

**STORMWATER ORDINANCE UPDATE
TECHNICAL ADVISORY COMMITTEE (TAC)
Meeting #8 Wednesday, November 14, 2007
Washington Department of Fish and Wildlife
2108 Grand Blvd
1:30 - 3:30 p.m.**

N O T E S

Agenda / Introduction / Updates

Members Attending

Tim Kraft, Robin Krause, Ryan Billen (for Jennifer McClure), Chad McMurry, Mike Soliwoda, Scott Wilson, Mike Misiak, Ali Safayi, Patrick Harbison

Members Absent

Tom Grange, Fereidoon Safdari, Ron Wierenga

Guests

Eric Golemo

Staff

Traci Carick, Sue Stepan, John Milne

Audience

Sean Darcy, Andrew Stoeckinger, Jim Keithley

TAC # 7 Meeting notes were approved as submitted.

Mr. Krause reviewed key points from November 13th SAC meeting. The group is moving into the recommendation stage. There is a question on applicability for 1,000 SF industrial uses for specific land use for water quality and flow control. Consensus is to go with Ecology's thresholds and requirements. A technical memo will be sent out to be discussed at the next TAC meeting for recommendation.

The stakeholders discussed the need to come up with something within the confines of Ecology for redevelopment besides basin planning. One option is the stop loss and the variance process.

Staff continues to look into the Ag exemptions and will be getting input from the agricultural communities on changes needed.

Mr. Krause presented three maps for historic prairie identification. These maps were produced independently by The University of Washington, The Habitat Institute and The Heritage Program at The Department of Natural Resources. The thoughts are that prairie is either going to be very dry (high infiltration areas) or wetlands. The proposal would be to use these maps to indicate if a project falls within the mapped areas.

- U of W researched cadastral map information and looked at 1850's survey drawings.
- The Habitat Institute produced a map with no truth checking or site visits. This map shows the majority of the county being prairie. The goal of this map was to show habitat loss.
- The Heritage Program produced a detailed map. This program was specifically looking for areas where endangered prairie plants may still exist. Site visits and truth checking were performed for this map.

Maps would have to be submitted to the DOE for review and the proposal would be for county to have these maps available through G.I.S. The requirement is forested unless proven otherwise. These maps would hopefully be the proof.

Mr. McMurry feels applicant should be able to do the technical background work and find out what was there and provide some historic documentation if it's available.

Mr. Krause stated GLO maps are available online and developers can read survey notes and do their own research.

Mr. Krause stated forested condition is the assumption for presettlement. This is a mandate from DOE but some groups believe county should challenge it. County legal staff has stated the appeal period has expired.

Mr. Misiak explained a DOT proposal submitted to DOE to address a retrofit requirement for the highway system. This is designed specifically to develop stand alone projects to deal with stormwater in the hot spot areas. There is a mandate to go back and retrofit existing impervious surface. Target areas would be sensitive habitat areas and there would be a certain criteria on how to screen projects. The goal is to scope these projects and have the state fund them.

Mr. Kraft explained this requirement could apply standards and add detention ponds for facilities that aren't being treated.

SNAP (Stormwater Needs Assessment Program) is performing basin planning for five or six basins, but not at the level needed for Ecology.

Mr. Kraft stated this is another condition of the NPDES permit. The group looks into the conditions of the basin and finds out what projects can be done to help the watershed.

Mr. Kraft stated a new infiltration section has been written up. Once it has gone through internal review, it will be available to the group for comment. It contains minimum infiltration rates and testing procedures.

Mr. Kraft asked the group for comments on BMP's or limitations of use. Scott Wilson is working with Tom Grange on actual costs of maintaining the BMP's.

Mr. Safayi asked if the county could still reject a BMP even if DOE has accepted it. Mr. Krause replied the county has the right to reject any BMP.

Mr. Kraft said just because you adopt the Ecology manual doesn't mean you have to adopt everything in it. Mr. Krause explained maintenance costs are a big issue with some of the systems.

Mr. Krause reviewed the views on private vs. public facilities. Public facilities should be restricted. Private facilities, as long as it's an approved BMP and designed properly, would not need to be as restricted.

Mr. Harbison asked if the code puts enforcement on the county to make sure the private systems are maintained. Mr. Krause replied that the NPDES permit requires the county to inspect private facilities. Any non-compliance issue would go through a Code Enforcement process.

Mr. Krause and Mr. Kraft discussed the ownership of facilities. SAC believes that residential areas should be public and commercial areas should be private. This feeling is based on logistics dealing with homeowners associations. There is potential liability to provide a facility that is public but does not have a fence. Staff is working through these issues.

Mr. Darcy asked if maintenance and inspections are ongoing for all BMP's.

