

January 15, 2018

Abbey Stockwell  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

**RE: 2019 Western Washington Municipal Stormwater Permit Reissuance, Initial Drafts**

Dear Ms. Stockwell,

On behalf of Washington Environmental Council, we write to provide our feedback on the initial draft sections of the 2019 Western Washington Municipal Stormwater Permit Reissuance. In particular, the guidance for structural stormwater control programs and watershed planning.

Washington Environmental Council (WEC) is a nonprofit, statewide advocacy organization driving positive change to solve Washington's most critical environmental challenges since 1967. Our organization is concerned with the declining health of Puget Sound and Washington waters. Today, polluted runoff is the dominant pathway by which toxics reach Puget Sound. Polluted, uncontrolled runoff threatens our iconic salmon runs, our vibrant economy, and the health and safety of our communities. We also recognize the critical linkage between healthy forests and healthy watersheds. Healthy forests preserve permeable surface for stormwater capture, filter harmful toxics and pathogens, and provide critical habitat for aquatic and riparian species. Healthy forests also regulate the timing and delivery of stream flows in a way that can significantly reduce the risk of downstream flooding.

The NPDES municipal stormwater permit is the foundational tool to address the threats of stormwater, as well as to support the integration of green infrastructure systems that provide multiple benefits for our communities. The permit must strengthen with each reissuance as experience and new information can help hone the permit's effectiveness.

## **1. Long-Term Planning Guidance**

Watershed planning is key to achieving clean water. Stormwater must be managed in reflection of ecological realities. WEC appreciated the opportunity to participate in stakeholder conversations about this permit element, and to know Department of Ecology thoughtfully considered our recommendations. After reviewing the recent draft Long-Term Planning Guidance, we'd like to provide the following recommendations:

- *Guidance* – We strongly encourage the Department of Ecology to deliver methodology. This guidance should be similarly structured to the guidance offered for IDDE and LID code updates and similarly incorporated by reference into the 2018 permit update. This guidance should include support for choosing which data to incorporate, addressing data gaps, prioritizing watersheds, and developing a watershed plan. We would seek to provide input in the drafting process of this guidance as well. The Department of Ecology mentioned several resources at the recent public meeting on this permit element. These resources should be explicitly referenced in the permit update as well. However, we do not believe these resources are able to holistically provide all the guidance that is needed.



- *Green infrastructure* – Natural and resilient lands are essential to providing for the long-term wellbeing of communities. We recommend a recognition within the long-term planning guidance that green infrastructure and the maintenance of natural systems is as critical to achieving long-term water quality goals (and provides multiple benefits) as hard infrastructure solutions. Towards this goal, permittees should take steps within their municipal watershed planning process to recognize green infrastructure and natural systems within watersheds as integral components of the state’s water infrastructure.
- *Environmental Justice* – Watershed planning must include environmental justice safeguards. History has demonstrated that it is most often communities of color and low-income communities burdened disproportionately by our pollution. As watershed planning leads to prioritization of watersheds and efforts, this habitual inequity must be addressed. Environmental justice guidance found in *Building Cities in the Rain* is not enough. The US EPA’s EJSCREEN mapping tool should be integrated into watershed planning explicitly. Furthermore, Processes should be developed that prioritize future project work where wastewater discharge indicators place a disproportionate burden of risk on already disadvantaged communities.
- *Land Use Planning* – Land use factors are the primary driver of water quality. Watershed planning efforts should link to land use planning efforts in a real and tangible way in order to preserve the integrity of our water system. We appreciate that the Department of Ecology recognizes this critical connection as well. This requirement should not exist in a silo but should be incorporated into regular planning processes. The Connecticut Stormwater Manual provides guidance on planning and project implementation processes designed to increase the effective permeable surface area within watersheds in order to achieve water quality goals. A similar process should be employed within Washington’s long-term stormwater planning.
- *Public Engagement* – Public engagement should be required at all stages of long-term planning, including prioritization of watersheds. The local community should help to drive this work. Their lived experiences within the watershed and vision for the future will strengthen these efforts. Additionally, training and educational opportunities on the planning, design and maintenance of Green Infrastructure systems should be provided in order to ensure effective public engagement occurs. Guidance for this type of educational outreach can be found through the City of Austin Texas’s *Grow Green* program.

As we have mentioned in previous comment letters, we can support increased flexibility for the watershed assessment and planning process if paired with clear outcome expectations, strong transparency and accountability mechanisms, and broader application to all Phase I and Phase II permittees.

We expect data collection where data gaps exist, interim deadlines to track progress, and accountability measures including a public engagement process. In addition, it is important that plans and data developed in different jurisdictions not be completely incompatible. There is a benefit to these plans and data sets informing other watershed and regional management efforts over time as well as facilitate coordination across watersheds.

## **2. Structural Stormwater Control Program Guidance**

The current permit’s retrofit obligations are limited under structural control program and source control program requirements. There are requirements to inventory and plan but no directive for retrofit action. We were glad to see, based upon the draft guidance provided October 2017, this critical ground work would now lead to the

necessary actions under a defined level of effort. There is no sense in planning and taking inventory if these measures are not also acted upon.

In the draft guidance provided in October 2017, we appreciated the level of clarity and quantifiable metrics. As you continue to hone the structural stormwater guidance, we ask you to consider the following questions:

- Serving such a critical need, why aren't structural controls programs required for Phase II permittees as well?
- How do you plan to coordinate with Department of Ecology's Stormwater Financial Assistance Program (SFAP) to ensure your two departments support each other's efforts and don't undermine the permit? WEC would like to be involved in any stakeholder conversations on this matter as well.
- Can permittees work with other land conservation organizations, such as non-profit land trusts, as project managers and funding pass-throughs, in order to have the capacity to complete these projects and achieve their retrofit requirements?
- For the riparian and forest cover restoration options, could funding be directed towards expanding urban forestry and forestland stewardship funding through local conservation districts?
- Is the funding available competitive with land prices in Phase I permitted counties?
- Forestland acquisition and the forest cover and riparian restoration options have a low point value when it comes to reaching the required retrofit score. Are projects able to stack the benefits from these activities in order to receive a higher score? Can only one of these activities on a property be scored or can they be used to complement one another and score higher?
- Can this work happen on private land or does it need to be in public ownership?

We recommend that the structural stormwater control program should allow local governments to form innovative partnerships that leverage additional fundraising opportunities, build capacity and, overall, support efforts to achieve stormwater goals in as an efficient a manner as possible.

Our already built-out infrastructure—developed without stormwater treatment—is our biggest challenge as we all work together to reduce the impact of stormwater in our local waterbodies. While we need to avoid repeating the mistakes of the past with new and redevelopment, we must also turn the tide on existing pollution generating surfaces.

While this aim can be partially supported by operational measures, such as pipe cleaning and increased street sweeping, we believe capital efforts must be prioritized. Specifically, capital efforts that preserve, re-establish, or mimic natural hydrological functions. As we look to the future, we need sustainable solutions that can support unknown scales of population growth and climate change impacts.

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Thank you for your consideration of this feedback.

Sincerely,



**WASHINGTON  
ENVIRONMENTAL  
COUNCIL**

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A handwritten signature in blue ink, appearing to read "Danielle Shaw".

Danielle Shaw  
Government Affairs Manager

A handwritten signature in black ink, appearing to read "Max Webster".

Max Webster  
Forestry Program Manager