



City of Redmond Comments to Preliminary Draft MS4 Permit Language

1.18.2018

Topic	Section	
IDDE	<u>S5.C.3.f</u>	<p>We are concerned that the term “<i>potential illicit discharge</i>” is too vague, may cause confusion, and may lead to unnecessarily laborious documentation. We suggest the following language to help clarify what appears to be Ecology’s intent, “<i>submit data for all <u>investigated or confirmed illicit discharges, including spill and illicit connections reported or found...</u></i>” Further: does the requirement for reporting “potential discharges” also include discharge that occur in private systems but do not enter the MS4? Given that the permit’s purview regulates the MS4’s, this requires clarification.</p> <p>Ecology should work with permittees to ensure that the data they collect addresses pertinent issues, and provides a robust and region-wide understanding of the types of preventable illicit discharges. Further, Ecology should use this data to directly provide important information back to permittees. Many permit defined illicit discharge incidents (e.g. G3’s) consist of incidents that are local in nature or largely unpreventable: vehicle accident fluids or mystery sheens, water main breaks, and sanitary sewer overflows. While these are significant issues, data on these incidences does little to prevent future illicit discharges or address regional IDDE issues. Collection of data on issues that requires regional responses, such permittee data on mobile businesses that have been found responsible for illicit discharges in multiple jurisdictions, would provide greater value in protecting the environment. In this example, Ecology would collect data on mobile business, and then use it to contact and coordinate with local enforcement that wouldn’t otherwise be unaware of a business’s regional frequent violator status.</p>
Source Control	<u>Factsheet Section VI</u>	<p>The factsheet for the proposed source control program requirement states: “<i>The LSC program does not include an enforcement component, and therefore does not fully meet this permit requirement.</i>” Redmond would like to ensure that local source control programs can be used to <i>help meet</i> this requirement so long as they are supported policy that is backed by code that authorizes enforcement actions.</p>
	<u>General Comment</u>	<p>The local source control program has a history of demonstrated results, and has developed materials and methodologies that can be used to help ensure the success of NPDES Phase II source control programs. The NPDES requirement should not be seen as a substitute for the LSC programs, and should not be used as a justification for reducing funding for local jurisdictions to implement LSC programs.</p>

Mapping Requirements	<u>S5.C.0.a.iv</u>	Is Ecology simply requiring that the MS4 maps include areas of the City that infiltrate? Or is this a requirement that cities specifically query and call-out areas of the MS4 that do not lead to surface water as specific mapping layer? Please clarify.
Monitoring	<u>General Comment</u>	<p>We generally support the Stormwater Work Group comment letter dated January 17, 2018.</p> <p>The Stormwater Action Monitoring (SAM) program needs no additional funding. The per capita cost should be calculated using the grand total of revenue from the 2013-2018 permit cycle divided by the OFM population. If one of the three SAM programs or the administration of the program needs additional funding as mentioned in the SWG letter it should be transferred from one of the other three accounts and not funded by additional expense to permittees.</p> <p>We have concern that if the permit requires local governments to generate data upon request of a SAM funded project that this will have a chilling effect on the willingness of local governments to approve projects that require data submittal. Some permittees have low staff levels and requiring this additional work of smaller jurisdictions with the threat of permit non-compliance will bring high scrutiny to otherwise valuable projects that advance our knowledge of stormwater management.</p> <p>Redmond supports the effectiveness monitoring alternative to pay in 50% of SAM allocation in exchange for a local monitoring program/project. This should be allowed for Phase I and Phase II permittees. We do not agree with the SWG letter that the monitoring should be useful to Ecology, the SWG, and SAM to be allowed. The monitoring should be useful to the local government that chooses to perform local monitoring in exchange for 50% of the SAM effectiveness monitoring. The level of cost and effort of the local monitoring should be of equal or more value.</p>
Long-term Municipal Stormwater Planning	<u>Comment on Process</u>	Redmond is encouraged by the current discussions on Watershed Planning. However, no draft permit language has been proposed. It is unclear as to how and when permittees will be able to comment on any proposed Phase II watershed requirements. Please clarify how and when this review will occur.

<p>Phase I Structural Stormwater Control Program Requirements</p>	<p><u>General</u></p>	<p>Redmond assumes that the Phase I Structural Control Requirement will be extended to Phase II permittees at some point in the future. In anticipation of this, Redmond has the following comments on the draft Phase I Structural Control Requirement:</p> <ol style="list-style-type: none"> 1) We support King County and the City of Seattle comments on this Phase I permit requirement and encourage Ecology to create a permit required collaborative process to establish the level of effort and system used to measure level of effort. 2) Redmond supports provisions in the requirement that acknowledge the benefits provided by various stormwater management actions: CIP retrofits, riparian restoration and conservation, street sweeping, source control beyond what is required, and capital maintenance projects that costs greater than \$25,000. 3) Redmond also supports granting of additional retrofit credit for “qualifying projects related to the MS4 which implement an Ecology approved basin plan.” 4) Redmond would like to see an optional Phase II permit provision that allows Phase II permittees to create a “bank account” of retrofit credit. <p>Based on the rate development occurring in our City, Redmond plans to retrofit areas of the City within the next 10 years. The potential extension of Structural Control Requirements to Phase II jurisdictions could inadvertently “punish” the City for taking actions to protect the environment now, rather than waiting until such actions become a permit requirement. Getting credit for our retrofit efforts before the permit requirement will insure we don’t over extend the city’s stormwater utility by making investments now when we are aware of a future permit requirement that may or may not recognize our investment prior to the permit requirement. Providing a means of receiving credit for action prior to the installment of a Phase II requirement, removes what can be seen as an inadvertent deterrent to taking retrofit actions in the near-term.</p>
<p><u>FAQ’s</u></p>	<p><u>General Comment</u></p>	<p>How does Ecology use response from the FAQ’s? When appropriate, we encourage Ecology to use their response from FAQ’s to help improve and clarify permit provisions.</p>