

January 25, 2009

Brian Carlson, Public Works Director
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668-1995

January 24, 2009

RE: Public comment on proposed revisions to City of Vancouver Storm Water Ordinances, VMC 14.24, 14.25 & 14.26

Dear Mr. Carlson:

Dvija Michael Bertish, the Rosemere Neighborhood Association and Columbia Riverkeeper (collectively “commenters”) respectfully submit the following comments on the proposed revisions to the City of Vancouver’s Storm Water Ordinances.

The National Research Council recently issued an exhaustive report on the impacts stormwater runoff. According to the National Research Council, “[s]tormwater runoff from the built environment remains one of the great challenges of water pollution control, as this source of contamination is a principal contributor to water quality impairment of waterbodies nationwide.” *Urban Stormwater Management in the United States*, National Research Council (Oct. 15, 2008), available online at: http://www.epa.gov/npdes/pubs/nrc_stormwaterreport.pdf.

Importantly, the NRC Report discusses the multidimensional impacts of stormwater: “In addition to entrainment of chemical and microbial contaminants as stormwater runs over roads, rooftops, and compacted land, stormwater discharge poses a physical hazard to aquatic habitats and stream function, owing to the increase in water velocity and volume that inevitably result.” *Id.* Given the significant impacts of stormwater pollution, Commenters respectfully request that the City of Vancouver consider the long-term impacts of this important decision on the future of water quality and aquatic habitat in and around Vancouver.

Please note that these comments, submitted for the public record, do not represent the entirety of concerns regarding the draft documents, and are offered as an overview of concerns. The term “state manual” refers to the Stormwater Management Manual of Western Washington. Thank you in advance for considering these public comments.

General Comments:

- 1) The City of Vancouver has stated it does not anticipate that changes are necessary to the Shoreline Management Master Program at this time to account for the proposed storm water ordinance revisions (email dated Dec.18, 2008). Commenters disagree with this assessment and argue that stormwater management requirements must be consistent within all programs and ordinances that address stormwater and related effects. State guidelines for the Shoreline Management Master Program (WAC 173-26-221) specify Wetland Use Regulations designed to protect against the loss of functionality of wetland areas, including stormwater discharge, soil disturbing activities, hydrologic disturbances, construction or demolitions activities, and activities that disturb vegetation and buffers in Critical and

Aquifer Recharge Areas. These items are central and crucial to the spirit and intent of storm water control, and the Shoreline Management Master Program must be revised to keep stormwater facilities out of wetlands, natural waterways, and riparian zones. State guidelines also call for flood hazard reduction to manage storm water within flood plains with the use of storm water management plans, flood plain regulations, and critical area ordinances. State guidelines call for stormwater retention and vegetative filtering to reduce sedimentation and also reduce pollutants in ground water and surface runoff. State guidelines strive to prevent impacts to water quality and storm water quantity that could adversely impact shorelines, their functionality, public health, and water discharges, especially resulting from residential development. Provisions are to include specific requirements for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development. The Shoreline Management Master Program is intended specifically to address water quality and quantity, including flow control standards relative to development activities. Therefore, in order to ensure consistency in the municipal stormwater ordinances, the Shoreline Management Master Program must be updated to include revisions required by Vancouver's required NPDES Phase II permit. Without this kind of update, water quality and quantity protections will be negatively impacted.

- 2) It is also important to update Vancouver's Critical Areas Ordinance. For example, the Stormwater Management Manual for Western Washington ("state manual") calls for a springtime amphibian survey (as outlined in Guide Sheet 1: Comprehensive Landscape Planning for Wetlands and Stormwater Management). Vancouver needs to survey, inventory, and map all wetlands, irrespective of class; the Critical Areas Ordinance needs to be updated to include all unmapped wetlands to afford unilateral protections throughout the cityscape.
- 3) Vancouver's Critical Areas Ordinance does not include various provision of the State Stormwater Management Manual's Guide Sheet 2: Wetland Protections, Guide Sheet 2B: Guidelines for Protection from Adverse Impacts of Modified Runoff Quantity Discharged to Wetlands (specifically addresses flow control), and Guide Sheet 2D: Guidelines for the Protection of Specific Biological Communities. Guide Sheet 2D also applies to municipal stormwater ordinances. The Critical Areas Ordinance is intended to encompass site characterization for detention facilities relative to wellhead protection (State Stormwater Manual Section SSC-2, Groundwater Protection Areas), and this element needs to be defined in the Critical Areas Ordinance. A primary step in positioning and designing infiltration facilities is to conduct a Surface Features Characterization (State Storm Water Manual 6.3.3.5) and this process is specific to Wellhead Protections under the Critical Areas Ordinances, and Critical Aquifer Recharge. The state manual also defines Critical Areas as inclusive of Sole Source Aquifer Designation, including groundwater protection areas, yet the Vancouver draft ordinances fail to acknowledge federal designation of the Troutdale System Sole Source Aquifer.
- 4) Various chapters of **VMC Title 14** (other than 14.24, 14.25, and 14.26) either mention or include elements of storm water management, and should, therefore, be amended to include reference to the revised stormwater ordinances. The stormwater master plan (VMC 14.09.050) that is updated annually should be clarified to reflect NPDES Phase II requirements.

