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Jim Jones, Jr. County Administrator

File: A72

26 June 2018

Vince McGowan, Manager
Program Development Services Section
Water Quality
WA Dep't. of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Evaluation for Western Washington Municipal Stormwater Phase II General Permit Coverage

Dear Sir:

In January 2018, Clallam County Department of Community Development (DCD) and Clallam County Roads Department (Roads) were contacted to evaluate the possible coverage of the unincorporated areas of the Port Angeles Urban Growth Area (PAUGA) under the 2019 National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater General Permit. With Ecology's aid, Clallam County has been reviewing its stormwater status in regards to the Phase II NPDES General Permit criteria. At this time we believe that the characteristics of the unincorporated PAUGA do not merit NPDES coverage. The rest of this letter explains why the unincorporated PAUGA does not meet the permit requirements and provides additional information that Ecology has requested from the County.

Current Conditions:

The County's Municipal Separate Storm Sewer System (MS4) structures consist of discrete, separated roadway ditches and curbs and gutters and does not include any sewer component. The status of the County's MS4 in the unincorporated PAUGA has not changed since 2011; no new County MS4 ditches and curbs and gutters have been added since Ecology's field survey in 2011. The County maintains these roadside stormwater conveyances in accordance with the Regional Road Maintenance Endangered Species Act Program. The Clallam County Road Department is a member of the Regional Road Maintenance Program and uses the WSDOT 2014 Highway Runoff Manual and the February 2016 Supplement. According to Ecology's website, "Ecology approved the WSDOT Highway Runoff Manual as functionally equivalent to the Stormwater Management Manual for Eastern Washington."

New development and redevelopment is required to provide for stormwater management. County code requires stormwater management to follow the 1992 Ecology Stormwater Manual or as amended. Many of the consultants that work in Clallam County now choose to use the 2005 and 2012 Manuals and the 2014 amendment for stormwater projects.

According to the Office of Financial Management (OFM) the population in the unincorporated PAUGA has decreased since 2011; it does not meet the 1,000 people per MS4 threshold or the 15% over a ten year period of high growth rate in the petition criteria. See the section titled MS4 Estimated Population Served for more detailed information on population estimates. The data obtained from OFM and the County's evaluation indicates that MS4 does *not* serve a substantial population.

The County continues to recognize the importance of stormwater management and to make progress toward a formal stormwater management program:

- a. Clallam County Department of Community Development (DCD) hired Carol Creasey back to its department to bring stormwater management and new regulations to the forefront. Creasey was the project manager who spearheaded the draft Stormwater Management Plan, draft Small Project Drainage Manual, draft outreach plan, and conceptual design/installation of stormwater Low Impact Development (LID) Best Management Practices (BMPs) for the Clallam Courthouse Stormwater Retrofit Project from 2010-2014.
- b. Stormwater LID BMPs such as a rain garden and pervious pavement were installed in 2015 at the Clallam County Courthouse parking lot as an education and outreach example, demonstrating the County's support of stormwater management and LID BMPs.
- c. Clallam County plans to review a draft clearing and grading ordinance with the Planning Commission in October 2018, leading to public hearings with the Planning Commission and Clallam County Board of County Commissioners.
- d. Clallam County proposed a Near Term Action (NTA) to the Puget Sound Partnership to obtain funding (NTA2018-0221 Clallam County Stormwater Management Plan, Regulations, and Outreach) in May 2018. In it Clallam County proposes to update its draft stormwater management plan, draft Small Project Drainage Manual, and stormwater and development standards. The objective is for Clallam County to have a workable, comprehensive, updated Stormwater Management Plan and fiscally and politically sustainable program that includes a stormwater strategy, regulations, staff and engineer training, and citizen outreach.
- e. Stormwater policies have been proposed and accepted as part of the 2018 update of the Countywide Planning Policies for Clallam County.
- f. Clallam County staff from DCD and Roads received Certified Erosion and Sediment Control Lead (CESCL) training.
- g. Clallam County has followed through on a subset of Final Recommendations of the Clallam County Stormwater Work Group listed in the draft Clallam County Stormwater Management Plan:
 - Under **Public Education and Outreach** recommendations: Clallam County has performed outreach and education concerning stormwater through signage about stormwater and stormwater LID BMPs used in the Clallam County Courthouse Stormwater Retrofit project (2016), a brochure describing the BMPs (Clallam County Courthouse Low Impact Development (LID) Parking Lot Retrofit), and three additional brochures (Clean Water is Everybody's Business, Only Rain Down the Roadside Ditches, and Keep Clallam Waters Clean).
 - Under **Development and Redevelopment** recommendations: 1) DCD is in the process of adopting a clearing and grading ordinance. Plans are to bring the ordinance forward to the Planning Commission in October 2018. ; and 2) the County increased densities in the Carlsborg UGA in 2016, which follows the recommendation for the County to reduce development pressures and related stormwater impacts in rural areas by increasing densities in existing Urban Growth Areas.

