

## City of Kirkland Comments on Preliminary Draft MS4 Permit Language

### Outreach and Education

- Intro paragraph to S5.C.4.1: Recommend striking sentence “Regional collaboration on general awareness or behavior change programs, or both, includes Permittees developing a consistent message, determining best methods for communicating the message, and when appropriate, creating strategies to affect behavior change.” This statement is more appropriate for inclusion in the fact sheet.
- What kind of documentation (e.g., via annual report) will Ecology require to demonstrate compliance with the criteria laid out in S5.C.1.a?
- What behavior change is Ecology seeking from Residents, landscapers, or property managers as it relates to LID principles and BMPs? This category does not seem to fit under S5.C.1.a.ii(a) for this permit cycle. Recommend striking.
- Recommend expanding the “Stormwater facility maintenance” bullet under S5.C.1.a.ii(a) to include LID facilities. This would help reinforce and inform maintenance that may now be required under S5.C.4.
- S5.C.1.b indicates that Permittees are required to conduct a new evaluation of the effectiveness of an existing behavior change program. It is unclear if this means that the Permittee must re-evaluate the program that was examined under the current program or if we can evaluate a different, yet ongoing, behavior change program. Please consider clarifying the language to allow Permittees to select a different behavior change program to evaluate, if desired. Guidance or direction on what is this evaluation should entail will be helpful.
- Community-based social marketing is a very specific (branded) approach. Consider a more flexible approach that focuses on social marketing more broadly.
- Recommend moving definition of Community-based Social Marketing to Definitions section (vs. in body of permit as a footnote).
- S5.C.1.d: Is this a second full behavior change evaluation to be conducted within this 5-year permit cycle? Please explain how this is different in scope from the behavior change evaluation called for under S5.C.1.b.

### IDDE

- Please clarify what is meant by “potential illicit discharges.” Is the intent of this revision to have Permittees report on any discharge they investigate?
- Please update language to focus data submittal on those discharges to your MS4. As written, the language is overly broad. Discharges to land or air are not the focus of this program/permit. (Although this edit may not be necessary given the definition of “illicit discharge,” it adds helpful clarification.)

### IDDE Schema

- Please explain in attached Fact Sheet how Ecology proposes to make use of the data being collected. Please focus this extensive information request on data that are likely to be evaluated or scrutinized to support IDDE or related P2 efforts. Strike other information from the request.

- Q7: This program is focused on discharges to the MS4. Please update the data entry form to allow Permittee to close out form for any “No” responses to this question. If the discharge did not hit the MS4, the following Qs are not relevant to this program.
- Q11: Provide list of top 10. Cover rest under “Other: \_\_\_\_\_”
- Q12: Detail under Allowable or Conditionally Allowed seems excessive. The list of allowed discharges is detailed in the permit.
- Q12: Provide list of top 10. Cover rest under “Other: \_\_\_\_\_”
- Q15: Is there value in detailing the type of enforcement actions taken? If not, delete subcategories.

NOTE: Specific additional suggested edits provided in attachment.

### Source Control

- It will be helpful for Ecology to develop a series of FAQs or a guidance document to support implementation of this requirement.
  - E.g., Is the 20% inspection rate based on the inventory established August 1, 2021?
  - E.g., How often does the site inventory need to be updated (once per permit cycle)?
  - E.g., Are Permittees expected to visit sites that are permitted under another NPDES permit (such as an Industrial Stormwater General Permit)?
- O.b.iii(a): Please clarify that the inspection program is focused on “all identified sites with a business address within the Permittee’s jurisdiction.” There may be businesses outside City boundaries that have the “potential to generate pollutants to the Permittee’s MS4.” Permittees generally do not have authority to inspect or enforce against those entities. Clarification can be made in fact sheet or FAQs, if more appropriate.
- O.b.iii(b): Please clarify if Permittees can count those properties for which they are denied entry against the 20% target.
- O.b.iii(c): Permittees may be challenged to inspect 100% of complaints associated with mobile businesses. We may be able to inspect 100% of those complaints associated with mobile businesses based and licensed within our jurisdiction.
- O.b.iii(c): Please clarify (via FAQ or fact sheet) if the inspections associated with legitimate complaints count toward our 20% annual targets.
- O.b.iii(c): Does Ecology expect the Permittee to inspect these sites within any certain timeframe?
- O.b.iii(c): How do these inspections overlap with IDDE inspections?

### Mapping

- O.a.iii: Please clarify if (and by when) you expect Permittees to go back and map those facilities that were excluded in the previous permit cycle (due to error/inadvertent narrowing of scope of mapping). Correspondingly, please consider adding “Known” to the definition.
- “Permanent Stormwater facilities” definition: Please add examples to the definition to clarify, for instance, whether dispersion/energy dissipating devices, T’s, splashblocks, etc. are to be mapped. We assume the definition will emphasize “facilities” (vs. devices).
- NOTE: Page 2 of this writeup indicates that the new term (“permanent stormwater facilities”) will be used in the Phase II Operations and Maintenance section. However, it is unclear how Ecology intends to do so (and on what schedule), having provided no preliminary draft language for that section. Requiring inspection of this broad universe of “facilities” could represent an enormous inspection burden and makes clarification/tightening of the definition all that more important.

### Mapping Guidance

- Please explain why discharge points that are also considered permanent stormwater facilities need to have both labels attached to the map. What additional value does this provide?

### Monitoring

- Please explain the proposed language under S8.C.1. Is this contemplated as a separate item to be tracked for the annual report? Those “records” could and should be made available by whatever entity is accepting SAM funds to conduct the work, rather than individual permittees (e.g., as a contract deliverable). Please strike this requirement as it represents an extra recordkeeping task and will not necessarily improve response rates.