- 5) **VMC 20.740.120** Frequently Flooded Areas includes storm water management controls, and should reference VMC Title 14 for regulatory requirements.
- 6) The City of Vancouver needs to qualify how large water body exemptions will effect stormwater management requirements within the stormwater management area covered by the assigned NPDES phase II permit and specify the extent of the exempted land use area. Mention of the large water body exemptions need to be added within the text of the revised stormwater ordinances, and should include a description of the process of approval of all exempted areas.
- 7) The City of Vancouver appealed various requirements in the state manual, including flow control requirements, to the state Pollution Control Hearings Board, but Vancouver's appeals were denied and the Board upheld the standards established in the state manual. Commenters are aware that Clark County recently adopted stormwater ordinances that do not meet flow control requirements, and that the City of Vancouver (in workshop sessions) has remarked that it might do the same. Commenters disagree entirely with the city's position to ignore required elements of the state manual, for such actions only lead to conflict at the taxpayer's expense. At City workshops on this subject, misinformation was presented that portrayed the state's flow control standards as a representation of returning to "Lewis and Clark" conditions. This interpretation is erroneous. The flow control standard requires development of a model that limits the durations of high flow events to those that existed in predevelopment conditions. Just high flows are required to meet the predevelopment standard, not all flows. The Pollution Control Hearings Board recognized this fact, observing that the flow control standard had an impact on only 1% of the rain events over one year's time. The Pollution Control Hearings Board also recognized that flow control alone is inadequate to protect water resources and did not represent AKART, meaning that state standards would have to be improved. Comments made by various parties in opposition to the state manual flow control standards at City Council workshops misinterpret the intent of flow control requirements. It is inappropriate for any municipality to disavow state requirements, especially when the administrative appeals process has been exhausted. Commenters insist that the City of Vancouver adopt the required standards intact.

Comments on Draft VMC 14.24 – Erosion Prevention

- 1) The draft ordinance does not include required mechanisms for phosphorus control including items specific to new development. Phosphorus control plans are needed to protect lakes from eutrophication, as is happening with Vancouver Lake. The state manual outlines various performance goals and treatment facility options to alleviate phosphorus loading, and these items should be referenced in the draft ordinance. Since Vancouver Lake is 303(d) listed for total Phosphorus (listing number 6375), local phosphorus controls need to be implemented to remediate this failed water quality standard for the lake. PCBs are likely to be identified as a primary polluter of waterbodies via stormwater discharges. Vancouver should be prepared to add provisions for PCB controls to stormwater and erosion control requirements.

