


Snohomish County
Department of Conservation and Natural Resources


3000 Rockefeller Ave., M/S 303
 Everett, WA 98201-4046
 (425) 388-6600
 www.snoco.org

MEMORANDUM

Dave Somers
County Executive

DATE: May 28, 2021

TO: County Council Via Email to:
 Debbie Eco, Clerk of the Council
 Elena Lao, Assistant Clerk of the Council

FROM: Tom Teigen, Director, Department of Conservation and Natural Resources


SUBJECT: Notice of Proposed Rulemaking Action – 2021 Snohomish County Drainage Manual

Rule Title: Revisions to the Snohomish County Drainage Manual for compliance with the County's National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit.

Proposed Rule

Pursuant to the authority in Snohomish County Code (SCC) 30.63A.110 (Snohomish County Drainage Manual), and in accordance with Chapter 30.82 SCC (Rulemaking), the Department of Conservation and Natural Resources (DCNR) is proposing to adopt a revised Snohomish County Drainage Manual. The Drainage Manual provides detail and specificity regarding the requirements of SCC Chapters 7.53 (Water Pollution Control), 7.54 (Maintenance of Constructed Stormwater Control Facilities), 30.63A (Drainage) and 30.63B (Land Disturbing Activity). DCNR proposes these revisions to the Drainage Manual for compliance with the 2019 NPDES Phase I Municipal Stormwater Permit issued by the Department of Ecology.

The existing Drainage Manual contains five volumes, and the proposed revisions are summarized below.

1. Continuous Simulation Modeling. Volumes I, II, III and V have been updated to require continuous simulation models that include:
 - a. The ability to directly model BMPs that may be used in LID applications, such as bioretention, permeable pavement, and green roofs.
 - b. 15-minute time steps.
 - c. Incorporation of the van Genuchten algorithm to model bioretention.
2. Replaced Hard Surfaces Redevelopment Threshold. The Minimum Requirement thresholds set forth in Volume I Chapter 2.4 for non-road related commercial or industrial redevelopment projects have been updated to require the project proponent to compare the value of the proposed improvements to the value of the project site (the limits of disturbance) improvements, rather than the site (the entire parcel) improvements. This change will affect commercial and industrial projects which will more often exceed the 50% valuation threshold and be subject to Minimum Requirements 1-9 instead of only Minimum Requirements 1-5. This change would require more redevelopment projects to build flow control and treatment facilities for the redeveloped area. This change corresponds to proposed changes to SCC 30.63A.310, currently under consideration by the County Council.

