

THURSTON COUNTY
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SINCE 1852

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DEPARTMENT OF RESOURCE STEWARDSHIP

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April 30, 2009

Ms. Harriet Beale, Municipal Permit Comments Coordinator
Washington State Department of Ecology
Water Quality Program
PO Box 87696
Olympia, WA 98504-7696

Subject: Phase II NPDES Permit Proposed Modifications of 3/18/09 - Comments

Dear Ms. Beale:

Below are Thurston County's comments regarding the March 18, 2009 *Proposed Western Washington Phase II Permit Modification*. We understand that the majority of the proposed permit modifications are a result of the Pollution Control Hearings Board (PCHB) decisions on permit appeals or are non-substantive permit clarifications or corrections. We have no specific comments on those proposed revisions that do not relate to Special Condition S5.C4 *Controlling Runoff from New Development, Redevelopment and Construction Sites* and the proposed timeframes for adoption of required measures.

The proposed permit modification changes implementation dates under S5.C4 are as follows:

Part "a" requires an ordinance (ie. Equivalent Drainage Manual & Implementing Ordinance) be in place no later than 30 months from the effective date of the permit (ie. August 16, 2009) and have an effective date no later than November 16, 2009.

Part "b" requires that permit review processes, inspection and enforcement procedures be in place by November 16, 2009.

Part "c" requires adoption of an ordinance implementing a process to verify long-term O&M of stormwater facilities no later than November 16, 2009.

Part "f" requires staff training on the new program including plan reviewers, inspectors, and enforcement staff no later than November 16, 2009.

Thurston County has been working on an update to the 1994 Drainage Design and Erosion Control Manual for several years. This process is just now coming to a point where a draft manual will be available for public comment and review by the end of May.

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To meet the current NPDES deadline for having the revised Drainage Manual adopted by August 16, 2009, we will have an extremely abbreviated public outreach and education program while simultaneously proceeding with adoption of the draft manual. There is little or no "slack" time in this schedule, and we have concerns about the coordination of the new drainage manual with existing and proposed new codes.

Some of the reasons for the current situation include the following:

- Uncertainty as to which Phase I permittee drainage manuals would be approved equivalent by Ecology. We modeled our draft manual after Pierce County but subsequently, the City of Tacoma Stormwater Manual and WSDOT Highway Runoff Manual were adopted, and there is quite a bit of useful information in these that we subsequently also used. Ecology equivalency review of all of these manuals was only recently completed.
- The high demand for civil engineers with water resources background and experience during the 2006 to 2008 period as a result of both public demand for NPDES Phase I & II compliance, as well as continuing private sector demand for engineers in consulting and land development roles. Only recently has the Drainage Manual Engineer position been filled at Thurston County after almost a full year of recruiting from across the country.
- The knowledge that the NPDES Phase II permit was in the appeal process and the uncertainty as to what additional requirements would result from this process. If the PCHB had mandated LID for Phase II permittees, this would have had an even greater impact on the ability to meet the deadlines of the Phase II permit.
- While it was understood that we could have simply adopted the 2005 *Ecology Stormwater Management Manual for Western Washington*, given unique circumstances of Thurston County including a manual with an existing infiltration requirement and a wide range of soil types and land uses, it was felt that a customized manual to meet Thurston County requirements was appropriate.
- Finally, the budget crunch and resulting layoffs required within the Thurston County Development Services Division have impacted our ability to coordinate Code revisions with the drainage manual update. We expect this process to take a substantial period of time to get all existing and proposed new codes (grading & clearing) consistent with provisions of a new drainage manual.

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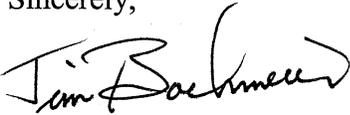
In consideration of the above factors we would suggest that the deadlines for adoption of ordinances, codes, new drainage manual, and implementation be amended within the Phase II permit as follows:

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|----------|--|-------------------|
| S5.C4(a) | Adoption of ordinances & drainage manual: | November 16, 2009 |
| | Effective date of new ordinance & drainage manual: | January 1, 2010 |
| S5.C4(b) | Inspection, enforcement & permit review processes: | January 1, 2010 |
| S5.C4(c) | Long range O&M ordinance & implementation: | January 1, 2010 |
| S5.C4(f) | Staff training | January 1, 2010 |

This proposed schedule allows additional time for training, coordination, public outreach etc. to effectively implement the new measures, which for many Phase II permittees is a major change to development, redevelopment and permitting. Further, these dates are consistent with annual reporting time frames.

The County appreciates this opportunity to comment on the proposed Phase II permit modifications. If you have any questions, please feel free to contact me at (360) 754-4275.

Sincerely,



Jim Bachmeier
Water Resources Manager

cc: Cliff Moore, Director, Dept. of Resource Stewardship
Board of Thurston County Commissioners