



April 28, 2009

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

SUBJECT: Ecology Permit Modifications to the NPDES Phase II Municipal Stormwater General Permit – Review Comments

Dear Ecology Permit Staff:

The following is the City of Renton's comments regarding the March 18, 2009 Permit Modifications to the Western Washington National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater General Permit. Renton recommends the following comments be used in reshaping the permit deadlines in order to equitably proportion the permit requirements.

Controlling Runoff from New Development, Redevelopment, and Construction Sites

The Western Washington NPDES Phase II deadline for controlling runoff from new development, redevelopment, and construction sites (Section S5.C.4) should be extended to reflect the time period between August 16, 2008, and the completion of the final modification process for the Municipal Stormwater NPDES General Permit, or no earlier than March 18, 2010. The current NPDES Phase II permit deadline for requirements to implement programs for controlling runoff from new development, redevelopment, and construction sites, under Section S5.C.4, is August 16, 2009.

The original National Pollutant Discharge Elimination System Phase I Permit required Phase I jurisdictions to develop Equivalent Programs for Runoff Control by August 16, 2008. This would have allowed for a one-year time period between the Phase I jurisdictions' adoption of Equivalent Programs for Runoff Control, and the NPDES Phase II permit deadline. The NPDES Phase II jurisdictions could not proceed with the adoption of a NPDES Phase I jurisdiction's Equivalent Program for Runoff Control until Ecology had approved equivalency. This approval was not granted until March 18, 2009, as part of the proposed NPDES Phase I Permit Modification Process, and may not be formally approved until the completion of the NPDES Phase I Permit modification process.

Due to delays in the NPDES Phase I permit jurisdictions' development, and Ecology's approval of an Equivalent Program for Runoff Control, the NPDES Phase II jurisdictions did not have the option of adopting a NPDES Phase I jurisdiction's Equivalent Program for Runoff Control to comply with the requirements in the Phase II NPDES Permit



Section S5.C.4, as allowed by the Phase II NPDES Permit. As part of the adoption process, and the development of an Equivalent Program for Runoff Control, Phase II jurisdictions will need to: revise and/or develop ordinances or other enforcement mechanisms to control runoff from new development, redevelopment, and construction sites (S5.C.4a); revise existing permitting processes with plan review to meet adopted standards (S5.C.4b); develop inspection requirements (S5.C.4b); develop a program that includes provisions for operation and maintenance (S5.C.4c); and train staff responsible for implementing the program to control stormwater runoff (S5.C.4f). If a Phase II jurisdiction had proceeded with adoption of a Phase I jurisdiction's Equivalent Program for Runoff Control, prior to Ecology's equivalency approval, the Phase II jurisdiction would have had no certainty that doing so would satisfy the Phase II Permit requirements.

Therefore, the City of Renton recommends that Ecology revise the National Pollutant Discharge Elimination System Phase II Permit deadline for all requirements, under section S5.C.4, for controlling runoff from new development, redevelopment, and construction sites to reflect the time period between August 16, 2008, and completion of the final modification process for the NPDES Municipal Stormwater General Permit, or no earlier than March 18, 2010.

The Western Washington NPDES Phase II Permit is an unfunded regulatory mandate that exceeds federal minimum requirements resulting in additional costs to jurisdictions. Due to the severe current economic recession, all jurisdictions are dealing with declining revenues and serious budget deficits. This has resulted in jurisdictions, including the City of Renton, being unable to hire staff necessary to implement the programs required by the permit. We request that Ecology consider this economic situation when modifying the deadline associated with the programs in the NPDES Phase II Permit.

The City wishes to express appreciation for your efforts and looks forward to participating in bringing the permit to its final form. If you have any questions, please contact me at 425-430-7311, or Ron Straka, Surface Water Utility Engineering Supervisor, at 425-430-7240.

Sincerely,



Gregg Zimmerman, P.E.
Administrator

cc: Jay Covington, Chief Administrative Officer
Larry Warren, City Attorney
Lys Hornsby, P.E., Utility Systems Director
Mike Stenhouse, Maintenance Services Director
Ron Straka, P.E., Surface Water Utility Supervisor