

JAN 31 2012



January 30, 2012

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

Re: *Draft 2013 to 2018 Municipal Stormwater Permit for Phase II Cities*

Dear Sir or Madam:

Thank you for the opportunity to review and comment on the proposed Draft 2013 to 2018 Municipal Stormwater Permit for Phase II cities. The City of Woodinville is committed to operating its stormwater system in a manner which not only meets legal requirements, but also protects the public interest, and is a cost effective and efficient utility serving the citizens needs. The new permit, currently in draft form, includes requirements that while good intentioned, may not yield the desired outcomes, or are cost prohibitive in these challenging budgetary times especially for the smaller cities. Listed below are my comments. Please take them into consideration when revising the proposed permit that will be issued to Phase II cities.

- Page 26 – Please clarify the meaning of “at least 40% of the MS4”. Do you mean outfalls and conveyances for 40% of the area within the permittee’s MS4?
- Page 27 – Please change “All illicit connections to the MS4 shall be eliminated” to “All **known** illicit connections to the MS4 shall be eliminated.” If the permittee is unaware of and has not found the illicit connection, and no evidence exists that suggests it exists, it is very difficult to eliminate it. This is an impossible standard to meet as written.
- Page 29 – Controlling Runoff from New Development – The second to the last sentence in the minimum performance measures section may put the permittee in a position that is in conflict with state law on vesting for permit applicants on rules and regulations they are required to comply with when complete application status is granted.
- Page 30 – Legal Authority to inspect and enforce maintenance standards for all private stormwater facilities. This can easily happen after a permit is issued until all work is completed and the permit is closed out. However, after the permit is closed, this requirement will compel the property owner/permit applicant to record against the property a document granting this right to the City, so that all parties in the future are aware of their responsibilities and obligations.
- Page 32 – Annual inspection of private stormwater treatment and flow control facilities. My concern with this requirement is the same as the previous comment, the ability and rights of the permittee to go onto private property to inspect a privately owned facility without permission of the property owner without a clear record that the City has established the right to do so.
- Page 34 – Low Impact Development Code related requirements. Low impact development techniques work well in some areas and in others, not at all, depending on the underlying geology and existing topography. I suggest that this requirement be modified to encourage

low impact development techniques and BMP's as reasonably allowed given the underlying geology and existing topography of the area under control by the permittee. I would also suggest that the permittee be allowed to establish what areas LID is encouraged and/or required, and areas where it is not allowed on an area by area basis, rather than strictly on a project by project basis. This will save many permit applicants from submitting virtually the same report asking to waive LID requirements when developing/redeveloping in an area not suitable for LID techniques / BMP's. This will also save City staff time to review the same report for numerous permit applications where LID is not applicable.

- Page 37 – Please provide the scientific basis for inspection frequency of each catch basin every two years. A better requirement may be to have the permittee's conduct a study to determine how often the catch basins in their system need maintenance in order to meet the standards in the Draft 2012 DOE Stormwater Manual, provide that information, and then implement the inspection and maintenance frequency necessary indicated by their study for their system. This will be different for each permittee.

APPENDIX 1 – Minimum Technical Requirements for New Development and Redevelopment

1. Page 1 – It is requested that removing and replacing an existing paved surface to base course or lower, or repairing roadway base, only be required to meet Minimum Requirements #1 - #4 when the amount of impervious surface (paving) is not changed. In these times of limited funds to maintain the roadway system, adding additional cost and burden to repair subgrade failures within an existing roadway prism will cause negative impacts for the responsible agencies to keep their roads in good repair.
2. Page 9 – It will be very costly, if not physically impossible to meet the proposed stormwater requirements if a project is replacing more than either 2,000 or 5,000 sq. ft. of impervious surface in a dense urban downtown core. This may have a significant impact on the ability of property owners to have reasonable use of their property and discourage the redevelopment of dense urban downtown areas which other growth policies and regulations are encouraging.
3. Page 28 – Revise the criteria to where enhanced treatment is required only for roads that have an AADT of 15,000 or higher no matter their classification and use. Having a lower limit of AADT of 7,500 for non limited access roads unfairly puts the burden of addressing the impacts on stormwater water quality by traffic on local agencies. The impacts on stormwater by traffic are probably a function of the traffic volume. The classification and access control of a road does not appear to be a reasonable criteria to determine when enhanced treatment is required if traffic volumes are creating the impact, hence the request for the higher limit at this time.
4. Page 35 – Please define the term "severe and unexpected economic hardship". This is critical if local agencies are required to judge if this is being met when evaluating requests for exceptions and variances.

If you have any questions or wish to discuss my comments, please contact me at 425.877.2291.

Sincerely,



Thomas E. Hansen, P.E.
Public Works Director