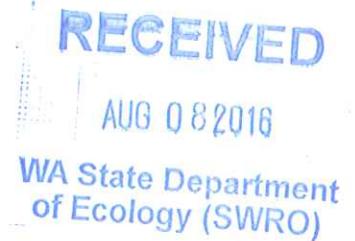




August 3, 2016
WP61503



Chris Montague-Breakwell
Washington Department of Ecology
Water Quality Program, Southwest Regional Office
PO Box 47775
Olympia, Washington 98504-7775

Subject: **Notice of Violation @ 13554**

Dear Mr. Montague-Breakwell:

This letter and attachment constitutes the report required by the above Notice of Violation (NOV) as well as signature and certification required for submittals required pursuant to Pierce County Stormwater NPDES Permit WAR04-4002. The attachment specifically responds to your request to show:

1. What steps HAVE BEEN taken to control such waste or pollution to otherwise comply with this determination of Ecology.
2. What steps ARE BEING taken to control such waste or pollution to otherwise comply with this determination of Ecology.

We are submitting this information even though Pierce County disagrees with Ecology's claim that Pierce County is not in compliance with S5.C.5.b of the permit.

Pierce County believes the ordinances we modified in December 2015 and previously, together with our site development manual, capture the vast majority of land development within our jurisdiction and, therefore, fully complies with the permit's requirements of making LID the preferred, most commonly used method of land development. Additionally, our code review study is perhaps the most complete and thorough of any Washington State city or county. We also took a conservative view of the permit requirement and submitted a formal report to you rather than merely a summary as the permit requires. Many of the codes reviewed (PCC 18J, 18A, 18, 18E, 17A, 17B, 17C, and 19A) cross-reference one another with the current (i.e., mandatory LID) site development manual thus imbedding those requirements into the other

Mr. Montague-Breakwell
Washington Department of Ecology
August 3, 2016
Page 2

codes. Some codes already had the necessary LID elements; other codes were updated in conjunction with the manual; still others were updated recently independently. Finally, Pierce County has had LID requirements in our land development regulations for over a decade (e.g., Graham and Gig Harbor community plans). For these reasons and others, Pierce County believes we comply with S5.C.5.b.

So you know, this code process is but one of the local land development requirements of Department of Ecology that Pierce County is required to implement. For the past couple of years, in the same general timeframe as the LID code revision, Pierce County has been working on a major update of its Shorelines Master Program. This is a huge and major effort, required by your department. Through it, Ecology directs both the substance and the schedule for the update which were not coordinated with the permit-required LID code review schedule. Pierce County has also been fully engaged in meeting Washington State Growth Management Act Comprehensive Plan development and update requirement. While different programs of Ecology and different state agencies impose these requirements, it is the same Pierce County staff, volunteer planning commissioners, elected officials, and citizens who must develop, review, understand, and adopt these very voluminous regulations in these as well as the LID code amendment requirements.

Managing that many regulatory updates and changes requires sequencing, resourcing, scheduling, and public and local legislative processes. All contribute to the level of effort and completeness that is necessary to bring order and integration of these programs especially as it pertains to achieving LID as the preferred, most commonly used means of land development.

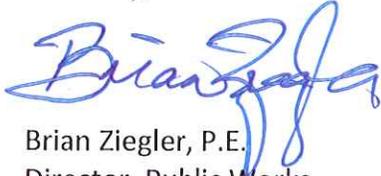
The attachment to this letter, in response to your request contained in the NOV, demonstrate these factors in determining schedule and code-specific interactions over the years this integration of LID requires.

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Mr. Montague-Breakwell
Washington Department of Ecology
August 3, 2016
Page 3

If you have any additional questions regarding our submittal, please feel free to contact me at (253) 798-3159 or Dennis Hanberg, Director, Planning and Land Services Department at (253) 253-798-2754.

Sincerely,



Brian Ziegler, P.E.
Director, Public Works

Attachment

cc: Dennis Hanberg, Director, Planning and Land Services Department
Dan D. Wrye, PW, Surface Water Management, Water Quality Manager
File

Attachments

Attached are the following:

1. A copy of LID codes that existed either prior to the implementation of the December Storm Water Manual or close to the implementation date. Note we did just change the Emergency Vehicle Access requirements which drastically reduced EV access width and also encouraged porous pavement for these access routes.
2. A matrix/timeline of the work schedule and scope. It includes both a list of achievements that have already occurred and also ones we have set to work on. Of note:
 - a. We just received Planning Commission approval for some Comprehensive Plan Policy revisions. These revisions were encouraged and supported by Puget Soundkeepers Alliance. In fact Kimberly Wells helped us tweak language prior to presenting them to the Planning Commission. They are now headed to Council for approval.
 - b. We are working on amending our Land Use codes to reflect the suggestions for where to clarify code and to further emphasize LID approaches.
 - c. We are preparing for a bigger 'code lift' next year. But right now we are respecting the 'regulatory weary' Council. We have worked them pretty hard with the Shoreline Code (still not final) the Comprehensive Plan Update (just completed), and a host of other smaller changes.
3. A copy of our June Agenda meeting with Puget Soundkeepers Alliance. We have been meeting regularly with Kimberly Wells. The June meeting was most helpful in reviewing our work plan and explaining next steps. We met with Kimberly in July where we went over the land use policy language that was presented to Council. I believe we have another meeting set with her for August/September.