- Under the **Source Control/Pollution Prevention** recommendations: 1) Clallam County Roads Department continues to meet monthly and review County maintenance projects that require BMPs and a record of their status and effectiveness is maintained.; 2) Roads has mapped all the culverts with some prioritized sites being evaluated in greater detail.; 3) Roads reviews permanent stormwater facilities from an operational and maintenance perspective several times each year.; 4) Roads uses the Regional Road Maintenance Program Guidelines as their written plan describing their practices for inspection and maintenance, recording, and monitoring.; and, 5) Clallam County Environmental Health works on stormwater issues through its pet waste, septic, shellfish, and drinking water programs.
- Under **Long term Compliance** recommendations: 1) County drainage plan requirements that are attached to building permits are intended to limit or eliminate discharges from non-County sources into roadside ditches.; and, 2) County Roads Dep't. maintenance procedures adhere to the BMPs adopted by the Regional Road Maintenance Program. The County does not currently monitor privately maintained stormwater facilities.
- Under the **Sub-Basin Assessments** recommendation, the County has sought funding from the Puget Sound Partnership to assess prioritized sub-basins in the County (NTA2018-0087).

County DCD and Roads evaluated new development and redevelopment along the County's MS4. From November 2011 through December 31, 2017, there has been almost 98,000 sq. ft. of impervious surfaces in the unincorporated PAUGA removed through demolition. During that time period only about 31% of that amount has been replaced on those parcels.

Additional Information for Evaluation:

Stream Water Quality

Streamkeepers, a County supported volunteer monitoring and education program, has collected Benthic Index of Biotic Integrity (B-IBI) in the Port Angeles streams since 1998. B-IBI is an indicator of stream health. The B-IBI data shows that for the majority of streams in this area there is no impairment in the portions of the creeks in the unincorporated areas whereas there is impairment within the Port Angeles city limits. This is the pattern seen for Dry Creek, Valley Creek, Peabody/White Creek, and Ennis Creek. Lees Creek B-IBI data shows impairment. Streamkeepers' water quality data indicates pollutants of dissolved oxygen and bacteria in Upper Lees Creek in the UGA. Based on visits to the watershed and comparison to other local watersheds, these pollutants likely stem from disturbed riparian habitat and not from the County MS4. Lower Lees Creek water quality data indicates pollutants such as bacteria and turbidity. Lees Creek receives significant discharge from the WSDOT stormwater system along US Highway 101 and is the major likely contributor.

MS4 Estimated Population Served

According to OFM's Small Area Estimate Program (SAEP), the unincorporated Port Angeles UGA experienced a reduction in population from 2010 to 2017 with a -0.93 % growth rate.

(https://www.ofm.wa.gov/sites/default/files/public/legacy/pop/smallarea/data/xlsx/saep_uninc_uga.xlsx) For the ten year period of 2008 through 2017, the growth rate was -1.70%, which is far below the 15% over a ten year period of high growth rate provided in the petition criteria.

