

**STORMWATER ORDINANCES SEPA**  
**Public Comments Received and City of Vancouver Responses**  
*June 15, 2009*

**City response to a comment from WSDOT regarding using the Aviation Stormwater Design Manual:**  
*Comment noted. The City will reference this manual in the next update of the Engineering General Requirements.*

**City response to a comment from Southwest Clean Air Agency regarding activities associated with SWCA regulations:**

*Comment noted.*

**Two comments from Dvija Michael Bertish of the Rosemere Neighborhood Association and City responses:**

1. The deadline for submission of comments on the stormwater related ordinance amendments takes place prior to the adoption of the ordinances by Vancouver City Council. At this time, it is unclear if the City Council will be following the requirements of the NPDES Phase II permit, and whether City Council will adopt Ecology's flow control standard under pre-developed conditions as required by the permit and the Stormwater Management Manual of Western Washington. If the City Council does not adopt the standard and does not submit an acceptable equivalent alternative to the flow control standard for review, then there will be harm to surface and groundwater habitats that will adversely impact fish and other endangered species. The commenters request an extension to be able to fully comment on the SEPA Checklist and DNS. At this time, City Council is scheduled to adopt some of the ordinances on June 15, 2009. Until it can be determined what direction the City of Vancouver will take relative to NPDES permit compliance, it is premature to offer full comments at this time. This is particularly important in light of the fact that Clark County is currently under notice of violation (issued by Ecology) for failure to adopt the appropriate flow control standard, and the City of Vancouver is seeking to better align these noted stormwater related ordinances with Clark County in order to transition properties during future annexation. Passage of ordinances that do not comply with state standards would not qualify for a determination of non-significance.

***City response:***

*The City ordinance amendments were prepared to comply with state standards and, therefore, qualify for a determination of non-significance. The City followed the standard SEPA comment period for the checklist and the DNS. The comment period ended on June 5, 2009. If there are substantial ordinance changes proposed by Council at the June 15, 2009 public hearing, the City Charter requires that the ordinance be set for a new public hearing. Depending on the magnitude of such changes, there is the possibility of resubmission for additional SEPA review, if necessary.*

2. The Rosemere Neighborhood Association has submitted various comments in the past regarding the need for Vancouver to acknowledge the Troutdale Sole Source Aquifer System throughout Vancouver and Clark County that was designated by EPA as a vulnerable source of the municipal water supply. The Stormwater Management Manual of Western Washington notes the importance of Sole Source Aquifers, especially in regard to flow recharge rates and site plans. The noted stormwater related ordinances do not include reference to the established Sole Source Aquifer, and they should be updated to include mention of Sole Source Aquifer as a critical and sensitive area.

**City response:**

*The federal Sole Source Aquifer (SSA) designation stipulates only that an extra EPA review will be done on certain federally funded projects. Since this ordinance is being amended to meet the new requirements of the City's Phase II Stormwater NPDES permit, inclusion of the SSA designation in the ordinance is outside the scope and jurisdiction of the proposed amendments. The City agrees, however, that it could be helpful to include guidance on the SSA reporting procedure in our Engineering General Requirements (proposed language as follows):*

**4-9.05 Sole Source Aquifer**

*The Environmental Protection Agency has designated the Troutdale Aquifer, which underlies Vancouver and Portland, a "Sole Source Aquifer" (SSA). An SSA designation is a tool to protect drinking water supplies in areas where there are few or no economically feasible alternatives to the groundwater resource. The designation protects an area's groundwater by requiring EPA to review federally funded projects to ensure that they do not endanger the water source. Although it provides an additional layer of protection for those projects using federal funds, the EPA states that an SSA designation, "by no means constitutes a complete protection strategy. Effective protection of sources of drinking water requires the integration of federal, state and local efforts."*

*Any development project in the city incorporating federal funding requires an SSA report to be prepared and submitted to the EPA for review. For a copy of an SSA report checklist contact Water Protection at (360) 487-7130.*

**Two comments from Fran Rutherford and City responses:**

1. The City is advised not to relax its current standards in order to move more easily proposed annexation of Clark County properties. Vancouver city is advised to immediately adopt the current State regulations for stormwater control. Do not follow Clark County's poor example of ignoring State standards. You run the risk of paying a penalty for disregarding State regulations.

**City response:**

*The City's proposed amendments to the stormwater, erosion prevention, and water protection ordinances will incorporate all state requirements and standards as mandated by our stormwater permit.*

2. What is the reason why the City of Vancouver does not recognize the Troutdale Sole Source Aquifer? This aquifer covers all of Vancouver and should be in the critical areas and stormwater ordinances so that the aquifer protection is noted in development plans. With the current emphasis on conservation and being good stewards of the earth's resources, this City should take the lead for preservation of scarce natural resources.

**City response:**

*The City recognizes the Sole Source Aquifer designation but also recognizes that a reference to that federal designation is not appropriate in a local ordinance. The SSA will be referenced in the City's General Requirements along with guidelines on meeting the federal reporting requirement. See a more detailed City response to a similar question above.*