- 2) **Draft VMC 14-24-020** does not include the need to prevent sediment related nutrient loading or toxicity as outlined in the state manual Section 2: Minimum Requirements for New Developments and Redevelopment, Element 9, Control Pollutants.
- 3) **Draft VMC 14.24.040** defines item G, Stormwater facility, as “The natural or constructed components of a stormwater drainage system...” Commenters disagree with this definition because the state manual does not include natural watercourses as stormwater facilities. The definition of stormwater facilities differs from the definition of stormwater conveyance systems, and the draft definition in this chapter seems to confuse the two. The state manual (section 2.5.8, Minimum Requirements, Wetlands Protection, and Appendix 1D, Wetlands and Stormwater Guidelines both specify that stormwater facilities are to be avoided in waterways or wetlands. Stormwater treatment and flow control facilities are generally not allowed within natural vegetated buffers unless recommended by a TMDL study. Stormwater discharged to a wetland must be pre-treated, and there are only limited circumstances where wetlands can be used for stormwater detention and treatment, as outlined in Guide Sheet 1B. These items need to be clarified under this section of the draft to avoid confusion regarding facility placement. The state definition can be applied to achieve clarification: “A stormwater facility is a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales. Natural watercourses are not “constructed” elements of a facility. This comment also applies to Draft VMC 14.25 and 14.26 as the same definition also appears in those ordinances.
- 4) **Draft VMC 14.24.020** defines item H, Stormwater Manual. The state manual provides language that further defines itself as a compendium of minimum requirements that are necessary to achieve compliance with State water quality standards. The draft definition should be expanded to include: “The objective of this manual is to provide guidance on the measures necessary to control the quantity and quality of stormwater produced by new development and redevelopment such that they comply with water quality standards and contribute to the protection of beneficial uses of the receiving waters.” The definition should also be extended to include: “The manual establishes minimum requirements for development and redevelopment projects of all sizes and provides guidance concerning how to prepare and implement stormwater site plans.” These additions will clarify the definition of the state manual and provide a more complete picture of the spirit and intent of the requirements outlined within it. Commenters state that this is a definition of primary importance that would benefit from the expanded verbiage. This comment also applies to Draft VMC 14.25 and 14.26 as the same definition also appears in those draft ordinances.
- 5) **Draft VMC 14.24.020**, defines item I, UIC Wells. Commenters conclude that the definition needs to be expanded to include additional language from the state manual that outlines requirements. The added language should include: “UIC wells are required to meet the ground water quality standards and may be permitted under Chapter 173-218 WAC, Underground Injection Control Program. The state manual recognizes Sole Source Aquifer designation as a valid groundwater protection measure and the definition needs to include verbiage that allows UIC placement barring adverse impacts to the Sole Source Aquifer, which encompasses the city of Vancouver. Chapter 173-218 WAC, the Underground Injection Control Program defines "Ground water protection area" as a geographic area that

is by or close by a surrounding community and nontransient noncommunity water system, that uses ground water as a source of drinking water (40 CFR 144.87) and other sensitive ground water areas critical to protecting underground sources of drinking water from contamination; such as **sole source aquifers**, highly productive aquifers supplying private wells, critical aquifer recharge areas and/or other state and local areas determined by state and local governments.” Vancouver needs to acknowledge the protection role of the Sole Source Aquifer designation for the Troutdale Aquifer System, and represent the interconnected role of Critical Aquifer Recharge Areas within the Sole Source Community. Additionally, the last sentence of the draft language reads: “A UIC well may be used to manage stormwater when pollutant concentrations that reach ground water are not expected to exceed Washington state ground water quality standards (chapter 173-200WAC).” This statement should be expanded to include the state’s verbiage that a UIC well cannot be designed to include components that could convey water directly or indirectly to a surface water body. Whereas the commenters recognize that UIC wells are not intended to convey stormwater to surface water, this clarification is necessary to avoid the potential for cross connection issues between UIC wells and other elements of stormwater systems that are designed to collect and convey groundwater to surface waterbodies via underground perforated stormwater pipes that are known to be part of Vancouver’s municipal stormwater system. This comment also applies to Draft VMC 14.25 and 14.26 as the same definition also appears in those draft ordinances.

- 6) **Draft VMC 14-24-050**, Standard Requirements, Item B calls for the director to require additional BMPs in the case where previous BMPs are insufficient to prevent erosion. Commenters call for additional BMPs to be automatically required upon inspection by code enforcement personnel that are already adequately trained in erosion control practices rather than relying upon review by the director. This standard requirement should reference the recommended and accepted additional BMPs outlined in the state manual, and offer established treatment trains that are to be followed in succession as a standard means of problem solving in order to avoid the appearance of arbitrary requirements.
- 7) **Draft VMC 14-24-060**, Specific Requirements, needs an additional item, called Item O. This item should define the requirements for BMP Treatment Trains that are employed when single or previous BMPs are insufficient. This requirement should specify that additional BMPs are introduced successively, in an established order, until the desired outcome to prevent erosion is achieved. The state manual provides various examples of recommended treatment trains, AKART practices and federal technology requirements that should be referenced here.
- 8) **Draft VMC 14.24.060**, Specific requirements, Item N, pertains to Underground Utilities Construction. A third requirement should be added, as taken from the state manual, that “trenching for utilities shall be conducted to meet soil stabilization requirements” and “excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.”
- 9) **Draft VMC 14.24.080** Enforcement states that enforcement of the erosion control ordinance is to be governed by VMC 22. VMC 22, therefore, needs to be updated to include provisions specific to violations of the stormwater ordinances. Violations of erosion control codes were formerly pursued only when cases were reported by the public, and enforcement was lax. The City must ensure that VMC 22 is sufficient to the purpose of enforcing newer

