



City of Tacoma
Public Works Department

February 3, 2012

WA State Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

Re: Municipal Permit Comments

Dear Sir/Madam:

Thank you for the opportunity to comment on the preliminary draft of Ecology's 2012 Draft Phase I Municipal Stormwater General Permit. The City of Tacoma supports most of the permit language updates and the general scope of the permit revisions. Generally, our comments request clarification or additional details to aid in implementation of the permit requirements.

We have provided specific comments and edits to the draft permit with suggested language changes in the following attachments:

Attachment 1: Comments on the draft permit Special Conditions, General Conditions and related Appendices, especially Special Condition S5. Stormwater Management Program and Special Condition S8. Monitoring.

Attachment 2: Comments on draft permit Appendix 1.

In addition, we would like to highlight the following comments concerning the draft permit:

1. **Vesting conflict with deadline for implementation of updated new and redevelopment requirements** – The permit deadline for implementing the updated new and redevelopment requirements to all development applications submitted after January 1, 2015 may violate state vesting law. In such cases, the City may not be able to comply with this requirement; we suggest deleting this language.
2. **Low Impact Development (LID) code update** - Delay the LID code update deadline by at least one year (Dec. 31, 2015), which aligns with the LID advisory group's recommendation to provide a minimum of two years to complete this activity in relation to the effective date of the permit. The current deadline does not provide adequate time for Tacoma to complete the committee process recommended in the Puget Sound Partnership's guidebook on *Integrating LID into local codes*, nor to complete Tacoma's Planning Commission and City Council code amendment review and approval process.
3. **Low Impact Development implementation outlined in Appendix 1** – The mandatory lists of LID BMPs and Section 8 "Feasibility Criteria" are difficult for Tacoma's plan review staff to implement because of the lack of definition for what can or cannot be "reasonably" designed under each list of feasibility criteria. The intent of the mandatory BMP lists and feasibility criteria is to make LID the first choice for stormwater management practices on new and redevelopment projects; however, the feasibility criteria include so many loosely defined conditions for allowing exceptions to LID that most projects would be able to arguably exclude many of the LID BMPs. The attached comments request more detail in the LID requirements and feasibility criteria in order to support Tacoma's ability to require LID.

4. **Training** – The City hires qualified staff to perform the activities listed in the Stormwater Management Program, and many of the training and tracking requirements throughout the permit are unnecessary, onerous, and overly prescriptive. The attached comments request that staff training requirements be rewritten to allow more freedom to tailor the training requirements to the needs of our staff, as well as make the training and reporting more consistent and valuable.
5. **Reporting** – The annual Stormwater Management Program Report (SWMPR) appears to duplicate some of the reporting currently included in the NPDES Permit annual report. Also, many of the SWMP elements required in the SWMPR do not contain activities that are likely to change from year to year during the permit term nor would they vary significantly from the SWMP activities already described in the body of the permit. Therefore, additional annual reporting of these activities in a separate SWMPR is not necessary. Please consider incorporating the parts of the SWMPR which would be likely to vary annually into the existing annual report form rather than requiring an additional SWMPR report.
6. **References to guidance documents not attached to the permit** – The numerous guidance documents referenced by the permit, but not included in the body of the permit, complicate permit compliance. Since several of the guidance documents are not available for public review during the comment period of the permit, we anticipate we will have additional permit-related comments once the documents are released, and request the opportunity to submit additional comments for consideration at that time. Some of our comments reference the permit fact sheet (dated November 4, 2011) which also contains various important pieces of information for compliance that should be included in the permit itself.

If you have any questions regarding the enclosed comments, please contact Erik Ward at 253-502-2171 or eward@cityoftacoma.org.

Sincerely,



Geoffrey Smyth, P.E.
Division Manager/Environmental Services
Science and Engineering Division

Cc: Vince McGowan, Dept. of Ecology
Richard E. McKinley, PW Director
Michael P. Slevin III, P.E.

gms:skh:crt