

# City of Bainbridge Island

See Attached File

Abbey Stockwell  
Municipal Stormwater Permit Writer  
Water Quality Program  
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January 18, 2018

Dear Abbey,

Thank you for the opportunity to comment on the Preliminary version of the Phase II permit.

This changes to the Phase II permit represent a significant additional work load to the existing permit workload. Ecology is contemplating at least two additional and significant add elements:

1. Source Control for Existing Development and
2. Watershed Planning.

Please accept my comments as helpful ways for the City of Bainbridge Island, which spans 28 square miles on the budget of a small city, to manage the additional work load created by new permit requirements.

Thank you again for this opportunity to comment on proposed draft language for the 2019-2024 municipal stormwater permits. If you have questions about these comments please contact me at 206-780-3784.

Sincerely,

Christian Berg

Proposed Permit Language	Concerns / Justification improve language	Proposal / Proposed Language
<b>S5.C1. Public Education and Outreach</b>		
<p><b>S5.C.1.a.i. (a):</b> Revisions to clarify target audiences and subject areas. Subject area: impacts of illicit discharges and how to report them was removed as this topic is a requirement of the IDDE section.</p>	<p>All Education and Outreach in one place or at a minimum provide a reference to where the requirement is in a different section.</p> <p>Reporting requirements in the Annual Report(AR) should be in this section.</p>	<p>Subject areas:</p> <ul style="list-style-type: none"> <li>• See S5. C. 3. IDDE for E&amp;O requirements. Move all E&amp;O as well as training requirements into one section.</li> </ul> <p>Add a summary of deadlines and submittals table at the front of the permit, similar to ISGP SUMMARY OF PERMIT REPORTS &amp; SUBMITTALS.</p>
<p><b>S5.C.1.b:</b> Requires a new evaluation of the on-going behavior change program to determine program effectiveness and the next steps. Using this evaluation, Permittees will design the next iteration of the program using community-based social marketing methods to develop a strategy and schedule. Three different options to proceed are offered:</p> <p><i>i. Develop a strategy and schedule to more effectively implement the existing program, or</i></p> <p>This option is to refine the <b>existing, ongoing, behavior change program</b> with the inclusion of community based social marketing methods. This includes, if not part of the program already, a plan to evaluate the effectiveness of the program going forward.</p> <p><i>ii. Develop a strategy and schedule to expand the existing program to a new target audience or BMPs; or</i></p> <p>This option is to expand the existing, ongoing behavior change program to a new audience with</p>	<p>Behavior changes and timing off, especially if you do something new.</p> <p>Not enough time to implement and measure changes.</p>	<p>More time will be needed to implement a new strategy.</p>

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<p>the same BMP, or same audience but a new BMP may be a better fit or more effective at achieving the desired behavior change.</p> <p><i>iii. Develop a strategy and schedule for a new target audience and BMP behavior change campaign.</i></p> <p>This option is to develop a new approach for the behavior change program, focusing on a new audience and BMP than the existing program.</p>		
<p><b>S.5. C.3. IDDE</b></p>		
<p>S5.C.3.f</p> <p>In the annual report, each permittee shall submit data for all of the potential illicit discharges, including spills and illicit connections, found by or reported to the Permittee during the previous calendar year.</p> <p>The summary shall include the information and formatting specified in WQWebIDDE. Applicable data shall be reported for <b>all potential incidents</b>, regardless of whether G3 notification was required, whether an illicit discharge was confirmed, or whether follow-up action was required by the Permittee.</p> <p>Each permittee may either use their own system or WQWebIDDE for recording this data. Final submittal must follow the schema described in WQWebIDDE.</p> <p>3.Revised annual report question Phase II Q20/ Phase I Q48:</p>	<p>Ecology’s online reporting systems, such as the proposed WQWebIDDE, are known to be difficult to use and to input data into (Environmental Information Management System EIM). Special training is often needed (EAGL).</p> <p>It does makes sense to create a system gets permittees all on the same data collection page. It also makes sense to have a one stop reporting spot.</p> <p>If Ecology is determined to do this consider the following options:</p> <p>The system needs to be the one and only one place for stormwater permittees to report spills, G3s, G20s, ERTS S4Fs and anything else. It should walk you through the incident and collect the information needed and the information to allow to do ALL notification needed.</p> <ul style="list-style-type: none"> <li>• Is it just an IDDE?</li> <li>• Does it also require an ERTS and do you need to do an additional G3 notification?</li> </ul>	<p>“all of the potential illicit discharges,” – remove the work “potential”. This would include any discharge to the MS4. For example,</p> <ul style="list-style-type: none"> <li>• If a spill entered a catch basin but went no further.</li> <li>• A spill to the ground that never entered the MS4 would not be reported.</li> <li>• A spill through a private pipe to the receiving water would be reported via ERTs.</li> </ul> <p>Eliminate or postpone requirement for WQWebIDDE until a one stop easy to use and retrieve data system can be completed.</p>

