



## **PUBLIC WORKS**

April 30, 2009

Municipal Permit Comments  
Department of Ecology  
Water Quality Program  
PO Box 47696  
Olympia, WA 98504-7696

RE: Comments on Phase 2 NPDES Stormwater Permit

Dear Sir or Madame:

Thank you for the opportunity to comment on permit modifications and ideas for implementation and cost savings regarding the Phase 2 permit. The current economic climate is producing hardships for many municipalities, and the City of Everett believes there are some things that can be altered in the permit to help both Ecology and the municipalities make progress on permit implementation despite the current recession.

1. Due to a number of factors, delays in Phase 1 stormwater manuals being deemed equivalent by Ecology has impacted the Phase 2 permittees' ability to utilize one of the options that was stated in the permit; namely, to utilize "...an equivalent manual approved by the Department of Ecology under the Phase I Permit..." and to "...cite this choice as their sole documentation to meet this requirement."

Because of the shorter-than-specified time frame, we think Ecology should push out manual adoption for the Phase 2s at least until mid-2010. This will give time for the permit modification process to be completed, and thus the majority of the Phase 1 manuals will be in place, and available to the Phase 2s. This will allow for the Phase 2s to thoughtfully examine and analyze the merits of equivalent manuals before making a decision on adoption. There appears to have been no penalties for Phase 1s that did not make their deadlines, so it is puzzling why strict adherence to the August 16 deadline seems to be an Ecology goal. For the Phase 2s, it is a question of fairness, and the desire to choose a manual that best meets their community needs, as well as a personnel and resource issue.

2. The deadline for training with regard to the Manual should also be extended. If the schedule remains the same as in the current permit, then

the deadline for training should extend to the implementation deadline in November 2009. This give us 3 months to disseminate the information from the finalized Manual to stakeholders and staff, and perform the training over that time. Trying to do training on the same schedule as the adoption date is infeasible, as you may be training on a document that could change in the final appearances at Council

If the permit is altered to extend the Manual adoption deadline into 2010, then the new implementation deadline should be the training target.

3. Delay IDDE start-up until August 2010. With shortages in personnel and resources, and a focus on trying to get a Manual in place, IDDE program development has not proceeded at the needed pace to implement in August 2009 for some jurisdictions. Since most jurisdictions already respond to complaints and spills, this delay will likely not have a significant impact on water quality in the short term.
4. Catchbasin/circuit inspection requirements are proving problematic. The permit indicates we must, if inspection shows over 60% capacity is full, clean catchbasins. We assume this falls under the category of "typical maintenance", and the permit also specifies that typical maintenance must be done within 6 months of inspection finding an exceedance of maintenance standards. With all inspections due by early 2012, and limited vector resources, we are expecting difficulty in staggering inspection and cleaning within the 6 month time frame. Even with a new vector on order (and it takes nearly a year to delivery), and responsibilities besides catchbasin cleaning, the inspection triggering a cleaning time frame this first permit term is problematic. We would request an extension of the cleaning deadline for typical maintenance to 1 year, just for this permit, or to eliminate the time frames completely for this permit only, for the public infrastructure portion.
5. The permit modifications contain significant new reporting requirements with regard to a municipality's ability to require and successfully implement LID in the next permit term. Many Phase 2s, including Everett, have obtained grants and availed themselves of the opportunity to obtain grants and work with the Puget Sound Partnership on the *Low Impact Development Local Regulation Assistance Project 2008*. It is our belief that this project adequately addresses the additional reporting requirements in the permit, and that a new section should be added to S9.E.4.b that reads:

v. Permittees that have participated in the *Low Impact Development Local Regulation Assistance Project 2008* shall be deemed in full compliance with this reporting requirement, and shall

submit a copy of the final report from this project for their jurisdiction.

6. The requirements in S8.C for preparation for future, long-term monitoring should be eliminated until we have a monitoring program that will work. This approach has not been successful for the Phase 1s, and will be even less so for the Phase 2s due to cost, personnel capacity, and expertise. As you know, significant efforts are currently underway at DOE, and are about to be transferred to the PSP regarding a region-wide stormwater program that will meet permit intent to adaptively manage stormwater discharges, be more cost effective, and play a significant role in the clean-up of Puget Sound. A plan must be submitted to DOE by June 2010 (and they are significant players in the development of this program), and we will know after that time what type of monitoring will be included in the permit. It won't be characterizing 2-3 outfalls in each jurisdiction. Push the December 31, 2010 deadline out to June 2011, when we will have a structure and monitoring plans ready to go as a region.
7. Ecology solicited comments for innovative cost saving measures. One that has been championed for years by Pierce County, and that Everett agrees with, is the concept of water quality trading, particularly for, but not limited to, TMDL compliance. This approach is being practiced all over the country, is heavily encouraged by EPA, and is not under any type of consideration at Ecology, despite repeated attempts to get a dialog started. TMDLs are problematic, particularly those that are strictly non-point source. We need to look at new and different ways to actually get TMDL issues resolved, and water quality improved. Actions such as buying and decommissioning a dairy, and purchasing property used as a horse boarding facility, revegetating it, and placing covenants on it to prevent animal keeping should be recognized as significant actions, especially when it reduces the fecal coliform count. Allowing and recognizing this type of action could help waterbodies recover more quickly. Time is running out for Ecology on the TMDL settlement agreement, with very few waterbodies successfully recovered and removed from the Category 5 listing. Please allow us the innovative use of more tools to achieve recovery.

We look forward to seeing your Response to Comment document, and moving forward in our program. If you have any further questions, please contact Heather Kibbey at [hkibbey@ci.everett.wa.us](mailto:hkibbey@ci.everett.wa.us) , or 425-257-8889.

Sincerely,

  
Heather Kibbey  
SWM Manager