



PUGET  
SOUNDKEEPER®

February 2, 2018

Municipal Permit Comments  
Washington State Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

Re: Comments on 2019 Municipal Stormwater Permits – Long Term Municipal Stormwater Planning Framework (“the Framework”)

To Whom It May Concern:

On behalf of our members, supporters and volunteers, please accept these comments on the draft Framework.

## **I. General comments**

Soundkeeper strongly believes that watershed planning should be a core approach to the Permits and should firmly support and dovetail with structural stormwater controls and retrofits.<sup>1</sup> We thank Ecology for recognizing the watershed planning is essential to improving Puget Sound water quality.

The most significant concern we have with the draft Framework is that the action steps required within the upcoming permit cycle (2019-2024) do not go far enough because they do not require implementation of the proposed plans (“Long Term MS4 Plans”) within the permit cycle. Implementation of the Long Term MS4 Plans must be required within the 2019-2024 permit cycle, and there must be tight timelines with set deadlines articulated in the draft to get us there. Even the most well-crafted plan is not going to improve water quality unless it is implemented. Watershed planning should work toward the goal of zero waters causing or contributing to

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<sup>1</sup> Stormwater retrofits entail adding components to existing development, namely, projects that provide nutrient and sediment reduction to help manage stormwater runoff, such as green infrastructure like rain gardens, permeable pavement and green roofs.

violations of water quality standards due to stormwater. For these reasons, implementation must occur on a tight timeline with clear deadlines and should be required by year 3 of the permit cycle.

Another primary concern is that the various reports and planning processes should be transparent and involve public input and feedback. Transparency is essential. The local community should help to drive prioritization of watersheds and inclusion in the Long Term MS4 Plans.

A guidance would be extremely useful for Permittees. Similar to the guidance for IDDE and LID code updates, such a guidance should be incorporated into the 2019 Permits. More emphasis should be placed on land-use planning in conjunction with the watershed planning process in the Framework.

We are also concerned that there are not presently enough environmental justice considerations written into the draft. Watershed planning must include environmental justice safeguards. History has demonstrated that it is most often communities of color and low-income communities burdened disproportionately by our pollution. As watershed planning leads to prioritization of watersheds and efforts, this habitual inequity must be addressed. Furthermore, processes should be developed that prioritize future project work where wastewater discharge indicators place a disproportionate burden of risk on already disadvantaged communities. Which disproportionately impacted communities have you reached out to for input to date? How will you ensure that the historically marginalized communities receive the benefits first?

## II. Specific comments

### A. Section I Background Discussion

We support the findings of Ecology that “a site and subdivision approach to controlling stormwater runoff from developed and developing areas still falls short of protecting receiving water quality conditions.”

Ecology should place more emphasis on retrofits and regional facilities than the Flow Control Transfer Program. Soundkeeper has some fundamental concerns with the Stormwater Control Transfer Program that were shared with Ecology by letter dated July 28, 2015. We would like to ensure that language in the Framework makes it clear that the Permit requirements for watershed planning are not an off ramp into the Stormwater Control Transfer Program.

Regarding the results of the initial round of watershed planning reports, we would appreciate seeing a more in depth analysis with more concrete actions steps pulled in conclusion from those reports, beyond the general findings presented in this preliminary draft section.

### B. Section II Purpose and Intent

We are strongly supportive of the purpose of long-term MS4 planning being “the protection **and restoration** of the beneficial uses of receiving waters.” (p. 3/5). It is essential to not just protect,

but also to restore our already degraded waters in order to meet water quality standards. However, a general timeframe for deliverables should be included in the Purpose and Intent section. For example, we support the addition of a sentence or two to clarify that: “It is the purpose and intent of this Long Term MS4 Planning document [the Framework] that concrete steps be taken by Permittees within **each Permit cycle** to restore water quality to meet water quality standards.”

### 1. Objective

The objectives stop far too short. The first four objectives are a good start. However, the following three objectives (numbered 5, 6, and 7) should be added to the list. Permittees should be required to meet all 7 objectives in the 2019 – 2024 permit cycle:

5. Craft complete Long Term MS4 Plans. Ecology will approve, disapprove, or require modification. Obtain approval by Ecology of final Long Term MS4 Plans.
6. Commence implementation of the Long Term MS4 Plans in as many priority basins as possible (a minimum number should be set by Ecology and included in the Long Term MS4 Plans as a requirement).
7. Achieve demonstrable water quality improvement in a number of priority basins (a minimum number should be set by Ecology and included in the Long Term MS4 Plans as a requirement) identified in the Long Term MS4 Plans within the 2019 – 2024 Permit cycle.

Each Permit cycle is 5 years. Five year permit cycles allow Permittees plenty of time to inventory, prioritize, plan, and start to implement Long Term MS4 Plans, thus implementation must commence within this permit cycle (2019 – 2024).

### 2. Approach

Retrofits and green infrastructure, and the areas targeted for same, should be one of the minimum required strategies that Permittees must consider for their Long Term MS4 Plans. Priority should be given to maintaining natural systems within watersheds.

Regarding the selection of priority basins for inclusion in the Long Term MS4 Plans, Ecology should derive a formula or method to calculate a set number of priority basins that each Permittee is required to include, at a minimum, in its Long Term MS4 Plans each permit cycle. This formula should be clearly described and examples provided in the Permit. Again, environmental justice considerations should be given careful consideration and weight in this process. Permittees should be required to increase the number of priority basins in their Long Term MS4 Plans each subsequent permit cycle until all basins are ultimately included in the Plan.

As with the objectives, the actions steps required by Permittees in the 2019-2024 permit cycle should be expanded and set upon a tight timeline to include:

1. Ecology should provide feedback to Permittees and approve or disapprove the “deliverable” (the “Long Term MS4 Plans”) within the first half of the permit cycle.
2. Permittees should commence implementation of the Long Term MS4 Plans in as many priority basins as possible (though a minimum number should be set by Ecology and included in the Long Term MS4 Plans as a requirement) by year 3 of the permit cycle.
3. Permittees should be required to perform water quality testing and provide results of implementation of their Plans by year 4 of the permit cycle so that Ecology can review and incorporate results and feedback into the next permit cycle in 2024.
4. Permittees should be required to demonstrate concrete water quality benefits in as many priority basins (though a minimum number should be set by Ecology and included in the Long Term MS4 Plans as a requirement) identified in the Long Term MS4 Plans as possible.

Thank you for this opportunity to provide preliminary input on the next iteration of Washington’s Stormwater Permits. We look forward to providing formal comments upon the release of the draft Permits in the upcoming months, and further opportunities to engage with Ecology on this matter.

Sincerely,

Alyssa Barton  
Puget Soundkeeper Alliance