



PUBLIC WORKS

February 2, 2018

Washington State Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

RE: Comments on the 2019 Preliminary Draft Municipal Stormwater Permit –
Long Term Municipal Stormwater Planning Section

To Whom It May Concern:

Overall Approach:

1. With regard to the steps, they appear to be very prescriptive and may as a result negate the ability to use existing efforts. Everett has just completed a Surface Water Comprehensive Plan. Original basin plans from the 1980's were updated and a prioritized list of issues and projects was developed based on criteria. Projects are not solely located in one prioritized basin. Requiring that a jurisdiction only focus on one (or several) basin is likely to lead to concerns from the public about why issues in their area will not receive the benefit of their monthly surface water rate dollars. If a jurisdiction does a City-wide effort and has projects throughout their jurisdiction they should be allowed to follow whatever process they defined to determine those local priorities and not be confined to only implementing solutions in one (or several) prioritized basin.
2. Stormwater is a conduit, not a source of pollution. From this draft long-term MS4 planning section: "Ecology recognizes that many receiving waters impairments are tied to a broader set of pressures/sources than just stormwater. This planning should put stormwater in a broader context with other actions needed to protect and restore beneficial uses.". It is erroneous to indicate that stormwater is a source of impairment, rather stormwater carries the trash, debris, and pollutants that have been left on the face of the landscape.
3. In general there are two ways to write permit conditions: one is to specify all the steps to be completed and how to do them, and the other is to define the outcome (performance based). Performance based language allows flexibility for the means and methods of achieving the end result. We recommend removing the prescriptive nature of the process and instead define the outcome of what Ecology wants.
4. Regardless of whether the current prescriptive language is retained or revised, it will be important to define the metrics by which local jurisdictions can prove they have successfully addressed the requirements of this portion of the permit. Are we looking for improvements in the assessment for prioritized basins/catchments? Or improvements in the receiving waters? A demonstrated dollar value spent? Quantity of improvements/mitigated areas?

If overall approach isn't modified per above comments, these are comments on the draft:

5. Step 3 of the methods and procedures for Identifying and Characterizing Basins indicates the need to identify the percentage of impervious area. In the recent LID code updates and manual impervious surfaces were replaced with different variations of hard surface. Did Ecology mean to use impervious surface in this context?
6. It will take some time to complete step 5 of the inventory in terms of defining Key Characteristics. For that reasons we request a deadline at the middle of the permit cycle or later for this first step.
7. It appears that in the methods and procedures for Prioritizing Basins the stated priorities for b and c in item 2 may be contradictory. Municipalities can exert the greatest impact on watersheds which are wholly or mostly within their jurisdiction. Watersheds which are primarily within a single jurisdiction are less likely to have regional focus. Are the priorities listed intended to be of equal value or listed highest to lowest?
8. Indicate a deadline of the last year of the 2019 permit cycle for submission of step two, prioritization or, if possible, move that date into the first part of the following permit.
9. In the Approach/Methods for Catchment Area Planning section item 2 there are two TBD areas highlighted for the number of basins and catchments where planning should occur. These values should be represented as a percentage of total basins/catchments, or otherwise scaled to the size of jurisdiction, rather than being a single value for all jurisdictions.
10. In Approach/Methods for Catchment Area Planning item 3 requires identifying actions "most likely" to improve hydrologic and water quality conditions. The method for determining "most likely" needs to be well defined in the permit.
11. Will the local jurisdictions be allowed flexibility in implementing stormwater standards in order to best achieve the identified goals? For instance, can development standards for flow control be relaxed from the state standard in trade for higher levels of treatment where water quality concerns are identified as a higher priority than flow based concerns?
12. While the language seems to indicate that municipalities are to pursue avenues that are most technically beneficial within their financial capacity to support, the language goes on to indicate that public input must be sought. To what end is the public engaged if the plan needs to rely on technical analysis and financial capacity? Just informing the public, or incorporating the public input?
13. Our greatest concern is that step three, the plan itself needs to be deferred to the following permit cycle. There is not enough time in the 2019 permit cycle to accomplish all three of these steps given our limited resources and that the plan hinges on technical evaluation, funding capability and also requires soliciting and incorporating public input.

14. Contrary to the presentation about this section it appears that this document does indeed obligate the municipalities to fund the plan. I heard that the exercise that demonstrates what is needed to restore beneficial uses will clearly generate activities that far exceed local and state resources, and that while municipalities are identifying what is needed there is no obligation to fund all of those identified actions. Please clarify whether or not we are obligated to fund. This will be a great concern for elected officials and the community.

Thank you for the opportunity to provide comments on the preliminary draft.

Sincerely,

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