



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 5, 2014

Ms. Linda E. De Boldt
Public Works Director
City of Redmond
P.O. Box 97010
Redmond, WA 98073-9710

RE: Request for Review and Appendix 1, Section 7 Approval of *Citywide Watershed Management Plan (WMP) (November 25, 2013)*

Dear Ms. De Boldt:

This letter is a response to the City of Redmond's request that the Department of Ecology (Ecology) reviewed and approved an alternative approach to stormwater management in accordance with S5.C.4.a.i and Section 7. *Basin/Watershed Planning of Appendix 1* of the 2013 *Western Washington Phase II Municipal Stormwater Permit (WAR04-5538)*. Specifically, you are requesting our approval of an alternative approach to meeting Minimum Requirement #5 (for public projects only at this time) and Minimum Requirements #6 and #7 (public and private projects) throughout the City of Redmond.

To conduct the requested review, Ecology staff with stormwater permit management and engineering expertise evaluated Redmond's November 25, 2013 *Citywide Watershed Management Plan (WMP)* to determine whether it provides equal protection of receiving waters and equal levels of pollutant control to those provided in Appendix 1. These staff also reviewed the WMP program in light of the evaluation criteria described in Section 7 of Appendix 1 of the City's municipal stormwater permit.

WMP Background

The WMP addresses surface water pollution and ecosystem degradation in watersheds within the City of Redmond using a holistic watershed approach that strategically focuses public and private investments in stormwater infrastructure. The WMP establishes and enacts a prioritization scheme that directs stormwater management improvements to those watersheds within the City where they will provide the most immediate environmental benefit or "lift" (e.g, to support and rehabilitate fish resources or address known water quality problems). The prioritization scheme focuses actions where the City has control and an ability to affect overall water quality.

The WMP was adopted by Redmond City Council on December 3, 2013 and has been reviewed by the Muckleshoot Indian Tribe and Washington Department of Fish and Wildlife. The City is updating its stormwater manual to more fully and directly implement this approach but can rely on the existing stormwater manual to do so (in the interim).



Basis for Ecology Approval

Based on our review of the WMP, and in accordance with special condition S5.C.4.a.i, and Section 7 of Appendix 1 of the Municipal Stormwater Permit, Ecology is hereby approving Redmond's proposed alternative stormwater management approach as equivalent to Minimum Requirements #5 - 7 in Appendix 1. Our decision to allow Redmond to modify its implementation of Minimum Requirements #5-7 is based on a determination that Section 7 approval criteria have been met and in consideration of the following key features of the watershed management approach:

- The WMP states explicitly that "in no case will stormwater runoff from [any] development be allowed to further degrade conditions in any receiving water." (p.123)
- The City has undergone a thoughtful process, in consultation with the Washington Department of Fish and Wildlife and the Muckleshoot Indian Tribe and in consideration of other regional environmental prioritization efforts, to establish a watershed prioritization scheme that identifies watersheds offering highest environmental value and opportunity.
- The City will establish dedicated flow control and water quality mitigation funds to manage "fee-in-lieu payments" contributed by developers. These restricted funds will be managed separately from other capital funds and will only be used for flow control or water quality facilities constructed in high priority watersheds. These funds will not be used to build habitat projects.
- No later than the March, 2015 annual report required by the City's Municipal Stormwater Permit, the City shall describe how it determines fees for the fee-in-lieu program; and shall explain how it anticipates these fees in combination with any other identified revenue will suffice to implement adequate flow control and water quality facilities.
- The WMP calls for the implementation of a program/mechanism to track the availability (and use) of offsite flow control or water quality capacity in priority watersheds. On an acre-by-acre basis, the City will track how and where that capacity is used up. The tracking mechanism is currently under development and will be finalized before the watershed management approach is substantially implemented.
- The City has committed to construct any necessary stormwater treatment or flow control facilities in priority watersheds before any developer is allowed "pay into" the dedicated funds. We note that facilities in the Tosh Creek watershed are in construction pre-design.
- Minimum Requirement #6: Runoff Treatment: Enhanced treatment cannot be moved offsite/to a priority watershed.
- The City, generally, will assume all operations and maintenance responsibility for offsite facilities constructed in priority watersheds, thereby assuring their continued functionality.
- The City will implement an effectiveness monitoring program (as described in Appendix D of the WMP) to confirm that projects undertaken onsite or in priority watersheds are providing the anticipated water quality and environmental improvements or benefits. When/where the monitoring indicates that water quality goals are not being met, the City will implement an adaptive management strategy to refine the WMP.
- On at least an annual basis, the City will report to Ecology on ongoing WMP implementation (including a status report of stormwater management capacity used/available in priority

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watersheds). This report will generally be included as an attachment to the City's Municipal Stormwater Permit Annual Report.

- The City acknowledges that it must take responsibility for any future water quality impacts in the receiving water, even after implementation of the WMP.

Ecology reminds the City that it will not allow new or increased impacts due to flows or pollutants in any receiving water, even as it supports the City's strategy to transfer water quality or flow improvements to priority watershed sites. Ecology also reminds the City that approval of this plan does not shield Redmond from additional or more stringent requirements associated with specific Total Maximum Daily Loads, adaptive management plans required under Municipal Stormwater Permit Condition S4.F.3, or any other enforceable Clean Water Act mechanisms. Furthermore, this approval does not affect any obligations the City may have under other laws.

In closing, we commend City of Redmond's Natural Resources Program staff for developing an innovative alternative stormwater management strategy, one that should accelerate water quality improvements in these vital lower Puget Sound waterways. We thank you for actively engaging Ecology staff in this process and look forward to your successful implementation of the *Citywide Watershed Management Plan*.

Sincerely,



Anne Dettelbach
Municipal Stormwater Permit Specialist

cc: Andy Rheume, City of Redmond
Ed O'Brien
Kevin Fitzpatrick
Raman Iyer
NWRO Permit File