

February 2, 2018

Washington Department of Ecology  
Water Quality Program  
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To Ecology's Municipal Stormwater Comments Staff,

The City of Seattle appreciates the efforts of Ecology to provide information and seek input on the proposed preliminary draft Phase I NPDES Municipal Stormwater Permit requirements for Section S5.C.5.c Watershed-scale Stormwater Planning. As the largest municipality in Washington State, Seattle takes its role as a regional leader in stormwater management seriously and is committed to improving the health of receiving waters.

Seattle has reviewed the informal draft framework, and Seattle recommends that the watershed planning requirement continue to be focused on developing areas in watersheds that contain waterbodies with low to moderate impairment and not apply to substantially developed areas such as Seattle for the following reasons:

1. **To match the PCHB's focus on watershed planning in less developed areas.** As reflected in the 2011 Fact Sheet, the S5.C.5.c Watershed-scale Stormwater Planning permit requirement is "inherently related to land cover changes" and focused on water quality and habitat in lowland streams. (p36) Planning was included in the permit to address Ecology's concern about new development in relatively undeveloped areas which is why it is included under S5.C.5 (Controlling Runoff from New Development, Redevelopment and Construction Sites). In the August 8, 2008 Pollution Control Hearings Board (PCHB) decision in which the Board first addressed watershed-scale basin planning efforts, the Board's focus was explicitly on these areas: *"...The areas should be relatively undeveloped where new development is occurring, and from which discharges may impact aquatic resources."*
2. **To provide consistency with 2013 Phase I Permit.** The 2013 Phase I Permit targets "basin planning in areas where impending growth threatens high-value habitat or water resources" and "urbanization of stream basins." (2011 Fact Sheet, p.37.) Ecology had identified characteristics for high priority basins and on that basis excluded Seattle and Tacoma from S5.C.5.c. (2011 Fact Sheet. P.38)
3. **Because Ecology's proposed framework and guidance are not appropriate for a substantially developed area like Seattle.** Some of the reasons are:
  - Methods for identifying and characterizing basins are inappropriate. The first step of the framework would be to "...delineate basin boundaries for all receiving waters in your jurisdiction...". These delineations are later referred to as "watersheds." For Seattle, a significantly developed area, the watershed basins guidance ("Watershed Characterization") is inappropriate because:

- Seattle has delineated the MS4 network, and this network does not often match the topographic boundaries that are associated with watersheds.
- Delineation is complicated by large areas in the City where there is overlap between the MS4 and non-MS4 areas that drain to combined wastewater systems.
- Methods for prioritizing basins are inappropriate. The second step of the framework would “give priority to receiving waters that show low to moderate levels of impairment.” This prioritization method does not make sense for Seattle’s substantially developed environment where all receiving waters have been heavily impacted by development and where priorities are often associated with regulatory drivers that appropriately focus work on significantly impaired waters that pose the greatest risk to human and aquatic health.
- The guidance documents Ecology mentions aren’t appropriate for Seattle’s significantly developed environment. For example:
  - Watershed Characterization. This document is referred to in the proposed framework as guidance for basin delineations and nomenclature. However, as discussed above, the document is focused on less developed areas and, as a result, the delineations are not accurate for Seattle.
  - Building Cities in the Rain. This document is focused on creek drainage systems and is not appropriate for Seattle as the majority of Seattle’s MS4 discharges to larger receiving waters (e.g., Puget Sound, Duwamish Waterway, Lake Washington).
  - Stormwater Control Transfer Program. This document is also focused on creek systems and, for the same reason, is not appropriate for the majority of Seattle’s MS4 system. In addition, the document assumes that a jurisdiction has low to moderately impacted creek systems to transfer requirements to, which is not the case in Seattle.

**Seattle has the following additional concerns about the proposed S5.C.5.c framework, for Seattle or any municipality:**

- **The proposed framework exceeds the limitations of MS4 NPDES permit authority.** NPDES permit authority is limited. NPDES requirements can only apply to the MS4 owned or operated by the permittee. The objective of the proposed framework seems to be “the protection and restoration of the beneficial uses of receiving waters.” (Framework p.3.) This objective, along with other elements of the proposed framework, goes beyond MS4 NPDES Permit authority.
- **Too much, too fast:** The proposal is overly ambitious and impracticable on many levels – for example, geographic scope, the multiple task elements (from defining basins through budgeting specific projects), and timing. It also includes contradictory elements and unclear requirements that prevent successful implementation and would need to be greatly simplified, scaled-back and refined.
- **Duplicative or inconsistent planning:** The proposed framework (including guidance documents) is so rigid that it would not allow municipal permittees to use other MS4 planning approaches and efforts that they have already tailored to the needs of their jurisdictions. In the proposed framework “Ecology acknowledges that many permittees have already done this [planning], or something similar. Permittees are encouraged to use and/or build on prior plans to accomplish these goals and fulfill this permit requirement.” (Framework, p.4.) However, the proposed framework would penalize permittees that have been doing MS4 planning by requiring them to

redo existing work in a manner that fits the framework and would not be as well-suited to their jurisdiction.

In summary, Seattle recommends the S5.C.5.c requirement continue to be focused on developing areas and exclude Seattle. In addition, Seattle recommends Ecology continue to engage with Permittees in refining this requirement – and Seattle would like to participate in any redrafting effort Ecology undertakes. Thank you again for working with Seattle and the other permittees to develop effective permit requirements to protect our environment. If you have any questions about these comments or would like to meet and discuss our comments, please contact Kate Rhoads, [kate.rhoads@seattle.gov](mailto:kate.rhoads@seattle.gov).

Cordially,



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