



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 1, 2016

Mr. Brian Zeigler  
Public Works Director  
2702 S. 42<sup>nd</sup> St.  
Tacoma, WA 98409-7322

RE: Phase I Municipal Stormwater Permit (WAR04-4002); Special Condition S5.C.5.b Low Impact Development Code-Related Requirements

Dear Mr. Ziegler:

Pierce County's Phase I Municipal Stormwater NPDES Permit (Permit) contains requirements regarding revision of the County's municipal code to emphasize and prioritize Low Impact Development (LID). These requirements stem from a recognition that preventing stormwater pollution from impervious surfaces, native vegetation loss, and development situations preserves water quality in rivers, lakes and the Puget Sound, protects wildlife that depend on clean water, and provides Washingtonians with the rich aquatic resources and recreation opportunities that this State is blessed with. Department of Ecology (Ecology), recognizing the importance of LID in protecting waters of the State, developed extensive training and tools, as well as providing technical assistance to municipalities, to aid them in fulfilling this Permit requirement.

Ecology has concerns about Pierce County's compliance with these LID requirements, found in the Permit's Special Condition S5.C.5.b, which require the County to review, revise, and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMPs). Specifically, correspondence with County staff indicates a misunderstanding of the effective date requirement of those revisions. The Permit does indeed have a specific date by which revisions to codes, rules, standards, or other enforceable documents must be effective: December 5, 2015 for Pierce County. This date is based on the language in S5.C.5.b.i which requires the LID code-related requirements be effective "[n]o later than June 30, 2015, or by an alternative date if established in accordance with S5.C.5.a.iii." Here, the alternative date established in accordance with S5.C.5.a.iii is December 5, 2015. See attached March 4, 2015 communication from Ecology stating as much.

Based on email and documents from the County, and a review of Pierce County's proposed and passed ordinances, it appears the only stormwater-related ordinance passed and made effective before the December 5, 2015 deadline was ordinance 2015-48s, which amended Pierce County



Mr. Brian Ziegler  
February 1, 2016  
Page 2

Code Title 17A and, to a lesser extent, Title 17B. However, Titles 17A and 17B were modified as part of the manual equivalency review pursuant to S5.C.5.a.iii. (Ecology worked extensively with the County's stormwater manual team on these Titles, which were submitted June 30, 2014 as part of the S5.C.5.a.iii-related review.) The changes made to Titles 17A and 17B are related to the S5.C.5.a.iii manual equivalency review and do not meet the requirements of S5.C.5.b, which is a separate Permit requirement. Ecology expects that this S5.C.5.b LID code-related requirement will require a high level of effort to determine and adopt local solutions that meet the goals and intent of this Permit section. The changes to Titles 17A and 17B do not meet that requirement. Can the County direct Ecology towards any revisions, besides Titles 17A and 17B, to codes, rules, standards, or other enforceable documents meeting the S5.C.5.b LID code-related requirements made effective by the December 5, 2015 deadline?

The County's "LID code review and revision report" notes changes to other County code and seems to document some kind of review process. However, it is not a formal Permit submittal, and is not signed and certified by the proper County official. Thus, Ecology cannot base a complete review of the County's compliance with the LID code-related requirements of S5.C.5.b. Ecology requests that the County verify whether the document titled "Low Impact Development Code Review and Revision Report Review Forms" (enclosed) is in fact the final version to be formally submitted to Ecology with the Annual Report due on March 31, 2016. Formal Permit submittals are verified by signature and certification by the permittee's designated signatory, in this case yourself, as Director of Pierce County Public Works.

If you have any questions regarding this letter you can reach me by phone at (360) 407-6364 or by email at [chris.montague-breakwell@ecy.wa.gov](mailto:chris.montague-breakwell@ecy.wa.gov).

Sincerely,



Chris Montague-Breakwell  
Municipal Stormwater Permit Manager  
Southwest Regional Office  
Water Quality Program

Enclosure

cc: Dan Wrye, Dan Smith, Pierce County  
Rich Doenges, Ecology  
Deborah Cornett, Ecology