

## **Stormwater Control Transfer Program – Out of the Basin**

### **City of Tacoma Comments**

Thank you for the opportunity to provide comments to the program documents. The City appreciates the time, effort and technical expertise that Ecology has put into the document. The City also acknowledges and appreciates Ecology’s efforts to provide guidance and flexibility in meeting the NPDES MS4 Permit.

Tacoma is developing a regional in-lieu of program. While Ecology has stated that discussion of in-basin regional in-lieu of programs do not belong in the “Stormwater Control Transfer Program – Out of the Basin” report, Ecology is requiring Tacoma to use much of the same calculation methodology and approach as is outlined in this report. Please provide some clarification of the portions of this document that apply to in-basin in-lieu programs either in this document or a separate guidance document.

#### General

1. Provide information to outline guidance for in basin in lieu of programs.
2. Use equivalent terminology between the Permit, the Manual, and this guidance document. Provide a glossary where new terminology is needed.
3. Revise to change retention to infiltration for consistency with the Permit and Manual.
4. Provide section numbers for reference.
5. It is unclear how this guidance document relates to the Basin and Watershed Planning section of the Permit and how it relates to the regional facilities that will be located within the same watershed. Provide a statement as to how these relate.

#### Table of Contents - Page i

6. Under the Table of Contents include the number sign (#) in front of the Minimum Requirement #s for consistency.

#### Abstract - Page iii

7. When referencing MR#5 change low impact development to onsite stormwater management for consistency amongst the Permit, manual, and this guidance document. Make a similar change throughout the document.

#### Overview Statement – Page 1

8. In the second sentence, recommend changing the word rehabilitation to mitigation. Rehabilitation is not a commonly used term when referring to stormwater facilities.
9. Define out-of-basin transfers.
10. Please provide a written statement in the beginning of the document acknowledging “in-basin transfers” and that this document doesn’t cover “in-basin transfers”.
11. Do programs that include “in-basin transfers” require approval of their alternative program through Section 7 of Appendix 1? Please provide a written statement in the document.

### General Stormwater Control Transfer Program (Page 2)

12. #4 states, "Projects triggering MRs #5, 6, or 7 and located within a high priority watershed cannot transfer those stormwater control improvements to another watershed." This statement does not appear to allow for re-prioritization of watersheds. Is it Ecology's intent to re-evaluate jurisdictions programs as priorities change, sites change or as work is complete?

### Key Stormwater Control Transfer Program Elements (Page 2)

13. Add distinction between LID Improvements and MR#5 on-site stormwater management. In addition, LID BMPs may be used for MR #6, 7 and 8.
14. Under #1, it is stated, "For replaced surfaces, flow control, runoff treatment, and LID improvements may be transferred to a high priority watershed. For new surfaces, only flow control and LID improvements may be transferred." The Permit allows and encourages the use of Basin Planning to tailor MRs #5, #6, #7, and #8. The Permit has no restrictions in terms of which MRs may be transferred – this guidance document appears to conflict with the Permit language in terms of applicability. Provide justification.
15. Provide justification for the following: "For new surfaces, only flow control and LID improvements may be transferred." The Permit does not appear to limit basin planning to MR#5 and MR#7. For projects that have a combination of new and replaced surfaces that require treatment it appears that the applicant would be allowed to transfer a portion of surface area for treatment transfer but not the complete area requiring treatment. Per the Manual, all areas that drain to a treatment device would be required to provide treatment. Limiting the surfaces that are allowed to transfer treatment mitigation will limit the applicability of this program for many sites. Provide justification.
16. Section a. appears to state that a given project will be required to provide flow control to existing conditions in every scenario. Provide justification for this requirement.
17. In section b. define in-kind runoff treatment improvements.

### Key Stormwater Control Transfer Program Elements (Page 3)

18. Section c. appears to state that a given project will be required to provide some level of onsite stormwater management (1-10% frequency) to existing conditions in every scenario. Provide justification for this requirement.
19. Under #2, consider providing the Permit section under which the maintenance is required for reference.
20. Under #3, it is stated, "Any facilities in priority watershed built to provide flow control, runoff treatment, or LID improvements in lieu of making those improvements at a project site must be online before any project may rely on the facility to help meet its stormwater requirements." This statement appears to conflict with the Permit and SWMMWW. The Permit (Appendix 1, Section 3.4-Redevelopment) states: "The Permittee may exempt or institute a stop-loss provision for redevelopment projects from compliance with MR#5, MR #6, MR#7, and MR#8 as applied to the replaced hard surfaces if the Permittee has adopted a plan and a schedule that fulfills those requirements in regional facilities." The Permit does not specify that the facility must be online.