Mr. Safayi and Ms. Stepan explained public facilities have a two year warranty. After the two years, they are inspected. If everything is O.K, they are accepted. The private facilities have an inspection performed at the time of construction prior to being recorded and they do not have a warranty.

Mr. Kraft stated the LID manual is still moving ahead with approximately six BMP's.

Erosion Control

Mr. Krause discussed a work group with DOE regarding the NPDES construction general permit and municipal permit requirements. Builders have to get their construction general permit through Ecology and have to do a SWPPP (Stormwater Pollution Prevention Plan). Most local agencies don't look at SWPPP's at this time but will once their ordinances become compliant with the municipal permits. The work group was formed to try to address the overlap between the local requirements of the municipal permit and the requirements of the construction general permit.

Mr. Krause explained construction general permit requires monitoring, CESCL (Certified Erosion Control Lead), and public notice. Developers have to submit the monitoring to Ecology. The local agencies have nothing to do with it. The public notice must be done after the SEPA notice and will impact schedules for short term projects.

Mr. Kraft reviewed the draft rewrite for erosion control and the small and large parcel development requirements. Do single family homes follow the same guidelines as a

subdivision when it comes to erosion control? Most of the language is in Minimum Requirement #2.

Mr. Kraft asked the group if there was anything different that should be done for a single family home or a 50-lot subdivision, maybe in submittal requirements.

Mr. Kraft asked if there are lower thresholds for preparing a SWPPP. Mr. Krause replied county could develop an alternative abbreviated SWPPP process for smaller projects less than one acre.

Mr. Kraft asked if county wants to develop an abbreviated SWPPP for small projects. Mr. McMurry stated there are a lot of BMP's, technical things you don't need. Even the abbreviated SWPPP takes a couple of hours to put together.

Mr. Krause asked about a permit process; putting together a form for applicants to fill out.

Mr. Kraft suggested getting with the Building Department to find out what forms they are handing out. These will probably have to be redone when the new requirements come out.

Mr. Krause: Assuming we can modify the existing process to cover individual buildings, what about the small projects such as 4-lots or an infill. Mr. Harbison replied anything under an acre should have the abbreviated SWPPP.

Mr. McMurry stated there needs to be specific language written on the expectation of the county.

Mr. Golemo added grading permits need to be thought about in relation to this 1 acre threshold also.

Mr. Safayi asked about critical areas for erosion control. Mr. Krause: Maybe it's not simply one acre, it's a combination of things that allow this.

Mr. Kraft suggested writing a section for small parcels (less than an acre). If you are within 50 feet of these zones, here's what you have to do. These would apply regardless of the size of the site.

Mr. Krause suggested if project is than one acre and certain things do not apply, such as critical area, then you can do an abbreviated SWPPP.

Underground Utility Construction 40.380.050 A12

Mr. McMurry stated utility companies are not held to any kind of standards. There is a hole between development and homebuilding that no one has authority to enforce. People doing the utility trenching need to provide an amendment or a detailed plan for the specific activity because at the time the SWPPP is written, there is no CECL unless there happens to be one involved in the project. The burden is really for the guys on the ground while under construction to keep the SWPPP up to date, maintained and keep it applicable to the activities.

Mr. Krause suggested addressing underground work on the erosion control plan and in the SWPP.

Ms. Stepan discussed considerations to think about. There are a couple of different applications that apply. On the site plan: subdivisions, dry utilities, governing SWPPP's will apply but county also issues utility permits for small, less than an acre projects that wouldn't trigger erosion control, but there are erosion control problems associated, specifically with the utilities.

Mr. McMurry said the applicability needs to be looked at and addressed. Mr. Krause asked if the abbreviated SWPPP requirements capture these issues, or does it need to be specifically written into the code. Mr. Kraft replied the language will be reformatted.

Signage - 40.380.050 C

Mr. Safayi would like to find out where the 70% came from the section. He will check with county inspectors and Minimum Requirement #2.

Contractor Certification - 40.380.050 D

Mr. Krause asked, should a CECL be required on less than an acre project. Is it justified to have that level of expertise on a small project?

Mr. Billen feels that having a CECL onsite is a good idea on a less than acre project. It's hard to know what may be impacted down stream. Seems there should be someone trained that can go onsite and look at all areas.

Financial Liability 40.380.050 E

Mr. Safayi will check the legality and where the \$500,000 liability policy amount comes from.

Next Steps

Mr. Kraft stated he and staff are working on submittal requirements 40.380.060. The updated concept code will be presented at the next meeting.

Adjourn

The meeting adjourned at 3:30 p.m.

The next meeting will be held on November 28, 2007 in the 78th Street B1 conference room at 4700 NE 78th Street, Vancouver from 1:30 - 3:30 p.m.

Respectfully Submitted,
Traci Carick