

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

**FRANK M. ABART
Director**



STORMWATER

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Harriet Beale
WA Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

SUBJECT: Whatcom County's Comments on Department of Ecology's Proposed Modifications to the Western Washington Phase II Municipal Stormwater Permit related to extending permit deadlines and reducing costs.

Dear Ms. Beale,

Thank you for the opportunity to comment on the proposed modifications to the Western Washington Phase II Municipal Stormwater Permit. Whatcom County has the following comments and suggestions in regarding proposed permit modifications, specifically; Section S5.C.4 Controlling Runoff from New Development, Redevelopment and Construction Sites

Whatcom County agrees with the Department of Ecology's proposal to provide several months between the ordinance adoption date and ordinance effective date. However, Whatcom County recommends DOE please consider extending the ordinance(s) adoption date from August 15, 2009, to February 16, 2010. This extension would allow sufficient time for Phase II permittees to incorporate PCHB decisions into the adoption process and evaluate equivalent Phase I manuals. We particularly recommend modifying both the ordinance adoption and the effective dates for the following reasons:

- While DOE provided guidance in writing regulations in regard to Section S5.C.4, the most recent revision was released in April 2009. This version provided clear direction on what specifically needs to be adopted with respect to the Stormwater Management Manual for Western Washington and Appendix 1 of the permit. However, this leaves too little time to inform the public and elected officials of the options and obtain direction on code revisions.
- The PCHB decision to leave the one-acre threshold in effect was made in February 2009 and requires additional time and steps in an already compressed adoption process.
- Allow adequate time for public review and comment periods for planning commissions and policy makers.
- Analysis of potential equivalent Phase I Stormwater Manuals has been 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.

- This extension would allow time for Whatcom County and other municipalities to complete their budgets and determine the feasibility of meeting staffing requirements.
- Extending the deadline would also provide time for all entities to assess how the current economic crisis will affect their ability to continue to meet the increasing requirements of the permit, and see whether it is feasible to adequately respond with decreased staffing levels.

Whatcom County, like most governmental agencies throughout the U.S. has experienced a severe impact from the current economic downturn. Whatcom County initiated a hiring freeze on July 11, 2008, and several key positions involving NPDES Phase II implementation and stormwater management were vacant at that time and remain unfilled. Whatcom County appreciates that the DOE has seriously taken into consideration the negative impact of the economic downturn and how it has affected municipalities' abilities to respond to the Western Washington Phase II Municipal Stormwater Permit. Whatcom County is pursuing a funding mechanism to provide stable funding for surface and stormwater management however, the prospect of succeeding with this effort in the near future, is contingent on the status of the local, state, and national economies.

Thank you again for the opportunity to comment on the permit modifications.

Respectfully submitted,



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cc: Frank Abart, Director of Whatcom County Public Works
David Stalheim, Director of Whatcom County Planning and Development Services