



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 29, 2016

Mark Isaacson, Director
Water & Land Resources Division, DNRP
King County
201 S Jackson ST, Suite 600
Seattle, WA 98104-3855

RE: Phase I Municipal Stormwater Permit (WAR04-4501)
Stormwater Regulations and Rules for Controlling Runoff from New & Redevelopment

Dear Mr. Isaacson:

The Department of Ecology (Ecology) has completed our review of King County's revised draft Surface Water Design Manual, Stormwater Pollution Prevention Manual and supporting codes under the Phase I Municipal Stormwater Permit (Permit) Special Condition S5.C.5.a.iii. These King County regulations and rules consist of:

- Proposed Ordinance 2016-0012 documenting revisions to King County Code (KCC) Chapter 9.04 and KCC Chapter 9.12
- 2016 Surface Water Design Manual, including appendices and references, revised excerpts submitted to Ecology on 2/2/16
- 2016 Stormwater Pollution Prevention Manual as revised based on Ecology's 1/6/16 comments
- KCC Chapter 16.82 (no changes proposed)

Ecology performed this review for the purpose of determining compliance with Special Condition S5.C.5.a.i-iii of the Permit. At this time, we are making a preliminary determination that the King County stormwater management regulations and rules cited above are approvable under the Permit and functionally equivalent to Ecology's 2012 Stormwater Management Manual for Western Washington as amended in 2014.

Ecology's determination will not become final until after Ecology conducts a public review process associated with a future modification of Appendix 10 of the Phase I Permit. I also recognize that King County is in the midst of its own rule adoption process. If changes are made to the documents listed above during King County's legislative or administrative adoption processes, those changes will need further Ecology review.

At this time, Ecology also notes the following implementation concern for your consideration. Special Condition S5.C.5.a.iii of the Phase I Permit specifies the timing of applicability of the



updated runoff control requirements. The County chose to not address this requirement in this updated stormwater rules and regulations effort. Note that the "timing of applicability" requirement in the Phase I Permit is subject to ongoing litigation. If upheld, the County is responsible for implementing this "timing of applicability" provision for any and all projects that meet the stated criteria, regardless of the County's choice to delay incorporating the provision into County code.

I appreciate the efforts of your team to develop revised stormwater management regulations and rules. Please contact me at (425) 649-7223 or by email at rmcc461@ecy.wa.gov if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Rachel McCrea". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Rachel McCrea

Municipal Stormwater Specialist & Lead Water Quality Planner for the Lower Duwamish

cc: Curt Crawford, Stormwater Services Section (SWSS) Manager, King County (electronic)
Doug Navetski, Env. Programs Managing Supervisor, SWSS, King County (electronic)
Mark Wilgus, Senior Engineer, SWSS, King County (electronic)
Bill Moore P.E., Section Manager, Ecology HQ (electronic)
Doug Howie, Stormwater Engineer, Ecology HQ (electronic)
Permit file