineering Supervisor, at 425-430-7248.

Sincerely,

Denis Law

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Mayor

Enclosure

cc: Representative Glenn Anderson
Representative Judy Clibbon
Senator Joe Fain
Representative Mark Hargrove
Representative Bob Hasegawa
Representative Zack Hudgins
Senator Adam Kline
Senator Steve Litzow
Representative Marcie Maxwell
Representative Eric Pettigrew
Senator Cheryl Pflug
Senator Margarita Prentice
Representative Jay Rodne
Representative Sharon Tomiko-Santos
Representative Pat Sullivan
Renton City Council
Jay Covington, Chief Administrative Officer
Larry Warren, City Attorney
Terry Higashiyama, Comm Services Administrator
Alex Pietsch, CED Administrator
Mark Petersen, Fire Chief
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Dave Catterson, AWC, Legislative & Policy Analyst