



CITY OF
MUKILTEO

Public Works Department

January 18, 2018

Abbey Stockwell
Phase II Municipal Stormwater Permit Writer
Department of Ecology
PO Box 47600
Olympia, WA 98504

RE: 2019 Permit Preliminary Draft Comments

Ms. Stockwell,

Thank you for the opportunity to review and respond to a preliminary draft of the 2019 Phase II NPDES Permit.

After the listening sessions held by Ecology, The City of Mukilteo submitted comments related to Source Control and Watershed Planning. After reviewing the preliminary draft language, many of our comments have been reiterated.

In addition, the City provides these comments in relation to the Sections as identified:

Public Education and Outreach

S.5.C.1.

- “Each Permittee shall implement what is developed regionally at the local jurisdiction.” This is a blanket statement that needs clarification. If it is Ecology’s intent that any and all regional efforts must be adopted by the local jurisdiction, that is not consistent with addressing local water quality problems, not consistent with what might be contradictory market research, and may be counterproductive to local efforts. Please re-phrase this sentence to provide clarity, and be more consistent with the first sentence which says “Permittees may meet the requirements individually or as a member of a regional group.”

S5.C.1.a.

- Many jurisdictions have no local water quality or flow monitoring program. How does Ecology suggest that the requirement “based on local water quality” be addressed?

S5.C.1.a.i (incorrectly labeled as S5c.C.1.a.1) and S5.C.1.a.ii

- The language is muddled. Please separate out the audiences from the subject areas/BMPs. These are really two different pick lists (one is the target audience, one is the BMP). Perhaps they could be presented as such.



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S5.C.1.b

- There are 2 requirements and timeframes in this section; please separate into S5.C.1.b and S5.C.1.c.
- For evaluation of effectiveness (due April 31, 2020),
 - The 2013-2018 Permit stated that the results must be used to direct education and outreach resources, and evaluate changes. There were no specific requirements or timeframes given. It was even possible that a program could be scrapped if the evaluation found it ineffective. Eight months could be an impossible timeframe, to provide a new evaluation in some cases.
 - I believe the webinar indicated that prior evaluations can count. The Permit should make it clear that evaluations completed prior to Permit implementation can qualify. Some jurisdictions have moved forward with implementing the recommendations found in the prior evaluation required under the 2013 Permit. These efforts have included interim and/or ongoing evaluation, which will span the time between the deadline in the 2013 Permit and the delayed issuance of the 2018 Permit.
- For the February 1, 2021 deadline, a Permittee should be allowed to pick up at this place in the process, if evaluations have already been made (see point above).
- For subsections i-iii, the language should be clear as to what to do if the program has been shown to be effective? Why would we need to conduct a new (potentially 3rd) evaluation?
- The timeframes are not achievable if Permittees are required to follow the re-evaluation timeline, and not be able to include work that happened between the 2016 evaluation and the 2019 Permit. Again, these timeframes would hinder a program built on long-standing efforts.

Illicit Discharge Detection and Elimination (IDDE)

S5.C.3.f

- How will the new schema work for the 1st cycle (partial year)? Will it be required beginning 2019 or 2020?
- Ecology needs to provide an avenue for jurisdictions to retrieve their data, if they choose to upload directly to Ecology's database.

Source Control Program for Existing Development

S5.C.o.b.i

- Since Phase I's have implemented these programs already, we recommend that Ecology request (require?) that Phase I's share Code examples, field forms, and staff trainings with Ecology. Ecology can then make these examples available to Phase IIs, via its website or other avenues. This will assist with program implementation and may create some continuity in the program.

S5.C.ob.ii



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- Mukilteo strongly objects to being required to inspect businesses with NPDES Industrial Permits (or ones that should have coverage), and suggests that those properties be exempt from the required inventory. Because those businesses have requirements specific to their Permit, it should not be the local jurisdiction's role to enforce that Permit. Additional inspections are laborious and disruptive for the business, confusing to the property owner, and not a good use of anybody's resources.

S5.C.o.b.iv(c)

- See comment under S5.C.o.b.i for requested coordination with Phase I Permittees.

S5.C.o.b.v

- What are the minimum training requirements? A generic training requirement with no available classes, identified certifications, or other resources has been the bane of many Permit requirements. The training opportunities do not exist because they are so specific to the Permit. Or, when Ecology offers them, they are a flash in the pan and do not allow for new staff to become trained. Please identify the training resources that will qualify a Source Control inspector.

Thank you for consideration of these comments and the continued dialog on the Permit re-issuance.

Sincerely,

Mick Matheson, P.E.
Public Works Director

Cc: Jennifer Adams, Surface Water Programs Manager