standards in a consistent and pragmatic fashion without relying upon Ecology to fine violators. This comment also applies to Draft VMC 14.25 as the same definition also appears in that ordinance.

- 10) In Chapter 1, Introduction to Construction Stormwater Pollution Prevention, the state manual outlines specific requirements for stormwater plans. **Draft VMC 14.24.060, Specific Requirements**, outlines various elements that mirror the state manual, however, certain elements are missing from Vancouver's list of Specific Requirements in this chapter of the draft ordinance. The missing elements include: flow control, protection of slopes, stabilize channels and outlets, control pollutants, and control de-watering. Commenters understand that flow control requirements are addressed in VMC 14.25, but this needs to be mentioned under Specific Requirements for VMC 14.24. The state manual requires justification of all missing items from stormwater control plans for all permitted projects. Therefore, the missing elements noted here need to be added as additional specific requirements in Vancouver's draft language for this section.

Comments on Draft VMC 14.25 – Stormwater Control

- 1) **Draft VMC 14.25.020, Purpose.** This section needs to identify goal of protecting the designated Sole Source Aquifer for the Troutdale System.
- 2) **Draft VMC 14.25.110, Definitions, Basin Plan.** The definition needs to be expanded to include the specific definition of what comprises a basin. A basin plan should include but not be limited to recommendations for the following:
 - Stormwater requirements for new development and redevelopment
 - Capital improvement projects
 - Land Use management through identification and protection of critical areas, comprehensive land use and transportation plans, zoning regulations, site development standards, and conservation areas
 - Source control activities including public education and involvement, and business programs
 - Other targeted stormwater programs and activities, such as maintenance, inspections and enforcement
 - Monitoring
 - An implementation schedule and funding strategy.”
- 3) **Draft VMC 14.25.210, Runoff Treatment**, needs to add an additional item to identify the purpose of this action. The state manual verbiage should be added: “The purpose of runoff treatment is to reduce pollutant loads and concentrations in stormwater runoff using physical, biological, and chemical removal mechanisms so that beneficial uses of receiving waters are maintained and, where applicable, restored.” Item B in this section of the draft states: “B. Stormwater treatment BMPs shall be sized to treat the water quality design storm as defined in the Stormwater Manual.” This is an incomplete sentence and needs correction.
- 4) **Draft VMC 14.25.220 , Flow control, Flow Control Facilities.** Stormwater flow control facilities should be identified as detention ponds or infiltration basins.