21. Under #5, it is stated that the tracking mechanism is “explained in a related guidance.” Consider adding section numbers and referencing the section within this document. As written, one might think there is a separate guidance document that contains this information.

Specific Guidelines re: Minimum Requirement 7 Flow Control (Page 4)

22. Under #2, change “other hard surfaces” to “hard surfaces” to avoid confusion.
23. Provide a definition for like surfaces. Replaced surfaces are not the same as like surfaces but in #3, it appears that they are being used synonymously.
24. It is unclear if statement #4 applies to new surfaces associated with new development site and redevelopment sites.
25. In # 4 and the MR #7 Table, is pre-project the same as existing? Recommend using terms consistent with the Permit and SWMMWW.
26. For clarity consider rewriting #5 to state: “Only effective impervious surfaces, hard surfaces, and converted vegetation areas that are subject to Minimum Requirement #7 have to be considered when determining the areas proposed for transfer and when determining which areas to use for matching existing conditions.”

Specific Guidelines re: Minimum Requirement #6 Runoff Treatment (Page 5)

27. It is unclear under Statement #1 why transfers only apply to similar surface types. Treatment transfers should be applicable to the type of treatment required as opposed to the surface type. Revise.
28. Under Statement #3, it is stated, “Note that Enhanced Treatment facilities constructed in high priority watersheds must serve a land use type designated in the Enhanced Treatment menu.” It is unclear if this statement is implying that only land use types that are required to provide enhanced treatment are allowed to drain to the regional facility. In practice regional facilities will treat parcels that may be a variety of land uses. The regional facility should be designed for the land use with the highest treatment requirement and its capacity should be allowed to be sold based upon the design treatment type. Provide additional clarifying language.
29. Describe the rationale behind statement #4 and how this statement relates to the Permit.
30. Describe the rationale behind statement #5 and how this statement relates to the Permit.
31. Describe the rationale behind statement #6 and how this statement relates to the Permit.

Specific Guidelines re: Minimum Requirement 5 On-Site Stormwater Management (Page 6)

32. Throughout this section, onsite stormwater management techniques are called low impact development improvements. Consider revising to state onsite stormwater management to more closely align with the typical SWMMWW or equivalent manual language. There may be references in this document where Ecology is trying to describe that portion of MR #5 On-site Stormwater Management that refers to certain LID BMPs. There should be a definition section to clarify the terms used in this guidance. Whenever possible use constant language, terms and definitions as in the Permit and Manual.

33. For clarity, consider rewriting #3 to state: “Only effective impervious surfaces, hard surfaces, and converted vegetation areas that are subject to Minimum Requirement #7 have to be considered when determining the areas proposed for transfer and when determining which areas to use for matching existing conditions.” Also, the concept of effective impervious surfaces as related to MR#5 does not appear in the Permit.
34. In # 3, #5, #6 and the MR #5 Table, is pre-project the same as existing? Recommend using terms consistent with the Permit and SWMMWW.

Specific Guidelines re: Minimum Requirement #5 On-Site Stormwater Management (Page 7)

35. #7, Post Construction Soil Quality and Depth must be implemented unless infeasible. Revise language.

Prioritization Analysis Support (Page 9)

36. Paragraph 1: Please clarify where the criteria and definitions are related to the terms “Protection”, “Restoration”, “Conservation” and “Development”. It is unclear from the website which areas have specific designations or the criteria used to develop the designations.

Prioritization Principles to Consider (Page 10)

37. Item 5 states “In all cases, seek input” from federal, tribal and state natural resources agencies. What are the mechanisms for the contacts? Exactly who is required to be contacted, how much time must a participant wait for a response from these agencies? Revise item 5 to “Where the local jurisdiction lacks adequate knowledge, seek input...”

Overview (Page 11)

38. The overview first paragraph and all three cases discuss streams and sampling in streams. What about discharges that are not to streams (i.e. marine waters)? At a minimum revise the overview first paragraph and Case 3.
39. There will be many activities in a watershed that affect water quality and/or flow over the timeframe discussed in this section that are beyond the effect of the regional flow/treatment facilities. Evaluating or monitoring for the effect of just the regional flow/treatment facilities may not be possible or practicable on basin scale.
40. Ecology seems to lead participants to certain types of monitoring schemes in this guidance. There are other monitoring programs that may be able to more effectively measure the effectiveness of a regional program based upon each individual facility installation. Please clarify that alternative monitoring will be allowed.
41. This section does not discuss how the results of the monitoring might be used or the implications of monitoring. This program is part of Ecology’s prescriptive BMP approach. If a site does not utilize the regional facility but instead builds its own facility, no monitoring is required under the prescriptive approach. Regional facilities and transfers to those facilities continue to utilize the

prescriptive approach outlined in the Permit and SWMMWW therefore no monitoring should be required.