3. Equivalent Areas. The Redevelopment Project Thresholds in Volume I Chapter 2.4 have been updated to allow a project proponent to provide Stormwater Management BMPs for an equivalent area. The equivalent area may be on-site or off-site if the area drains to the same receiving water and the guidance for in-basin transfers is followed. This change allows more flexibility in developing and placing stormwater facilities, and also requires additional tracking of stormwater accommodations to ensure they are accounted for in future development proposals. This change corresponds to proposed changes to SCC 30.63A.310, currently under consideration by the County Council.
4. Minimum Requirement 2: Stormwater Pollution Prevention during Construction. The 13 Elements in Minimum Requirement 2 set forth in Volume II Chapter 3 have been updated to incorporate changes that were made to the 2015 NPDES Construction Stormwater General Permit issued by Ecology.
5. Minimum Requirement 5: On-Site Stormwater Management. Minimum Requirement 5 in Volume I, Chapter 2.5.5 has been updated to require BMP T5.13 (Soil Quality and Depth) when choosing to use the LID Performance Standard to meet Minimum Requirement 5 for projects that must meet Minimum Requirements 1 through 5.
6. Minimum Requirement 7: Flow Control. Minimum Requirement 7 in Volume I, Chapter 2.5.7 and Appendix I-E has been updated to ensure that a Threshold Discharge Area discharging to a marine waterbody meets all exemption requirements before it can be determined to be Flow Control exempt. This change would reduce damage to marine waters, marine shorelines, and public and private drainage systems that discharge directly to marine waters. Developments that discharge to such systems would have to meet all exemption requirements or provide flow control.
7. Concrete Washout BMP: BMP C154 (Concrete Washout Area). This BMP in Volume II, Chapter 4 of the Drainage Manual has been updated to clarify that auxiliary concrete truck components and small concrete handling equipment may be washed into formed areas awaiting concrete pour, while concrete truck drums must be washed either off-site or into a designated concrete washout area.
8. Additional Pollution Source Control BMPs. Volume IV, Chapters 3, 4 and 5 have been revised to add the following BMPs:
 - S434 BMPs for Dock Washing
 - S441 BMPs for Potable Water Line Flushing, Water Tank Maintenance, and Hydrant Testing
 - S435 BMPs for Pesticides and an Integrated Pest Management Program
 - S444 BMPs for the Storage of Dry Pesticides and Fertilizers
 - S449 BMPs for Nurseries and Greenhouses
 - S450 BMPs for Irrigation
 - S445 BMPs for Temporary Fruit Storage
 - S439 BMPs for In-Water and Over-Water Fueling
 - S436 BMPs for Color Events
 - S438 BMPs for Construction Demolition
 - S440 BMPs for Pet Waste
 - S442 BMPs for Labeling Storm Drain Inlets on Your Property
 - S443 BMPs for Fertilizer Application
 - S446 BMPs for Well, Utility, Directional and Geotechnical Drilling
 - S447 BMPs for Roof Vents
 - S451 BMPs for Building, Repair, Remodeling, Painting, and Construction
 - S452 BMPs for Goose Waste
9. Minimum Requirement 8 – Wetlands Protection. Volume I, Chapter 2.5.8 and Appendix I-D have been revised to require monitoring and modeling of high value wetlands, if the project proponent has legal

access to them. This proposal corresponds to proposed changes to SCC 30.63A.570(1), currently under consideration by the County Council.

10. BMP T7.30 Bioretention. In addition to the modeling requirements noted in item 1 of this list, this BMP in Volume V has been revised to change the plant selection list referenced from “recommended” to “required.”
11. New Volume VI – Stormwater Facility Maintenance. Stormwater facility maintenance standards have been moved from Volume V into a new Volume VI. The new volume contains more information about the various types of stormwater facilities, and is intended to help property owners properly maintain their stormwater facilities.
12. Various text revisions needed to implement the revisions above, or to make minor text corrections or clarifications.

Proposed rule documents and additional information:

The proposed Drainage Manual volumes and additional information are available at:
<https://www.snohomishcountywa.gov/5573/NPDES-Comment>.

You can also contact Bill Leif at b.leif@snoco.org or 425-367-1962.

Public outreach and request for comments

On May 24, 2021, a notice of this proposed rulemaking action was published in the Everett Herald which stated that a 21-day public comment period had started and will end at 5:00 p.m. on June 14, 2021. On May 25, notice was also sent to the distribution list used by PDS for the proposed ordinances related to these rule revisions. We will publish a second notice in the Everett Herald extending the public comment period to 5:00 p.m. June 18, 2021, which is 21 days after the date of this notice to Council. We will also send the second notice to the distribution list described above.

Review Process

Written comments received during the comment period will be considered by the DCNR Director who, pursuant to SCC 30.82.040(1), may approve the proposal in whole or in part, with or without changes, or repeal the proposal entirely. Per SCC 30.82.040(2), notice of the DCNR Director’s action will be provided to the Clerk of the County Council, published in the County newspaper of record (The Everett Herald), and sent to any person who submitted written comments. Per 30.82.065 SCC, an interested person may request Council review of the DCNR Director’s decision to adopt the 2021 Drainage Manual by submitting a written request to the DCNR director or the contact person listed below within 120 days of rule approval. Council review will determine whether the adopted rules are consistent with the scope of the DCNR director’s authority, per 30.82.010(1) SCC.

cc:

Josh Dugan	Chief of Staff, County Executive Office
Gregg Farris	Director, DCNR Surface Water Management Division
Karen Kerwin	DCNR Surface Water Management Division
Janell Majewski	DCNR Surface Water Management Division
Bill Leif	DCNR Surface Water Management Division