

From: [Vanier, Carmen](#)
To: [ECY RE WW SW Manual Comments](#)
Subject: 2012 Draft Stormwater Management Manual for Western Washington - Comment
Date: Monday, January 30, 2012 11:52:48 AM

Good morning,

This is a general comment, so I have not referenced volume, section or page number. However, I recently had a discussion with Ed O'Brien regarding the issue of "new" versus "net new" impervious surfaces (which are now being referred to as "hard surfaces"). He indicated in an email he sent to me on Tuesday, October 25, 2011 that Ecology's position on this issue is as follows:

It is true that Ecology's manual does not include any references in regard to the concept of net impervious surfaces. We discussed the concept with WSDOT and decided to support the concept when determining flow control requirements for a project. I will give you citations of pages in the Highway Runoff Manual that discusses use of net new impervious surfaces. It is used strictly in regard to determining whether flow control applies to a project. In other words, it can be applied to reduce the new impervious surface total below that which requires flow control.

See section 2-3.6.3, pages 2-24 & 2-25.

See section 3-3.1.2, page 3-5

See Appendix 5-A, pages 5A-1 & 5A-2

See the Glossary for the definition of net new impervious surface.

Ecology's position has been to not concur with using a "net" approach for determining whether treatment requirements should apply to a project. Ecology would prefer that projects involving construction of new impervious surfaces should incorporate the latest stormwater treatment practices in order to reduce the impact of the new impervious surfaces. Until such time as Ecology places any specific guidance within its stormwater manual, the decision concerning application of a "net new" impervious surface as the basis for determining treatment requirements lies with the local government (unless Ecology is issuing a 401 Certification for the project). We would suggest that if trade-offs are allowed, that they be based only on removing an equivalent (or higher) pollution-generating impervious surface as compared to the planned, new impervious surface. For instance, taking-out a stretch of road that has an average daily traffic count (ADT) equivalent to the planned ADT level of the new road. Additionally, the following criteria should be met: 1) the new and removed impervious surfaces being "traded" must discharge into the same receiving water; and 2) the areas occupied by the new and removed impervious surfaces should be under the control of a single entity; and 3) the surface that is being converted from a PGIS to a non-PGIS surface must have a legal encumbrance such that it can never be converted back to a PGIS surface.

Finally, the discharge from the "new" impervious surface cannot cause a violation of State Water Quality Standards. The "new" impervious surfaces are considered a "new discharge" for NPDES purposes - even if it uses the same outfall. By federal law, "new discharges" cannot cause a violation of state water quality standards. Ecology cannot allow such a new discharge to violate standards by issuing a compliance schedule for bringing that discharge into compliance. It is this last criterion that makes trade-offs difficult for meeting treatment requirements.

It would be very nice if this issue was addressed in greater detail and with more specifics in the new version of the manual. It has been creating a lot of misunderstanding with some of the local agencies we have worked with recently.

Thank you for your consideration.

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