#### Overview (Page 12)

42. First paragraph Edit the second to the last sentence of this paragraph to revise “Repeat” to “Repeating”.

#### Determining a Project’s Stormwater Improvement Transfer Obligation (Page 13)

43. It is stated, “The transfer obligation of a development/redevelopment project participating in a Stormwater Control Transfer Program is to provide flow control facilities fully meeting Minimum Requirement #7 of Appendix 1 of the Phase I or Western Washington Phase II Municipal Stormwater Permit for areas equivalent to the pre-project land cover of the development/redevelopment project site.” Revise statement for clarity. The City recommends: A new or redevelopment project is required to provide flow control at the site to match developed discharge rates to pre-project (existing) discharge rates for the range of discharge rates from 50% of the 2-year return period flowrate up to the full 50-year return period flowrate. This area is known as the transfer obligation.
44. Replace pre-project with existing throughout the guidance.
45. The City recommends revising the Note to state: Projects that convert forest to any other developed land cover (lawn, landscape, impervious, etc.) cannot use this program. Replace will not with cannot.
46. The example does not include the proposed scenario. Provide the proposed scenario.
47. The document states that tracking shall be to the tenth of an acre. Suggest tracking acreage to the nearest 0.01 acre. Many urban projects that trigger MRs #5, 6 and 7 that would potentially participate in this project, could be small enough to round to 0 acres if using 0.1 acre (4350 square feet) increments. This may allow those sites to effectively provide no treatment or flow control. For example, the entire area for new and re- development triggers minimum requirement but the portions of the site that is redevelopment is 0.04 acres. When transferring this portion of the site to a regional facility, it would be 0.0 acres.

#### Allowable Regional and Equivalent Facilities (Page 16)

48. The term retention basin is not used in the BMP section of the SWMMWW; consider revising to use similar terminology (Infiltration Pond/Basin).
49. Will infiltration trenches be allowed as part of this program? They are not specifically listed but could be used for a regional facility.
50. Please provide a definition of and requirements for reforestation? What types of covenants or easements are required and how do those have to be filed?

#### Allowable Regional and Equivalent Facilities (Page 17)

51. It is unclear why other flow control facilities (such as detention ponds) cannot be used to meet the LID Performance Standard. Provide justification. As a regional facility the onsite stormwater management techniques would not likely be considered low impact development.

52. Item C – revise “LID types” to “LID BMPs”.

Calculating Capacity (in terms of acreage) of Regional or Equivalent Facilities in Priority Watersheds  
(Page 17 & 18)

- 53. Provide the rationale behind the procedures used to determine pond sizing.
- 54. It is stated, “Use the actual land cover and soils conditions for the post-developed condition of the drainage basin.” This statement is unclear. Does actual land cover for the post-developed condition mean the full-build out conditions for the drainage basin or the build-out conditions based upon the proposed project or the existing conditions? Revise statement for clarity.
- 55. Under Procedure 1, it is unclear what design to use for the pond, the design with the adjusted diameter (per Step 4) or the design reached in Step 3 or another design. Provide guidance.
- 56. Under Procedure 2, Step 3, it is stated, “Enter the characteristics of the actual area draining to the expanded pond...” Is the actual area the existing conditions or the full build-out conditions?
- 57. Under the Reforestation Section, could areas that are already considered native vegetation but have the potential to be developed be used in this program?

Calculating Capacity (in terms of acreage) of Regional or Equivalent Facilities in Priority Watersheds  
(Page 20)

- 58. Provide justification for why pond facilities must be fully sized for the drainage area. Does this restriction extend to combined detention/wetpond facilities?
- 59. Provide justification for why flow splitters cannot be used. In many situations, including urban areas, the opportunities for regional facilities, especially in already developed areas are extremely limited. It is necessary to be opportunistic in the siting and construction of these facilities. If a flow splitter is used to direct a portion of the total basin flow into a facility, and that facility is sized to treat or provide flow control for entirety of the flow that is directed to it, it is a benefit to the receiving water body and should be eligible to be part of the program.
- 60. If flow splitters are allowed, there should also be an allowance strategies to upgrade a facility from partial sizing to sizing for the entire basin

Table 1A

- 61. Define “Debit” concept.
- 62. It does not appear that the Notes would apply in every scenario, please clarify.