- 5) **Draft VMC 14.25.220**, Flow control, collection and conveyance systems. Item D needs to include the definition of conveyance systems to avoid confusion with constructed stormwater facilities. The state manual’s definition for conveyance system can be added for clarification: “Conveyance systems are comprised of drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface and stormwater from the highest points on the land down to a receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the conveyance system include gutters, ditches, pipes, channels, and most retention/detention facilities.”
- 6) **Draft VMC 14.25.225** ,Low Impact Development. The definition should be added for clarification: “These are practices that infiltrate stormwater (using proper safeguards to protect ground water) on-site rather than collecting, conveying and discharging stormwater off-site. The goals of low impact development practices are to enhance overall habitat functions, reduce runoff, recharge aquifers, maintain historic in-stream flows and reduce maintenance costs.” This section needs to reference Appendix III-C of the state manual: Washington State Department of Ecology Low Impact Development Design and Flow Modeling Guidance, which identifies engineering requirements.
- 7) **Draft VMC 14.25.230**, Maintenance and ownership, Item C, Private Stormwater Facilities. A sentence begins: “If required actions are not performed in a timely manner…” The term “timely manner” needs to be clarified to identify a specific timeframe.
- 8) **Draft VMC 14.25.230** ,Maintenance and ownership. Along with Runoff Treatment BMPs noted in volume 5 of the state manual, the draft needs to include “Maintenance Standards for Drainage Facilities” found in section 4.6 of the state manual. Section 4.6 lists facility-specific maintenance standards that are required as identified through inspection.
- 9) **Draft VMC, 14.25.240**, Bonds and Insurance, A1 Maintenance Security, reads: “ To insure satisfactory operation of new private stormwater facilities, the applicant constructing the facility shall maintain it for two years after completion of the project.” This item needs to add the statements that a copy of the state manual is to be retained onsite, and transferred to new owners of the property. Regarding financial liability, once the private owner completes the required two years of maintenance, the city of Vancouver is to assume operation and maintenance. This item needs to be clarified to include responsibility of maintenance after the initial two years. Furthermore, education for private facility owners/operators needs to ensure that these facilities are properly maintained. There is a chronic problem where private owners are mowing and fertilizing stormwater facilities, practices that are detrimental to the proper functioning of such facilities.
- 10) **Draft VMC, 14.25.320**, Variances. This item needs to be included: “An exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements of the state manual.” It is important to ensure that exceptions or variances to state manual requirements remain limited as much as possible.

Comments on Draft VMC 14.26, Water Resources Protection

- 1) **Draft VMC Section 14.26.100**, Purpose – A primary component of the Sole Source Aquifer designation is to educate the public about the vulnerability of the aquifer and how to protect

said aquifer. As this component is a valuable tool for public education, it should be included in this chapter as a means of furthering protection of the community's water resources.

- 2) **Draft VMC 14-26-110, C.**, Definitions, Sewage Disposal Cesspool – This definition needs to state that cesspools are prohibited and are targeted for removal under state sanitation code. Commenters understand that the prohibition is listed specifically under a different section, but this definition should be expanded.
- 3) **Draft VMC 14.26.112**, Authority, includes the statement: “The city may impose additional requirements whenever documented specific circumstances applicable to an operation threaten water resources.” This statement should define water resources as ground water/aquifer and surface water resources.
- 4) **Draft VMC 14-26-117**, Discharges to water resources, Item D, D. Allowable Discharges to Ground or UIC Well -- This section identifies residential car and boat washing, and residential swimming pool and spa water as allowable discharges. However, the state manual defines washwater and swimming pool water as illicit discharges that contribute to violations of water quality standards. Vancouver's draft ordinances need to address this conflict with state standards. Large volumes of chlorinated water conveyed into surface water can adversely impact the aquatic environment and kill fish. Public education is required on this item. The Draft also lists an item number 7, but that item is blank – This needs to be corrected.
- 5) **Draft VMC, 14.26.120**, Minimum standards, Item 5, Pesticide and Fertilizer Management. This section should expand the definition of pesticides and include descriptions of BMPs to manage pesticides. Items should state that pesticides are used only as a last resort, pesticide use plans are required including the use of the least toxic pesticide available, spill prevention methods, and general safe use of pesticides away from water resources. Similar items should be outlined for safe fertilization methods. These additions are importance since use of these items is a common practice and public education is needed.
- 6) **Draft VMC 14.26.135**, Item B, Septic Systems. This section allows for septic tank owner/operators to petition the city to override placement of septic systems in prohibited Special Protection Areas. This item should be clarified to state that public systems or infrastructure requirements in a given area should take precedent over the installation of private septic systems. Historically, such as the case at Walnut Park, public expenses of relocating public wells should not be exacerbated by the petitioned placement of private septic systems. Septic systems are prohibited in critical areas, and this standard should be upheld. The petition process should provide a pre-established criteria or scoring that any petitioner must achieve in order for the prohibition to be challenged by the private owner/operator.
- 7) **Draft VMC 14.26.152**, Alternative practices. Commenters are concerned that this section would inevitably allow infiltration mechanisms within critical recharge areas. Infiltration is generally not allowed in critical areas. The state manual provides plenty of new and improved practices without the need for new alternatives that are not defined in the manual. Ecology should be the agency authorized to introduce new alternative measures, not local entities. See commentary on Draft VMC Section 14.24.040 above.

