



**King County**

**Water and Land Resources Division**

Department of Natural Resources and Parks

King Street Center

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Seattle, WA 98104-3855

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TTY Relay: 711

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July 30, 2008

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Rachel McCrea  
Municipal Stormwater Specialist  
Washington State Department of Ecology  
Northwest Regional Office  
3190 – 160th Avenue Southeast  
Bellevue, WA 98008-5452

RE: NPDES Municipal Stormwater Permit WAR04-4501 G20 Notification

Dear Ms. McCrea:

Several sections of Special Condition 5 require the adoption of regulations equivalent to those in Ecology's Stormwater Management Manual for Western Washington. These include S5C5 (Controlling Runoff from New Development, Redevelopment, and Construction Sites), S5C7 (Source Control Program for Existing Development), S5C8 (Illicit Connections and Illicit Discharges Detection and Elimination), and S5C9 (Maintenance Standards). King County and Ecology have reached agreement on the equivalency of the regulations. The King County Department of Natural Resources and Parks (DNRP) proposes to comply with these conditions, but our code revisions, if adopted by the King County Council, will not be effective in time to meet the September 17 deadline established by the permit and letter from Ecology dated May 20, 2008. This letter alerts you, under General Condition 20 of the permit, to anticipate non-compliance.

For our proposals for equivalent regulations to become effective, or implementable, two steps are required at the County. First, the King County Council must adopt key code provisions. Once the Council acts, the Department of Natural Resources and Parks (DNRP) will then adopt a public rule. The King County Executive submitted the necessary code revisions to the Council in March of 2008, consolidated in a package of legislation that included our 2008 Comprehensive Plan amendments. The package is proceeding through the Council committee process. Adoption is expected to occur sometime between mid-September and mid-October of 2008. DNRP will be ready to initiate the public rule process as soon as the Council acts. The rule process requires a minimum of three months. Accordingly, the earliest that we could have our equivalent regulations in place would be December of 2008. January of 2009 is the more likely target.

Rachel McCrea  
July 30, 2008  
Page 2

However, there is a further complication. Under a recent decision by the Pollution Control Hearings Board, equivalency cannot be a decision made by Ecology alone. Public process, through a permit modification, is required before our proposed regulations are considered equivalent under the permit. We understand that this process is likely to take four months and would not be initiated by Ecology until sometime after our proposed regulations have actually become effective. Therefore, it is not likely that King County will be able to meet the above cited permit conditions before May of 2009, and quite possibly later.

Please contact Curt Crawford, Manager of the Stormwater Services Section in the Water and Land Resources Division with DNRP, at 206-296-8329 if you need further information about the process I have described. We look forward to Ecology's support during our adoption process.

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Sincerely,



Mark Isaacson  
Division Director

MI:LC:bgD30

cc: Theresa Jennings, Director, Department of Natural Resources and Parks (DNRP)  
Curt Crawford, Manager, Stormwater Services Section, Water and Land Resources  
Division (WLRD), DNRP  
Doug Navetski, Supervising Engineer, Stormwater Services Section, WLRD, DNRP  
Luanne Coachman, NPDES Municipal Stormwater Permit Coordinator, Stormwater  
Services Section, WLRD, DNRP