



proud past, promising future

CLARK COUNTY
WASHINGTON

APR 10 2009

April 8, 2009

Greg Winters
Department of Ecology
Vancouver Field Office
2108 Grand Boulevard
Vancouver, WA 98661-4622

RE: Notice of Violation No. 6514

Dear Mr. Winters:

Clark County has received the Department of Ecology's Notice of Violation No. 6514 regarding violation of the County's NPDES Municipal Stormwater Permit. We acknowledge the notice and hereby broadly identify the steps that we have taken and will take to come into compliance with the permit terms.

We recognize that the Department of Ecology has determined that the County does not meet permit requirements in two aspects of its stormwater and erosion control ordinances and manuals, including a flow control policy that does not provide equal or similar protection of receiving waters and equal or similar levels of pollutant control, and an exemption for infill and re-development projects from the one tenth (0.1) cubic feet per second flow increase threshold.

We appreciate the Department of Ecology's simultaneous recognition that the County's adopted ordinances and manuals significantly improve development regulations for stormwater and erosion control, offering increased protection for watersheds and easy to understand procedures. We are very confident that combining these stringent regulations with a corresponding capital program will provide appropriate protection to receiving water bodies and comply with all permit conditions, as outlined below.

Through basin studies the County will assess existing conditions and locate the sources of existing problems. The County will then identify the capital projects necessary to address those impacts and commit to a targeted capital program to address runoff from previous land development. This innovative approach will provide equivalent protection from cumulative adverse effects at a level comparable to the state's requirements.

The strategy will rest on two key points:

1. Under the County's new regulations, new developments are bearing the responsibility for the impacts they create, by using standards that minimize any further degradation at considerable expense;
2. Existing developed areas already create significant issues and currently impact streams.

Clark County proposes to enter into a Compliance Agreement with the Department of Ecology that will establish a process to determine the status of streams, identify areas where runoff reduction is needed and practicable, and delineates a plan to construct stormwater capital projects according to an agreed upon schedule. The Compliance Agreement will address the timing and financing of capital planning and construction, and will clearly identify significant steps and milestones and the County's commitment to reaching our shared goals.

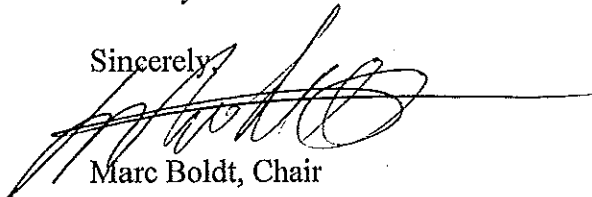
The County will also reexamine the exemptions and propose steps to equivalent protection and compliance for increases in the rate of runoff for infill and redevelopment sites.

We have already met with the Department of Ecology to discuss how the County can better align its stormwater management program with the state's expectations. We agree on the environmental goals and recognize the differences in our approaches to achieve them. We feel confident that we are working toward the same end, using an alternative equivalent path to get there. Our objective is to meet the intent of the NPDES permit, while continuing to protect the interests of all Clark County residents and businesses.

We look forward to continuing our work with the Department of Ecology. Our staff will contact you to discuss the details of the strategy and plan for the development of a Compliance Agreement. It is our intent to come to agreement with the state as soon as possible and comply with the terms of the NPDES municipal stormwater permit.

Thank you.

Sincerely,



Marc Boldt, Chair



Steve Stuart, Commissioner



Tom Mielke, Commissioner