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January 30, 2012

Carrie Graul
WA Department of Ecology
Olympia, WA 98504-7696

RE: Comments of the Draft 2012 Stormwater Management Manual for Western Washington

Dear Ms. Graul:

The City of SeaTac would like to thank you for the opportunity to comment on the draft stormwater manual. The City is committed to providing effective and efficient stormwater management services to its residents, while protecting our natural resources and waterways. The City has reviewed the draft 2012 manual and has the following comments:

General Comments

Stormwater Manual as Guidance Document

The Ecology workshops, the Ecology website, and the manual itself refers to the manual as guidance document. However, the Ecology website, and the presentations made at public workshops by Ecology staff, clearly indicate that the updates made to the 2012 manual were in preparation for this document to be required by the NPDES stormwater permits. Therefore it is clearly Ecology's intent and design that this manual will be used as a regulatory document, and as such must go through the appropriate review processes, including SEPA review and Economic Impact Assessment, as justified below:

Mayor

Tony Anderson

Deputy Mayor

Mia Gregerson

Councilmembers

Barry Ladenburg

Rick Forschler

Terry Anderson

Dave Bush

Pam Fernald

SEPA Review Required

As Ecology is aware, SEPA cannot be avoided through incremental implementation of policies, rules or a project if these elements are a part of larger plan or project. The same holds true for the Stormwater Management Manual for Western Washington. SEPA cannot be avoided by stating this manual is a guidance document, if it clearly Ecology's intent to make it a regulatory document through the implementation of its NPDES stormwater permits. Therefore, SEPA review is required.

Economic Impacts

Compliance with 19.85 RCW Regulatory Fairness Act - The Act defines "small business" as ". . . any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees." The Act finds that uniform regulatory requirements can impose a disproportionate burden on small businesses (19.85.011 Findings – 2007 c 239 (5)). Further, Section 19.85.030

City Manager

Todd Cutts

City Attorney

Mary Mirante Bartolo

City Clerk

Kristina Gregg

(1)(a) of the Act requires agencies to prepare a small business economic impact statement if a proposed rule will impose more than minor costs on businesses in an industry. The City of SeaTac believes that the proposed LID requirements will have significant economic impacts on small businesses and developers. Therefore, a small business economic impact statement should be completed.

Detailed Comments

Pursuant to a request made by Ecology staff during a public workshop for the draft stormwater manual on January 4, 2012, the City will not repeat detailed comments on Appendix I of the Phase II permit in this letter. However, the City feels it is important that these comments be referenced. Therefore, for detailed comments on the draft stormwater manual, please see the City of SeaTac's comments on Appendix 1 of the 2013 – 2018 Western Washington Phase II Municipal Stormwater Permit, dated January 30, 2012.

If you have any questions on our comments, please feel free to contact me.

Sincerely,

Donald G. Robinett

Donald G. Robinett, MRP & CPESC
Stormwater Compliance Manager
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drobinett@ci.seatac.wa.us

cc: Tom Gut, P.E. Public Works Director
Susan Sanderson, P.E., City Engineer
Florendo Cabudol, P.E., Assistant City Engineer
Ali Shasti, P.E., Development Review Manager
File