

## Longview joins stormwater rules appeal

By Amy M. E. Fischer

Mar 03, 2007 - 12:30:40 am PST

Picture a large parking lot after a heavy rainstorm. See the rainbow of oil on the asphalt? See the rushing streams of water churning toward the storm grate?

See the dirty water flow through the pipe. See it discharged into the Columbia River.

In a crackdown on stormwater pollution, the Washington Department of Ecology is requiring cities to reduce stormwater runoff levels to what they were before Europeans settled in the Pacific Northwest.

On Feb. 16, the state enacted rigid new standards for how cities with more than 10,000 people must contend with runoff, which is the leading cause of water pollution in the United States. (Industry and sewage treatment plants have cleaned up their act in the last 35 years.) The federal Clean Water Act requires all states to regulate water quality.

But the requirements to obtain the Western Washington Phase II Municipal Stormwater Permit are so tough that 33 cities --- including Longview --- are banding together to appeal it. Violators of the Clean Water Act standards may be fined up to \$25,000 a day per violation and could be subject to third-party lawsuits, Longview Public Works Director Jeff Cameron said Friday.

The city of Longview has agreed to chip in about \$8,000 for its share of legal fees in the appeal, which the state Pollution Control Hearings Board will hear March 16, city officials said Friday. The cities' goal is for the DOE to issue a more "workable" stormwater permit, Cameron said.

"We believe the permit, as issued, has sections that are unattainable and puts us in violation," Cameron said. "The level of control goes up significantly under the new permit, as opposed to what our current ordinance is."

The federal Environmental Protection Agency set the guidelines for states to create the stricter standards. According to Longview Stormwater Manager Josh Johnson, states must require cities to:

### Did you know?

According to the U.S. Environmental Protection Agency's 2002 national water quality inventory, 47 percent of surveyed waters in the United States aren't fit for fishing or swimming, and 75 percent of the population lives within 10 miles of a polluted

waterway.

- **Educate the public about stormwater pollution;**
- **Seek out and eliminate illegal stormwater discharge;**
- **Enforce tighter stormwater runoff control at development and redevelopment sites;**
- **Update stormwater ordinances;**
- **Monitor existing stormwater detention ponds;**
- **Involve the public in decision-making.**

The EPA standard is to reduce pollution to the "maximum extent practicable." But Washington state took the federal regulations further, eliminating any flexibility by requiring cities to employ "all known and reasonable technologies and methods to minimize pollution," Johnson said.

Some of the state's standards are "real onerous," said Longview City Manager Bob Gregory. "I'm very concerned about having some reasonableness to what we can accomplish with some of these stormwater regulations," he said Friday.

### **subhead**

Meeting the provisions of the permit will be extremely expensive for cities, developers, businesses and in some cases, homeowners. Although Longview and Kelso each received \$75,000 from the state in seed money to upgrade their stormwater management programs, "That will not even come close to covering the costs of complying with the permit," Cameron said.

Regardless of the financial burden or the pending appeal, the clock is ticking for the affected cities to adopt the DOE's entire multi-pronged strategy to reduce water pollution. With an eye on the state's deadlines, Longview city employees are starting to develop a plan to comply, beginning with the public education requirement, Cameron said.

Citizens will have to learn new ways to manage their runoff. For example, lawn sprinklers must not spray on sidewalks and driveways, he said. The sprinklers must have timers so the water doesn't drain off the lawn. Also, when washing cars, hoses must have shut-off nozzles to minimize runoff, he said.

Technically, under the Clean Water Act, those are prohibited stormwater discharges, but the government recognizes it's unrealistic to ban activities such as car washing, Cameron said.

In Longview, yard waste disposal practices will have to change, he said. Many people throw tree branches and lawn debris into drainage ditches. When the organic matter breaks down, it depletes the oxygen in the water that fish need to survive. The decomposition also fosters algae and weed growth, and when those plants rot, oxygen levels drop further, Cameron said.

Developers, engineers and contractors must alter their practices as well, particularly when it comes to detention ponds. This is where the pre-European settlement runoff levels come in.

The city of Longview already requires developers to build detention ponds, which catch stormwater and release it into a river or stream at a controlled rate through a ditch or pipe. Without detention ponds, rainfall that hits impervious surfaces, such as asphalt, rooftops and sidewalks, will accumulate and form a fast-moving stream that erodes the landscape (which is bad).

Under the city's current rules, the ponds must retain only whatever increase in water runoff that the new development triggered. For example, imagine a piece of property is half forest and half parking lot, and a developer wants to cut down the forest to make another parking lot. The developer would have to build a detention pond big enough to catch the runoff only from the second parking lot.

But under the DOE's new permit, the developer would be required to mitigate runoff from both the original parking lot and the new one. This would require a much larger detention pond --- perhaps three to four times the volume of the ponds the city requires now, Cameron estimates.

Despite the hurdles, Johnson believes people will be "pretty relieved" to learn that the government is trying to plug the flow of the nation's biggest pollution source.

"It's actually a pretty good permit," he said. "There are some doozies in there and then just some fine-tuning we think is important. ... (But) it's the best thing to happen to small- and medium-town water quality in the USA."