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April 30, 2009

Attn: Ms. Harriet Beale
Municipal Permit Comments
WA Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

**SUBJECT: Sammamish's Comments on Ecology's Proposed Modifications to the
WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT**

Dear Ms. Beale,

Thank you for the opportunity to comment on the March 2009 proposed modifications to the Western Washington Phase II Municipal Stormwater Permit. As noted in Ecology's fact sheet, the majority of the proposed modifications are a result of the Pollution Control Hearings Board decisions on permit appeals or are non-substantive permit clarifications or corrections. Sammamish has the following comments and suggestions for the remaining proposed permit modifications..

COMMENTS ON EXTENDING INTERIM PERMIT DEADLINES AND REDUCING COSTS

1. S5.C.4 Controlling Runoff from New Development, Redevelopment and Construction Sites

Proposed Modification: Ecology proposes an effective date of November 16, 2009 for the controlling runoff ordinance required to be adopted by August 15, 2009.

Comments and Suggestions: Sammamish concurs with Ecology's proposal to provide several months between the ordinance adoption date and ordinance effective date to allow for revisions of stormwater management and construction standards, permit applications and submittal requirements, internal permit review and inspection procedures, documentation procedures, training, and local development community outreach. However, Sammamish suggests modifying both the ordinance adoption and the effective dates as follows and for the reasons listed:

- A. Extend the controlling runoff ordinance adoption date from August 15, 2009 to November 16, 2009 to allow Phase II permittees sufficient time to incorporate Board decisions into the adoption process and evaluate equivalent Phase I manuals. Specifically:
- The Board's decision to leave the one-acre threshold in effect was made in February 2009 and requires additional time and steps in an already tight code adoption process. The time and steps are necessary to inform the public and elected officials of the options and obtain direction on which option to implement through code revisions (i.e., one standard jurisdiction-wide or two standards dependent on site disturbance).

- Allow adequate time for public review and comment periods on two policy issues instead of one; the above options and the entire NPDES code revisions package (illicit discharge detection and elimination, controlling runoff, maintenance standards).
- Analysis of potential equivalent Phase I Stormwater Manuals has been delayed and challenging because Manuals became available to Phase II permittees at varying times, equivalency status was unclear and generally requires analysis of associated codes and policies in addition to the Manuals.

B. Extend the effective date for the controlling runoff ordinance from proposed November 16, 2009 to January 1, 2010 for the following reasons:

- Provides additional time for code adoption process as noted above.
- Provides time to revise existing municipal stormwater management and construction standards (separate from drafting and adopting code revisions), permit applications and submittal requirements, internal permit review, inspection and documentation procedures including those for low impact development best management practices, training, and local development community outreach.
- Provides efficiency gains for municipalities because annual reporting beginning January 1 better aligns with other development services annual reporting processes.
- Provides better alignment with NPDES permit annual report process and a January 1, 2010 implementation date is easy to remember.

Thank you for your consideration of these comments and suggestions. If you have any questions, please contact Eric LaFrance, Senior Stormwater Program Engineer at 425-295-0562.

Sincerely,



Pete Butkus

Deputy City Manager
City of Sammamish