Using the map provided by Ecology from their November 2011 field survey of the County's MS4 infrastructure, the County estimated the current total population served by the MS4. According to the Clallam County Road Department, there have been no changes or additions to the MS4 curb & gutter and ditches since the November 2011 field survey. The population estimate protocol based on Ecology's 2011 protocol included:

- Counting residential structures adjacent to the County's MS4 curb & gutter and ditches (based on Ecology's 2011 field survey map) using parcels from our GIS system and the number of residential housing units from the Assessor's Office.

- Ground truthing the 2011 Ecology map where clarification was needed.
- Applying a household size of 2.193100 residents/household with an occupancy rate of 0.917180, as recommended by OFM's SAEP from the 2017 Estimate Review Worksheet of the City of Port Angeles.
- Certain exclusions were used following Ecology's method from 2011:
 - Residents adjacent to County rights-of-way with no visible MS4 (no ditches or other stormwater infrastructure)
 - Residents of parcels adjacent to private roads
 - Residents of parcels adjacent to US 101 (WSDOT right-of-way) and W. Lauridsen Blvd. (City of Port Angeles right-of-way), unless parcels were large and topography indicated flow away from US 101
 - Residents of parcels not discharging to surface waters (where known)

The estimated population as of June 2018 was 930 for the unincorporated PAUGA adjacent to County MS4 infrastructure. If you apply the occupancy rate as recommended by OFM, then the estimated population is 853. This is under the minimum population threshold of 1,000 provided in the petition criteria.

Additionally, from November 2011 through December 31, 2017, there has been almost 98,000 sq. ft. of impervious surfaces in the unincorporated PA UGA removed through demolition. During that time period only about 31% of that amount had been replaced on those parcels.

Summary

The County believes that the characteristics of the unincorporated PAUGA do **not** merit NPDES coverage at this time:

- 1) The MS4 infrastructure (roadside ditches and curb and gutter) in the unincorporated PAUGA is discrete and often disconnected. There have not been any additions to the MS4 structures from Ecology's last evaluation in 2011.
- 2) The estimated population associated with the accumulated MS4s is below the 1,000 people threshold and the negative growth rate is substantially below the 15% high growth rate over the last 10 years.
- 3) The MS4 infrastructure is operated and maintained under the Regional Roads Maintenance Program and the WSDOT 2014 Highway Runoff Manual and the February 2016 Supplement, which is functionally equivalent to the Stormwater Management Manual for Eastern Washington.
- 4) Except for Lees Creek, the other creeks indicate better water quality conditions in the unincorporated area than in the city of Port Angeles. The disturbed riparian habitat and Highway 101 are the likely major contributors to pollutants in Lees Creek and not the County's MS4 structures.
- 5) County DCD and Roads have already begun the process of bringing stormwater management back to the public's attention from our last attempt five years ago through such activities as outreach and education, hiring staff, the Clallam Courthouse Stormwater Retrofit Project, proposals for stormwater management funding, staff training, and plans for a clearing and grading ordinance.

Additionally, the unincorporated PAUGA is less than 0.5% of the entire County. It would be more beneficial for the County to spend the limited funds available to establish a stormwater management program for the entire County rather than for less than a percent of the County and end up with a stormwater program in the unincorporated PAUGA and another form of stormwater management for the rest of the County.

We appreciate the opportunity to provide our perspective and the assistance Ecology and OFM staff have provided. If you should require additional clarification or comment for your evaluation, please contact DCD and Roads staff.

Sincerely,

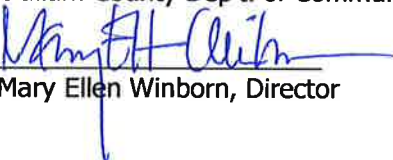
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Mark Ozias, Chair

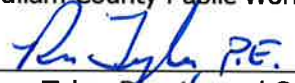

Randy Johnson


Bill Peach

Clallam County Dep't. of Community Development


Mary Ellen Winborn, Director

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Ross Tyler, Director and County Engineer

- cc. Angela Vincent, Regional Permit Writer
- Abbey Stockwell, Phase II Permit Writer
- Chris Montague-Breakwell, Watershed Resources Unit Supervisor