- 8) **Draft VMC 14.26.115**, Scope and applicability, item B, Designated Areas. An additional item needs to be added for the designation by the EPA of the Troutdale Aquifer System as a protected Sole Source Aquifer, and the definition of a Sole Source Aquifer. The Federal Register Notice specifies that " 1) the aquifer system is the principal source of drinking water (approximately 99.4%) for the people in the Troutdale aquifer system area, and there are no alternate sources which can physically, legally, and economically supply all those who depend upon the aquifer for drinking water, should it become contaminated. Potential alternate sources considered include surface water, alternative aquifers, and an intertie with the Portland Water Bureau. None of these sources are considered by EPA to be feasible replacements for the entire aquifer system due to economic barriers or because these sources are not consumed or utilized for domestic purposes in significant quantities; and 2) Contamination of the aquifer system would create a significant hazard to public health. The aquifer system is vulnerable to contamination because recharge occurs essentially over the entire area, the aquifer is highly permeable, and there are many human activities that have released, or have the potential to release, contaminants to the aquifers."
- 9) **Draft VMC 14.26.117**, Discharges to Water Resources, Item C, Allowable Discharges. This section defines "Approved septic system discharges" as allowable discharges to the municipal storm sewer. Item B.1. of this section also allows connection between septic systems and the storm sewer system. Commenters vehemently oppose the inclusion of septic system discharge as an approved discharge or an approved cross connection between septic systems and the storm sewers. These items should be stricken. The state manual clearly states that any substance that contributes to violations of water quality standards must not be discharged. The state manual also defines fecal coliform (found in septic effluent) as a stormwater contaminant. Since the waterbodies in Vancouver largely fail standards for fecal coliform, it would be counterproductive to declare any form of septic waste as an allowable pollutant. Allowing septic system discharge would be a direct violation of Draft VMC14.26.100 where the purpose of the ordinance is to Minimize or eliminate surface and ground water quality degradation. The local health department grants permits for on-site septic systems, but those permits do not infer that septic waste is allowed to be conveyed into surface water. State health code defines untreated septic waste that contaminates ground or surface water as a failure that would require repair or replacement. This section points to the potential for septic discharge to enter the municipal stormwater system via perforated underground stormwater pipes as a valid concern, and this item should be a target priority under Vancouver's Illicit Discharge Detection and Elimination Program. With elevated fecal coliform levels (that indicate violations) measured at all sampling stations in Burnt Bridge Creek, it is clear that sources of fecal coliform, such as failed septic systems leaching into stormsewers, should be a priority focus in all drainage basins.
- 10) **Draft VMC 14.26.120**, Minimum standards, Item A, Operational Best Management Practices (BMPs), #7, Decommissioning Water Wells. Commenters are concerned that there is an unknown inventory of abandoned wells throughout Vancouver, and that these wells have not been properly decommissioned. This is particularly a problem in East Vancouver where many private wells ran dry with the introduction of municipal water delivery infrastructure. This section should state that all abandoned wells must be inventoried and decommissioned to protect the aquifer and enforcement should be improved.

- 11) **Draft VMC 14.26.130**, Item 5, Hazardous Material Releases. This section states that any release of hazardous materials that impacts water resources should be reported to the City within 24 hours. This section needs to specify which department of the city is to be contacted, and where to report if the spill occurs after regular office hours. Information should also be provided to report spills to Ecology's spill responders hotline.
- 12) **Draft VMC 14.26.140**, Administrative programs, Item 2, Inspections. Commenters are concerned that enforcement on this item needs to be improved with routine and regularly scheduled inspections. Historically, violations of this nature were reported by complaints, not recorded with inspections. This needs to be enforced with consistent inspection requirements.
- 13) **Draft VMC14.26.130** ,Greater standards for hazardous materials operations, Item A.9.c. This item concerns cleaning contaminated transport vehicles. Required BMP's should be added here, including wheel washing stations, gravel driveways, only allowing vehicles a single entrance and exit through the washing station, and contaminant collection devices.
- 14) **Draft VMC 14.26.155** Petition for a special exception, Item 2. This section needs to specifically define the threshold for an "unreasonable economic burden." This should be a pre-determined calculation to avoid the appearance of arbitrary exceptions.

Thank you in advance for considering these comments.

Sincerely,

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cc: Gregory Winters , Washington State Department of Ecology
Vancouver Field Office, Water Quality Division