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<p>Q20/48. Attach a <del>summary of a zipped xml file with data describing the</del> actions taken to investigate, characterize, trace and eliminate each potential illicit discharge found by or reported to the permittee. For each <del>confirmed</del> illicit discharge, include a description of actions according to the required timeline per S5.C.3.d.vi/S5.C.8.d.iv. <del>The</del> <b>submittal must include all of the applicable information and must follow the schema described in WQWebIDDE.</b></p>	<ul style="list-style-type: none"> <li>• And do you also need to do a G 20 notification .. how bout an S4F notification?</li> </ul> <p>No budget? Perhaps it makes sense to apply a regional monitoring like pay-in system and get a database system that truly works for all permittees.</p> <p>No doubt this has already been discussed thoroughly but we really do need a less confusing reporting system to help permittees comply. Otherwise, perhaps this is not ready for prime time yet and implementation should be postponed.</p>	

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<b>S.5. C. 0? Mapping requirements</b>		
<p><b>S.5.C.0. a. iii.</b> Permanent Sstormwater <del>treatment and flow control</del> BMPs/facilities owned or operated by the Permittee.</p> <p><u>Permanent stormwater facilities</u> are structures or devices designed or used to <b>control stormwater flows</b>, or <b>remove pollutants from stormwater</b>, or both.</p> <ul style="list-style-type: none"> <li>This term refers to devices or structural stormwater BMPs constructed as <b>retrofit projects</b>, or <b>prior to permit requirements</b>.</li> </ul> <p>NOTE TO READER: the proposed mapping language now relies on the proposed term “permanent stormwater facilities” to capture Stormwater Treatment and Flow control facilities/BMPs – these types of facilities would only be required to be mapped as a permanent stormwater facility” which <b>does not distinguish between</b> a facility built as a retrofit (i.e. not necessarily to meet new or redevelopment standards) and a stormwater treatment and flow control BMP/facility (helps to meet MR# 6 or 7, or both).</p> <p>It may be helpful to make that distinction in your mapping system as the two may have different inspection and maintenance requirements.</p>	<p>It appears that the requirement to map all discharge points and permanent stormwater facilities will create a significant mapping burden for permittees.</p> <p>All <b>Known</b> Permanent Stormwater facilities Page 8</p> <p><i>Connection Point</i> - <b>Connection</b> refers to any discrete point where stormwater enters or leaves the MS4 - such as from ditches or pipes. This term does not include sheet flow, or roof drains.</p> <p>This term is not defined in the Permits. The Response to Comments for the 2007, 2013 Permits, and 2014 Permit modification, all include the above definition.</p> <p>Specific connection points to the MS4 are called out to be mapped (see above). Knowing where stormwater discharges leave or enter your MS4 system assists with notifying adjacent municipalities/entities that a hazardous spill has occurred, or to better trace illicit discharges, or to understand where stormwater impacts may be occurring.</p>	<p>Limit mapping requirements to pipes greater than 6 inches in diameter.</p>
<p><b>S.5.C.0. a. iv.</b> Geographic areas served by the Permittee’s MS4 that do not discharge stormwater to surface waters.</p>	<p>Is this describing areas that only infiltrate and areas with injection wells?</p>	