As you can see we have made a lot of progress. I believe we have developed a common-sense approach to revise and implement various code sections following a systematic and logical approach. Please let me know if you need further support document or an update.

1. What steps HAVE BEEN taken to control such waste or pollution to otherwise comply with this determination of Ecology?

Existing Requirements for LID Principles and LID BMPs in Development Related Codes

- **Pierce County Code Title 18J Development Regulations** – Design Standards and Guideline. Title 18J has a number of sections related to LID (e.g., Tree Conservation, Site Design – Chapter 18J-15) and a section specifically on Low Impact Development section (18J.15.140). The section include LID applicability, design, standards and guidelines, for complete code, see:

<http://www.codepublishing.com/WA/PierceCounty/#!/html/PierceCounty18J/PierceCounty18J15.html#18J.15.015>

- **Pierce County Code Title 18A Development Regulations** – Zoning. Title 18A requires LID techniques as outlined in the Pierce County Stormwater Management and Site Development Manual for the Rural and Sensitive Resource (RSR) zone and the Urban Sensitive Resource overlay (USRO) designation. Chapter 18A.15.020 E included options for cluster development and density credits. For the complete code, see:

<http://www.codepublishing.com/WA/PierceCounty/#!/html/PierceCounty18A/PierceCounty18A.html>

- **Pierce County Code Title 18 Development Regulations** – General Provisions. Title 18 includes LID definitions. For the complete code, see:

<http://www.codepublishing.com/WA/PierceCounty/#!/html/PierceCounty18/PierceCounty1825.html#18.25>

- **Pierce County Code Title 18E Development Regulations** – Critical Areas. Chapter 18E.50.040 A include impervious surface limitation. Title 18E requires on-site preservation of natural features in critical areas. For complete code, see:

<http://www.codepublishing.com/WA/PierceCounty/#!/html/PierceCounty18E/PierceCounty18E.html>

- **Pierce County Code Title 17A Construction and Infrastructure Regulations** – Site Development and Stormwater Drainage. Title 17A included in Pierce County Stormwater Management and Site Development Manual with a section (Volume VI) dedicated to Low Impact Development. For complete code, see:

<http://www.codepublishing.com/WA/PierceCounty/#!/html/PierceCounty17A/PierceCounty17A.html>

- **Pierce County Code Title 17B – Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards** was revised and adopted on **October 28, 2015**. Chapter 17B.10.060.C states: “Projects that propose the construction of roads,
- **Pierce County Code Title 17C – Construction and Infrastructure Regulations – Building and Fire Code** was revised and adopted on **December 1, 2015**. The revised code allows permeable pavement for Emergency Vehicles. Ordinance No. 2015-55s also revised **Title 17B to reduce driveway widths**. For the recently adopted code (Ordinance No. 2015-55s), see:

Title 17A – Stormwater Management and Site Development Manual (PCSWMM) was revised to incorporate and require LID Principles and LID BMPs. LID BMPs include: 65/10 dispersion, concentrated and sheet flow dispersion, permeable pavement, bioretention, tree planting and tree retention, soil preservation and amendment, better site design, preserving and restoring native vegetation, minimize impervious areas, etc.

Title 17B – Reduced driveway widths

Title 17C – Allows the use of permeable pavement for Emergency Vehicle Access

Measures to minimize loss of native vegetation

Title 17A – Stormwater Management and Site Development Manual (PCSWMM) was revised to incorporate and require LID Principles and LID BMPs. LID BMPs include: 65/10 dispersion, concentrated and sheet flow dispersion, permeable pavement, bioretention, tree planting and tree retention, soil preservation and amendment, better site design, preserving and restoring native vegetation, minimize impervious areas, etc.

Title 17A – Stormwater Management and Site Development Manual (PCSWMM) was revised to incorporate and require LID Principles and LID BMPs. LID BMPs include: 65/10 dispersion, concentrated and sheet flow dispersion, permeable pavement, bioretention, tree planting and tree retention, soil preservation and amendment, better site design, preserving and restoring native vegetation, minimize impervious areas, etc.

