

Clark County Clean Water Program Comments on Draft Modification of the Western Washington Phase I Municipal Stormwater Permit

S5.C.5 – Controlling Runoff from New Development, Redevelopment, and Construction Sites

Comment on revised language for S5.C.5.b.iii. on page 11:

Modify the permit after the scope of “LID” practices and their feasibility is defined.

Basis:

The modification to implement LID is not appropriate at this time. No clear standards are established to define the scope, feasibility and performance criteria for LID practices. Based on the footnote at the bottom of page 11, Ecology will incorporate results of a process to define the scope of LID, feasible tools, and performance standards as future permit modification to implementation of this requirement. That is the point in time when the requirement should be added.

S5.C.9. – Operations and Maintenance Program

Comment on existing language in S5.C.9.b.1.(2) to reduce cost during current budget crisis:

Consider adding language to allow an alternative schedule proposed by permittees to clear maintenance backlogs for expensive repairs such as cleaning sediment from ponds and detention basins. Where the backlog is greater than the permittee can manage, the permittee should be allowed to prioritize work to target facilities where maintenance or repairs have the greatest benefit to the environment.

Basis:

Inspections only recently began to apply standards in the 2007 permit (February 2009). Initial results suggest that many facility repairs that require the use of heavy equipment, such as removing sediment from ponds and detention basins, are more numerous than previous inspections had indicated.

Even if only a relatively small percentage of these facilities require cleaning, the total number could be more than available staff and equipment can complete within the permit schedules. For example, if only 10% of 800 facilities with detention basins or ponds require cleaning, then 80 facilities will require cleaning in one year.

Large numbers of repair projects require increased budget. Clark County is currently in the 2009 – 2010 budget cycle. The increased budget to meet the permit repair timelines will likely not be available.

In some cases, older facilities built in or near critical areas can require environmental permitting before repair work can begin. The time needed to obtain permits can push

projects beyond the NPDES permit schedule. Permits may also require work to be performed during certain seasons such as late summer, further restricting schedules.

Managing workload through the year is another concern; certain work such as restoring vegetation in swales is performed during narrow windows in the spring or fall. Other work such as cleaning ponds or removing sediment from detention basins must be completed during dry summer months.

Comment Special Condition S8 – Monitoring

Comment on existing language in S8.B.2:

Consider clarifying or removing this language because the BMPs used by the permittee are largely prescribed by Ecology. Also, this section seems to be more appropriate as part of the annual report requirements because it covers all SWMP components.

Comments on S8.D., S8.E., and S8.F. to reduce costs during current biennium:

Extend the monitoring implementation deadlines from August 16, 2009 to August 16, 2010 for stormwater characterization, targeted effectiveness, and treatment and flow reduction strategy monitoring.

Reduce the number of storms required during the first year of monitoring if the start date is not postponed or permittees have already begun monitoring.

Basis:

Stormwater monitoring for the three subcomponents of S8 is among the most costly and time consuming tasks permittees are required to perform. Estimates vary between permittees but the overall program is expected to cost each permittee at least \$400,000 per year to implement fully. The work will tie up at least two FTEs to run the project and complete reports. Additionally, the monitoring will need several persons to work night and weekend shifts to capture the required storm events and process samples for lab analysis.

Postponing the work one year will not cause any degradation in water quality and allows permittees to direct scarce assessment and monitoring personnel to activities such as identifying stormwater facilities suitable for retrofitting and gathering data for watershed planning efforts that can have a direct influence on improving stormwater quality and stream habitat.

Delaying implementation may also postpone expensive equipment purchases and monitoring costs and allow permittees to retain staff that otherwise may be laid off (at least two FTEs based on lab and equipment budgets).

Comment on S8.D.2.d. to extend toxicity testing deadlines to reduce costs and improve implementation:

Consider postponing implementation of toxicity testing for two years.

Basis:

Toxicity testing and follow up are not commonly performed activities and require considerable effort to implement. The implementation occurs at time when permittees are likely to be learning and refining field procedures. From a programmatic standpoint, successful toxicity testing is more likely after permittees have experience conducting stormwater monitoring.

Logistically, permittees will be stretched to the limit to capture qualifying storms. Wet season monitoring work will overlap with analysis and reporting required to complete the toxicity testing analysis and report. Conducting both the wet-season monitoring at stormwater and treatment BMP and the toxicity analysis will require considerable amount of personnel resources that are not likely to be available.

The extreme rarity of qualifying dry-season storms will be a problem for the first dry season where the permit monitoring begins no earlier than mid August. A review of rainfall records since 2003 suggest that there are between 0 and 6 qualifying dry period storms at county stormwater monitoring sites. Capturing the number of storms required by the permit will require mobilization for every potential qualifying storm.

The procedure for library comparison and literature review does not appear to be an existing standard procedure. Ecology should develop the library and literature for review, along with Standard Operating Procedures for conducting the review before including the requirement in the permit. Ideally, Ecology should provide expert staff to perform the few reviews that will be needed each year. This would be more cost effective, provide uniform results, and relieve the permittees of conducting a literature review that requires specialized expertise in the field of toxicity.