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Draft Mapping Guidance for Phase I and Western Washington Phase II NPDES Municipal Stormwater Permittees		
This is a helpful document		
<p>MS4 geographic areas that do not discharge to surface waters</p> <p>The requirement to map areas that do not discharge to surface waters calls for mapping geographic areas such as city blocks, parts of sub-basins, etc, that do not drain to surface waters, and instead drain to the ground. This provision does not require mapping individual drainage systems that discharge to ground.</p>	<p>Confusing??</p> <p>Provide a limit on size of areas to be mapped that are contained basins (no outlet)</p> <p>This provision does not require mapping individual drainage systems that discharge to ground. In conflict with <i>permanent stormwater facilities</i> mapping?</p>	Examples?
<ul style="list-style-type: none"> <li>All connections to the MS4 authorized after 2/16/07</li> </ul>	OK	
<p><b>Discharge point</b> (DP) means the location where a discharge leaves the Permittee’s MS4 through the Permittee’s MS4 facilities/BMPs designed to infiltrate.</p> <p>Additional Guidance</p> <ul style="list-style-type: none"> <li>Permittees are required to map all “known” DPs, which includes those found during field reconnaissance, permitting, etc. As a Permittee discovers or permits a DP that is not in their mapping system, the Permittee should follow an established protocol to update the map to include this feature.</li> <li>This definition refers specifically to facilities/BMPs designed to infiltrate that are owned or operated by the Permittee.</li> </ul>	<p>What’s the difference between DP and CP?</p> <p>Infiltration vs. leaves the MS4?</p>	<p><b>Connection Point</b> - <b>Connection</b> refers to any discrete point where stormwater enters or leaves the MS4 - such as from ditches or pipes. This term does not include sheet flow, or roof drains.</p> <ul style="list-style-type: none"> <li>Between Permittee’s MS4s and other municipalities or public entities</li> <li>All connections to the MS4 authorized after 2/16/07</li> </ul> <p>Make clear what needs to be mapped:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Public Discharge Points</li> <li><input type="checkbox"/> Private Discharge Points</li> <li><input checked="" type="checkbox"/> Public Connection Points</li> <li><input type="checkbox"/> Private Connection Points</li> <li><input checked="" type="checkbox"/> Public Outfalls</li> </ul>

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<ul style="list-style-type: none"> <li>• Locations that inadvertently infiltrate are not included in this definition.</li> <li>• In locations where DPs overlap with other features that are required to be mapped (such as permanent stormwater facilities) both features should be mapped and distinguishable - as permit requirements, such as inspection and maintenance, relate to the features differently.</li> </ul>	Does this mean we don't have to map private facilities?	<input type="checkbox"/> Private Outfalls
the permeable pavement, which has been designed to infiltrate stormwater runoff, would be mapped as a discharge point.	Is this a requirement for all private facilities or just Permittee-owned permeable pavement?	
Figure 5 – The bioretention facility located on private property would not be mapped as a discharge point or an outfall because it is not part of the permittee's MS4. However, if either the bioretention facility, or the permeable pavement were constructed to help meet Appendix 1 Minimum Requirements #6, #7, or both, then these facilities would be considered stormwater treatment/flow control BMPs/facilities and the public facility (i.e. permeable pavement in this case) would be mapped as a permanent stormwater facility.	This figure talks about two different permanent facilities at the same time and I found that confusing.	<p>Proposed interpretation:</p> <ol style="list-style-type: none"> <li>1. Public permeable pavement needs to be mapped as: <ol style="list-style-type: none"> <li>a. A <i>discharge point</i>.</li> <li>b. A <i>permanent stormwater facility</i> if constructed to meet MR #6 and/or #7.</li> </ol> </li> <li>2. Bioretention Facility <b>DOES NOT</b> need to be mapped as: <ol style="list-style-type: none"> <li>a. A <i>discharge point</i>.</li> <li>b. A <i>permanent stormwater facility</i> even though constructed to meet MR #6 and/or #7.</li> <li>c. However, the permittee may want to map to be able to complete <i>private facility inspections</i>.</li> </ol> </li> </ol> <p>It seems like all <i>permanent stormwater facilities</i> public or private should be mapped given the need to complete private facility inspections?? Otherwise the bioretention facility should not be a <i>permanent stormwater facility</i>?</p> <p>This is not completely clear.</p>