Title 17B – Reduced driveway widths

Title 17C – Allows the use of permeable pavement for Emergency Vehicle Access

LID Team Meeting with Puget Soundkeepers Alliance

6/22/16

1. Introductions
2. Update on Matrix/Schedule
3. Current Status
 - a. Comp Plan Update
 - b. Implementing Regulations
4. LID Code Review Barriers Report (2015)
5. Efforts Underway
 - a. Comp Plan Policies (Draft)
 - b. Resolution to Council
6. LID Challenges (Lessons Learned so far)
 - a. Amended Soil
 - b. Long Driveways on large acreage
 - c. 65/10 Implementation on large acreage
7. Success Stories to date
 - a. Engineers are catching on
 - b. Projects are implementing LID
 - c. Construction costs are quickly becoming comparable to old methods

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Does not apply	17B.10.116.B.1.d – Public Roads (page 8 of 19 in PDF)	Driveways serving 3 to 6 single-family dwelling units shall be constructed to the shared access facility standards.	None identified.	Per ordinance 2015-55 this is revised to driveways serving 5 to 6 dwelling units shall be constructed to shared access facility standards.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	17B.10.116.B.1.c – Public Roads (page 8 of 19 in PDF)	Required driveway traveled width shall be 15 feet for single family dwelling and 24 feet for two single-family dwellings.	Consider reducing minimum driveway width for single family dwellings.	Per ordinance 2015-55 this is revised to 15 feet for one single-family dwelling unit, 18 feet for two single-family dwelling unit, 20 feet for three to four single-family dwelling units, and 24 feet for five to six single-family dwelling units.

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	17B.20.040-3 – Minimum Existing Offsite Private Road Requirements (Table 3) (page 15 of 19 in PDF)	When required by Table 1 and 2, proposed developments must improve offsite existing private roads. Table 3 displays a traveled surface width of 24 feet for existing private roads with <60, >60, 60-1000, and >1000 average daily traffic (ADT). Shoulder for roads with ADT 60-1000 and >1000 is 5 feet and 6 feet on each side, respectively. Shoulders are not required for ADT <60.	Consider reducing required existing road width for roads with lower ADT. Consider reducing shoulder width for roads with higher ADT.	Table 3 will be revised per Ordinance 2015-55 to <60, 60-500 ADT requires a travel width surface of 20 feet. >500 ADT requires a travel width surface of 24 feet. Shoulders are not required.
---	---	--	--	---	---

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	17C.60.150.A and 17C.60.150.C – Emergency Vehicle Access (page 32-33 of 47 in PDF)	Describes the emergency vehicle (EV) access requirements for length (150 feet), width (15 feet for one dwelling unit, 24 feet for all other access locations), vertical clearance (13.5 feet), turning radii (45 feet), and turn arounds (150 feet). Requires individual single family EV access to be a minimum of 2" gravel, and all others to be paved.	Consider allowing permeable pavement to be used for emergency vehicle access areas.	Ordinance 2015-55 will revise the language for EV access and turnaround requirements. The new language includes the use of pervious pavement with the exception of Grasscrete.
---	---	--	--	---	--

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	17B.10.060.C – Standards Adopted (page 5 of 19 in PDF)	Low impact development techniques are not acceptable for projects that propose public roads unless specifically approved by the County Engineer.	Consider modifying this statement to reflect which LID techniques are not allowed and under what circumstances. Permeable pavement is not always required to be evaluated for roads (if they are arterials, have a certain ADT, etc.); however, other LID techniques would need to be evaluated in the ROW along a public road.	Per Ordinance 2015-48, 17B.10.060.C will be revised to: "Projects that propose the construction of roads, shared accesses, or alleys must comply with the Pierce County Stormwater Management and Site Development –PCSWMM (Title 17A PCC). The PCSWMM shall be utilized for the design of all roads, alleys, or shared accesses within the project. The PCSWMM contains certain low impact development standards that supersedes certain standards, criteria, and requirements contained in PCC17B.10.060 A. and 17B.10.060B. PCC not specifically superseded by the PCSWMM are still applicable."
---	---	--	--	---	---

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does not apply	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Does not apply	17B.10.090.A and 17B.10.090.B – Deviations (page 5 of 19 in PDF)	Describes the deviation process for public roads, private facilities, and planned development districts. "No deviation from the adopted standards, contained in PCC 17B.10.060 may be made without first obtaining the approval of the County Engineer."	None identified	Per Ordinance 2015-48, 17B.10.060.C will be revised to: "Projects that propose the construction of roads, shared accesses, or alleys must comply with the Pierce County Stormwater Management and Site Development –PCSWMM (Title 17A PCC). The PCSWMM shall be utilized for the design of all roads, alleys, or shared accesses within the project. The PCSWMM contains certain low impact development standards that supersedes certain standards, criteria, and requirements contained in PCC17B.10.060 A. and 17B.10.060B. PCC not specifically superseded by the PCSWMM are still applicable."
---	---	---	--	-----------------	---

2. What steps ARE BEING taken to control such waste or pollution to otherwise comply with this determination of Ecology?

