



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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May 13, 2008

Aaron Reardon, County Executive  
Snohomish County  
3000 Rockefeller Ave., M/S 407  
Everett, WA 98201

RE: Phase I Municipal Stormwater Permit #WAR04-4502  
Comments on Draft Drainage Manual and Regulations Submittal under S5.C.5

Dear Mr. Reardon,

This letter lists the Washington State Department of Ecology's (Ecology's) significant concerns with Snohomish County's draft Drainage Manual and Regulations submittal under the Phase I Municipal Stormwater Permit (Phase I Permit). Ecology reviews this draft submittal for compliance with Special Condition S5.C.5 (Controlling Runoff from New Development, Redevelopment, and Construction Sites) of the Phase I Permit.

Ecology received Snohomish County's draft submittal on February 15, 2008. The draft submittal consists of the following parts:

- Draft Addendum to the 2005 Stormwater Management Manual for Western Washington, Volumes I-V (the Snohomish County Drainage Manual Addendum)
- Submittal of Draft Regulations, February 14, 2008 (including SCC 30.63A and 30.63B)
- Draft Engineering Design and Development Standards (EDDS), Chapters 5 and 11, February 12, 2008
- Miscellaneous supporting documents written by others, including the Low Impact Development Manual and several technical reports.

Ecology and County staff met to discuss the draft submittal on March 17 and April 2, 2008. County staff provided revised and supplemental information on April 4 and May 1, 2008. Additional phone conversations have also occurred throughout this review period.

Based on our review, Ecology believes that the County must perform significant additional work to revise its proposed program to bring it into compliance with S5.C.5 of the Phase I Permit. Most critically, the County's draft submittal does not demonstrate enforceable minimum requirements, thresholds, and definitions equivalent to Appendix 1 of the Phase I Permit as is required under S5.C.5.b.i. The County's draft submittal also does not include a site planning



process and Best Management Practices (BMP) selection and design criteria that meet requirements under S5.C.5.b.ii. Reasons for this determination are discussed below.

### **Snohomish County's Drainage Manual Structure is Complex and Difficult to Understand.**

The County has significantly amended Ecology's 2005 Stormwater Management Manual for Western Washington (Ecology Manual) through design criteria changes included in code (for example SCC 30.63A.745(2)) and in EDDS (per SCC 30.63A.120). In order to implement the proposed program for controlling runoff from new development, redevelopment and construction sites, project proponents and County staff must consult with four or more documents, including:

- SCC 30.63A (for development activities) and/or SCC 30.63B (for land disturbing activities), and/or SCC 30.63C (for low impact development projects) and
- Snohomish County Drainage Manual Addendum, and
- EDDS, and
- Ecology Manual.

Such a complex structure highlights the importance of having detailed and accurate cross-references and citations, and being able to clearly summarize requirements for project proponents and County staff. The County's proposal lacks such detail, accuracy and clear summarization to the extent that its use would not result in effective stormwater management or water quality protection.

### **Snohomish County's Proposed Program Has Variable Levels of Enforceability.**

Our review has shown that the different documents listed above are not given equal weight in the County's regulatory scheme. EDDS is adopted by administrative rule, and the Ecology Manual is adopted as Technical Guidance. This structure suggests that EDDS and SCC contain the enforceable drainage provisions, while the Ecology Manual has discretionary enforceability. The County's program must be consistently enforceable.

### **Snohomish County's Proposed Program Fails to Integrate with Existing Local Programs.**

The draft code SCC 30.63A does not clearly integrate Permit-required minimum requirements at Permit-required thresholds with the County's existing program for smaller (residential) development and redevelopment activities (at the 200 and 400 square foot (s.f.) impervious area thresholds per SCC 30.63A.610 and 620, and SCC 30.63.700). As a result, the County's existing proposal for addressing minimum requirements per Appendix 1 of the Permit for the 2,000 s.f. of new plus replaced impervious surface threshold may not be enforceable.

The County's proposal also does not integrate the Permit-required program with the County's existing SCC 30.63C Low Impact Development (LID) requirements. In Ecology's view, a project deemed to be an "LID project" must still meet applicable requirements for controlling runoff from new development, redevelopment and construction sites. SCC 30.63C must be effectively integrated with the County's proposed program.

Revisions to the County's proposed program under SCC 30.63A illustrate how such integration is possible. Per revisions to 30.63A.735 received 4/4/08, County staff have indicated a

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willingness to identify LID best management practices (BMPs) from EDDS Chapter 5 as additional ways for project proponents to meet Minimum Requirement #5 (Onsite Stormwater Management). This is an encouraging step.

### Next Steps

Ecology is committed to working with Snohomish County with the common goal of arriving at an approvable local Drainage Manual and associated regulation to meet the permit-established adoption deadline of September 13, 2008. Ecology appreciates the efforts of County staff thus far to respond to questions to clarify and refine the County's proposal. Ecology believes, however, that the County must perform a major overhaul of its draft submittal in order to meet permit requirements. Ecology staff will provide technical assistance to support the County's efforts, including detailed comments on individual aspects of the County's proposed program. Please contact Rachel McCrea at 425-649-7223 or [rmcc461@ecy.wa.gov](mailto:rmcc461@ecy.wa.gov) to schedule a follow up meeting where we can discuss ways of moving forward.

Sincerely,



Kevin C. Fitzpatrick  
Water Quality Section Manager

cc: Bill Leif, Surface Water Management, Snohomish County  
Randy Sleight, Planning and Development Services, Snohomish County  
Linda Kuller, Planning and Development Services, Snohomish County  
Craig Ladiser, Director, Planning and Development Services, Snohomish County  
Steve Thomsen, Director, Public Works, Snohomish County  
Jeannie Summerhays, Regional Director, Ecology NWRO  
Kelly Susewind, Interim Program Manager, Water Quality Program, Ecology HQ  
Rachel McCrea, Municipal Stormwater Specialist, Ecology NWRO  
Permit file