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<b>S. 0. Source Control Program for Existing Development</b>		
<p>0. Source Control Program for Existing Development</p> <p>a. Each Permittee shall implement:</p> <p>iii. By January 1, 2022 ..</p> <p>Permittees that are in compliance with the terms of this permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.</p>	<p>Critical language that should be included.</p> <p>Allow municipalities to implement progressive enforcement. Determine their own compliance schedule.</p> <p>Avoid prescriptive permit requirements.</p>	<p>No change – language should be maintained.</p>
<p>b. Minimum performance measures:</p> <p>i. Write Ordinances and other enforceable documents requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities.</p> <p>Operational source control BMPs must be required for all pollutant generating sources. Structural source control BMPs, or treatment BMPs/facilities, or both, shall be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges ..</p> <p>Establish an inventory that identifies publicly and privately owned commercial, and industrial properties which have the potential to generate pollutants to the Permittee’s MS4.</p>	<p>Resources / Funding / Grants</p> <p>Using Phase I information cost estimates for this new program element \$ 30 to \$ 250 K depending on the number of businesses.</p> <p>In addition, costs to businesses will also be potentially expensive to implement.</p> <p><b>For example:</b></p> <p>If a business conducts vehicle washing, needs to come into compliance with Ecology Manual BMPs it can be very expensive.</p> <p><b>Applicable Treatment BMPs:</b></p> <ul style="list-style-type: none"> <li>• Convey contaminated stormwater runoff from vehicle staging and maintenance areas to a sanitary sewer, if allowed by the local sewer authority,</li> <li>• or to an API or CP oil and water separator followed by a basic treatment BMP (See Volume V (p.765)), applicable filter, or other equivalent oil treatment system.</li> </ul>	<p>Preference for adding this program to Education and Outreach or relying on technical assistance only, rather than following a progressive compliance strategy to prevent pollution</p> <p>Allow permitted to take a phase approach to implementation and enforcement.</p> <ul style="list-style-type: none"> <li>• 2022 Year 1 – Technical Assistance</li> <li>• 2023 Year 2 – High Priority Business implementation / enforcement</li> <li>• 2024 Year 3 – Lower Priority Business implementation / enforcement</li> </ul> <p>Provide grants to help ease burden of implementation to Phase II permittees and businesses.</p>

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<p>b. Minimum performance measures:</p> <p>iii. By January 1, 2022 ..</p> <p>(a) All identified sites with a business address must be provided information about activities that may generate pollutants and the source control requirements applicable to those activities.</p>	<p>The Great Mail or Hand Out – to <b>ALL</b> businesses.</p> <p>KC has provided this information as they’ve performed inspection. It’s difficult for counties to do a mail out. This approach has been approved by Ecology so far.</p>	
<p>b. Minimum performance measures:</p> <p>iii. By January 1, 2022 ..</p> <p>b) Permittee shall annually complete the number of inspections equal to 20% of the businesses and/or properties listed in their source control inventory</p>	<p>This will be a big expensive program for our city and difficult to accommodate. It is estimated using Phase I Permittees numbers that this program will cost the city \$ 60 K and require the hiring of a new FTE.</p>	<p>b. Minimum performance measures:</p> <p>iii. By January 1, <b>2023</b></p>
<p><b>S.8. Special Condition S8 Monitoring and Assessment.</b></p>		
<p>1. The overall permit-cycle funding level is appropriate, and the COBI agrees with Ecology’s proposal to spread the payments over five years.</p>	<p>This reduces each permittee’s annual payment while preserving adequate funding for each component. Having the payments listed in a separate appendix is helpful for transparency.</p>	

Permit Comments Due																																											
2018 Phase II Permit in effect																																											
2018			2019				2020				2021				2022				2023																								
Jan	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Write Ordinances and other enforceable documents requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities. - Operational source control BMPs must be required for all pollutant generating sources. Structural source control BMPs, or treatment BMPs/facilities, or both, shall be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges ..  Establish an inventory that identifies publically and privately owned commercial, and industrial properties which have the potential to generate pollutants to the Permittee's MS4.												Adopt/begin enforcement of an ordinance(s)												1. Inspection and enforcement. 2. All identified sites with a business address must be provided information about activities that may generate pollutants and the source control requirements applicable to those activities.																			
EO - Conduct new evaluation of effectiveness of ongoing behavior change program												EO - Develop a strategy and schedule												implement a progressive enforcement																			
Payment to Regional Monitoring												EO - implement the strategy												Payment to Regional Monitoring																			
Payment to Regional Monitoring												1. SC - Complete Inventory 2. Adopt Ecology's 2019 SWMMWW 3. Mapping - required format is electronic with mapping standards. Attributes shall be mapped: size and material 4. Payment to Regional Monitoring												Payment to Regional Monitoring																			
EO - evaluate and report - 3/31/2024																																											

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